



## **Amnesty International, EG Justice, and Human Rights Watch Joint Statement on Concerns Ahead of the May 26 Vote in Equatorial Guinea**

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Equatorial Guineans will go to the polls on May 26, 2013, to elect members of a new parliament as well as local council members across the country. Voters will also elect, for the first time, 55 members of a new Senate established in accordance with the revised constitution [promulgated](#) in February 2012. The remaining 15 will be directly appointed by President Teodoro Obiang Nguema Mbasogo

The three human rights organizations have frequently recorded human rights violations, including around elections, which have been committed with impunity. In the run-up to the May 26 elections, Amnesty International, EG Justice, and Human Rights Watch are expressing concern about a number of human rights issues, detailed below.

The Equatorial Guinea authorities must ensure the right of the country's citizens to freely express their views and choices at the polls.

### **Politically Motivated Arrests**

Since the beginning of the year, the political opposition has reported harassment and intimidation of its members and perceived supporters in various parts of the country. Amnesty International, EG Justice and Human Rights Watch have not been able to independently investigate these most recent episodes. If past patterns repeat, reports of such incidents may escalate ahead of and during the vote.

The county had a [spate](#) of politically motivated arrests in 2012. On December 4, Daniel Darío Martínez Ayécaba, the head of the opposition Unión Popular (Popular Union) party, was [arrested](#) without a warrant at the Malabo airport as he prepared to leave for Madrid to attend a conference hosted by an opposition group based in Spain. Martínez was conditionally released later that day, but the authorities confiscated his passport, ordered him to report to security officials daily, and forbade him to leave the city. These conditions were later lifted.

A human rights defender and opposition figure, Dr. Wenceslao Mansogo Alo, [spent](#) four months [behind bars](#) on politically motivated charges before being [pardoned](#) in June 2012. He is awaiting a Supreme Court ruling on his appeal of his conviction and sentence. Ponciano Mbomio Nvó, one of Mansogo's lawyers and a frequent defender of political opponents, was [suspended](#) from legal practice for two years in April 2012 for contending in court that the government had pursued Dr. Mansogo for political reasons.

The Obiang government and ruling party often cite "security reasons" in the wake of real or perceived coup attempts as a rationale to lock up real or perceived opponents. Some cases have emerged in recent months, and more may arise as the campaign season heats up.

Agustín Esono Nsogo, a teacher, was detained at his home in Bata on October 17, then transferred to Black Beach prison in Malabo, where he has been held for over six months without charge or trial. His lawyer, Fabián Nsue Nguema, told Amnesty International and Human Rights Watch that Esono was held incommunicado for at least a week, and tortured. The police accused him of being part of a plot to destabilize the country, purportedly led by a former opposition leader living in exile in Spain. Nsue was himself a victim of an [enforced disappearance](#) after he tried to visit his client in prison. Nsue was illegally arrested and kept in secret and incommunicado [detention](#) for several days before being released, under international pressure, without charge eight days later.

In another "security" case, several people were arrested in Malabo, Bata, and Mongomo on March 12 and 13, 2013, in connection with a purported conspiracy against the state, according to several sources in Equatorial Guinea who spoke to Amnesty International. All denied the accusation and, after being held for a week in Malabo's Central Police Station, most were released without charge.

However, one, Eleuterio Esono, an Equatoguinean citizen who returned to the country from exile in Sweden earlier in the year, remains in prison. He has not been charged nor was he brought before a judge within 72 hours to have his detention legally authorized, as required by national law. Five foreign nationals whose only connection to the alleged plot appears to be that they rented rooms from one of the people arrested and later released, remain imprisoned in Bata police station. No charges have been filed against them either, nor has their detention been legalized by a judge.

### **Limits on Basic Freedoms**

Although the law guarantees freedom of expression, assembly and association, those freedoms have not been respected.

The virtual absence of a free press in Equatorial Guinea inhibits public debate, including in relation to the election. Opposition political parties' access to official media is restricted, putting

them at a disadvantage, particularly in competing for elected office. Biased coverage in the government-controlled media heavily favors the ruling party.

Journalists from state-owned media outlets are unable to criticize the government or address issues the authorities disapprove of without risk of censorship or reprisal. Most of the few private media outlets are owned by people close to President Obiang. Self-censorship is common.

It is not yet clear if the government will grant visas to foreign journalists who wish to report on the elections. Access to Equatorial Guinea improved somewhat in 2012 for international journalists attending major events in the country. However, there were reports that several were harassed or intimidated. During 2011, the government detained some foreign journalists who had been granted press permits and confiscated their film footage and photographs. In one case, the government detained and expelled foreign journalists with press permits from the country.

Requests by opposition political parties to hold peaceful demonstrations and rallies, including May Day rallies, have been denied.

Additionally, HRW and EG Justice have concerns about preparations for the conduct of the election and about restrictions on electoral monitoring.

### **Biased Electoral Processes**

The government provides campaign financing for all recognized parties, but opposition leaders contend that the public funding available to them is insufficient to conduct a national campaign and that the ruling party unfairly benefits from far greater access to state funds and resources.

Voter registration was [completed](#) in September and [approved](#) in February, but the electoral lists still had not been made public as of early May.

The country has no independent and impartial body to oversee the electoral process or consider election-related complaints. The National Election Commission is controlled by the ruling party and is headed by the interior minister, a [prominent member](#) of the governing party.

### **Serious Restrictions on Observers**

A presidential order issued on March 28 outlining the terms and conditions for international election observers does not permit them to carry out independent monitoring. The specified conditions are inconsistent with the Declaration of Principles of International Election Observation and Code of Conduct for International Election Observers, which has been endorsed by intergovernmental and nongovernmental organizations that observe elections, including the African Union. The presidential order inhibits the independence and freedom of movement of foreign election monitors in numerous ways:

- Observers will be permitted to travel to witness the vote only “in accordance with the program established for that purpose by the government” (arts. 11, 12, and 18).
- They are to report any “problems” or “anomalies” directly to the government (arts. 20 and 22).
- Their ability to speak to the “official news media” about their “activities” during voting is subject to approval by the Information Ministry (art. 21).
- They may issue their findings publicly after the voting has concluded, but the content of their statements must be coordinated with the National Electoral Commission, which is controlled by the ruling party (arts. 24 and 25).
- They are prohibited from “interfering” in any “political matters” or making “controversial statements” about the election authorities or “disparaging” remarks about the government, the political parties, or candidates (arts. 4, 22, and 23).