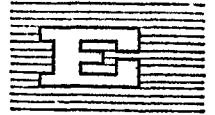
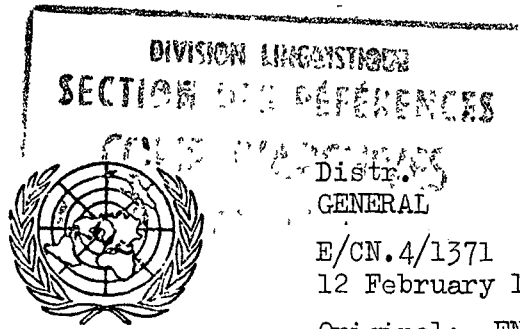


UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



E/CN.4/1371
12 February 1980

Original: ENGLISH/FRENCH/
SPANISH

COMMISSION ON HUMAN RIGHTS

Thirty-sixth session
Item 12 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD WITH PARTICULAR REFERENCE
TO COLONIAL AND OTHER DEPENDANT COUNTRIES AND TERRITORIES

STUDY OF THE HUMAN RIGHTS SITUATION
IN EQUATORIAL GUINEA

by Professor Fernando Volio Jiménez, Special Rapporteur, appointed in
accordance with resolution 15 (XXXV) of the Commission on Human Rights

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INTRODUCTION

A. Appointment and mandate of the Special Rapporteur

1. At its thirty-fifth session, on 8 March 1979, the Commission on Human Rights adopted a confidential decision relating to Equatorial Guinea, by which it considered that further efforts to examine the situation of human rights in Equatorial Guinea within the framework of Council resolution 1503 (XLVIII) would be futile, and therefore decided "to discontinue consideration of the human rights situation in Equatorial Guinea under Council resolution 1503 (XLVIII) and to take up consideration of the subject matter under the public procedure provided for by Commission resolution 8 (XXIII) and ECOSOC resolution 1235 (XLII)". 1/
2. On 13 March 1979, the Commission adopted resolution 15 (XXXV) by which, inter alia, it decided that "a Special Rapporteur of the Commission, to be appointed by the Chairman of the Commission, be entrusted with the task of making a thorough study of the human rights situation in Equatorial Guinea, based on such information as he may deem relevant, and to report thereon to the thirty-six session of the Commission".
3. On 10 May 1979, the Economic and Social Council, by decision 1979/35, decided to appeal to the Government of Equatorial Guinea to extend its co-operation to the Commission on Human Rights in connexion with the implementation of that resolution. The Council also approved the recommendation of the Commission that the material before the Commission on that matter under Council resolution 1503 (XLVIII) should no longer be restricted.
4. Subsequently, the Chairman of the Commission on Human Rights appointed Professor Fernando Volio Jiménez of Costa Rica as the Special Rapporteur of the Commission to carry out the proposed study.

B. Consideration by the Commission on Human Rights of the human rights situation in Equatorial Guinea under Economic and Social Council resolution 1503 (XLVIII)

5. At its thirty-second session, the Commission on Human Rights had before it a communication concerning Equatorial Guinea submitted to it by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in terms of the procedure laid down in Council resolution 1503 (XLVIII). The communication was a letter dated 14 November 1974, from the Union Belge pour la défense de la paix, Belgium, enclosing a document prepared by the International Federation for the Rights of Man denouncing the régime of oppression and persecution said to prevail in Equatorial Guinea, alleging that many persons had been arbitrarily arrested and tortured for dissenting with the régime, that political rights had been violated, particularly the right to self-determination; that as a result of this alleged denial of human rights, many individuals had fled the country, and urging a United Nations investigation into the alleged situation. 2/
6. The Commission had also before it a summary of a communication dated 21 February 1975 emanating from the Unión Bubi de Fernando Póo. The communication denounced the régime of oppression said to prevail in Equatorial Guinea, alleging that Edmundo Bosio Dioco, the former Vice-President of the Republic and a leader of the Bubi people, had been assassinated by the authorities of Equatorial Guinea for dissenting with the régime, and calling for a United Nations investigation into the conditions surrounding his death and into the alleged policy of denial of human rights in the country.

1/ See Annex I.

2/ E/CN.4/R.12/Add.1

7. The Government of Equatorial Guinea rejected the allegations contained in the said communications in two letters dated 28 March 1975 and 11 April 1975. 3/ In the first letter, the Government of Equatorial Guinea stated that the allegations contained in the report prepared by the representative of the International Federation for the Rights of Man were based on lies directed against the lawful Government of the Republic of Equatorial Guinea and its late President "by a few small groups of unsuccessful individuals who are being paid by colonialists and imperialists with the sole object of restoring in Equatorial Guinea the hateful and repugnant colonial past" It also charged that the report was based on "a few subversive conversations..... with individuals unknown to the people and Government of the Republic of Equatorial Guinea, who have proclaimed themselves to be political exiles". The Government urged the United Nations to reject the report since it referred to a mission concerning Equatorial Guinea, and not to a mission carried out in Equatorial Guinea. The Government of Equatorial Guinea also rejected the second communication as a "subversive document [containing] no particle of truth". It stated that Mr. Edmundo Bosio Dioco, former Vice-President of the Republic of Equatorial Guinea, had been found dead in a room in his own residence, after swallowing a poison, and that he had not been murdered by any one. The Government stated that the communication had been instigated by Spain which in its opinion "has been and still is working with a few small separatist groups in order to achieve its purpose by dividing a political unit which is a free and independent African State, a member of the United Nations and a member of the Organization of African Unity - the Republic of Equatorial Guinea".

8. In further written observations relating to document E/CN.4/R.12/Add.1, submitted on 27 October 1975, 4/ the Government of Equatorial Guinea stated that the allegations contained in the report submitted by the International Federation for the Rights of Man "do not deserve to be considered by the Government of the Republic of Equatorial Guinea". The Government rejected several specific allegations contained in the report and indicated that it opposed "any act by the Commission on Human Rights" based on the allegations contained in the said report "pursuant to Article 2, paragraph 7 of the Charter of the United Nations".

9. On 4 March 1976, the Commission endorsed the conclusions reached by its Working Group on the question of Equatorial Guinea that the information submitted to the Commission did not seem sufficient to justify the conclusion that flagrant and systematic violations had been committed in the situation concerned. The Commission therefore decided that there was no need to take action under Council resolution 1503 (XLVIII) on the basis of the documents before it.

10. At its thirty-third session, the Commission on Human Rights had before it a communication dated 14 June 1975, from individuals in Switzerland, with additional supporting material submitted under cover of letters dated 2 July 1975, 7 November 1975 and 18 January 1976. 5/ The communication alleged that human rights

3/ E/CN.4/GR.75/4 (Government reply No. 1327 and 1328).

4/ E/CN.4/R.13.

5/ E/CN.4/R.15/Add.2.

had been systematically violated in Equatorial Guinea for the previous six years. It also alleged that the Government of Equatorial Guinea had installed a dictatorship beginning shortly after independence. It stated that following a reported attempted coup against the President on 5 March 1969, the Government had initiated a systematic policy of repression of all political opponents. All the constitutional bodies were suppressed and in the course of a few months there were wholesale dismissals, detentions and arbitrary arrests of the members of the National Assembly, the Council of the Republic, the Supreme Court, provincial councils and municipal governments, who were replaced by substitutes without prior elections, in contravention of the provisions of the independence Constitution. On 7 May 1971, the Government had repealed a number of articles of the Constitution and the President had personally assumed executive, legislative and judicial powers. It was also reported that subsequently, all political activities had been completely suppressed and political leaders had been persecuted. The communication gave the name of four political leaders who it alleged had been assassinated by the Government, namely: Mr. Atanasio Ndongo Meyone, leader of Movimiento Nacional de Liberación de la Guinea Ecuatorial (MONALIGE); Mr. Bonifacio Ondó Edu, leader of Movimiento de Unión Nacional de la Guinea Ecuatorial (MUNGE); Mr. Edmundo Bosio Dioco, leader of the Unión Bubi; Mr. Jovino Edu Mbuy, leader of Idea Popular de la Guinea Ecuatorial (IPGE). The communication also annexed a list of 487 names persons who it claimed had been assassinated by the régime of Francisco Macías Nguema Biyogo since 1969. The list included names of members of the National Assembly, the provincial councils, the Council of the Republic, municipal councils, members of the former autonomous Government, members of the present Government, military personnel, businessmen, property owners, farmers, traditional chiefs and a number of students and women said to have been assassinated because of offences by parents or relatives. The communication also alleged that the Government had imposed by force the rule of the single party Partido Unico Nacional de Trabajadores (PUNT) and had forced the country through terror to accept a new Constitution in July 1973. It also alleged that in order to intimidate the population, the Government had formed a "terrorist organization"; Juventud en Marcha con Macías (Youth on the March with Macías) which carried out all kinds of atrocities, arbitrary arrests, searches, indecent assaults against minors, lootings and organized robberies, while its victims found no legal protection whatever. It further stated that the Government of Equatorial Guinea had engaged in the deliberate violation of all human rights, such as the right to life, the right to liberty and security of person, the right to private and communal property, the right to privacy, the right to freedom of movement, the right to nationality, the right of asylum, the right of freedom of thought, expression and opinion, the right to freedom of assembly and association, the right to freedom of conscience and religion, and social and cultural rights, in particular the right to work, the right to a standard of living, the right to education, and the right to marry. The communication further stated that the population of Equatorial Guinea had been subjected to institutionalized genocide by its Government for the previous six years, and urged the United Nations to take speedy action to assist the people of that country.

11. In its reply, dated 5 May 1976, 6/ the Government of Equatorial Guinea rejected the contents of the communication above and stated that the document in question "could have no other source and no other authors but the champions of colonialism and

6/ E/CN.4/GR.76/5 (Government reply No. 1497).

imperialism and their devoted puppets in the desperate pursuit of diabolical aims". The Government charged that the communication originated from former members of the Government who had been dismissed for subversion, irresponsibility and corruption, and that this explained their approach to the United Nations alleging violation of human rights. The Government further stated that the 1968 Constitution had been intended to guarantee colonial interests, and that its abrogation, the abolition of the political parties which existed before independence, and the formation of the single party, were the outcome of "the democratically expressed will of the free people of Equatorial Guinea" acting in defence of its independence. It stated that the "Juventud en Marcha con Macías" was an organ of the single party which acted "in defence of sovereignty, independence, territorial integrity and the policy of non-alignment" and constituted "the net and screen to trap all the colonialists, neo-colonialists and imperialists and all those preachers of diabolical ideologies in all their branches". The Government asserted that human rights were respected in the country, but that such guarantees could not apply to persons "interfering in the country's internal politics". In conclusion, the Government stated that, on the basis of article 2, paragraph 7, of the United Nations Charter, it "categorically opposes any act by the United Nations or any of its specialized agencies which defers to or tends to take into account the ambitious concerns of the servants of colonialism, neo-colonialism and imperialism."

12. In its further written observations relating to the document mentioned above, the Government of Equatorial Guinea reasserted its rejection of the allegations, and urged the Commission to reject the communication on the grounds that it was politically motivated. The Government stated its belief that the individuals who had submitted the communication and whose names had not been disclosed were members of the Alianza Nacional de Restauración Democrática (ANRD), an exile group with headquarters in Geneva and offices in Spain, Gabon, Cameroon and Nigeria. 7/

13. In his intervention before the Commission on Human Rights on 22 February 1977, the observer of Equatorial Guinea reasserted the position of his Government outlined in the two letters mentioned above and added that "his Government could in no way be held responsible for deaths which had occurred through illness, accident or suicide for personal reasons, or for those who had died abroad". He also asserted that a number of persons listed in the communication as having been "assassinated" were still engaging in official or private activities both within and outside Equatorial Guinea.

14. In the course of the ensuing debate in the Commission, some members pointed out that the Government's replies had been unsatisfactory and that the situation in Equatorial Guinea should remain under review. It was felt that the Secretary-General should establish direct contact with the Government of Equatorial Guinea in order to obtain the necessary additional information, after which the procedures set out in resolution 1503 (XLVIII) could be applied.

15. On 23 February 1977, the Commission on Human Rights adopted a confidential decision relating to Equatorial Guinea by which it requested the Secretary-General of the United Nations to establish direct contact on a confidential basis with the Government of Equatorial Guinea in order to clarify points raised in that Government's observations on documentary material relating to the human rights situation in Equatorial Guinea and with a view to finding ways in which the United Nations might, if necessary, provide assistance to that country. 8/

7/ E/CN.4/R.16/Add.1.

8/ See Annex I.

16. Pursuant to that request, the Secretary-General sent a confidential telegram to the President of Equatorial Guinea on 1 April 1977, communicating the Commission's decision and proposing to send a personal representative to establish direct contact on a confidential basis. In its reply, dated 26 May 1977, the Government of Equatorial Guinea reaffirmed its contention that in that country human rights were scrupulously respected and stated that it could not accept the decision of the Commission and, consequently, the Secretary-General's proposal to send his personal representative, because it considered that the proposal was based on so-called complaints of violations of human rights that the Government had categorically rejected. With respect to the possibility of assistance from the United Nations, the Government declared that it was grateful for the interest of the Commission in encouraging assistance to Equatorial Guinea and, should the necessity arise, it would spare no effort in approaching the United Nations.

