



U.S. Department of State

Equatorial Guinea Country Report on Human Rights Practices for 1997

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EQUATORIAL GUINEA

Equatorial Guinea is nominally a multiparty constitutional republic, but in reality power is exercised by President Teodoro Obiang Nguema through a small subclan of the majority Fang tribe which has ruled since the country's independence in 1968. President Obiang was elected to a 7-year term in February 1996 in elections that were marred by extensive fraud and intimidation. The President's Democratic Party of Equatorial Guinea (PDGE) controls the judiciary and the legislature, the latter also through fraudulent elections.

President Obiang exercises control over the police and security forces through the Minister of the Interior, who serves as president of the national electoral board as well. The security forces committed numerous, serious human rights abuses.

The majority of the population of approximately 400,000 live by subsistence agriculture, supplemented by hunting and fishing. Barter is a major aspect of the economy, and the small monetary sector is based on exports of petroleum, cocoa, and timber. Most foreign economic assistance has been suspended due to the lack of economic reform and the Government's repeated violations of human rights. Substantial oil deposits were discovered in 1995, and exploitation began in 1996. However, the investment and other use of oil revenues remains a closed process despite repeated calls from financial institutions and citizens for financial openness. The country's economic potential continues to be undermined by poor fiscal management and a lack of transparency in public finance. A National Economic Conference held in Bata allowed public debate on the use of oil revenues for the first time.

The Government's human rights record remained poor. Serious and systematic human rights abuses continued, although there were improvements in some areas. Citizens do not have the right to change their government. Principal abuses by the security forces included: Physical abuse of prisoners; torture; beating of detainees; arbitrary arrest and detention; extortion from prisoners; searches without warrants, and confiscation of property without due process. Officials generally took no action against security force members suspected of human rights abuses. There was one report of extrajudicial killing; security force members involved in this killing were tried, convicted, and sentenced to jail terms. Prison conditions remained life threatening. The judicial system does not ensure due process and is subject to executive influence. The Government somewhat loosened its severe restrictions on freedom of speech and the press. It permitted the establishment of independent newspapers and in August hosted an international press seminar. The Government continues, however, to restrict the right of assembly, and does not always respect the right of association. Discrimination and violence against women and foreigners remain serious problems. Discrimination against minorities, particularly the Bubi minority, persists.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There was one confirmed extrajudicial killing. On January 22, police arrested political activist Evaristo Abaha in the Rio Muni town of Evinayong. They took him to a police station, bound him, and tortured him to death. The Government initially denied the killing, and claimed that the opposition had fabricated the incident to discredit the Government. The Government later acknowledged the incident, tried and sentenced those responsible, but only after Abaha's death had received wide attention in the international press and had triggered intense criticism by opposition parties, which were then in a dialogue with the Government over a new national pact intended to curb such abuses. In November a series of at least 13 killings involving mutilation of victims occurred in Malabo and Bata. The killings were reportedly carried out by street thugs operating under the protection of police authorities. Several suspects were reportedly arrested but escaped from prison.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The level of these abuses is serious, but they are less frequent and widespread than during the previous year. The police do beat detainees severely. In May police arrested and detained opposition party members in Niefang who reportedly suffered torture (see Section 1.d.). Access to persons in custody is not generally permitted. Police routinely stop members of the opposition at roadblocks and subject them to search and extortion scams. Local authorities also singled out foreigners from neighboring countries for harassment, intimidation, and extortion.

Two police officers accused of the death by torture of activist Evaristo Abaha, were convicted and sentenced to 20 years' imprisonment (see Section 1.a.).

Prison conditions are primitive and life threatening. Rations are inadequate, and sanitary conditions practically nonexistent. Female prisoners are housed separately from men.

Prison conditions are monitored by the International Committee of the Red Cross (ICRC), which makes recommendations to the Government. However, the ICRC's remarks and recommendations are not released. At the Government's insistence, they remain restricted to the ICRC, the Government, and the local Red Cross, which is charged with implementing the recommendations. There were credible reports that the suggested changes, such as providing cells with cement floors and allowing prisoners access to clean water, led to mild improvements in otherwise filthy conditions.

d. Arbitrary Arrest, Detention, or Exile

There are nominal but unenforced legal procedural safeguards regarding detention, the requirement for search warrants, and other protection of citizens' rights. These safeguards are systematically ignored by security forces.

