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Equatorial Guinea: The authorities must allow freedom of expression and peaceful demonstrations to take place

Amnesty International is calling on the Equatorial Guinean authorities to end the clampdown on freedom of expression and assembly and respect the rights of the people to freely express their opinions, including by organising and taking part in peaceful demonstrations.

The Equatorial Guinean authorities did not allow a march planned for 25 June 2013 in the capital, Malabo, to protest the results of the recent parliamentary, senate and municipal elections held on 26 May 2013.

The march, calling for the annulment of the election results, as well as freedom, human rights and democracy was organised by the opposition political party *Convergencia para la Democracia Social –CPDS* (Convergence for Social Democracy), one of the two opposition parties that took part in the elections independently. Ten other parties also participated in the election in coalition with the ruling *Partido Democrático de Guinea Ecuatorial – PDGE* (Democratic Party of Equatorial Guinea).

The authorities announced the election results within two hours of closing of the polling stations on 26 May and gave the PDGE 99 seats in Parliament, 74 senators and all but five local councillors. The CPDS was given one seat in parliament and one in the senate and five local councillors. The CPDS contested these results.

In accordance with the law, on 13 June 2013, CPDS informed the Director- General of National Security of their intention to organise a peaceful demonstration in Malabo on 25 June, starting at 12 mid-day. This notification was given in writing, more than seven days prior to the march, in accordance with Equatorial Guinean law. However, the Bioko Norte Provincial Governor refused permission for the march to take place and gave no reasons for his decision.

On 19 June CPDS, reiterated its intention to carry out the demonstration, in accordance with the law and informed again and in writing the Director-General of National Security to this effect, invoking the right to freedom of expression and assembly as enshrined in the country's Constitution and law. Two days later, on 21 June, the Minister of Interior responded to the CPDS in writing, upholding the decision of the provincial Governor prohibiting the demonstration. In his letter, the Minister of Interior stated that demonstrations have to be authorised. He alleged that there were "well-founded reasons to believe that the demonstrations would endanger national security and lead to public order altercations which would endanger life and private property". However, he did not provide information as to what the well-founded reasons were but rather stated that the authorities did not have to disclose those reasons and that it was not up to CPDS to determine whether the demonstration endangered national security. Furthermore, the Minister of Interior also stated that the electoral law did not recognise demonstrations as a way of resolving disputes related to elections.

On Sunday and Monday 23 and 24 June, several leading members of the CPDS were prevented from boarding a plane in Bata bound for Malabo. One, Marcos Manuel Ndong who managed to get on board, was removed from the plane by five security officers who beat him and pushed him out of the plane.

On 24 June, the day before the demonstration was due to take place, military personnel and police were posted outside the CPDS's headquarters in Malabo and blocked off adjacent streets. Later in the evening, 10 people, including six leading members of the CPDS were arrested and briefly detained as they were on their way to meet with the Minister of Interior for further talks about the demonstration planned for the following day. They were released one hour later. Four others who had been arrested a few hours earlier were also released at about 11pm.

The presence of security personnel and armoured vehicles increased on the day of the demonstration, 25 June, and the march did not take place. However, between 50 and 100 members of the CPDS who were inside their office staged a demonstration outside the headquarters and displayed their banner for about 30 minutes. They called off the concentration following the arrival of security reinforcements who threatened to use force against the demonstrators unless they dispersed. On the evening of 26 June security personnel remained posted outside the CPDS office and the street was still cordoned off.

The right to assembly and demonstrations is guaranteed by Article 13.k of Equatorial Guinea's Constitution. This right is expanded upon in Law on Freedom of assembly and demonstration, law 5/2003 of 13 November 2003. Article 7.2 of this law states that no permission is required to hold a demonstration. However, organisers must inform the authorities of their intention seven days in advance. Article 8 of this law allows the authorities to prohibit a demonstration when there are well-founded reasons for it; they cannot be prohibited arbitrarily and for subjective reasons.

Amnesty International considers the refusal to allow the march a violation of the right of individuals to freely express their opinions and to assemble peacefully. These rights are guaranteed by international human rights treaties which Equatorial Guinea ratified, as well as Equatorial Guinea's new Constitution which was promulgated in February 2012.

Under international human rights and national laws these rights may only be restricted in accordance with the law and only in the interest of national security, public order and for the protection of public health, morals, as well as the rights and freedoms of others. The fact that the electoral law does not foresee public demonstrations as a way of resolving electoral conflicts does not foreclose the right of political parties and other civil society groups and individuals to march in protest against the elections result. Amnesty International therefore calls upon the Equatorial Guinea authorities to respect and protect the right to freedom of expression and peaceful assembly by allowing this and other peaceful marches to go ahead.

Amnesty International is further concerned about the statements made by the Minister of Interior in his letter on 24 June 2013 to CPDS that "his ministry would not be responsible for whatever happened" if the demonstration went ahead as planned on 25 June.

Amnesty International reminds the Equatorial Guinea authorities of the duty of the state to protect lives and to ensure that members of the police and other law enforcement officials do not use unnecessary and/or excessive force. International human rights standards require law enforcement officials to apply non-violent means as far as possible before resorting to the use of force. Where lawful use of force is unavoidable, restraint is to be used at all times to minimise damage and injury and to respect and preserve human life. The requirement to use restraint applies even where authorities consider a demonstration to be unlawful.

Background

Equatorial Guineans went to the polls on 26 June 2013 to elect a new parliament and over 300 councillors in municipal elections. For the first time they voted to elect 55 of the 70 members of the newly created Senate. The CPDS claimed that the elections results were rigged and called for a open recounting of the votes.

Although freedom of expression, assembly and association are guaranteed by Equatorial Guinea law and Constitution, the authorities do not respect these rights and have refused to grant permission for peaceful demonstrations to take place.

Prior to the elections, the authorities refused permission for the People's Protest Movement to hold a peaceful demonstration on 15 May. The demonstration had been called to protest at authorities' refusal to legalise a newly created political party, the Partido Democrático de la Justicia Social- PDJS (Democratic Party for Social Justice). At least nine people including the founders of the PDJS were arrested and held without charge for about two weeks until their release. The authorities alleged that neither the PDJS nor the People's Protest Movement were legally constituted political parties.