17. On 2 March 1978, the Division of Human Rights received a telegram from the Permanent Representative of Equatorial Guinea to the United Nations in New York, informing the Division that Equatorial Guinea would not send a representative to the thirty-fourth session of the Commission on Human Rights. The telegram stated that the Government of Equatorial Guinea considered the case of violation of human rights in Equatorial Guinea "non-existent" and stated that the Guinean Constitutional Charter and the statutes of the Single National Workers Party, which were zealously respected by the Government, gave ample guarantee of respect for human rights. The Government reiterated its position that the allegations before the Commission came from politically motivated persons defending the interests of imperialism, neo-colonialism and colonialism. It stated that the Commission should not take a decision on incidents attributable to domestic politics, since it was unaware of the real background. 9/

18. In its confidential decision adopted on 3 March 1978 the Commission on Human Rights stated that it regretted the lack of results due to the fact that the Republic of Equatorial Guinea had not reacted favourably to the efforts of the Secretary-General to establish direct contacts of a confidential nature with the Government; it requested the Government to co-operate with the Commission; and decided that, if there were no new factors indicating that such contacts had been established, the situation with regard to human rights in Equatorial Guinea would be raised at the thirty-fifth session of the Commission, in accordance with the public procedure provided for in Commission resolution 8 (XXIII) and Economic and Social Council resolution 1235 (XLII). 10/

19. By a letter of 29 March 1978 the Secretary-General transmitted to the Government of Equatorial Guinea the text of the Commission's decision and reiterated his readiness to co-operate with the Government of Equatorial Guinea in fulfilling the objectives of that decision. The transmittal of the Commission's decision was followed by a meeting of 17 May 1978, between the Secretary-General and the Permanent Representative of Equatorial Guinea to the United Nations, for a further exchange of views with regard to the Commission's request.

20. The reply from the Government of Equatorial Guinea, dated 13 September 1978, rejected the establishment of direct contacts of a confidential nature on the basis of the Commission's decision, which decision the Government considered as contrary to

9/ E/CN.4/R.41

10/ See Annex I.

the fundamental laws of Equatorial Guinea and the spirit of Article 2 (7) of the Charter of the United Nations. It also rejected as baseless and inadmissible the allegations contained in the communications which had led to the Commission's decision. The letter reasserted the Government's contention that the communications had been submitted to the Commission "by corrupt persons, thieves of public funds, habitual criminals against public and private property and traitors to the legitimate aspirations of their people" at the instigation of colonial interests. The reply, however, stated that the Government of Equatorial Guinea, if it deemed it advisable, might consider the possibility of extending a personal invitation to the Secretary-General of the United Nations "to visit Equatorial Guinea so that he may see for himself in the country the achievements of the national reconstruction accomplished by the working people of the Workers' Power of Equatorial Guinea since winning independence". 11/

21. At its thirty-fifth session, the Commission on Human Rights had before it a summary of a communication dated 30 December 1978 from the International University Exchange Fund. The communication alleged that the situation in Equatorial Guinea appeared to reveal a consistent pattern of gross and reliably attested violations of human rights and sought United Nations intercession in that connexion. In substantiation of the allegations the organization submitted an eighty-seven page report prepared by an anthropologist who had visited Equatorial Guinea and neighbouring countries where he had interviewed numbers of refugees. According to the report, one third of the population of Equatorial Guinea had been driven into exile, because the country was suffering from a reign of terror which threatened the life and liberty of people from all walks of life. In 1968 President Macías had allegedly instigated the killing of the leaders of other political parties. In 1970 membership in the Partido Unico Nacional de Trabajadores had become obligatory for each citizen from the age of seven on. Under the reign of President Macías penal offences, like being "discontent" permitted imprisonment based on an informants system in each village. In most cases no trial took place and the detainees were subjected to inhuman prison conditions and tortures. Death sentences were allegedly carried out within the prisons, the most common method being to crush the prisoner's head with an iron bar. The recruitment of workers from 1977 onwards under strong coercion, allegedly amounted to forced labour which applied to approximately 40,000 persons including dependents. Travelling outside and within the country required a special permission from the authorities. Already in 1969 the right of association had been allegedly suppressed and political parties had been prohibited with the exception of PUNT. In 1974 all religious gatherings had been prohibited and in 1975 christian names and funeral ceremonies had been prohibited and private catholic schools, which were the only ones functioning had been closed and at the same time all catholic priests, nuns and monks had been arrested. 12/

22. Subsequently, as mentioned above, the Commission decided that, since its efforts to obtain the co-operation of the Government of Equatorial Guinea had failed, it would discontinue consideration of the human rights situation in Equatorial Guinea under Council resolution 1503 (XLVIII) and would resort to the public procedure provided for by Commission resolution 8 (XXIII) and ECOSOC resolution 1235 (XLII). This

11/ E/CN.4/R.45/Add.1.

12/ The report submitted by the International University Exchange Fund was prepared by Robert af Klinteberg and is entitled Equatorial Guinea - Macías Country - The Forgotten Refugees (Geneva, 1978).

This decision was subsequently approved by the Economic and Social Council and led to the appointment of the Special Rapporteur.

23. In a letter dated 11 May 1979 addressed to the President of the Economic and Social Council and to the Secretary-General, the Permanent Representative of the Republic of Equatorial Guinea to the United Nations denied that his Government was unwilling to co-operate with the Commission on Human Rights and stated that it had always been the Government's desire to co-operate closely with the United Nations and its bodies. The Permanent Representative stated that the procedure followed by the Commission on Human Rights was "biased and, of course, unjust". He stated that the procedure established by the Commission and the Sub-Commission to deal with complaints of violations of human rights had never been respected in the case of Equatorial Guinea, and that the Commission had always ignored "the highly political motivations of the authors of the communications which gave rise to the proceedings in question". He charged that the Sub-Commission had "allowed persons to participate in its work who are members of terrorist organizations supported by colonial and neo-colonial powers which are plotting to overthrow the legally constituted government". The letter stated that "this attitude which sets an undesirable precedent, will by no means improve the relations of governments with United Nations bodies, and the Government of the Republic of Equatorial Guinea strongly condemns it". The letter stated that the position of the Government of the Republic of Equatorial Guinea was that "the recommendations of the Economic and Social Council are unfounded and unacceptable", in violation of the provisions of the United Nations Charter, and unconstitutional from the standpoint of the laws of the Republic of Equatorial Guinea, particularly since on various occasions the Government had confirmed that no human rights problems existed in Equatorial Guinea. 13/

C. Other allegations of human rights violations in Equatorial Guinea submitted to the United Nations

24. Allegations of human rights violations in Equatorial Guinea were submitted to the Working Group on Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities since 1976. At the second session of the Working Group, in August 1976, the Anti-Slavery Society for the Protection of Human Rights, a non-governmental organization in consultative status, submitted a report prepared by Suzanne Cronje entitled The Wall of Silence - Forced Labour and Political Murder in Equatorial Guinea. The report alleged that in Equatorial Guinea there existed a consistent pattern of gross violations of human rights including conditions approximating to slavery. It stated that the people of the country were subjected to a continuing reign of terror, of which forced labour was one manifestation among many, and that persecution was directed primarily against intellectuals and the Roman Catholic Church but it affected every citizen of Equatorial Guinea. It involved political murder and atrocities of every kind. The report further stated that, although the situation was well known to those Governments which had diplomatic representation or whose nationals traded with Equatorial Guinea, and to those specialized agencies of the United Nations which operated there, it had scarcely been reported outside the country. On the question of forced labour, the report indicated that, for various reasons, indigenous labour had never been sufficient or suitable for tending the cacao plantations, which represented the mainstay of the country's economy, so that foreign labour, in particular from Nigeria, had generally been recruited. Since Equatorial Guinea became independent, Nigerians had continued to complain of their treatment on the cacao plantations. In 1970-71 ninety-five Nigerians had been killed for demanding the arrears of their wages. In 1975, after fresh allegations of brutality, including the ill-treatment of embassy staff, the Nigerian Government had

repatriated its nationals. The report alleged that following the Nigerians' departure, over 20,000 people from Río Muni had been forcibly recruited to work on the cacao plantations on the Island under slavery-like conditions. The report further stated that responsibility for the continuation of the situation must be borne by those governments who continued to deal with Equatorial Guinea, and by the specialized agencies of the United Nations present in the country, and urged the United Nations to withdraw all its personnel from Equatorial Guinea.

25. Further allegations of violations of human rights in Equatorial Guinea, particularly on the question of forced labour, were made at the twenty-ninth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities by the representative of the Anti-Slavery Society for the Protection of Human Rights and the representative of the International Movement for Fraternal Union among Races and Peoples. 14/

26. Another report concerning the situation in Equatorial Guinea was submitted to the Working Group on Slavery at its fifth session, in August 1979, by the International Movement for Fraternal Union among Races and Peoples. 15/ The report again charged the existence of slavery-like practices in Equatorial Guinea, in particular, forced labour, forced marriage, child labour in the plantations, and slave trade in workers from Equatorial Guinea. The Organization urged the Working Group on Slavery to transmit the information submitted to it to the Special Rapporteur of the Commission on Human Rights and information concerning forced labour and the treatment of workers to the ILO.

D. Agreement with the Government of Equatorial Guinea prior to the visit of the Special Rapporteur

27. On 11 September 1979, the Secretary-General of the United Nations informed the new chief of State of Equatorial Guinea, Lt. Colonel Teodoro Obiang Nguema Mbasogo, President of the Supreme Military Council and President of Equatorial Guinea, of the decision taken by the Commission on Human Rights in resolution 15 (XXXV) of 13 March 1979 to carry out a thorough study of the human rights situation in Equatorial Guinea, and of the appointment of Professor Fernando Volio Jiménez of Costa Rica as Special Rapporteur of the Commission to carry out this mandate. The Secretary-General stated that the Special Rapporteur wished to visit Equatorial Guinea in order to gather information in relation to his mandate and expressed the hope that the Government of Equatorial Guinea would co-operate with the Special Rapporteur in his task.

28. On 16 October 1979, Mr. Theo C. van Boven, Director of the Division of Human Rights, met in New York with Mr. Antonio Mba Ndongo, Assistant Secretary-General of the Commission of Foreign Affairs of Equatorial Guinea in connexion with the proposed visit of Professor Volio Jiménez. In the course of the meeting, Mr. Ndongo stated that Professor Volio Jiménez could visit the country whenever he wished and indicated that his Government would not only like the mission to engage in fact-finding, but would also like it to provide advice to the Government on legislation which might be enacted and measures which might be taken in order to strengthen respect for human rights in the future.

14/ See E/CN.4/Sub.2/SR.760.

15/ E/CN.4/Sub.2/AC.2/27 Annex II.

29. Subsequent to the meeting on 17 October 1979, the Director of the Division of Human Rights informed Mr. Ndongo that the Special Rapporteur wished to visit Equatorial Guinea during a period of two weeks starting on 25 October 1979. The letter stated that the Special Rapporteur "would like to begin his mission by having a meeting with members of your Government".

It also stated:

"I should be grateful if your Government would be so kind as to adopt the necessary measures to enable the Special Rapporteur to carry out his mission. These include providing the Special Rapporteur and the United Nations staff members accompanying him with credentials, so as to guarantee them freedom of movement and access to sources of information relevant to their mandate. It is also necessary that the safety of the Special Rapporteur and his staff should be guaranteed by your Government, and I am sure that the Government will take the necessary steps to this end.

The Special Rapporteur's interviews and meetings must be private and conducted without hindrance. Again I have no doubt that your Government will guarantee that no one who has been in contact with the Special Rapporteur or the persons accompanying him will be subjected to coercion, sanctions, punishment or judicial proceedings for doing so.

As you doubtless know, it is very important that the Special Rapporteur and his staff should enjoy full diplomatic privileges and immunities in addition to those to which they are entitled pursuant to the Convention on the Privileges and Immunities of the United Nations.

I should be grateful if your Government would be so kind as to confirm the foregoing."

30. On the same day, Mr. Ndongo wrote to the Director of the Division of Human Rights informing him that his Government appreciated the decision ... "to send a high-level mission to Equatorial Guinea". The letter gave assurance that "the Government of Equatorial Guinea has been duly informed and welcomes the dispatch of the mission, which it says will be given every facility compatible with the modest resources of the Government".

31. In a letter also dated 17 October 1979, addressed to the Secretary-General of the United Nations, the Chief of State of Equatorial Guinea, Lt. Col. Obiang Nguema Mbasogo, acknowledged receipt of the Secretary-General's letter of 11 September 1979 concerning the appointment of Professor Fernando Volio Jiménez as Special Rapporteur of the Commission and stated that

"In this connexion, I wish to inform you that Professor Jiménez would be welcome in Equatorial Guinea and his mission would be guaranteed by my Government in view of its interest in restoring respect for the human person and fundamental human rights."

32. He also stated that his Government had adopted a number of legislative measures aimed at ending all forms of oppression imposed by the previous régime, in particular it had decreed a general amnesty for all political prisoners; the restoration of religious freedom; the return of all property that had been confiscated; and a general amnesty for all political exiles. He further indicated that his Government would appreciate the co-operation of the United Nations in order to ensure the effective enjoyment of fundamental rights by the citizens of Equatorial Guinea.