Police routinely hold prisoners in incommunicado detention. The security forces arrested members of the opposition and held them for extended periods without a hearing. Foreigners from neighboring countries are sometimes targeted for arbitrary mistreatment and random arrest. These include visitors from Nigeria, Ghana, Togo, and Benin. Members of the security forces often resorted to these crimes in order to extort money prior to national holidays.

There were no reports of long-term political detainees. However, during the year, the Government arrested political activists and detained them without charge for periods of up to 10 weeks or longer, while they were at times interrogated, beaten, and tortured (see Section 1.c.). The Government uses the psychological effects of arrest, along with the fear of future beating and intimidation, to intimidate opposition party members.

In January Convergencia Para La Democracia Social (CPDS) party members Placido Miko and Indalecio Abuy were arrested at CPDS headquarters in Mbini for allegedly holding an illegal political meeting. The two were taken to the local police station and initially detained for 3 hours. When 15 party members went to the police station to inquire as to the charges, police arrested them as well, and held them in detention for 1 day. Miko and Abuy were then driven to Bata and released the following day. In May Abuy was again jailed and interrogated for several days (see Section 2.d.).

In July police raided a private home in Bata and arrested 14 members of the CPDS for holding an illegal meeting. Although the police never charged the 14 members with crimes, they were fined \$35 each. Only one person had the money to pay the fine; the others spent 1 week in detention.

In May Partido Del Progreso (PP) opposition leader Severo Moto purchased arms in Angola and attempted to import them for use in overthrowing the President. The plot was uncovered by Angolan authorities. The Government then launched a nationwide crackdown on the PP and another opposition group, the Fuerza Democratica Republicana (FDR), as yet unrecognized by the Government as an official opposition party. Some 30 members of the FDR were arrested in Rio Muni on suspicion of having played a role in the attempted arms shipment. The same incident sparked the arrest of 47 members of the PP in Niefang. Three

other PP party members were arrested in Bata. Credible sources reported that the detainees in Niefang suffered torture.

In August the Government arrested 20 FDR sympathizers and placed them in metal ship containers in Bata, where they reportedly were beaten and tortured. They were released after 2 weeks. The Government also arrested a journalist on August 22, placed him with the others in the ship containers, and reportedly tortured him for 1 week through repeated beatings on the feet with a belt.

On November 18, the Government arrested four members of the Bubi tribe at Baney for allegedly being members of the unrecognized Movement for the Auto-Determination of the Biolo Island. They remained detained at Blackbeach prison at year's end.

In November the Government arrested five Union Popular activists and held them without charges at year's end.

In December, the Government arrested and mistreated three PP members in Bata. They may have been released from custody by year's end.

For the first time, however, the Government prosecuted and punished individual members of the security forces who were responsible for extrajudicial killing, torture, illegal arrest, and detention. Two police officers, accused of the death by torture of Evanista Abaha, were convicted and sentenced to 20 years' imprisonment.

The Government does not force its citizens into exile, but some persons who were able to travel abroad have sought political asylum. During government raids and arrests around the Rio Muni town of Mongomo, several dozen individuals reportedly fled to Gabon to escape arrest.

Opposition figure Celestino Bacale, who had fled the country in December 1996 after being charged with insulting the President, returned to Malabo in December without any action by authorities. At year's end, it was unclear whether the 1996 charge of insulting the President was still active or had been dropped by authorities.

e. Denial of Fair Public Trial

The judiciary is not independent; judges serve at the pleasure of the President and are appointed, transferred, and dismissed for political reasons. Corruption is rampant.

The court system is composed of lower provincial courts, two appeals courts, and a Supreme Court. The President appoints members of the Supreme Court, who report to him. There are also traditional courts in the countryside, in which tribal elders adjudicate civil claims and minor criminal matters.

The Constitution and laws passed by the Chamber of Deputies provide for legal representation and the right to appeal. In practice, authorities often do not respect these provisions. Civil cases rarely come to public trial.

