

£EQUATORIAL GUINEA

@Arrests of pro-democracy activists - a changing pattern of human rights violations

1. Introduction

A new pattern of political arrests has emerged over the last year in response to increasing pressure for political reform within Equatorial Guinea. Since November 1990 dozens of people have been arbitrarily arrested, apparently because they have called for, or are suspected of favouring, the introduction of a multi-party political system in Equatorial Guinea.

In the past, calls for political reform have been made mainly by opposition parties formed in exile among the thousands of Equatorial Guineans who had fled from the reign of terror under the country's first president, Francisco Macías Nguema (1968 to 1979). After President Teodoro Obiang Nguema Mbasogo led a coup which overthrew President Macías Nguema in August 1979, political opposition continued to be punished by imprisonment. Political tensions, often within the President's own clan, resulted in waves of arrests every few years after which the alleged ring-leaders were brought before military courts and often convicted on the basis of statements made under torture¹.

Since 1990 the government has responded to pressure for reform by, on the one hand, making promises to introduce a multi-party political system and, on the other, by arresting advocates of political changes. In contrast to the pattern of repression in the 1980s, over the last 12 months smaller groups of people have been arrested at more frequent intervals and no one is known to have been charged with any offence. Some have been detained for a few days while others have been held in prisons or confined to their homes or villages: some have been arrested, released and re-arrested. Other critics or suspected opponents of the government have been harassed or threatened.

In the wake of the government's vague promises of political reforms some have broken the silence of fear and criticized the government, either openly or anonymously. Nevertheless, the climate of tension and intimidation persists.

¹ For further information about human rights violations during the 1980s, see *Equatorial Guinea: Military Trials and the Use of the Death Penalty* (AI Index: AFR 24/01/87), *Equatorial Guinea: Torture* (AI Index: AFR 24/05/90) and *Equatorial Guinea: Six Prisoners of Conscience* (AI Index: AFR 24/04/90).

Details of the arrests have been slow to emerge but the available information has enabled Amnesty International to adopt one of the prisoners, Antonio Ebang Mbele Abang, a former member of parliament who was arrested in November 1990, as a prisoner of conscience². It is investigating the cases of 10 others who are currently imprisoned and appear to be prisoners of conscience, and still investigating numerous reports of torture or ill-treatment.

2. Background to the arrests in late 1990 and 1991

After President Obiang Nguema came to power in 1979 he promised that human rights would be respected in Equatorial Guinea. However, the government made little effort to keep this promise or to carry out a plan drawn up by an Expert appointed by the United Nations Commission on Human Rights to restore respect for fundamental rights and freedoms in Equatorial Guinea. This plan included an amendment to the Constitution, reform of the judicial system and the creation of conditions which would allow the return of many thousands of exiles whose skills could benefit the country³.

Those who remain outside the country have formed political parties in exile. The only party allowed by law in Equatorial Guinea is the *Partido Democrático de Guinea Ecuatorial* (PDGE), Equatorial Guinea Democratic Party, which is led by President Obiang Nguema. In 1988 leaders of the *Partido del Progreso de Guinea Ecuatorial*, Equatorial Guinea Progress Party, which was formed by exiles in Spain, returned to Equatorial Guinea to seek permission for their party to operate legally in Equatorial Guinea. They failed in their objective and, following the return to Spain of the President of the Progress Party, about 40 people suspected of supporting the party were arrested. Nine were subsequently tried and convicted of involvement in an alleged plot to overthrow the government. Amnesty International considered them to be prisoners of conscience. Five have been released subsequently but four are still held.

In July 1988 elections to the *Cámara de Representantes del Pueblo*, Chamber of People's Representatives (Equatorial Guinea's parliament) were held. All the candidates were nominated by the PDGE leadership and were elected unopposed for a five year period. At the presidential elections of 25 June 1989 President Obiang Nguema himself was re-elected unopposed for a further seven year period.

² Prisoners of conscience are people detained because of their beliefs, colour, sex, ethnic origin, language or religion who have not used or advocated violence.

³ The population of Equatorial Guinea is estimated to be about 400,000

On several occasions in 1990 and 1991 the government repeated previous promises to comply with an United Nations (UN) Commission's on Human Rights Plan of Action drawn up in 1982 by the Expert on Equatorial Guinea, to ensure that the protection of human rights would be guaranteed by an effective judicial system. In September 1990, following the publication of an Amnesty International report, *Equatorial Guinea: Torture*, the government announced the establishment of a National Commission of Human Rights. However, there is little evidence of any practical steps being taken to allow genuine freedom of expression or association, to reform the legal system in accordance with the program drawn up by the UN or to introduce guarantees which would help to prevent such human rights violations as arbitrary arrest and torture.