33. Subsequently, on 19 October 1979, the Director of the Division of Human Rights wrote to Mr. Ndongó informing him that the Special Rapporteur, accompanied by secretariat staff would arrive in Malabo on 1 November 1979 and wished to meet with members of the Government on the same day. The Rapporteur would remain in Malabo for several days in order to visit other points of interest on the island. He would then proceed to Bata and remain in Río Muni until 13 November, visiting towns, detention centres, police stations and other places relevant to his mandate. During his stay in the country, the Rapporteur wished to meet with local authorities members of trade unions, the professions, the church, and the public in general. The Rapporteur would complete his visit to Equatorial Guinea on 15 November and, time permitting, would then meet with citizens of Equatorial Guinea living abroad, in particular in Gabon, Cameroon, Nigeria and Spain.

34. In the course of another meeting on 23 October 1979 in New York, Mr. Ndongó confirmed to the Director of the Division of Human Rights that the authorities of Equatorial Guinea were expecting Professor Volio and his staff to arrive in Malabo on 1 November 1979. Mr. Ndongó also stated that, for the purpose of the effective carrying out of the visit by the Special Rapporteur, the Government of Equatorial Guinea had designated as liaison officer, Ambassador Benjamin Ekua Miko, Chief of the Equatorial Guinea mission in Libreville (Gabon).

I. EQUATORIAL GUINEA: BACKGROUND INFORMATION

35. In view of the fact that information about Equatorial Guinea has been very scant in recent years owing to the country's isolation from the outside world., the Rapporteur has deemed it advisable in the present chapter to provide a brief overview of basic information on the geography, population and recent history of the country, in order to facilitate the reading of the report by members of the Commission.

36. Unfortunately, after thorough research among available sources, in particular reports prepared by the United Nations and its agencies, the Rapporteur found very few or no recent data on the various aspects of the country's economy and society of relevance to this study. In his opinion, this lack of reliable data reflects the total breakdown of the country's administrative system in recent years. The Rapporteur has therefore limited himself to providing a general survey of essential information. He has attempted to supplement these data by requesting the competent Government commission to supply recent information in the areas of his concern. ^{1/} However, as of the time of writing, the Rapporteur had received no replies from the Government commissions he had approached, so that no new data could be included in his study.

A. Geography and population

37. The Republic of Equatorial Guinea, situated in the Gulf of Guinea, West Central Africa, has an area of 28,051 square kilometers, comprising:

(1) The mainland province of Río Muni, bounded in the north by Cameroon, in the east and south by Gabon, and in the west by the Atlantic coast, with an area of about 26,000 square kilometers and an estimated population of 183,000. The provincial capital is Bata, on the coast. About 90 per cent of the population of Río Muni belong to the Fang ethnic group; The remainder is divided among several small groups living along the coast and collectively known as "playeros" (beach-dwellers). Some small islands, including Elobey Grande, Elobey Chico and Corisco, constitute the remainder of the territory of Río Muni. Most of the country's coffee production is grown on Río Muni, in small family-size plots. Production has reportedly dwindled during the régime of former President Macias. In addition, Río Muni had large palm-tree plantations for the production of oil, and timber concessions, exploited by foreign investors. Most of these were also reported to have been abandoned during the former régime.

(2) The insular province of Bioko, formerly Fernando Poo, is situated about 250 kilometers northwest of Río Muni, with an area of 2,000 square kilometers and an estimated population of 63,000. The capital of the country, Malabo (formerly Santa Isabel), is in Bioko. The indigenous population of Bioko are the Bubis and the Fernandinos (creoles). The largest single group on the island, however, are Fang workers brought over from the mainland in the second half of the 1970's to work on the cacao plantations, in order to replace Nigerian workers, repatriated in 1976. Bioko province also comprises the small and isolated islands of Pagalu (formerly Annobón), with an area of 17 square kilometers, situated about 600 kilometers southeast of Bioko. The province accounts for most of the country's production of cacao, the main export crop, on which the economy largely depends. Cacao is grown primarily on large plantations owned by foreign investors, many of which were abandoned during the previous régime and were subsequently taken over

^{1/} See Annex IV.

by the State. Cacao production is reported to have declined drastically because of neglect, insufficient labour, and lack of machinery and technical expertise, with disastrous consequences for the country's economy.

38. It is estimated that, because of the political and economic situation during the last years of the régime of former President Macías, about one fourth of the population of Equatorial Guinea sought refuge abroad, mainly in Cameroun, Gabon, Nigeria, Spain and other Western European countries.

B. History

39. Equatorial Guinea became independent from Spain on 12 October 1968, following a national referendum on the constitution and presidential elections held under the supervision of a United Nations observer team. ^{2/} During a period of four years preceding independence, the country was administered by an autonomous Government under the presidency of Mr. Bonifacio Ondo Edu.

40. The Independence Constitution provided for a President to be elected by universal suffrage; an Assembly of the Republic to be elected by universal suffrage with seats distributed among the various constituencies on a proportional basis; and a Council of the Republic composed of members elected by the Provincial Councils.

41. The main candidates in the presidential elections of 22 September 1968, were Mr. Bonifacio Ondo Edu, Mr. Atanasio Ndongo Meyone, Mr. Edmundo Bosio Dioco and Mr. Francisco Macías Nguema. Since none of the candidates received an absolute majority of the votes cast, a second election for the office of the Presidency was held on 29 September between the two leading candidates, Mr. Bonifacio Ondo Edu and Mr. Francisco Macías Nguema. The two other minority candidates having announced their support for Mr. Francisco Macías Nguema, he won the run-off elections and became the first President of the Republic of Equatorial Guinea.

42. Shortly after independence, in February 1969, press reports indicated that serious incidents had occurred in Bata, following which most of the 8,000 Spanish settlers left the country. The Government declared a state of emergency, imposed a curfew, and banned all meetings.

43. On 5 March 1969, it was reported that the Government had alleged to have uncovered an attempted coup d'état, involving several prominent political figures, such as Mr. Ndongo Mayone, Foreign Minister; Mr. Saturnino Ibongo, representative to the United Nations; Mr. Armando Balboa, Mayor of Santa Isabel; Mr. Pastor Torao Sikara, President of the National Assembly; and Mr. Enrique Cori Molubela, Vice-President of the Provincial Council of Fernando Poo. All these men were subsequently reported to have been killed in unclear circumstances, some of them in jail. The attempted coup was reported to have been followed by further incidents and a wave of repression in which other prominent political figures died, including Mr. Bonifacio Ondo Edu, the main opponent of President Macías in the 1968 elections. Several further unsuccessful coup attempts against President Macías were reported in subsequent years each time leading to the arrest, detention and death of members of Government and other prominent persons.

^{2/} The report of the United Nations observer team is contained in the report of the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to the twenty-third session of the General Assembly (A/7200/Add.4 (Part II)).

44. In 1970, all political parties were banned and the Partido Unico Nacional de Trabajadores (PUNT) was created, with obligatory membership for all persons above the age of seven. The youth section of PUNT, called "Juventud en Marcha con Macías" (Youth on the March with Macías), composed of party members from age seven to thirty, was also created.

45. By legislative Decree No. 415/1971, promulgated on 7 May 1971, a number of articles of the Independence Constitution were repealed, and the President of the Republic assumed the direct powers of Government. In particular, the Council of the Republic was suspended and replaced with a council appointed by the President and having exclusively advisory functions. Provisions relating to the removal of the President under certain circumstances were repealed. Provisions concerning elections were also repealed, and the President was empowered to dissolve the National Assembly "whenever he deems fit". A number of other articles were also repealed. 3/

46. On 18 October 1971, Law No. 1/1971 provided for the death penalty for "any person who attempts to kill the President of the Republic/Head of State elected by the people, threatens him with death or kills him" and for "any person who deprives the President of the Republic/Head of State of his personal freedom, and any person who uses violence or serious intimidation to force him to perform an act against his will". The act also provided for the imposition of death penalty on persons committing the crime of "rebellion" and "offences against territorial integrity". Prison sentences of up to twelve years were imposed in the case of insults, threats or slanders or other offences against the President and members of Government. 4/

47. At a special congress of PUNT in July 1972, Constitutional Law No. 1/1972 was adopted by which President Macías was made "President for life" and acquired the following other titles: "Major General of the National Armed Forces of the Republic of Equatorial Guinea" and "Grand Master of Education, Science and Culture of the Republic of Equatorial Guinea". 5/

48. In July 1973, the third Congress of PUNT adopted a new Constitution which formalized the measures already taken and further strengthened the role of the single Party and the President. The new Constitution confirmed the President's incumbency for life and granted him powers to veto legislation approved by the National Assembly; to legislate by decree; to appoint all judges and magistrates; to appoint and dismiss all civil and military officials; to dismiss the National Assembly; to negotiate and ratify international agreements and treaties; to declare war and conclude peace; to be the commander-in-chief of all the National Armed Forces; and to suspend any right still guaranteed by the Constitution and to take extraordinary measures "to safeguard the independence of the nation and the institutions of the Republic". The single Party was given the power to "formulate the general policy of the Nation" and to "co-ordinate and control it through the organs of the State". In particular, the Party was empowered to nominate and dismiss members of the National Assembly. Constitutional safeguards for smaller ethnic groups were eliminated. 6/

3/ See text of Decree No. 415/1971 in E/CN.4/R.15/Add.2, Annex 3.

4/ The text of Law No. 1/1971 is reproduced in Ibid., Annex 8.

5/ See text of Constitutional Law No. 1/1972 in Ibid., Annex 5.

6/ The text of the 1973 Constitution is contained in Ibid., Annex 6.

49. On 18 March 1975, President Macías Nguema adopted legislative Decree No. 6/1975, by which all Catholic educational institutions were closed down. 7/

50. In June 1978, President Macías declared Equatorial Guinea to be an atheistic State, banned the Roman Catholic Church and closed down all churches in the country. The last Spanish priests remaining in the country were subsequently arrested and expelled.

51. Throughout the period of the Government of President Macías, refugees continued to leave the country and to bring to the outside world reports of arbitrary arrests, detentions, political assassinations and other allegations of gross violations of human rights perpetrated by the régime. Because of the total ban on the entry of foreign journalists into Equatorial Guinea since the early 1970's, the exiles formed the main source of non-official information about internal developments during this period.

52. On 3 August 1979, the armed forces of Equatorial Guinea deposed President Francisco Macías Nguema and formed a new Government headed by a Supreme Military Council under the presidency of Lt. Col. Teodoro Obiang Nguema Mbasogo. President Macías attempted to counterattack with the help of forces which remained loyal to him. Fighting took place on the mainland for several days, particularly on the road between Mongomo and Bata, with an unspecified number of casualties. Eventually, however, former President Macías was abandoned by his supporters and fled alone into the forest near Mongomo, where he was captured on 18 August 1979.

53. On 5 September, the Supreme Military Council decided to convene a Special Military Tribunal with the purpose of trying former President Macías and several of his collaborators for crimes committed during the period of his rule. In the indictment, former President Macías was charged with "continued and repeated crimes of genocide, mass murder, embezzlement of public funds, damage to property, systematic violation of human rights, and treason". The indictment was based on the Ordinary Penal Code of Spain; the Code of Military Justice of Spain; the United Nations Convention on the Prevention and Punishment of the Crime of Genocide; and the Universal Declaration of Human Rights. 8/

54. On 29 September, former President Macías was found guilty and sentenced to death along with six of his collaborators (Miguel Eyegue, Bienvenido Michá Nsué, Eduardo Nguema Edú, Pastor Nsué, Salvador Ondo Ela and Fortunato Nsogo). They were executed on the same day. The other collaborators received sentences of between 4 and 14 years in prison.

7/ The text of legislative Decree No. 6/1975 is contained in Ibid., Annex 18.

8/ Detailed information on the trial is contained in the report prepared by Dr. Alejandro Artucio, observer of the International Commission of Jurists, entitled The Trial of Macías in Equatorial Guinea - The Story of a Dictatorship.

II. VISIT OF THE SPECIAL RAPPORTEUR TO EQUATORIAL GUINEA

A. Programme of work and itinerary of the Special Rapporteur

55. The Rapporteur began his work on the Study of the Human Rights Situation in Equatorial Guinea by visiting the Division of Human Rights in Geneva from 27 September to 3 October 1979, for consultations regarding his programme of work and arrangements concerning an eventual visit to Equatorial Guinea. Subsequent to the Rapporteur's visit to Geneva, the Government of Equatorial Guinea invited the Rapporteur to visit the country, by the letter of 17 October 1979 mentioned above from the President of Equatorial Guinea to the Secretary-General. The Rapporteur decided to visit Equatorial Guinea for two weeks, starting on 1 November 1979, and reserved the possibility of spending a third week visiting refugees from Equatorial Guinea living in other countries of West Africa and Europe. As already mentioned, the Special Rapporteur's appreciation for the Government's invitation and offer of co-operation and his programme of work for the visit to Equatorial Guinea were communicated to the Government by letter of 19 October 1979 by the Director of the Division of Human Rights to the Assistant Secretary-General of the Commission for Foreign Affairs.

56. The Rapporteur and his team arrived in Malabo on 1 November 1979. ^{1/} The Rapporteur was met at the airport by Mr. Apolinar Moiche Echeke, Chief of Protocol in the Commission of Foreign Affairs, who had replaced Ambassador Benjamin Ekua Miko as the liaison officer with the Government. Also at the airport, the Rapporteur was interviewed by a reporter for Radio Malabo. After some initial difficulties which will be detailed in the next section, the Rapporteur set up his headquarters for the duration of his stay on the Island of Bioko at the Hotel Bahia in Malabo.

