

EQUATORIAL GUINEA

an opportunity to put an end to impunity

On 18 February 1997, the president of Equatorial Guinea, Teodoro Obiang Nguema Mbasogo, publicly announced that several measures would be adopted to put an end to human rights violations in his country without specifying the nature of these measures. The Head of State also recognized that some civilians, as well as military and security officers, were "systematically violating human rights", and announced that perpetrators would be held responsible and punished. Although in the past President Obiang had made promises to improve the human rights situation in the country, which then he failed to fulfil, this was the first time that he publicly admitted to the systematic violation of human rights in Equatorial Guinea and held civilian and security authorities responsible, and announced that they would be punished. Bringing to justice those who violate human rights is essential to end impunity and to the effective prevention of further violations.

Since its independence from Spain in 1968, human rights violations in Equatorial Guinea have gone unchecked. The mass killings and other forms of severe human rights violations that occurred under former President Francisco Macías Nguema and continued, on a lesser scale under President Obiang, were never investigated nor were perpetrators brought to justice, giving rise to the atmosphere of impunity that reigns in the country today, particularly among the security forces. Until now the authorities have shown little inclination to curb the power of the security forces and to bring their behaviour under control. It is essential to end impunity. If this is not done, any other measures to protect human rights will have no effect and President Obiang's stated intentions might turn out to be empty words.

President Obiang's statement followed the death in late January 1997 of **Evaristo Abaga Ndongo** after he was tortured while in police custody. He was arrested on 31 January 1997 in Acurnam-Nsomo, Evinayong district, in the mainland region of Río Muni, following a quarrel with his uncle, Manuel Asumu Mbomio, the local representative of the ruling party, the *Partido Democrático de Guinea Ecuatorial* (PDGE), Equatorial Guinea Democratic Party who asked two police officers to arrest his nephew. Reports indicate that Evaristo Abaga Ndongo was beaten at the time of his arrest and in the vehicle that transferred him to Evinayong. As a result, he lost consciousness and was later taken to hospital, where he died shortly after arrival. No inquiry into his

death appears to have been carried out and his family was told to bury the corpse without delay.

Three weeks later a military court convicted two police officers of the death of Evaristo Abaga Ndong and sentenced them respectively to prison terms of 10 and 20 years. This prompt action suggested that President Obiang's words were being heeded. If the Equatorial Guinea authorities are determined to take prompt action against those who violate human rights they should ensure that the perpetrators of other outstanding cases are also brought to justice.

In recent years there have been numerous incidents of torture, some of which resulted in deaths, and extrajudicial executions which have not been investigated and neither the victims nor their families have been compensated. Such are the cases of **Pedro Motú Mamiaga** who died in custody in August 1993, as a result of severe torture. No judicial inquiry was conducted into his death and his body was not returned to his family. At least two other people, both members of the *Unión Popular* (UP), Popular Union party, died as a result of torture in 1993. **Dámaso Abaga Nve** was killed in March in Ebebiyín, in the northeast of Río Muni. **Gaspar Oyono Mba** died of internal haemorrhage in June four days after being severely tortured at the police station in Nsok-Nsomo, Ebebiyín district. No inquiry was ever held into these deaths. Nor was an inquiry carried out into the killing of **Simplicio Llorente** and **Manuel Villarubia** who were deliberately shot dead by a soldier in Annobón in August 1993.

In March 1994 two soldiers deliberately shot dead former army **Lieutenant Antonio Ndong**, five days after he returned from Gabon with 20 other men. Soldiers found the group sleeping in the jungle after they crossed the border and accused them of intending to overthrow the government. They arrested 15 of the men. Antonio Ndong and some others managed to escape but he was later found. According to reports Antonio Ndong was not armed and he tried to surrender but instead of arresting him one soldier shot him on the forehead and the other through the ear. Those who were arrested were severely tortured. They were tried by a military court in July and given prison terms raging from 12 to 30 years. The court ignored their claim that they had been tortured despite the fact that the signs of torture were still visible. No inquiry into the death of Antonio Ndong or the torture of the other 15 men has been held.

In April 1995 a police officer shot dead **Faustino Sule Bopa**, whom he tried to arrest, in Basapu. Faustino Sule Bopa had refused to accompany the police officer without a warrant. In late September another man was deliberately killed in the village of Miboman, near Ebebiyín, in the aftermath of the municipal elections. According to reports when the villagers were celebrating the electoral victory of the UP in the area when armed uniformed and plain clothes security officers arrived and started shooting indiscriminately killing **Félix Esono Mba**.

Last year, several incidents of torture were not investigated and perpetrators were not punished. Furthermore, victims did not receive medical treatment. In his report to the 53rd session of the United Nations (UN) Human Rights Commission, held in Geneva in March and April 1997, the UN Special Rapporteur for Equatorial Guinea gave details of

the case of **Salvador Ndong Mba**, a soldier, who with 10 other soldiers was accused of plotting a coup in July 1996. They were tried in November and sentenced to prison terms ranging from two to 12 years. All were severely tortured at the time of their arrest. When the UN Special Rapporteur saw Salvador Ndong Mba in December 1996, he still had unhealed wounds on his feet and marks on his wrists indicating that they had been tied and he had been suspended by his wrists'. He had difficulty in walking and moving his hands.

In March 1996, **Amancio Gabriel Nse**, a leading member of the *Convergencia para la Democracia Social* (CDPS), Convergence for Social Democracy, in Bata, Río Muni, was severely beaten all over the body and feet with a high tension cable while in detention in Bata police station. As a result he was unable to walk for some time.

Two months later, in May, **Norberto Esono**, a member of the *Partido del Progreso* (PP), Progress Party, who was detained for refusing to join the PDGE, was tortured at Niefang police station. The three police officers who arrested him hit him on the head with their rifle butts. As a result of the torture Norberto Esono sustained a broken arm and leg and multiple bruising and for some time afterwards he urinated blood.

It seems that no investigation has been carried out into these and many others cases. Since the early 1990s Amnesty International has recorded hundreds of cases of torture and ill-treatment and has repeatedly urged the Equatorial Guinean authorities to hold independent and impartial inquiries into the incidents with the view to bringing to justice those responsible. Bringing to justice those who violate human rights is key to the effective prevention of further violations and to end impunity. However, it is important that those accused of committing human rights violations are tried in accordance with international standards of fairness including the right to appeal to a higher court which would be able to examine the fairness of the trial at first instance.

In February 1997 President Obiang committed himself publicly to end the impunity of the security forces and to uphold human rights. This fight against impunity should be conducted with no exception and in compliance with international standards.

In particular, Amnesty International is urging the Equatorial Guinea authorities to:

- issue clear orders to all members of the security forces to act in accordance with the

Code of Conduct for law Enforcement Officials and to ensure that all security forces personnel receive thorough training in this important Code of Conduct and other relevant human rights standards;

- ratify the *UN Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*;
- investigate all reports of death in detention as well as extrajudicial executions. Investigations should be carried out promptly, impartially and effectively by a body which is independent of those allegedly responsible, in accordance with the *UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions*.