3. Arrests in late 1990 and 1991

In 1990 political tension in Equatorial Guinea mounted. Demands for political reforms increased, although they could not be voiced publicly. Resolutions of the ruling PDGE's Central Committee, published after a meeting in November 1990, reflected the party's awareness of political developments in the region, particularly in neighbouring Gabon and Cameroon, and revealed its concern about the increasing pressure for a multi-party political system within the country. While conceding that Equatorial Guinea could adopt a pluralist political system "when the natural evolution of society permits", the Central Committee also insisted that the one-party state should be retained on the grounds that the extreme repression which had occurred under former President Macías Nguema was a "product" of the multi-party system introduced when Equatorial Guinea became independent from Spain in 1968.

On 22 November 1990, the day after the Central Committee meeting, **Antonio Ebang Mbele Abang**, a former prisoner of conscience adopted by Amnesty International in 1985, was dismissed from his post as Vice-President of the Chamber of People's Representatives and expelled from the PDGE. According to some accounts he had refused to support the party's view that Equatorial Guinea should remain a one-party state. He was then restricted to his home in the village of Mícomeseng in the north of Equatorial Guinea's mainland province of Río Muni, apparently on the government's orders.

Further arrests took place in December 1990 and January 1991. During the night of 6 to 7 December 1990 at least five people, including soldiers and civilians, were arrested in or near Ebebiyín, in the northeast of Río Muni province, near to where the borders of Cameroon, Gabon and Equatorial Guinea meet. They were alleged to have been in contact with government opponents, some of whom lived across the frontier. One of them, **Pedro Motu Mamiaga**, a former soldier and a member of the patrol which prevented the escape of former President Macías Nguema after the coup in 1979 and who had reportedly been

confined since then to his home in Ebebiyín, was also suspected of meeting government opponents in Ebebiyín. **Gabino Mualika Epitie** was arrested on 8 January 1991 in Bata, the capital of the mainland province of Río Muni. He too was reportedly suspected of being in contact with government opponents in exile.

In early February 1991, a Political Information and Awareness Commission of the PDGE, which was set up to explain the resolutions of the Central Committee meeting in November 1990 to the general population, reported that it had toured the country and found that PDGE members unanimously rejected the introduction of a multi-party political system. According to unofficial sources, delegates of the Political Information and Awareness Commission intimidated those whom they suspected of favouring political change. A few weeks later, in March 1991, several people are reported to have been arrested and subsequently restricted to their homes. **Angel Masié Ntutumu**, a former Interior Minister and a member of the Chamber of People's Representatives, and **Ricardo Nvumba Bindang**, a small land-holder, were among a group of people who signed a letter addressed to President Omar Bongo of Gabon asking him to promote political pluralism in Equatorial Guinea. The letter was apparently intercepted by the Equatorial Guinean authorities. Ricardo Nvumba Bindang was said to have been detained in Malabo for a week and then restricted to his home in or near Anisok, while Angel Masié Ntutumu was reportedly placed under house arrest in Micomeseng.

Members of the Roman Catholic Church were threatened and briefly detained and accused of fomenting political unrest after the church published a pastoral letter in April 1991 which questioned government policies. A priest had also criticized the government from the pulpit at Sunday Mass. He was apparently suspected of being responsible for anti-government pamphlets which appeared in the streets of Malabo in early May 1991. Some 40 people are said to have been briefly detained in connection with the pamphlets. At the end of May 1991 the PDGE Central Committee published a declaration which reminded the Church that the government had allowed it to resume its activities after the persecution it had suffered in the 1970s under the previous government, and called on the Church's authorities to stop priests using the altar to turn people against the State authorities, as this could affect Church-State relations. Others detained briefly in May included a television journalist, **Alfonso Nsué Mokuy**, who had been arrested on previous occasions for his outspoken opposition to government policies.

In late May 1991 the PDGE Central Committee again examined the question of political reform. This time it reversed its position and called on the government to draw up a program of political changes aimed at adopting a multi-party political system. In July 1991, shortly before a PDGE Congress which endorsed the Central Committee's resolution, President Obiang Nguema toured the country to explain the proposed reforms and to invite people to set up new political parties accordingly. However, political opponents rejected these proposals on the grounds that they would allow new parties little independence and did not provide for parties formed in exile to operate legally in Equatorial Guinea.

On 15 August 1991 some political and other prisoners were released on the orders of President Obiang Nguema on the 12th anniversary of his accession to power. At least three had been convicted after unfair trials by military courts of attempting to overthrow the government. **Julián Nguema Abogo** and **Jesús Ntutumu Nsong** were among nine prisoners of conscience convicted in September 1988, three of whom had been released in 1989 and 1990. **Sergeant Venancio Mikó** was also released: he had been sentenced to death in 1983 but the sentence was subsequently commuted.