57. Immediately upon his arrival, the Rapporteur informed Mr. Moiche Echeke of his intended programme of work, which had already been made the object of the above-mentioned official communication to the Government, including in particular the Rapporteur's wish to begin his mission with a meeting with the President of Equatorial Guinea and other members of the Government, his need for the granting of official credentials for himself and his team, and his wish to visit the Blackbich prison in Malabo and other detention centres, and any other point of interest on the Island of Bioko. He also handed over to Mr. Moiche Echeke the text of a communiqué detailing the purpose of his mission and his itinerary, which he wished to have broadcast over Malabo Radio. ^{2/} Subsequently, in the course of his stay in Bioko, the Rapporteur submitted to Mr. Moiche Echeke a number of other written requests which he deemed essential to the carrying out of his mandate. However, despite several reminders, many of the Rapporteur's requests remained unimplemented, as will be detailed in the next section.

58. While in Malabo, the Rapporteur met with the First Vice-President of the Supreme Military Council, Lieutenant-Commander (Navy) Don Florencio Maye Ela and with two members of the Commission of Foreign Affairs, Don Carmelo Nvono Nca and Don Apolinar Moiche Echeke, on 3 November 1979; he also met with the Commissioner for the Interior, Sub-Commissioner of Land Forces Don Feliz Mba Nchama and with Technical Secretary Don Faustino Epalepale Lina, and with the Commissioner of Justice,

^{1/} See maps of the country showing the itinerary of the Special Rapporteur in Annex II.

^{2/} The text of the communiqué is reproduced in Annex III.

Sub-Commissioner of Land Forces Don Policarpo Mesui Mba, on 5 November 1979; and with the Director of Radio and the Director of TV at Radio Malabo, also on 5 November 1979. The Rapporteur regrets that, because of the difficulties explained in the next section, it was not possible for him to begin his mission by meeting with the President of Equatorial Guinea and to see the other Government officials from whom he had solicited an audience.

59. During his stay in Bioko, the Rapporteur made an effort to visit as many points of interest as possible, taking into account the logistical and other difficulties which he encountered, and to speak to as many people as possible from all walks of life. The itinerary of the Special Rapporteur while on Bioko Island was as follows:

- 1 November 1979: Ela Nguema (formerly San Fernando), a suburb of Malabo
 - 2 November 1979: Sampaka, 6 km from Malabo, in a cacao plantation area;
 - 3 November 1979: Rebola, 13 km from Malabo, the native town of Edmundo Bosio Dioco, one of the political leaders allegedly assassinated under the régime of President Macías;
 - 4 November 1979: Luba (formerly San Carlos), about 50 km from Malabo, the major fishing harbour on the island and the site of a college of the Claretian Order and a hospital;
- Batete, near Luba, a town which was reported to have particularly suffered under the régime of President Macías.

Both in Malabo and during his field trips, the Rapporteur spoke with a number of priests and nuns, plantation workers, farmers, women and youths, and people in the markets and on the street.

60. On 6 November 1979, the Special Rapporteur and his staff proceeded to Bata, Rio Muni province. The team was also accompanied by Mr. Wenceslao Nguema, a protocol official in the Commission of Foreign Affairs who had been assigned by the Government to assist the mission while on the continent.

61. In Bata, again after some initial difficulties which will be explained in the next section, the Rapporteur set up his headquarters at the Hotel Panafrica. Immediately upon his arrival, through Mr. Wenceslao Nguema, and in meetings with the Military Commander of Bata, Lieutenant José Moro Mba, and with the Technical Secretary of the Military Governor, Mr. Sebastian Makendenge, the Rapporteur submitted a number of written requests similar to those already submitted to the central Government in Malabo, i.e. he communicated his wish to begin his mission in Rio Muni province with a meeting with the Military Governor of the province, Commander of Land Forces, Don Fructuoso Mba Oñana Nchama; to visit the jail at Bata and other detention centres; to have a communiqué concerning his mandate and his itinerary broadcast over Bata Radio; and to obtain official credentials which would facilitate his travel throughout the province, as well as a request for the necessary transport facilities and accommodation in inland towns, where needed. Other requests were submitted later to the same officials as the need arose. The Rapporteur regrets to say that, as will be explained in the next section, some of his requests were not met, although he repeatedly emphasized their great importance for the fulfilment of his mandate.

62. While in Rio Muni, the Rapporteur was able to meet with a number of Government officials at the provincial and town level, in particular the officials mentioned in the paragraph above, as well as the Military Commander of Mongomo, Sr. Francisco Nguema Edu; the Government Delegate of Afisok Sr. Valentin the mayor of Bata, Sr. Alejandro Ibufia; and the mayor of Niefang, Sr. Angel Nguema Azin. The Rapporteur, however, regrets that, as explained below, he was not able to begin his visit to Rio Muni province with a meeting with the Military Governor of the province as he had requested.

63. During his stay in Rio Muni province, the Rapporteur made an effort to visit as many towns and villages which had been suggested to him as it was possible, given the logistical and other problems indicated below. The Rapporteur's itinerary while in the province was as follows:

- 7 November 1979: visit to Bata jail
- 8 November 1979: Niefang, site of an important Catholic mission, with stopover at Mefung to visit an elementary school;
- 9 and 10 November 1979: Mongomo, the native town of former President Macías, with two stopovers at Afisok, where a traditional tribunal was in session;
- 10 November 1979: visit to the border post at Asok (Gabon)

In his field trips and in Bata, the Special Rapporteur was able to speak, in addition to the local authorities, with teachers, religious personnel, workers, women and youths, and in general common people on the street. In Bata, the Special Rapporteur spoke with a number of prisoners in the jail.

64. The Rapporteur had to cancel a planned side trip from Mongomo to Ebebiyin, on the border with Gabon and Cameroon, indicated to him as an important entry point for returning refugees, because the bad state of the roads did not allow him to complete the trip in time to collect useful information and to return to Bata on the evening of 10 November.

65. The Rapporteur had also included in his programme of work visits to Evinayong, the native town of former President of the Autonomous Régime Bonifacio Ondo Edu, and Mbini (formerly Río Benito), the native town of Atanasio Ndongo Meyone, another opponent of former President Macías at the time of the 1968 election, subsequently Foreign Minister in the first post-Independence Government. The Rapporteur deemed both towns very important for the purpose of his mission, since allegations before the Commission on Human Rights had indicated that both leaders had been assassinated and that these districts had been the object of considerable repression during the régime of President Macías. Unfortunately, on 11 November 1979, while on route to Evinayong, the Rapporteur, his staff and the Government driver and escort were the victims of a car accident. As a result of the accident, because of his injuries and the lack of transportation, the Rapporteur was forced to cancel his trip to Evinayong and any further field trips, and to remain in Bata until 13 November 1979, when he returned to Malabo.

66. Despite the growing difficulties encountered subsequent to the accident, as described in the next section, the Rapporteur was able to meet with a number of people in Malabo, in particular some persons from the Island of Pagalu (formerly Annobón), and religious personnel at a Protestant Church.

67. The Rapporteur regrets that, in view of the circumstances described below he had to leave the country without being able to meet with the President, without visiting Blackbich prison in Malabo, without receiving the documentation he had requested from various Government officials, and without being able to issue a final radio communiqué on his mission. The Rapporteur regrets the lack of interest in his mission shown by the Government.

68. The Rapporteur returned to Madrid on 15 November 1979 and concluded his mission on 18 November 1979.

69. While in Madrid, the Rapporteur had the opportunity to interview an important witness of Equatorial Guinea nationality, temporarily in Madrid, who requested that his identity remain undisclosed.

B. Difficulties encountered by the Special Rapporteur in the course of his mission to Equatorial Guinea

70. In this section the Special Rapporteur wishes to describe to the Commission the major obstacles which he faced in the course of his mission and which prevented him from carrying out his mandate as fully as he would have wished.

71. The Rapporteur met two kinds of difficulties: in the first instance those of a logistical nature which were due to the current situation of the country and, as the Rapporteur was able to realize, resulted from the extensive destruction to which the country had been subjected during the régime of former President Macías. One such difficulty, for example, was the lack of proper hotel accommodation in certain areas, and often the lack of essential services such as electricity. The Rapporteur in view of the nature of his mission, felt that it was preferable, whenever possible, to provide for his own accommodation and that of his staff. A further problem encountered by the mission was the bad state of the road network, particularly on the continent, also aggravated by the rainy season, which made travel difficult and lengthened the time needed to visit certain areas, occasionally forcing the Rapporteur to change his travel plans. It must be pointed out that the state of the roads was at least partly responsible for the serious accident incurred by the Rapporteur which forced him to cancel his travel plans for the last two days on Río Muni.

72. Another concrete problem was posed by the lack of proper transportation and communication facilities, in particular telephone and telegraph connexions, which made it extremely difficult to establish contacts with individuals whom the Rapporteur wished to speak to and to maintain a working connexion with either Geneva or New York, leaving the mission quite isolated most of the time. For example, the cable informing the Division of Human Rights of the car accident, was received in Geneva eleven days after its dispatch from Bata on 12 November 1979. Another difficulty was the unavailability of local currency, which forced the mission to rely on the UNDP office in Malabo for its financial needs, adding to the administrative workload of the Rapporteur and his staff.

73. The Rapporteur feels that these difficulties, although they slowed down his mission, were not insurmountable and were to a certain extent expected, in view of the situation prevailing in the country. On the other hand, however, the Rapporteur regrets to have to inform the Commission that he also encountered another order of difficulties which cannot be attributed to the material situation of the country. In his opinion, this second order of difficulties which could have been avoided, were due to the failure of the Government of Equatorial Guinea to provide him with the co-operation which had been promised in their letters. The Rapporteur

feels that Government officials displayed a lack of interest in his mandate and did not assist him in his efforts to carry it out, particularly in certain areas of special importance for his mission. This made the mission very difficult and was highly prejudicial to it. The lack of co-operation also increased the logistical problems, and caused the Rapporteur to lose valuable time at every stage of the mission.

74. Below is a brief overview of the main difficulties encountered by the Rapporteur because of insufficient co-operation by the Government.

1. Request for meeting with the President and members of the Government

75. As already mentioned, the Rapporteur's wish to begin his mission with a meeting with members of the Government of Equatorial Guinea had been communicated in the letters of the Director of the Division of Human Rights dated 17 October and 19 October 1979. Immediately upon his arrival, the Rapporteur informed Mr. Apolinar Moiche Echeke, who had been appointed liaison officer, of his wish to begin his work with a meeting with the President and members of the Government. However, Mr. Moiche Echeke expressed surprise at this request, and informed him that the President intended to meet with him only at the end of his mission, before he left the country. The Rapporteur wishes to express his appreciation for the audience granted him by the first Vice-President, however, it must be pointed out that the meeting took place only on Saturday, 3 November 1979, when the Rapporteur had already been in the country for two days, so that many important matters had to be deferred to that day. In the course of the meeting with the first Vice-President, the Rapporteur re-emphasized his wish to meet with the President. While in Río Muni, the Rapporteur was informed by Don Carmelo Nvono Nca, of the Commission of Foreign Affairs, that the President held audiences on Wednesdays and that he would see the Rapporteur on 14 November 1979, the last day of the Rapporteur's stay in the country. However, after his return to Malabo, and in spite of further requests to the liaison officer, the Rapporteur was not invited to a meeting with the President and had therefore to leave the country without having seen him. The Rapporteur was not given any explanation of why the meeting could not take place.

76. On 1 November 1979, upon his arrival, the Rapporteur also gave Mr. Moiche Echeke a list of Government officials whom he deemed necessary to see in order to collect information needed for his study. These included the Commissioner of the Interior, the Commissioner of Justice, the Commissioner of Labour, the Commissioner of Culture and Education, the Commissioner of Health, the Commissioner in charge of the Sub-Commission on Radio, Press, Television and Tourism, the Technical General Secretary of the General Secretariat of the Technical Board, the Military Governor of Bioko province and the Military Governor of Río Muni province. In addition, the Rapporteur requested the liaison officer's assistance in contacting a number of lawyers, members of the Commission of Justice. Despite several reminders to the liaison officer, several days elapsed without a confirmation that the Rapporteur could meet with any of these officials. Therefore the Rapporteur decided to prepare written questionnaires addressed to several of these officials, containing the most important questions which he intended to include in his report, and submitted them to Mr. Moiche Echeke for delivery in two letters dated 5 November 1979, with a request that the replies be prepared in time for his return from Río Muni province on 13 November 1979 (see Annex IV). Many times in the course of the mission, because of the indifference with which he was being treated, the Rapporteur was forced to seek out in person the liaison officer and other Government officials in order to remind them of his requests.

77. In the morning of 5 November 1979, the Rapporteur was informed that a meeting with the Commissioner of the Interior had been arranged for that morning; after a two and half hour delay, the Rapporteur was able to meet with the Commissioner of the Interior for only a few minutes. The Commissioner declined to answer any questions, and stated that he would reply in writing to the questionnaire. On the same day, the Rapporteur also met briefly with the Commissioner of Justice, whom he had sought out at his office in order to obtain permission to visit the Malabo jail (see below, paragraph 84). The Commissioner of Justice also informed the Rapporteur that he would reply to his questions in writing.

78. Also on the same day, the Rapporteur met briefly with the Military Governor of Río Muni province, who had happened to come by the Bahia Hotel for different reasons. The meeting was concerned exclusively with the question of transportation from Malabo to Bata, owing to the difficulties encountered by the Rapporteur in arranging for the trip.