In August a three-judge tribunal tried and condemned in absentia accused coup plotter Severo Moto and sentenced him to 101 years in prison. The tribunal also passed down sentences of 36 years for three Spanish citizens implicated in the affair.

The tribunal also dissolved the PP, whose leader, Severo Moto, had attempted to import weapons for a coup, although party leaders allege that the coup attempt was an individual initiative and not a party effort (see Section 1.d.). The Government and the court again acted illegally, as the judiciary is not empowered under law to abolish political parties.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Government does not enforce the law requiring judicial warrants for searches. Security forces regularly search homes and arrest occupants, but generally do so without warrants. Bata police reportedly did not have a warrant during a July raid on a CPDS meeting.

The Government launched major urban renewal campaigns in Bata and Malabo. A government commission notified owners to rebuild or repaint houses and buildings deemed deficient or unsightly. It gave residents 15 days to comply with the request. Some persons who failed to improve their property as ordered had their property razed by the Government without compensation. There was no appeal of the commission's determinations. Foreigners, especially those who did not understand the process such as visitors from Cameroon and Nigeria, were hardest hit.

The Government does not overtly force officials to join the PDGE. However, for lawyers, government employees, and some others, PDGE party membership is necessary for employment and promotion. Even in the private sector, many citizens claim that party membership is necessary in order to be hired. The party banner is prominently displayed with the national flag in government offices, and many officials wear PDGE lapel pins.

The Governor of Ebibeyin district reportedly enrolled the entire adult population into the PDGE by collecting the names of those residing in the district and adding them to the party roster without their consent.

There is reportedly surveillance of members of the opposition parties and foreign diplomats.

Credible sources state that citizens living in rural areas are hesitant to associate with, or even be seen with foreigners, due to the fear of repercussions from government authorities.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press

The Constitution provides for freedom of speech and of the press, but the Government severely restricts these rights in practice, although somewhat less severely than in past years. During the year, the Government showed more tolerance of free press criticism. It legalized the national press association and supported an international press seminar in Malabo in August. A private press began publishing intermittently in 1996 and continued during the year. The Government allows mild criticism of infrastructure, public institutions, and government mismanagement and permitted some increased criticism of minor administrative decisions. The Government, however, permits no criticism of the President or the security

forces. All journalists must be registered with the Ministry of Information. According to press sources, there are five or six independent reporters registered with the Ministry of Information. Between 30 and 40 reporters employed by the official party or government publications are also registered. Visiting foreign reporters must be accompanied by guides from the Ministry of Information.

The Ministry of Information sometimes requires publishers to submit copy for approval prior to publication. All local publications exercise self-censorship, and are subject to prior restraint. The newspaper *El Sol* alleged that the Government caused frequent interruptions in electricity and other utility services at its offices; however, at year's end, it was unclear whether the alleged interruptions continued, and the newspaper had not published for months due to a lack of paper. Some foreign publications are available for sale, although security forces reportedly peruse the contents of publications from Spain and confiscate literature critical of the Government. Outdated copies of Spanish and American newspapers are available to clients of prominent hotels. Short wave broadcasts and government-controlled radio and television are available to citizens. Spanish language broadcast transmissions have been a source of friction with the Spanish Government.

Television is government-controlled and broadcast only a few hours per day. Cable television is available, broadcasting Cable News Network, MTV, French news, movies, and cartoons. The Government generally withholds access to broadcasting by the more radical opposition parties, and rarely refers to the opposition in anything but a negative light when broadcasting the news. During the revised national pact debate, however, the Government allowed the proceedings to be televised, despite the strong criticism expressed against the Government in the proceedings. State-controlled national radio, which draws a far wider audience, was not permitted to broadcast the debate. Opposition parties do not have access to national radio.

There are no institutions of higher learning, although the Government constructed several buildings, and sent contingents of professors overseas for training.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of assembly; however, the Government restricts this right in practice. Government authorization must be obtained for meetings of more than 10 persons in private homes for discussions that the regime considers political. Although the Government formally abolished permit requirements for party meetings within party buildings, in practice opposition parties must inform authorities in order to hold gatherings of any kind, regardless of location.