In mid-August 1991 five more people were detained. One of them was Antonio Ebang Mbele Abang, the member of parliament, who was re-arrested while still restricted to his home. This time he was imprisoned - he had reportedly refused to form a political party under the terms of the PDGE's July 1991 proposals, on the grounds that there were no guarantees that such a party would be able to operate as a genuine opposition party. The other four were reportedly accused of propagating subversive ideas. They included Alfonso Nsué Mokuy the television journalist who had been detained briefly in May 1991. **Pedro Ekong Andeme**, who had been detained previously during the early 1970s and again in June 1981, was also arrested. The five are believed to be still held in Bata and Malabo.

4. The arbitrary nature of the arrests in 1990 and 1991

None of the arrests described above is known to have been carried out in accordance Equatorial Guinea's own laws or with international standards relating to detention or with imprisonment. In the few cases where details are available, arrests are reported to have been carried out by Equatorial Guinean soldiers or by Moroccan soldiers seconded to Equatorial Guinea under a bilateral agreement with the Kingdom of Morocco. According to testimonies received in previous years, these soldiers carry out arrests on the orders of the political authorities without any reference to the courts. Prison wardens consist mainly of military personnel who have no authority to prevent detainees being taken out of prison, tortured and interrogated by the soldiers who arrested them.

5. Reports of torture or ill-treatment

Some of those arrested for political reasons in 1991 are reported to have been tortured or ill-treated in custody but little detail has so far been available confirm those reports. However, in the past, Amnesty International has received detailed testimonies from torture victims which revealed the systematic use of torture and beatings of political and other prisoners. Prisoners have been tortured in order to obtain "confessions" to be cited as evidence during a trial or simply in order to intimidate or punish them. Amnesty International is not at present

publicising the names of any prisoners reported to have been tortured in 1991: to do so could expose them to harassment or further ill-treatment or endanger those who have passed the information to Amnesty International. One victim is reported to have been tied and placed in painful positions and suspended from poles while they were being beaten. Amnesty International is continuing its inquiries into these reports.

6. Amnesty International's recommendations

Amnesty International has repeatedly informed the government of its concerns about human rights violations in Equatorial Guinea. The government has never responded in detail, nor has it implemented the recommendations made by Amnesty International in direct communications to the government and in published reports. They include the following:

- guarantees to ensure the independence of the judiciary, and particularly the repeal of Constitutional provisions which allow the Head of State to appoint and dismiss judges at his discretion (and which may undermine their independence and impartiality);
- safeguards to ensure that anyone who is arrested is brought promptly before a judge who may authorize the suspect's continuing detention only if there is adequate evidence to suggest the person has committed a recognizably criminal offence - this would help to prevent people being arrested solely on account of their political opinions;
- legislation to give effect to the Constitutional provisions of *habeas corpus* and *amparo*, which would allow prisoners or their relatives to challenge unlawful and arbitrary detention in the courts and would help to prevent arbitrary arrest and torture;
- prompt investigations by an independent and impartial commission into allegations of human rights violations.

Shortly after the publication in September 1990 of an Amnesty International report entitled *Equatorial Guinea: Torture*, the government announced that it had set up a Human Rights Commission which would examine complaints of human rights violations. However, according to unofficial sources its members are predominantly government officials and members of the Chamber of People's Representatives who were selected from a list drawn up by the PDGE. The commission's independence and impartiality are therefore open to question. It is not known to have taken any action to improve safeguards for human rights.

On 12 October 1991, the 23rd anniversary of Equatorial Guinea's independence, President Obiang Nguema announced "short, medium and long-term" plans to introduce

political reforms. He said that there would be an amendment of the Constitution followed by the promulgation of laws to regulate political parties, elections, the press, trade unions and associations. He also suggested there would be an amnesty for political prisoners.

Amnesty International would welcome any legal reforms in Equatorial Guinea which provide protection for human rights. However, it is concerned that commitments undertaken in the past concerning the protection of human rights have not been fulfilled. Equatorial Guinea became a party to the Organization of African Unity's (OAU) African Charter on Human and Peoples' Rights in 1986 and to the UN International Covenant on Civil and Political Rights in September 1987. However, it has not taken steps to implement the provisions of these international human rights treaties.

Amnesty International is now calling on the government to begin to fulfil the commitments it has undertaken by immediately releasing all those who have been imprisoned or restricted on account of their non-violent political opinions. These include four prisoners of conscience serving sentences imposed in September 1988: Pedro Bacale Mayé, Joaquín Elema Borengue, Francisco Bonifacio Mbá Nguema and Gaspar Manana Okiri. They also include Antonio Ebang Mbele Abang and others imprisoned in 1990 and 1991 for peacefully expressing their political opinions.