79. The Rapporteur was unable to see any other Government officials with whom he had requested an interview, and was not informed by the Government of the reasons why such interviews could not be granted. In fact, he was given no official reply whatsoever to his request.

80. On his return from Río Muni province on 13 November 1979, notwithstanding the state of his health following the car accident, the Rapporteur personally sought to collect the replies to his questionnaires from Mr. Moiche Echeke, and was told that those which had already been prepared would be delivered before his departure. Since nothing was received by 14 November 1979, the Rapporteur wrote a letter to Mr. Moiche Echeke and delivered it personally at his office. The letter deplored the lack of co-operation and requested that the information be sent urgently to the Division of Human Rights in Geneva, by the end of the following week. The Rapporteur also included two additional questionnaires and requested that the replies be sent to Geneva as quickly as possible. A copy of the letter was sent to the first Vice-President (see Annex IV). A reminder was sent to Mr. Moiche Echeke, with a copy to the first Vice-President, on 30 November 1979. At the time of drafting this report, the Special Rapporteur had received no replies to his questionnaires from the competent officials of the Government of Equatorial Guinea.

2. Question of credentials

81. As already mentioned, in his letter of 17 October 1979 addressed to the Assistant Secretary-General of the Commission for Foreign Affairs, the Director of the Division of Human Rights had indicated that the Rapporteur needed official credentials in order to be assured freedom of movement and access to sources of information while in the country. Upon his arrival in Malabo, the Rapporteur requested Mr. Moiche Echeke, the liaison officer, to see to it that he would be provided with such credentials. This request was repeated several times to Mr. Moiche Echeke and was also brought to the attention of the first Vice-President when the Rapporteur met with him. In the course of these conversations, the Rapporteur was assured repeatedly that he could go wherever he wished and talk to whomever he pleased. Although the Government did not deny the Rapporteur's request, official credentials were not issued to him during his stay in Bioko province. The delays in satisfying his request therefore forced him to set off on field trips on the island without the required credentials.

82. While the Rapporteur felt that, in general, he was able to move freely around the province and to speak to anybody, at least three persons in two separate incidents in Malabo and in Datete were prevented by Government officials from speaking to him. These incidents might not have taken place if the Rapporteur and his staff had been provided with official credentials, as he had requested (see below, paragraphs 193 and 207-212). In general, the lack of credentials added to the difficulties and risks of the mission, creating a feeling of insecurity and tension.

83. In Río Muni province, the Rapporteur was given official credentials without difficulty, mainly for travel to the districts of Niefang, Nkuefulán, Mongomo, Ebebiyin, Evinayong and Mbini. The document was helpful on several occasions, however, it must be pointed out that the Rapporteur's freedom of movement was interpreted as being restricted to the towns mentioned in the credentials on at least one occasion, when the Military Commander of Mongomo sought to prevent him from crossing the border into Gabon to speak with the officers at the Asok Gendarmerie. (See below, paragraph 131).

3. Visits to jails and detention centres

84. In the programme of work of the Special Rapporteur, communicated to the Government in the letter dated 19 October 1979 by the Director of the Division of Human Rights, it was clearly stated that the Rapporteur intended to visit jails and detention centres as part of his mission. Immediately upon his arrival, the Rapporteur informed Mr. Moiche Echek, liaison officer, that he wished to visit the Malabo jail called Blackbich. He was informed that the prison was under the control of the military authorities. The same request was therefore addressed to the first Vice-President in the course of the meeting with him, and the Rapporteur was told that a visit to the jail would be possible and that the first Vice-President himself would look after the implementation of the request. Since no arrangements for the visit appeared to have been made, the Rapporteur raised the issue again in the course of his interview with the Commissioner of the Interior, and was told by him that he should approach the Commissioner of Justice, who had jurisdiction over the jails. The Rapporteur therefore went to see the Commissioner of Justice, who, however, informed him, that while the administration of the jails in general was within his mandate, each individual jail was under the jurisdiction of the military commander in charge. He promised the Rapporteur that he would contact the Blackbich commander and arrange for a visit to the jail. The request was reiterated in a letter to Mr. Moiche Echek on 5 November 1979 (See Annex IV).

85. The visit, however, was not arranged before the Rapporteur's departure for Río Muni province. On his return from Río Muni, the Rapporteur again requested Mr. Moiche Echek, both verbally and in writing in his letter of 14 November 1979, to make arrangements for a visit to Blackbich jail the same day. Subsequently, Mr. Moiche Echek informed the Rapporteur that he had conferred with the first Vice-President and that a visit to the jail would take place that same afternoon at 4 p.m.; a Government car was to take the Rapporteur and his staff to the jail. The Rapporteur waited until 6.15 p.m. in vain. Not having received any explanation from the authorities, the Rapporteur raised the matter the next morning at the airport when he met Mr. Moiche Echek briefly before the Rapporteur's departure for Madrid. Mr. Moiche Echek told the Rapporteur that he had thought the Rapporteur had "changed his mind" about the visit to the jail, since he had seen the UNDP car in town. The Rapporteur regrets that he cannot accept such an explanation and the lack of co-operation of the Government in carrying out this part of his mission, which he regards as extremely important, because, inter alia,

the first Vice-President himself, in answering questions by the Rapporteur, admitted that there were political prisoners at Blackbich jail.

86. In Bata, the Rapporteur was able to visit the jail and to interview a number of prisoners. Here also, however, he encountered insufficient co-operation on the part of Government officials. Before leaving the jail, in fact, the Rapporteur had requested to see the list of prisoners, which is usually posted on the jail wall, in order to clarify the actual charges against a number of the prisoners he had interviewed. Since the list was not available immediately, the Rapporteur right then requested the Military Commander of Bata, Lieutenant José Moro Mba, to provide him with such a list. The request was repeated several times to various officials of the Commission of Foreign Affairs who were in Bata at the time. However, the Rapporteur had to leave Río Muni province and the country without having been given the requested list.

4. Question of a radio communiqué

87. A further request which the Rapporteur submitted to the competent Government officials immediately upon his arrival in Malabo and whose fulfilment he regarded as extremely important to the success of his mission was the broadcasting of a radio communiqué announcing his arrival and informing the public of his mandate and his proposed itinerary over the official radio network both in Malabo and in Bata. The text of the communiqué was given to Mr. Moiche Echeke, liaison officer, for broadcasting over Malabo radio, on 1 November 1979 (see Annex III). The Rapporteur was interviewed by a reporter for radio Malabo on 1 November 1979 and again on 3 November 1979, subsequent to his meeting with the first Vice-President. However, when he inquired whether his radio communiqué had been broadcast in the course of the meeting with radio Malabo personnel on 5 November 1979, the Rapporteur was told that the text of the communiqué had not been received from Mr. Moiche Echeke and therefore no broadcast had taken place.

88. In Bata, the Rapporteur gave a similar text adapted to his itinerary in Río Muni to the Technical Secretary, Mr. Makendenge on 7 November 1979, for broadcast over Bata radio. Mr. Makendenge stated that the communiqué would be broadcast, but upon inquiry, the Rapporteur could not satisfy himself that the broadcast had actually taken place during the course of his stay in Río Muni.

89. The Rapporteur had also intended to have a final communiqué broadcast over both radios before his departure from the country. However, upon his return to Malabo, Mr. Moiche Echeke informed him that such a broadcast would not be possible because the radio station was out of order.

5. Question of transportation

90. The Rapporteur deplores the lack of co-operation of the Government in providing him with adequate means of transportation, which caused him serious difficulties, particularly in the last days of his mission. The Rapporteur wishes to point out that, given the total absence in the country of vehicles for private hire or of adequate public transportation, and the absence of commercial flights connecting the island with the continent, the co-operation of the Government was absolutely essential in order to enable him to reach all parts of the country within the two weeks at his disposal.

91. The Rapporteur encountered difficulties in flying from Malabo to Bata, the connexion being provided by two military airplanes supplied by the Spanish Government and under the control of the military authorities of Equatorial Guinea. Upon his arrival in Malabo, the Rapporteur informed Mr. Moiche Echek, liaison officer, of his proposed itinerary and that he wished to leave Malabo for the continent on Monday, 5 November 1979. The Rapporteur also requested that the Government makes the necessary arrangements for him and his staff to travel in one of the military airplanes. No confirmation of the date and the time of the flight could, however, be obtained from Government officials. On 4 November 1979, the Rapporteur was informed that, since the Military Governor of Río Muni province was expected in Malabo, it would be advisable for the Rapporteur to remain longer in Malabo in order to fly on the same airplane as the Military Governor when the latter would return to Bata. On the following day, however, the Rapporteur could still not be given confirmation about the time and the day of the flight, even after a brief meeting with the Military Governor of Río Muni province. The Rapporteur was therefore obliged to seek the assistance of the Ambassador of Spain to Equatorial Guinea, who kindly agreed to ensure that the Rapporteur and his team would be able to fly to Bata the next morning.

92. Both in Bioko and in Río Muni, the Rapporteur was provided with a Government car, driven by a government chauffeur. This, as explained above, was necessary because of the absence of private cars for hire in the country. On the island, whenever necessary, the Rapporteur was also able to use a car belonging to UNDP, driven by a member of the team. The Rapporteur deplores that, following his accident on 11 November 1979, in the course of which his car was completely damaged, he was left stranded, without being given another government vehicle. The Rapporteur, who could not walk subsequent to the accident, and the members of his staff were taken to Bata hospital in a Land Rover put at their disposal by the Military Governor of Río Muni, who happened to pass by the site of the accident with a large convoy about an hour after the accident itself had taken place. The Rapporteur regrets to have to state that the Military Governor showed a total lack of interest in the consequences of the accident for the Rapporteur and his team and only reluctantly agreed to assign one car in his convoy for the trip to Bata hospital. The Military Governor made no effort to ensure that the Rapporteur and his staff would get adequate medical treatment. Moreover, the driver was given instructions to return immediately to the Military Governor's convoy, so that the Rapporteur and his team were left alone at the hospital, with no Government assistance. It would have been impossible for them even to return to the hotel, if it had not been for the kindness of the hospital director, who accompanied them in his own car. That afternoon and the following day, despite several requests made to Mr. Wenceslao Nguema and to other protocol officials who visited him in the hotel, the Rapporteur was unable to secure Government transportation in order to carry out his work in Bata. Only on the morning of 13 November was he able to obtain transportation to be taken to Bata airport for the return flight to Malabo. Upon his arrival in Malabo, however, the Rapporteur found that no Government transportation had been provided for him either to take him from the airport into town or for the rest of his stay in Malabo, although Government officials were aware of the day of his arrival and of his need for adequate transportation. The Rapporteur deplores that the Government made no attempt to facilitate the last days of his stay in the country, when his physical condition made it extremely difficult for him to continue his mission.

C. Information gathered by the Special Rapporteur on the human rights situation in Equatorial Guinea

93. In this section, the Rapporteur will set out the information relating to the substance of his mandate that he was able to obtain during his visit to Equatorial Guinea, in the course of conversations with members of the Government, local government officials and civil servants; with religious, educational and medical personnel; with workers and peasants; women and youths; and, in general, with people in villages and in the towns. The Rapporteur deemed it important for the fulfilment of his mandate to gather information both about events under the previous régime, in order to verify the allegations submitted to the Commission, and about the current situation with regard to human rights, so as to formulate conclusions and recommendations which might be of assistance to the present Government in restoring full respect for human rights in Equatorial Guinea.

94. The Rapporteur feels that, in general, people spoke freely and without inhibitions about both the past and the current situation, and about their experiences, hopes and fears for the future. However, on three occasions in particular, the military authorities restricted that freedom, i.e. in Malabo on 2 November, Batete on 4 November, and Mongomo on 10 November, the most serious incident occurring at Batete, as will be related below. In most cases people preferred to have no sound recording of their conversations with the Rapporteur, but agreed to have written notes taken, so that the information in this section is based primarily on the Rapporteur's notes and recollections of his conversations. Most individuals interviewed also agreed to give their names for the Rapporteur's records, but preferred not to have their identities disclosed in the report, so that the conversations have generally been kept anonymous in order to respect this wish.

95. Finally, this section will also contain the Rapporteur's impressions of current social, economic and other conditions gathered while travelling through the country.

1. Meetings with members of the Government and other officials

(a) Meetings in Bioko

96. On 3 November 1979, the Rapporteur met with the First Vice-President, Lieutenant-Commander (Navy) Don Florencio Maye Ela, and two officials of the Commission Foreign Affairs, Mr. Carmelo Nvono Noa and Mr. Apolinar Moiche Echek. The Vice-President informed the Rapporteur that, at present, the country did not have a Constitution, since the 1973 Constitution had been abrogated by virtue of the overthrow of President Macías and the establishment of a military government. He stated that the Government intended to convene a constituent assembly in order to draft a new Constitution at a future date. He indicated that, for the time being, the first priority of the Government was to re-establish the administrative machinery of government which had been paralysed during the last part of President Macías' Government, and that such a constituent assembly could be called once governmental institutions were functioning again. He further stated that the new Constitution would contain provisions for the restoration of full political

activity, but that elections could not be held for at least two to three years following the entry into force of the new Constitution, or until the Military Government judged that the time had come to transfer power to a freely elected civilian government. He pointed out that, in the view of the Government, the re-establishment of political freedoms was secondary to the economic and social reconstruction of the country, which found itself in a serious crisis as a result of the régime of President Macías.