Gatherings in public places, even small gatherings, are generally observed by security forces. The Government requires notification for public events, and routinely denies permission to meet, effectively restricting the right of assembly.

Although the judiciary lacks the legal authority, it abolished the PP party. Opposition parties and *El Sol* allege that the Government causes frequent electrical and other utility interruptions for political reasons.

On December 22, security forces broke up a meeting of the CPDS in the Rio Muni town of Akelayong and arrested 12 party members. They released them after 3 hours.

Also on December 22, security forces broke up a Union Popular Party meeting in the Rio Muni town of Nkue and arrested Cosma Nsue, the municipal chapter head. Nsue was reportedly beaten by his jailers and at year's end remained in detention.

The Constitution provides for the right of association; however, the Government does not always respect this right in practice. Police routinely and systematically harass and jail members of opposition parties. Opposition party members complained of disruption of meetings and roadblocks at which they are forced to pay soldiers \$30 in order to proceed. In the township of Nkimi, near Niefang, government officials reportedly arrest or intimidate visitors wishing to call on the hamlet's opposition party mayor. National government authorities reportedly sabotaged the Nkimi municipal government by preventing local authorities from collecting revenues. Government officials also reportedly stole an estimated \$4,000 from the municipal government.

c. Freedom of Religion

The Government generally respects freedom of religion. However, there were incidents in which priests and nuns were arrested and harassed by security forces. Government officials in Bata detained and intimidated Spanish nuns as a method of pressuring the government of Spain to issue a greater number of visas to influential citizens. In July security forces arrested, jailed, and deported a Spanish priest, claiming that he was a spy. Missionaries in Bata and Malabo reported little government interference in their work.

There is no state religion, and the Government does not discriminate against any faith. However, the Government continues to restrict freedom of expression for the clergy, particularly regarding open criticism of the regime. A religious organization must first be formally recognized by the Ministry of Justice and Religion before its religious activities are allowed. The significant easing of restrictions on religious activities reported by foreign missionaries in 1996 continued during the year.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

In principle, freedom of movement and travel throughout the country are provided for in the law. However, local police routinely demand bribes from occupants of cars, taxis, and other vehicles traveling outside the capital. Opposition activists complain of harassment at roadblocks. Police routinely stop members of the opposition at roadblocks, subject them to searches, and extort money from them. Members of the Bubi ethnic group on the island of Bioko are unable to move about freely, according to credible sources, as the Government fears separatist sympathies. Roadblocks throughout the island prevent Bubis from traveling between villages.

Although all citizens are required to have permission to travel abroad, members of opposition parties are regularly denied this permission and may face a hostile reception upon their return.

In May political activist Indalecio Abuy was jailed by security officials after disembarking from a flight from Malabo. Security forces interrogated him for several days.

Government officials attempt to control the movements of opposition party members through the use of exit visas or confiscation of passports. Those who depart Malabo without an exit visa must travel by canoe across 40 miles of open ocean to reach mainland Africa, then face

possible immigration charges upon their return. In June government officials denied the exit visa of CPDS opposition leader Placido Miko, who wished to attend a political conference in Europe. Miko eventually departed Malabo by canoe. After numerous diplomatic appeals to the Government, Miko returned to Malabo without incident. At the Malabo airport, government officials allegedly confiscated the passport of Eloy Elo Mue Mbengana, founder of the unrecognized FDR party. The confiscation led to the cancellation of Elo's travel plans. He later departed the country clandestinely by canoe.

The country closed its land borders with Cameroon and Gabon to its own citizens intermittently in June, following an attempt in May by an opposition leader to invade the country and overthrow the Government (see Section 1.d). There were also numerous arrests in Mongomo and Ebibeyin, and citizens were not permitted to depart the country for a period of time. The Government also closed its land borders in September and October during the National Conference.

In July President Obiang told a gathering of foreigners that in the event of a national emergency he would not allow foreign governments to repatriate their citizens. The remark was directed at foreigners whom the President fears may attempt to finance destabilization of his Government.

