



EQUATORIAL GUINEA

AMNESTY INTERNATIONAL SUBMISSION FOR THE UN UNIVERSAL PERIODIC REVIEW

33RD SESSION OF THE UPR WORKING GROUP, 6-17 MAY 2019

FOLLOW-UP TO THE PREVIOUS REVIEW

Ratification, cooperation with the Special Procedures, the death penalty

During its UPR in May 2014, Equatorial Guinea accepted 153 recommendations and rejected 38;¹ among those rejected were recommendations to extend an open invitation to the Special Procedures of the Human Rights Council,² and to ratify the Rome Statute of the International Criminal Court³ and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.⁴ However, in a welcome move, Equatorial Guinea also accepted 10 recommendations to establish a moratorium on the death penalty.

Human rights defenders

Equatorial Guinea accepted a number of recommendations concerning human rights defenders and journalists, including to allow them to work in a safe environment and to punish acts of harassment and intimidation as well as guarantee the rights to freedom of expression and association.⁵ However, harassment and intimidation continue to be used against human rights defenders, activists and political opponents. They also continue to be victims of arbitrary arrests and detentions.

Independence of the judiciary, ending impunity and preventing torture

Equatorial Guinea also accepted recommendations to establish an independent judiciary and observe due process, bringing detainees before an independent judge within 72 hours and which provides all those arrested with early access to legal representation.⁶

Recommendations aimed at fighting impunity were also accepted⁷. Other several recommendations for the

¹ Report of the Working Group on the Universal Periodic Review, Equatorial Guinea, A/HRC/27/13 and the Addendum, A/HRC/27/13/Add.1.

² A/HRC/27/13, Recommendations 135.25-135.29 (Costa Rica, Uruguay, Guatemala, Ghana, Republic of Korea).

³ A/HRC/27/13, Recommendations 135.6 (Madagascar), 136.1-136.6 (Ghana, Botswana, Uruguay, Montenegro, Estonia, France).

⁴ A/HRC/27/13, Recommendations 135.10-135.15 (Portugal, France, Estonia, Australia, Gabon, Rwanda).

⁵ A/HRC/27/13, Recommendations 134.26 (Spain), 134.67 (France), 134.72 (Spain), 135.68- 135.71 (United Kingdom of Great Britain and Northern Ireland, Czech Republic, Italy, Czech Republic), 135.75 (Canada)

⁶ A/HRC/27/13, Recommendation 134.25 (Switzerland), 134.64-65 (Germany, Australia)

⁷ A/HRC/27/13, Recommendation 134.50 (Czech Republic), 134.63 (France)

prevention and punishment of torture were accepted.⁸

Since the last review no progress has been made in the implementation of any of these recommendations which affect the work of human rights defenders and activists.

THE NATIONAL HUMAN RIGHTS FRAMEWORK

Legal framework on NGOs

Non-governmental organizations (NGOs) activities continue to be regulated by Law 1/1999, adopted 24 February 1999. According to national NGOs, this law places obstacles on their independence, functioning and development, including by imposing financial constraints which limit their capacity to receive donations from abroad which, in turn, prevent NGOs from carrying out their activities. The registration process for NGOs is also an obstacle because there is no set timeframe for the government response to registration request from an NGO. This means that NGOs are unable to carry out their work within existing legal framework.

In his 9 January 2003 report of the mission to Equatorial Guinea, the Special Rapporteur on the right to freedom of opinion and expression⁹ had already stated that the Law 1/1999 regulating non-governmental organizations needed to be reviewed and brought in line with international human rights standards relating to the rights to freedom of opinion and expression and association.

In 2015, the Coordination for Civil Society (*Coordinadora de la Sociedad Civil*) submitted a new draft NGO law to the Minister of Interior. More than three years later, NGOs are still waiting for information about the status of their proposal. However, according to information which has recently been released by official sources a new NGO law has been sent to Parliament; however, NGOs have not been informed or consulted.¹⁰

HUMAN RIGHTS SITUATION ON THE GROUND

Human rights defenders and activists

Since its last review in 2014, harassment, intimidation and arbitrary detention of human rights defenders, activists and members of the opposition have continued. The rights to freedom of expression, association and peaceful assembly have been unduly restricted, including by suspending activities of civil society organizations and beating and unlawfully arresting and detaining people who seek to exercise their right to peaceful assembly.

Below Amnesty International highlights a number of cases of human rights defenders and activists who have been victims of human rights violations, including ill-treatment and arbitrary detention. These cases illustrate the pattern of repression that human rights defenders and activists face in Equatorial Guinea at the hands of the authorities.