97. Concerning the activities of refugees from Equatorial Guinea, he indicated that, following the overthrow of President Macías and the promulgation of a general amnesty, 3/ many refugees were beginning to return to Equatorial Guinea. Although he could not give a precise figure, he estimated that between 500 and 1,000 persons were coming back daily. The Government had been in contact with the United Nations High Commissioner for Refugees and with the Spanish Government in order to facilitate the return of the refugees. Once back in the country, however, refugees would be subject to the same restrictions on political activities as the other people of the country. Former refugees who had professional skills would be incorporated into the administrative machinery of the State and would be expected to contribute to the reconstruction of the country; professional or communal associations would be permitted to the extent that they concerned themselves exclusively with problems relating to the particular profession or community, always taking into account the priority needs of national reconstruction.

98. Concerning political prisoners, the Vice-President stated that the Decree granting a general amnesty to all political prisoners 4/ had been fully implemented, and all political prisoners released, the only political prisoners at present being those who had been sentenced to prison terms as collaborators of President Macías.

99. On the question of the return of assets seized under the régime of former President Macías to the original owners, as provided for under Decree-Law No. 3/1979, 5/ the Vice-President indicated that district commissions and a national commission were being created in order to review property claims submitted by Equatorial Guinean citizens. He also informed the Rapporteur that another Decree had been adopted providing for the return of property confiscated by the Government of President Macías to foreign citizens who submitted their claims within a 60-day period. If the foreign owners did not claim their property within this deadline, or if they could not submit an appropriate plan for the exploitation of the land to the Government, the Government would consider the land as having been abandoned and would take steps to sell it to other interests, whether local or foreign. 6/

3/ Decree No. 45/1979 of 10 October 1979. The Decree is available to members of the Commission for consultation.

4/ Decree-Law 1/1979 of 5 August 1979. The text of the Decree is available to members of the Commission for consultation.

5/ The text of the Decree-Law is available to members of the Commission for consultation.

6/ The Rapporteur was unable to obtain a copy of the relevant Decree.

100. A related question raised by the Rapporteur concerned the agricultural workers engaged in production on commercial plantations, in particular those from Río Muni working on the Island of Bioko. In this respect, the Rapporteur asked for the meaning of the "very important announcement" of 25 August 1975, published in Boletín Oficial No. 1, which orders all workers of State and private plantations to return to their places of work under the threat of sanctions. 7/ The Vice-President firmly denied that there had been forced labour during the régime of former President Macías, or that there was forced labour in the country at present. He stated that, at its third congress, the Partido Unico Nacional de Trabajadores had called on all people of the country to save the harvest, which was threatened by the departure of the Nigerian workers. He stated that the recruitment of labourers from Río Muni for the cacao plantations in Bioko, which had affected up to 60,000 persons, had been largely voluntary and had been considered by the people as a necessary contribution to the country's economy, and not as forced labour. The recruitment had been carried out by Government officials on the basis of family size, each family and each village being expected to contribute a certain number of workers. In his view, if there had been problems, they had arisen because these workers had been recruited for an 18-month period, but subsequently it had been found impossible to replace workers who had already spent the required (18-month) period in Bioko. He stated that the order of 25 August had been necessary in order to retain workers on the land, given the importance of the cacao harvest to the economy. He also indicated that the agricultural development plan which was being prepared would study possible solutions to the problem of insufficient work force on Bioko. Finally, he indicated that workers from Río Muni wishing to go back to their home after the harvest would not be prevented from doing so.

101. On the question of freedom of information, the Rapporteur asked the Vice-President whether the Government intended to put back in circulation the Diario de Guinea Ecuatorial, which used to be issued in several hundred copies and which had been closed down by the former Government. The Vice-President indicated that the printing presses were being repaired and that an official newspaper would be published again soon. Private information media would also be allowed and, to this effect, negotiations were already taking place with certain Spanish interests. There would be no censorship of private media, however, the Government would exercise a degree of control in order to safeguard the national interest.

102. To a question aimed at verifying allegations made before the Commission on Human Rights concerning the role of the Juventud en Marcha con Macías, and about the present situation with respect to that organization, the Vice-President replied that the Juventud had been turned into the Revolutionary People's Militia in the last years of the previous Government. Following the overthrow of President Macías the Militia had been dissolved and its forces integrated into the regular army. Former militia men with disciplinary problems, however, had not

7/ The relevant text is available to members of the Commission for consultation.

been so integrated. He recognized that the militia had engaged in arbitrary actions, such as raping women and terrorizing the population, and stated that the army could not exercise control over them at the time, since they depended directly from President Macías. He pointed out that the militia men were generally people of no education and from the lowest strata of society who had joined the militia in order to improve their economic situation.

103. In conclusion, the Vice-President reaffirmed the intention of the Government to restore respect for human rights in Equatorial Guinea and to reintegrate the country into the international community, through membership in all relevant international organizations and ratification of the most important international instruments, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

104. In a brief meeting with the Commissioner of Justice, Sub-Commissioner for Land Forces, Don Policarpo Mesui Mba, on 5 November 1979, the Rapporteur was informed that the Government was making efforts to re-establish a system of administration of justice in the country, which had been inexistent during the last years of the Government of President Macías. The functioning of the Commission of Justice, however, was made difficult by a lack of personnel with legal training. He informed the Rapporteur that the few lawyers existing in the country were Government officials assigned to the Commission of Justice and to certain subcommissions. In this context the Rapporteur submitted a number of questions in writing to the Commissioner of Justice.

105. Likewise at Malabo, the Rapporteur had an interview on 5 November 1979 with the Director of the Radio, Don Manuel Edú, and the Director of Television, Don Nenesio Nkili. He asked whether his radio communiqué had been broadcast, and he was told that it had not, but that it would be broadcast. They said that previously, in 1968, there had been "as many radio sets as there were adults", but that today there were very few; they had deteriorated for lack of repairs, since there were no spare parts. In the official radio station itself there was only one. The television station was inaugurated in 1967, but it too suffered the general effects of delapidation which had overtaken the country during the previous régime. The station is to reopen in December 1979. They added, replying to the Rapporteur's questions, that they permitted the participation of civilians in their programmes, and that there were "excellent collaborators", but that they, the Directors, did not have control or decision-making powers in relation to the functioning of radio and television, which were State-controlled. The radio transmits 14 hours a day in Spanish and in five national languages.

106. In the course of his field trips in Bioko, the Rapporteur met with the traditional chief of Sampaka, Mr. Francisco Lohoba Buericopa, on 3 November 1979. Mr. Buericopa had been appointed chief under the régime of former President Macías and had just been reconfirmed in his position. He explained to the Rapporteur that the designation "traditional chief" was due to the previous Government; before that time, village heads were "presidents of neighbourhood boards". Members of the junta used to be elected by the people and they in turn elected their president. Under the Government of President Macías, however, the board was unable to hold meetings without the permit of the Government Delegate or of the Civil Governor. He stated that under the previous régime, the village had been under a yoke of terror, but since the change of Government the situation had changed and the village was now living quiet times.

107. Asked about the judicial system, the chief explained that minor civil cases (such as disputes between neighbours) were under his jurisdiction; more serious cases would be referred to the Government Delegate. The traditional tribunal had always been presided over by the Government Delegate both before and now. Criminal cases would be taken to the regular courts. In the time of President Macías, all judges were named by him and could be removed by him at any time for any reason. While Sampaka had not had recent experience with criminal cases, the chief's understanding was that such cases would now be brought before the commander of the local military post, who in turn would refer them to his superiors. The military authorities might then decide to convene a people's court to judge the case. The chief explained that the judicial system existing prior to the Government of President Macías had been abolished by him. Now people were again given an opportunity to be represented by a lawyer in court.

108. In the course of his visit to Rebola, on 3 November 1979, the Rapporteur also had the opportunity to speak briefly with the local traditional chief. He stated that he had been nominated chief four years earlier, under the Government of President Macías, by the Governor of the province; he was now waiting for a decision as to whether he would be reconfirmed in his position. The Rapporteur was informed that the procedure followed by the present Government for the nomination of chiefs was to select a name out of three submitted by the people of the village after a public consultation. The chief confirmed that the entire judicial system existing before Independence had been gradually abolished by President Macías and that all decisions were taken by him. The courts were now beginning to function again; although no criminal cases had occurred in the town since the overthrow of President Macías, such a case would now be taken to the Government Delegate who would then refer it to the court for judgement. Since the present Government had come to power, the only criminal trial that had taken place was that of President Macías and his collaborators. The chief further informed the Rapporteur that no detentions for political reasons had taken place in Rebola since the overthrow of President Macías.

(b) Meetings in Río Muni

109. In Bata, the Rapporteur met with the Technical Secretary of the Military Governor of Río Muni, Mr. Sebastian Makendenge, on 7 November 1979. Mr. Makendenge informed the Rapporteur that large numbers of refugees were coming back to their villages in Río Muni province and were encountering no difficulties. Asked for the names of prominent persons who had returned from exile, he mentioned Mr. Ramón Itangeno, former deputy under the Government of President Macías, who had escaped to Gabon and had returned after the change in government and was now mayor of Kogo. He also mentioned the case of Mr. Esteban Nsue Ngomo, former ambassador to Spain, who had defected four or five years ago and had just come back and was now taking care of his own business. He indicated, on the other hand, that transportation of refugees wishing to return caused a problem.

110. Concerning allegations of forced recruitment of labourers from Rio Muni for the Island of Bioko, he stated that this in fact had taken place and that it was one of the arbitrary actions of President Macías which ultimately had caused his down-fall. On the other hand, concerning the order of 25 August 1979 (already referred to in the conversation with the first Vice-President), he stated that it was aimed at vagabonds ("vagos") and that he was not aware of any case where a worker had been sanctioned for not going back to work.

111. Concerning the return of property confiscated by the Government of President Macías, he confirmed that property was being returned, including that belonging to the Church. Religious freedom had been re-established and churches had been re-opened; in this respect, the proviso in Decree No. 2/1979 of 5 August 1979 making the activities of Catholic and other churches subject to authorization referred only to the establishment of new churches and not to the existing ones. 8/

112. In answer to a question about the judicial system, Mr. Makendenge explained that most people in Rio Muni did not understand the technicalities of Western law. In the villages, the traditional chief dealt with local disputes (e.g. family cases such as divorce and repudiation); if the traditional chief was unable to solve the dispute, he would bring the case to a traditional tribunal at the district level, composed of all traditional chiefs of the district and presided over by the Government delegate. The role of the Government delegate was to corroborate the decision taken by the majority of the traditional chiefs; he could only reverse this decision if it appeared to be arbitrary. The traditional tribunal was empowered to impose small sanctions, such as small fines. On the other hand, penal questions were under the jurisdiction of the courts and ultimately of the Justice Commission.

113. In Bata, on 6 November 1979, the Rapporteur also had the opportunity to interview the Mayor, Mr. Alejandro Mbuña, who kindly received the Rapporteur at his home. The Rapporteur asked the mayor about his present functions and his past experiences under the régime of President Macías. Mr. Mbuña indicated that in addition to his mayoral duties which had not yet been spelled out, his main responsibility at present was the regulation of traffic. In case of a traffic violation or an accident, the mayor himself would handle the question, unless it resulted from a major violation, in which case the question would be brought before a judge. The judge's decision could be appealed before the higher court in Malabo, which was under the jurisdiction of the military authorities. He also stated that, in his work, he applied routinely a number of old traffic laws, so that it would appear that a number of laws dating from the time of the autonomous government or even earlier are still in force, although it was not clear which ones.

114. The mayor also told the Rapporteur about his experiences in the Bata jail, where he had been detained a few years earlier, and where he had suffered beatings and ill-treatment; he showed the Rapporteur the scars that he still

8/ The Decree is available to members of the Commission for consultation.

bore on his back. Despite his past detention, however, he had been made mayor by the Government of President Macías four years earlier and had been reconfirmed by the new Government in his position. The mayor informed the Rapporteur that he had personal knowledge of the assassination in jail of a certain number of persons whose names are contained in the list submitted to the Commission on Human Rights by refugees in 1975: ^{9/} These were: Saturnino Ibongo, former representative of Equatorial Guinea to the United Nations, imprisoned in Data at the same time as the mayor; Jorge Oma, former deputy; Agustín Efeso, Minister of Finance under the autonomous government; Hilario Engura, civil servant; and Andrés Jaime Nchuchuna, a provincial councillor. All these persons were beach-dwellers from the coastal region south of Data.

115. In Niefang, on 8 November 1979, the Rapporteur had the opportunity to meet with the mayor, Mr. Angel Nguema Azin, and other local Government officials. The Rapporteur asked a number of questions concerning alleged violations of human rights under the régime of former President Macías, in particular relating to the Niefang district, and about the political, judicial, social and economic organization of the district both during the previous régime and at present. The mayor stated that the entire district had suffered considerably during the past eleven years; that he himself had been jailed several times, as a result of baseless accusations made by village chiefs, and that the same had happened to many people in the district. The majority of the people in the district had sought refuge abroad, in particular in Gabon and Cameroon; the few who had remained behind had suffered abuses, insults, lootings, forced labour and other forms of oppression at the hands of the Government delegates under the previous régime. He stated that a great number of people in the district had been detained following the attempted coup of 5 March 1969, because of their opposition to the Government of President Macías, and that subsequently, since the population of the district had become suspect to the régime, many people were arbitrarily detained a number of times, usually for a duration of two weeks at a time. Traditional chiefs were required to keep villagers under their jurisdiction under surveillance and to report their conversations and actions to the authorities.