There are both refugees and asylum seekers. According to a credible source, some 20 refugees from Liberia, Rwanda, Sudan, and Mauritania have sought political asylum in Equatorial Guinea. The Government generally grants these requests. Most foreigners seeking asylum, however, however, do not declare themselves refugees.

On November 5, during a visit by President Obiang to Gabon, Gabonese authorities there arrested two Equatoguinean citizens and surrendered them to Equatoguinean security forces who involuntarily repatriated them. Both were registered with the U.N. High Commissioner for Refugees as refugees.

There were no first asylum cases during the year.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution nominally provides citizens with the right to change their government peacefully, but in fact there have been no free, fair, and transparent presidential elections since independence in 1968. The President exercises complete power as Head of State, commander of the armed forces, and leader of the government party, the PDGE. Leadership positions within the Government are, in general, restricted to the President's subclan and closest supporters. While there is an elected Chamber of Deputies, it is not representative and is dominated by the Government. The Minister of the Interior also acts as president of the national electoral board.

The February 1996 presidential election, in which President Obiang claimed reelection victory with 98 percent of the vote, was considered openly fraudulent by international observers. Some opposition politicians who campaigned were beaten and jailed. Voting was done in the open and without secrecy, with opposition parties allegedly being barred from access to polling areas. There were credible reports of widespread arrests and violence against opposition party members before the elections, as well as of beatings, roadblocks, stuffed

ballot boxes, and open voting the presence of security forces. Most opposition parties, claiming that it was futile to run amidst such blatant corruption, boycotted the elections.

In April the Government and 13 political parties promulgated a revised national pact following 3 months of debate. The pact calls for the creation of a multiparty Electoral Commission and an Observance Commission to monitor compliance with the agreement. The pact also stipulated an end to various political and electoral abuses and the extension of voting rights already nominally provided for in the Constitution. However, the Government has yet to abide by any of the pact's provisions. Opposition activists report that the Government has made no effort to implement the pact. The Government's refusal to issue exit visas to opposition figures violates the pact's principle of freedom of travel. The continued arrests of CPDS, PP, and FDR activists further undermined the Government's claims that it abides by the pact, as do its continued restrictions on freedom of movement and the continued lack of access to government media by the opposition. During the debate on the national pact, one opposition figure was assaulted by government security forces after meeting with a foreign diplomat. The Government excluded the CPDS party from the national pact dialog when the party failed to attend the opening session, but independent sources asserted that the Government deliberately barred the CPDS because it feared the party's strength. The CPDS, however, participates in the pact's Observance Commission. The nominally multiparty Electoral Commission was not functioning at year's end.

Although there are no legal restrictions on the participation of women in politics, women remain seriously underrepresented in government positions. There are 2 women in the 42-member Cabinet, and 5 in the 80-member legislature.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no effective local human rights nongovernmental organizations. Amnesty International has no permanent presence in the country. The Government does not recognize its reports or acknowledge their credibility.

The United Nations Special Rapporteur for Human Rights visited in December 1996 and received the Government's cooperation.

The Government established a Parliamentary Commission on Human Rights approximately 5 years ago. This organization, however, has rarely been heard from, and has little credibility or influence.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

While the Constitution condemns all forms of discrimination, both governmental and societal discrimination continue. These are reflected in traditional constraints on women's education and in restricted opportunities for professional and occupational achievement by ethnic minorities. The Government deliberately limits potential opportunities for ethnic minorities.

Women

Societal violence against women, particularly wife beating, is common. Public beating of wives is forbidden by government decree, but violence in the home is generally tolerated. The Government does not prosecute perpetrators of domestic violence.

Although the Constitution provides for equal rights, women are largely confined by custom to traditional roles, particularly in agriculture. Polygyny, which is widespread among the Fang, contributes to women's secondary status, as does limited educational opportunity. On average women receive only one-fifth as much schooling as men.

There is no discrimination against women with regard to inheritance and family laws, but there is discrimination in traditional practice. For an estimated 90 percent of women, including virtually all ethnic groups except the Bubi, tradition dictates that if a marriage is dissolved, the wife must return the dowry given her family by the bridegroom at the time of marriage, while the husband automatically receives custody of all children born after the marriage. The mother maintains custody of all children born prior to marriage.