➤ **Celestino Okenve, coordinator of the Solidarity Forum for Equatorial Guinea and Antonio Nguema**

Celestino Okenve is a retired economics professor from the Universidad Politécnica de Madrid. He is also the coordinator of the Solidarity Forum for Equatorial Guinea and a well-known blogger and political activist.¹¹ On 14 January 2015, Celestino was arrested without a warrant by a group of about seven police officers while

⁸ A/HRC/27/13, Recommendations 134.60/62/63/64 (Canada, United States of America, France, Germany)

⁹ Report submitted by Mr. Ambeyi Ligabo, Special Rapporteur on the right to freedom of opinion and expression, Addendum Mission to Equatorial Guinea, E/CN.4/2003/67/Add.2, 9 January 2003, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G03/100/35/PDF/G0310035.pdf?OpenElement>

¹⁰ Amnesty International telephone interview with an Equatorial Guinean Human Rights Defender, 4 September 2018 (Name withheld for security reasons).

¹¹ Amnesty International UA: 24/15, Equatorial Guinea: Three detainees should be released, Index: AFR 24/001/2015, 29 January 2015, <https://www.amnesty.org/en/documents/afr24/0001/2015/en/>

distributing pamphlets in the mainland city of Bata, Littoral Province. The pamphlets were calling for the boycott of the Africa Cup of Nations, which opened on 17 January 2015 in Equatorial Guinea. He was arrested on the orders of the provincial governor of Wele Nzaz, who had seen him distributing the leaflets and told him that what he was doing was against the President. When he asked about the reason for this arrest he was hit by one of the police officers.

Subsequently the police also arrested Antonio Nguema, a former student of Okenve, when he inquired about the reason for Okenve's arrest. Both men were taken to Bata Central Police Station. Once at the police station, Okenve asked again about the reason for his arrest and was again hit by a police officer. The two men were arbitrarily detained for over two weeks without charge and with restricted access to a lawyer, before being released.

➤ **Joaquin Elo Ayeto, member of the Coordination of the Somos+ Platform and the Executive Commission of the political party Convergence for Social Democracy (*Convergencia Para la Democracia Social*), CPDS**

Joaquin Elo Ayeto has been detained several times, including once in Black Beach Prison. On 29 November 2016, two military officers brutally beat Joaquin Elo after he had posted an online article about the refusal by one of the officers to pay a road toll.¹²

After this incident Joaquin Elo went straight to the court to file a complaint against the two officers. He was told by a judge that his articles were giving the country a bad image. He was sent to Black Beach Prison in Malabo where he spent over a month. For the first five days of his detention he was held in isolation; subsequently he had access to some of his family and friends. When the judicial year resumed the magistrate decided to release him. He has never been told why he was sent to jail.

Joaquin Elo is also a member of the Coordination of the Somos+, a civil society platform of around 15 young men and women aiming to challenge injustices affecting young people. The platform was established to enable young people to respond to the arbitrary arrests of some of their peers during the Africa Cup of Nations in 2015.

On 27 June 2017 Joaquin Elo was again arrested.¹³ Earlier, Joaquin Elo and others from Somos+ had taken part in an event calling for justice for the killing of a young taxi driver, Jose Vidal Ndoing Micha, allegedly by the army. Two hours later, the police arrived at Joaquin Elo's home with a judicial warrant and he was taken to the Ministry of Security where he was interrogated and then sent to a cell. A week later he was released.

➤ **Enrique Asumu and Alfredo Okenve, president and vice president of the Center for Development Studies and Initiatives (CEID)**

On 17 April 2017, the police detained human rights defenders Enrique Asumu and Alfredo Okenve.¹⁴ Their detention exceeded the 72-hour period permitted by law.

The day before, on 16 April 2017, the authorities had prevented Asumu from boarding a flight from the capital Malabo to the city of Bata, claiming they were acting on the orders of the Minister of National Security. The National Security Minister interrogated the two men for more than five hours.

The police allowed colleagues and family members to visit Asumu and Okenve and granted them access to their lawyers. However, they were not brought before a judge within 24 hours, as provided for by law, nor were they charged.