116. Many of those jailed, including the mayor himself, had been subjected to ill-treatment, in particular beatings with sticks and forced labour. The mayor mentioned the names of several priests at the Niefang catholic mission who had been tortured under the previous régime. He also gave the Rapporteur the names of several people in the district who had been assassinated, i.e. Mr. Sinón Ngomo and Mr. Agapito Enve, officials of the autonomous Government, who died in jail; Mr. Pascual Ondo Nsi, mayor shot to death; Mr. Patricio Miko Nguema, schoolteacher, assassinated; Mr. Juan Luis Aseco, civil servant, shot to death; ^{10/} Mr. Enrique Ncuma, schoolteacher, killed in jail; and Mr. Candido Ngomo, employee of a timber company, shot to death.

^{9/} See E/CN.4/R.15/Add.2 Annex 7.

^{10/} These names were also included in the list submitted to the Commission on Human Rights by refugees in 1975 (E/CN.4/R.15/Add.2, Annex 7).

117. The mayor confirmed the truth of allegations concerning the role of the "Juventud en Marcha con Macías", later Milicia Popular, in oppressing and terrorising the population. To his knowledge, the Milicia had probably been integrated into the army. On the other hand, the single party PUNT had been dissolved, and its members, including former traditional chiefs who had been demoted, were now living and working in their own villages. Most people had destroyed their PUNT membership card, which had been used as an identification document and had been required for all travel within the country.

118. The Rapporteur asked the mayor and the other officials present about the system used by the former Government for the recruitment of labourers in Río Muni, and whether workers had been recruited from the district of Niefang. He was informed that the Río Muni workers he had met in Bioko were not contract workers, but people who had been forcibly recruited on the mainland and that most of them had not been paid during the entire period. Although workers had been told at the time of recruitment that they would be returning to Río Muni after eighteen months, most of them had now been away for four or five years. Recruitment was done on a village-by-village basis and traditional chiefs were required to provide a list of the best workers in their village to the Government delegate of the district. Workers were then taken away by force. Although he could not give exact numbers, the mayor indicated that thousands of workers had been recruited in this fashion from the district of Niefang, the last group having left the district in 1976. He expressed the hope that workers wishing to return would be allowed to do so by the new Government; in his view, some workers might not wish to return if they enjoyed favourable working conditions on Bioko.

119. Concerning the situation of refugees who had left the district to escape to Gabon and Cameroon, the Rapporteur was informed that thousands of people had left, although no precise figures could be given because of the way people lived in Río Muni, in small villages isolated in the forest. Perhaps one fourth of those who had left had returned to the district after the overthrow of President Macías. There were no internal impediments to the return of the refugees; however, the mayor was of the opinion that those who had jobs in Gabon and Cameroon might want to wait for an improvement in the economic situation of the country before returning.

120. The Rapporteur also enquired about the system of local government and the judicial system in the district. He was informed that the functions of the mayor were in general to administer the urban area and to take care of such problems as sanitation, supervision of the market and distribution of electricity not only in the town but in the whole district. The mayor was the main authority of an urban area, while traditional chiefs were the main authority at the village level. The mayor was assisted in his work by chiefs of governmental services, such as the education inspector, the health inspector, the medical doctor and the postal administrator. Under the autonomous Government, mayors and municipal councillors were elected by the people in municipal elections; at present, however, the military Government had appointed all mayors in order to insure the selection of persons who could contribute to the task of reconstruction. At present there was a shortage of qualified personnel because President Macías had persecuted all persons with professional qualifications and had replaced them with persons loyal to himself. It was now necessary to purge the administration once again and to introduce qualified personnel ready to follow the new policy.

121. Concerning the administration of justice, the Rapporteur was informed that the officials competent to resolve civil cases were the traditional chiefs at the village level. If a case could not be solved, it would be brought to the military commander - Government delegate at the district level; if he was unable to solve the dispute, the case would be brought before the tribunal of all traditional chiefs of the district, under the presidency of the military commander, so that they could jointly arrive at a solution. The tribunal's decision could be appealed before the district judge and, in the higher instance to the Supreme Judge in Malabo. Criminal cases were under the exclusive jurisdiction of the military authorities.

122. The Rapporteur also asked a number of questions about the economic life of the district, in particular concerning agriculture and commerce. He was informed that the exploitation of timber had diminished considerably, and that during the last part of the régime of President Macías timber concessions had been taken over by the State, but that in practice they functioned for the personal profit of the head of State. The Rapporteur was told that the same was true of the coffee and cacao plantations in Río Muni which had been taken over by the State. Private cacao and coffee plantations were usually quite small, usually two to three hectares, depending on the size of the family and its capacity to cultivate the land. At the time of the harvest some families were able to obtain outside help, but in the majority of cases, the work was done by the members of the family themselves. Trade networks which existed in the period prior to Independence had disappeared under the Government of President Macías, since private trade had been made a crime and all trade had been monopolised by the Government. However, the Government shops (factorías), such as those seen by the Rapporteur in Bata, had never functioned properly because people had been reduced to such a condition of poverty that they could not afford to buy anything in the stores. Commerce had now been returned to private hands and people were now able again to buy and sell in the market or in privately owned stores.

123. On 9 November 1979, while on his way to Mongomo, the Rapporteur was able to stop at Añisok and to attend part of the session of a traditional tribunal composed of the traditional chiefs of the district of Añisok. The tribunal had been convened by the new Government after an interruption of several years and had now been in session for eleven days, a large number of cases having accumulated in the meantime. The tribunal, which was meeting in a large hall open on all sides, was attended by a great number of people, mostly men, from all over the district. The President of the Tribunal was the Military Commander/Government Delegate of the district, Mr. Valentin, assisted by the mayor and by a secretary. The proceedings were taking place in the local language, Fang, but the Rapporteur was able to follow through the interpretation provided by Mr. Wenceslao Nguema. He assisted at the hearing of two cases. The first dealt with the question of a young woman whose husband had died and who wanted to return to her family because she was being ill-treated by the husband's family. Since the woman was pregnant, there was a question as to whether the child would belong to her or to the husband's family; the possible return of the bride-price paid by the husband's family at the time of marriage was also in question. The woman was not present at the proceedings, which appeared to be basically a dispute between the two families. The second case related to the theft of three goats by a young man from a village woman. In both cases the tribunal heard the parties involved, the traditional chief of the village who had not been able to solve the

case and had therefore brought it to the tribunal, a witness familiar with the case, civilian commission members, and any traditional chief who had an opinion to express on the matter. Once all opinions had been heard, the final decision in the case was taken by the Government Delegate.

124. The following day, on his return from Mongomo, the Rapporteur stopped again at Añisok and had an opportunity to discuss the proceedings of the previous day with a number of traditional chiefs who had been present in the tribunal. The chiefs appeared delighted at their regained freedom and at the fact that the new Government had re-opened the traditional tribunals. They confirmed that the decisions of the tribunal could be appealed, and that the tribunal had jurisdiction only over minor civil cases, while the more important cases (for example involving questions of over 4,500 etucles) would be brought before a judge.

125. The traditional chiefs told the Rapporteur that the district of Añisok had suffered much during the régime of former President Macías. In particular, many workers had been forcibly recruited for work on the Island of Bioko; the chiefs confirmed that it was impossible to refuse recruitment and that if anybody dared to do so, he would be jailed immediately. None of those who had gone to Bioko had yet returned to the district and the chiefs were not aware of any plan by the Government to repatriate the workers. They also stated that many persons in the district had been arbitrarily detained, and several had died in jail. Another serious effect of the previous régime was that services had been practically eliminated and the condition of the town's buildings, streets, etc. had deteriorated steadily.

126. While in Mongomo, the Rapporteur had the opportunity to meet with the Military Commander of Mongomo, Mr. Francisco Ngua Edu and with the mayor of Mongomo Mr. Gaspar Ngua on 9 November 1979. The Rapporteur was told that there had been much destruction in the district of Mongomo following the overthrow of President Macías, when he had tried to counterattack. Once he realized that he had lost, former President Macías encouraged the looting of State shops and of the National Treasury. A number of close collaborators of former President Macías had escaped to Gabon and Cameroon from Mongomo and Ebebiyin, and the present Government was attempting to obtain their extradition. Mr. Ngua Edu stated that the majority of refugees were now coming back from Gabon and, although he could not give precise numbers, he could indicate that seven trucks loaded with refugees had come back the previous day. According to his estimate, only a maximum 20 per cent of those who had left the country were still outside. Those who had left following the overthrow of President Macías were also coming back.

127. Mr. Ngua Edu also described to the Rapporteur his personal experiences in the jail of Nsangayong-Esanguí, where he had suffered ill-treatment. He confirmed that the Milicia, which had been responsible for many excesses under the previous régime, had been integrated in the armed forces following the change of Government, and stated that disciplinary problems were now being corrected.

128. In answer to questions concerning the legislative and judicial systems, Mr. Ngua Edu indicated that, since the country was not yet organized, everything depended from the Supreme Military Council, which legislated by decree. He

confirmed that the traditional tribunals had jurisdiction only over minor problems and that the role of the Government Delegate was to corroborate the majority opinion as expressed by the traditional chiefs; he could only oppose the consensus when he felt that the decision taken was arbitrary. The Government Delegate had apparently always played this role even under civilian governments. Mr. Ngua Edu also confirmed that the decisions of the traditional tribunal could be appealed before the court in Bata and, in the last instance, before the Supreme Court in Malabo. The death penalty could be imposed in the case of a person who had committed murder; however, since the change in government, death sentences had been handed down only in the cases of persons who had committed crimes under the régime of President Macías.

129. The Military Commander of Mongomo also commented on a number of consequences of the Government of President Macías and on changes brought about by the new Government. He emphasized the need to rebuild the health system which had been practically destroyed. In the field of education, he indicated that schools were functioning, that all the teachers formerly in exile had come back and had been re-incorporated in the educational system, and that religious schools had been re-opened. Freedom of movement had been restored, road barriers removed and no permit was now needed for travel within the province. Asked about the barrier seen by the Rapporteur at the entry to Bata, he explained that it was necessary in order to exercise some control over the activities of civil servants. Asked whether public meetings were permitted, he stated that this depended on the type of meeting; for example, religious processions were allowed. In answer to questions concerning the economic life of the district, he confirmed that President Macías had converted all private commercial plantations into State plantations, which were exploited for his own benefit. Much livestock, in particular all cattle, had been confiscated by President Macías and taken to his own village, so that now there was no cattle left in the province.

130. The mayor of Mongomo, Mr. Gaspar Ngua, explained to the Rapporteur that he had been appointed after the overthrow of President Macías and that he had not yet been able to organize his work, since the town hall had been destroyed. He indicated that, prior to the time of President Macías, the people elected the municipal councillors who in turn selected the mayor.

2. Meeting with Gabonese officials at the Gendarmerie in Asok

131. On 10 November 1979, having received contradictory information concerning the numbers of refugees returning to the country, the Rapporteur decided to cross the border with Gabon at Mongomo in order to speak with officials at the Gabonese post of Asok. The evening before, the Military Commander of Mongomo had advised the Rapporteur that, since the Rapporteur and his staff found themselves under the Commander's responsibility, they should not cross the border into Gabon. Since the team had valid visas for entry into Gabon and the Government of Gabon had been informed that the Rapporteur might wish to visit refugees from Equatorial Guinea living in the country, the Rapporteur decided to cross into Gabon with his staff, despite efforts by the border guard to prevent him from doing so, leaving the Government car and driver on

the Equatorial Guinea side of the border. After returning to Mongomo, the Rapporteur was met in the street by the Military Commander, who strongly remonstrated to him for having disregarded the Commander's instructions not to cross the border.

132. The border itself is formed by the river Kie, and the road leading into Gabon is a muddy dirt track. There is a bridge formed of shaly wooden planks laid on top of gas tanks filled with concrete. The rapporteur was told that the road had been much better in earlier times, but that the Government of President Macías had sealed the border and cut off all traffic with Gabon. Nevertheless, since the people on both sides of the border belong to the same ethnic group, and have family links on the other side, there had always been contacts. People from Equatorial Guinea now go to Gabon to buy needed items, given the general scarcity of goods in their country. The Rapporteur was able to speak with a number of people who were crossing the border in both directions carrying small loads; however, none of them were returning refugees. He therefore asked the Gabonese officials at the Asok Gendarmerie whether they had seen large numbers of refugees going back to Equatorial Guinea, as the Rapporteur had been told by the Military Commander of Mongomo. He was informed that Asok was a small border post and that very few refugees had come through there, although the gendarmes felt that the trend was for refugees to return to Equatorial Guinea at the end of their work contract in Gabon. Upon further questioning, they explained that, since the new Government had come to power, the Government of Gabon no longer considered persons of Equatorial Guinea nationality living on its territory as refugees; a residence permit was required in order for them to remain in Gabon, and such permit depended on the granting of a work contract. The Rapporteur was informed that three persons of Equatorial Guinea nationality had been taken to the Asok post by Gabonese police in the previous two days for return to Equatorial Guinea because their work contracts had not been renewed.