Similarly, in the Fang, Ndowe, and Bisio cultures, primogeniture is practiced, and as women become members of their husband's family upon marriage, they usually are not accorded inheritance rights. According to the law, women have the right to buy and sell property and goods, but in practice the male-dominated society permits few women access to sufficient funds to engage in more than petty trading or to purchase real property beyond a garden plot or modest home.

Children

There are no legislated provisions for the welfare of children. The Government devotes little attention to children's rights or their welfare, and has no set policy in this area. The education of Bubi children is virtually ignored by the Government. Education is compulsory up to the age of 18, but the Government does not enforce the law.

People With Disabilities

There is no constitutional or legal provision for the physically disabled with respect to discrimination in employment or education. There is no legislation mandating accessibility for the disabled to buildings or government services.

National/Racial/Ethnic Minorities

There is no legal discrimination against ethnic or racial minorities, and the Government does not overtly limit their participation; however, the monopolization of political power by the President's Mongomo subclan of the Fang ethnic group persists. In practice some members of minorities face discrimination because they are not members of the Fang ethnic group, or belong to a subclan other than the President's. Minorities do not face discrimination in inheritance, marriage, or family laws.

Several thousand citizens of Nigeria, Ghana, and Francophone Africa continue to reside in the country. Most are small traders and business people. There are numerous reports of their harassment by the police (see Section 1.d.).

Section 6 Worker Rights

a. The Right of Association

Although the Constitution provides for the right to organize unions, the Government has not passed enabling legislation. A 1995 petition by service sector employees to form a union in the mainland capital of Bata has yet to be answered by the Government. In the small wage economy, no labor union exists, although there are a few cooperatives with limited power. The law prohibits strikes. The Labor Code contains provisions to uphold worker rights, but the Government generally does not enforce them.

It is generally acknowledged that membership in the PDGE is a prerequisite for hiring and promotion, both in the public and private sectors. Membership in a rival political organization is considered grounds for dismissal from any position, public or private. Opposition politicians often claim to have been dismissed from their jobs after joining alternate political groups. During the 1996 presidential elections, several large private employers reportedly threatened to dismiss workers who did not vote for President Obiang.

Hiring by the oil industry, one of the country's major employers, is largely controlled by the Government, which operates through an agency, APEGESA. Independent sources confirm that APEGESA, in screening applicants for positions, excludes those whom it considers unfriendly or indifferent to the PDGE. APEGESA reportedly keeps nearly two-thirds of employees' wages. Oil workers earning \$47 per day reportedly receive only \$16; the remainder is kept by APEGESA, which is allegedly managed by the Minister of Mines and Energy. When several employees signed a petition complaining of this treatment, they were fired.

The Government did not allow unions to affiliate internationally.

b. The Right to Organize and Bargain Collectively

There is no legislation regarding these rights or prohibiting antiunion discrimination. There is no evidence of collective bargaining by any group. Wages are set by the Government and employers, with little or no participation by the workers. Employers must pay the minimum wages set by the Government, and most companies pay more than the government-established minimum.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law forbids forced or bonded labor and slavery, and there were no reports that these activities took place. Convicted felons do, within the law, perform extensive labor outside prison without compensation.

d. Status of Child Labor Practices and Minimum Age for Employment

The labor code prohibits forced or bonded labor by children, and there were no reports that it exists (see Section 6.c.). The legal minimum age for child employment is 18 years, but the Ministry of Labor does not enforce this law. The Government also does not enforce the law that stipulates mandatory education up to the age of 18. Underage youth perform both family farm work and street vending.

e. Acceptable Conditions of Work

The law prescribes a standard 35-hour workweek and a 48-hour rest period which are observed in practice in the formal economy. The minimum monthly wage is approximately \$44 (cfa 27,000). The minimum wage does not provide for a decent standard of living for a worker and family. The Labor Code provides for comprehensive protection for workers from occupational hazards; however, the Government does not enforce this in practice. Employees who protest unhealthy or dangerous working conditions risk losing their jobs.

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