In March 2016, the Ministry of the Interior ordered the Center for Development Studies and Initiatives to suspend

¹² EG JUSTICE, Opposition Leader Detained and Beaten, 15 December 2016, <http://www.egjustice.org/post/opposition-leader-detained-and-beaten>

¹³ ASODEGUE, Detenido Joaquín Elo Ayeto, fundador de la asociación Somos+. Comunicado de prensa de CPDS, 29 junio 2017, <http://www.asodeguesegundaetapa.org/detenido-joaquin-elo-ayeto-fundador-de-la-asociacion-somos-comunicado-de-prensa-de-cpds/>

¹⁴ Amnesty International, EG JUSTICE and Human Rights Watch: Equatorial Guinea: Free Human Rights Defenders, 21 April 2017, <https://www.amnesty.org/en/latest/news/2017/04/equatorial-guinea-free-human-rights-defenders/>

its activities indefinitely and under the threat of 10 million CFA francs (US\$16,000) fine for violating this order.

➤ **Ramón Esono Ebalé, cartoonist and activist**

Ramón Esono Ebalé is an Equatorial Guinean cartoonist and activist, who has been living abroad for several years. His work is critical of the human rights situation in Equatorial Guinea. He returned to his country on 29 August 2017 to renew his passport.

On 16 September 2017 Ramón was arrested when leaving a restaurant with two Spanish nationals. The three of them were handcuffed, had their mobile phones confiscated and were taken to the Office against Terrorism and Dangerous Activities at the Central Police Station.¹⁵ They were questioned by more than a dozen security agents, regarding their reason for being in the country and the relationship among them. The two Spanish nationals were released, while Ramón continued to be questioned about his cartoons being critical of President Teodoro Obiang and his government. A few days later Ramón was sent to the Black Beach Prison in Malabo where he spent more than two months before being charged on 7 December 2017 with “counterfeiting money”. On 27 February 2018, Ramón was tried in Malabo after more than five months in pre-trial detention. The charge of “counterfeiting money” was dropped when the main witness retracted his testimony against Ramón and admitted that he had been asked to accuse Ramón of counterfeiting activities.

On 31 January 2018, the Special Rapporteur on Freedom of Expression and Access to Information in Africa sent a letter of appeal to the president in which he requested clarification of the allegations against Ramón Esono Ebalé and suggested that they may constitute a violation of the African Charter on Human and Peoples’ Rights.¹⁶

Ramón Esono was released from the Black Beach Prison eight days later, on 7 March 2018, and the charges against him were dropped.¹⁷ However, he was not able to leave Equatorial Guinea until 28 May 2018, when he finally received his new passport.¹⁸

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Equatorial Guinea to:

National legislation

- Adopt and implement legislation which recognizes and protects the human rights of human rights defenders;
- Repeal or amend legislation that may place obstacles in the way of legitimate activities to promote and defend human rights, including with regard to the rights to freedom of expression, peaceful assembly and association;
- Immediate reform of Law 1/1999 regulating NGOs, including in line with the recommendations by NGOs, in order to facilitate their registration and enable their full and independent functioning.

National human rights framework

- Create an independent national human rights institution in line with the Paris Principles and which is fully

¹⁵Amnesty International, Equatorial Guinea: Detained cartoonist facing trumped up charges: Ramón Esono Ebalé, 22 September 2017, Index number: AFR 24/7135/2017, <https://www.amnesty.org/en/documents/afr24/7135/2017/en/>

¹⁶ African Commission on Human and Peoples’ Rights, Press Statement on the Letter of Appeal issued to the Republic of Equatorial Guinea, 2 February 2018, <http://www.achpr.org/press/2018/02/d385/>

¹⁷ Amnesty International, Equatorial Guinea: Further information: Cartoonist released after charges dropped: Ramón Esono Ebalé, 9 March 2018, Index number: AFR 24/8000/2018, <https://www.amnesty.org/en/documents/afr24/8000/2018/en/>

¹⁸Amnesty International, Equatorial Guinea: Further information: Cartoonist and activist able to leave the country: Ramón Esono Ebalé, 5 June 2018, Index number: AFR 24/8524/2018, <https://www.amnesty.org/en/documents/afr24/8524/2018/en/>

independent of the government;

- Fully cooperate with the international and regional human rights mechanisms and extend a standing invitation to the Special Procedures of the Human Rights Council, including the UN Special Rapporteur on the situation of human rights defenders.

Protection of human rights defenders

- Investigate all threats and attacks against human rights defenders and activists and bring to justice those suspected to be responsible;
- Adopt effective measures to prevent and punish cases of harassment and intimidation of human rights defenders;
- Widely disseminate and effectively apply the 1998 UN Declaration on Human Rights Defenders to create an environment that allows human rights defenders to work in a safe space, free from intimidation, threats, reprisals and restrictions;
- Refrain from using language that stigmatizes, abuses, disparages or discriminates against human rights defenders including by characterizing them as “criminals”, “foreign agents”, “terrorists” or “threats to security”.