3. Meetings with religious personnel

133. The Rapporteur spoke with a number of Catholic priests and nuns and visited several Catholic missions both in Bioko and in Río Muni province. Given the very small number of religious personnel active in the country, the Rapporteur has not indicated the time and place of his conversations in the summary given below, in order to protect the identity of those who spoke with him.

134. In travelling around the country, the Rapporteur saw many churches and cemeteries which had been burned or vandalised; many mission buildings were in a state of deterioration, largely empty and without furnishings. On the other hand, churches were open and regular services appeared to be taking place, attended by large masses of people. The Rapporteur himself attended mass at the church in Mongomo on Saturday 10 November 1979.

135. In one of the most enlightening conversations that the Rapporteur had in the course of his mission, a group of Catholic priests raised a number of questions concerning the role of the Commission on Human Rights and what they perceived as its inaction in the case of Equatorial Guinea. Because of the

particular interest of this conversation, the Rapporteur reproduces it here as extensively as possible. The priests wondered why the Commission had sent the Rapporteur to the country now that liberties had largely been restored. As one of them put it at the inception of the meeting:

"... we here have not noticed any indication of such activities by the Commission. I ask, therefore: 'what is the Commission's modulus, what is its effectiveness?', because it strikes us that at a given moment, such as now, for example, we are enjoying what I should almost call full freedom ... and when we were really going through hell nothing was being said over there ... What I am trying to say is: 'What is the effect of this Commission on Human Rights?' To take a practical example: 'What concrete part did the Commission, which watches over human rights, play in the action to bring down the three tyrants we have recently had there in Africa, namely, Idi Amin, Francisco Macías and Jean Bedel Bokassa?' In moments of reflection, we put this same question to ourselves in our community. Coming back to the Commission, however, which is so busy ... What does it actually do?"

136. As the Rapporteur explained the long struggle to achieve progress in the international protection of human rights, the priest objected:

"Fine, I quite understand that the Commission on Human Rights can make advances in the codification of the law regarding continued violations in the various countries, but the lack of effectiveness in the face of violations in specific countries is a knotty problem that must, I think, be solved . . . The United Nations will have to find some way or another of ensuring that the various aspects of these rights are respected, quite apart from the codification that is needed for a study of the law as such. And it will then also have to consider the possibility, if it is unable to act effectively to ensure respect for these rights, of replacing such action by material and moral aid to the countries that are suffering. We have suffered here, and now here you are. You probably know more about so many of these matters than we do." ..

137. The statement was also made that national sovereignty "is one of the things which greatly restrict the Commission's activities to such an extent that we, for example, do not understand - the person in the concrete situation does not understand - how it is that the United Nations, and the international organizations generally, have no special power to do anything at all about a tyrant, a tyrant who is not a fiction or a theory but a real concrete fact. It is more or less giving him permission, as if to say: 'you are gaily killing people here and castrating people there but, since the wall of sovereignty has been erected, there is nothing I am entitled to say about it.'

You know, I think I heard somewhere that the African countries wanted to change that principle of non-interference in internal affairs at the Monrovia Conference. They wanted to change it because it really is a principle which authorizes tyrants, which gives them the right to ill-treat the people."

138. The doubt was further expressed whether "the former régime laid such great stress on non-intervention in the affairs of other nations. The question has come up many times in native circles, both ecclesiastical and lay, whether the United Nations - the organization broadly speaking of the nations of the entire world - which had been entitled to intervene in the accession to independence of

those countries that had formerly been colonies of European Powers, had not also the authority to intervene to try to bring about the downfall of a régime in a situation such as that we have experienced. We fail to understand why it took 11 years for its downfall to come about. This is a problem which we have been unable to resolve. The authors who have written about the principle of non-intervention - yes, we have been reading about it - and persons who have talked about the principle have also mentioned this problem. We here are all ignorant of the present position. Would it be too much to ask how this problem can be solved? We have been more or less circling around this question, although our situation is quite satisfactory for the moment. We are satisfied because, so far, we have no reason for complaint but, as regards the future ... well, we are going back to the same starting point."

139. The doubt was also expressed whether "in giving the Commission its mandate, the United Nations was uncertain whether there had been violations of human rights in Equatorial Guinea or not. If there was no such uncertainty, when the Commission was given its mandate, I really cannot understand its purpose, despite all you have told us. I feel that, if the United Nations is convinced that there has been violations of human rights in Equatorial Guinea, what it should be doing now is finding ways of restoring those rights. We have quite frankly, there is no hiding it, been persecuted and harassed in every way and we are still worried, not because we are suspicious of the new régime but because it is still something that has been imposed upon us from outside and this is reason for concern. We should like to see something which would raise us up and take us out of the situation in which we previously found ourselves. This, I think, is our greatest wish."

140. The priests welcomed the Rapporteur's explanation that he viewed his mandate not as a writing of past history, but as a means of verifying allegations which had been before the Commission so that the Commission could learn from past experience, as well as an opportunity for strengthening respect for human rights in Equatorial Guinea in the future. He explained that the concept of state sovereignty had already been qualified in certain respects by the adoption of international instruments, in particular the International Covenants, and that he had already recommended to the Government the ratification of these and other international instruments relevant to the protection of human rights. The priests emphasized the need to look to the future and one of them, supported by others, declared:

"What interests us now, at least those of us who have been through this experience, is not so much our own present situation, but that of others, other peoples and consequently what we would like ... is an attempt to find a system, an effective system, of ensuring that those peoples which are still subjugated can really live as human beings. For the moment, thanks be to God, we have reached a certain level of freedom, ... now, we are not so much interested in our past as in looking at the other peoples who are still in that situation. That is why we would like the Commission to adopt effective measures which could give such people moral support and strength."

141. The question of international recognition of the legality of the recourse to violence when fighting against a repressive régime was also raised. One priest stated that he had been close to taking up arms. Another stated:

"In such a case, I am convinced that I am entitled to use violence to defend the rights I consider inalienable. As for the United Nations, the world organization responsible for matters of human rights .. These are not hypothetical matters, it is a question of a number of ladies and gentlemen who meet over there to defend rights which are not hypothetical but affect specific human beings. Consequently, they should defend them - you should defend them - even if violence is needed for the defence of those rights when they are violently attacked. You ought to defend with violence the rights of, say, our country which has suffered 11 years of violence, and the rights of all countries under dictatorships. Instead of going around here asking whether we have suffered or not (you in the Commission know far better than we do what the peoples are enduring), why does the Commission, or rather the United Nations, not legalize such violence? It appears that it does not, although it sanctions violence since, when a worthless dictator such as ours has been overthrown, the human rights people then come along to give the persons who have overthrown him the stamp of their approval and congratulate them. Earlier on, however, they have no truck with such persons. True, they take up theoretical stands, with letters, explanations and the like, but what I want to know is: 'Why do you not legalize violence in defence of human rights?'"

142. In conclusion, the priests said "all right, you have obtained the information we have been able to give you on our situation, but if we may be so bold, we hope that it will not remain a dead letter after all this. We hope the Commission on Human Rights will do everything it can, that we shall see some results, and not in the far distant future. Don't allow this to remain a dead letter .. you have gathered information after hearing us; everything is noted down, and we hope the Commission will do something."

143. Aside from answering the priests' questions and doubts concerning the role of the Commission and the future disposition of the question of Equatorial Guinea the Rapporteur was able, in the course of the meeting, to obtain important information both concerning the régime of former President Macías and about the current situation in the country, in particular as it affected religious freedom.

144. The priests questioned the assumption that President Macías had been a freely elected President. They stated that, while the elections had been formally "free", personal and other interests had played a role, so that there had been limits to the exercise of that freedom. They also indicated that the education people of the country had not accepted Macías' candidature and had voted against him. This had been the case for almost 100 per cent of the teachers; the university-trained intellectuals, such as doctors, lawyers; and the church, because of the atheistic ideas propagated in his electoral campaign. After Macías was elected, and in particular following the alleged attempted coup of 5 March 1969, all these groups and individuals had been the object of repression. Nobody in Equatorial Guinea would be able to say for sure whether such attempt had really taken place or not. Following the incident, very many people had been executed without trial. For example, the Minister of Foreign Affairs, the Equatorial Guinea representative to the United Nations, Saturnino Ibongo, many doctors, and others.

145. Concerning the priests' perception of the changes subsequent to the overthrow of President Macías, one of them stated:

"I am more hopeful; the philosophers say that man has a future. I am more hopeful for the following reasons: The first decree-law issued by the Lieutenant-Colonel as President of the Republic was for the liberation of political prisoners. Arbitrary arrest was the monster that had been devouring the whole of our people. I mean that, for any triviality, they would haul a person off as being an opponent of the régime. To take an example: Suppose we were talking just as we are now when a soldier came along and said: 'I can tell from your conversation that you were criticizing the régime'; you would automatically be arrested and thrown into prison. Just like that, and you could die there. Our prisons were full of such people. The day the decree was issued, the Vicar of the Chapter in the diocese of Bata, Msgr. Ildefonso Obama, who is now in Spain, was in prison and, thanks to that decree, he was released. Thanks to that decree, another priest was released who had been in that prison for over a year, after sufferings in other prisons, and many others of our friends and acquaintances were released. So far so good. Next there came the second decree law granting freedom of religion and worship to the whole population, not only to the Catholics but also to the Protestants, Moslems, etc., for all places of worship had been closed down. After that, the Supreme Military Council adopted, one after another, a whole series of rules to stabilize and restore the State administration. Consequently, I say, and it is just my own personal opinion, that I am very optimistic because so far I have no reason to complain of any action by the new régime which seems to indicate that we might go back to the ways of the past. To date, I have seen no sign of that and thus I am very optimistic. Within this hope, as Fr. _____ has well said, there is the awareness that we are dealing with human beings and that at any moment a new and unexpected factor might emerge, but absolutely nothing of the kind has occurred so far."

146. The priests observed that under the previous régime, all private schools had been closed; this had affected the Catholic Church in particular, since it had the most schools, although Protestant denominations and Moslems also had schools. Now private schools and religious instruction had been allowed again, and the Church was in the process of reopening its schools which could start functioning as soon as the necessary personnel was available. The only requirement was that private schools follow the state programmes; for the rest they were free to add to the curriculum whatever they wished. The Church was also being given access to the radio, and programmes in Spanish and Fang were in preparation, free from censorship.

147. Concerning the administration of justice under the present Government, the priests expressed their strong conviction that the trial of former President Macías had been fair and had been taken very seriously by the lawyers. President Macías had had the assistance of a defense lawyer. They felt that the system of justice was beginning to function again with the help of the lawyers attached to the Justice Commission.

148. Concerning the question of refugees, they stated that many were returning. However, there were problems with transportation, in particular because of the high fees imposed by private bus, taxi and boat owners. The Rapporteur was told that, for instance, for crossing the Río Campo (on the border with Cameroon) refugees were charged between 2,000 and 5,000 francs, a sum beyond the means of many families.

149. Several priests expressed their hopes for the future. However, it was also pointed out that they had enjoyed freedom now for only three months. It would take much longer to rebuild what President Macías had destroyed in 11 years. For example, there were few children in school; shops were still closed; there were few people in the street, and they looked sad. The churches had been reopened, but there were serious difficulties for travelling even 20 or 30 km to say mass, since travel had been forbidden for so long that now the cars had rusted and were unserviceable. It was concluded that,

"However, on seeing the way we are here, you may have the idea that the famous human rights and fundamental freedoms of the person have not yet been fully restored, but that is simply because we have emerged from a desert crippled and destitute. All that we have, thanks be to God, is the restoration of our freedom and the fact that we are still alive. The rest will have to be added to us after by courtesy of yourselves, of human rights, the United Nations and the international economic and political organizations. We hope, in fact, that you will give us a helping hand to enable us to recover."

150. The Rapporteur also had several opportunities to discuss with a number of priests and nuns individually their experiences under the régime of former President Macías, and their views concerning the present situation of the country.

151. One Catholic priest told the Rapporteur that he had been detained on two occasions in two successive years, for a total of $17\frac{1}{2}$ months. He said that on the first occasion he was detained with three other priests for "having christened children with 'western-colonialist names' (Antonio, Fernando, etc.) and for having instituted in my parish ... 'Nocturnal Adoration of the Holy Sacrament', which was nocturnal only in name, since we began at five in the afternoon and ended at 7 or 7.30 p.m. This religious practice was regarded as political association, and hence unlawful and illegal. A number of Christians taking part were also put in prison. In order to be released, they each had to pay a fine of 10,000 ekuelé (the local currency equivalent to the peseta). Those they regarded as 'leaders' were fined 15,000 ekuelé, and we priests had to pay 50,000 ekuelé each."

152. The same priest told the Rapporteur that, on the occasion of his second detention the Catholic mission was completely sacked and that he was jailed for several months "without any statement whatever that could be taken as a motive for imprisoning me. I was beaten up for two hours until I was as good as dead. After

four days they tortured me for four hours on the fingers of my left hand (they left my right hand intact so that I could sign a statement setting forth all the outrages they intended to cite as the reason for my being tortured), and also on the testicles ... During my months of imprisonment I witnessed other cases of sentence without trial and for an indefinite period. I also witnessed many cases of bribery to secure release. The sums ranged between 15,000 and 100,000 ekuelé."

153. During the period of his detention he was not fed by those in charge of the prison, but by his sister on their instructions. Apparently this was the general practice with all detainees. The members of their families had to provide their food. Over the 15 months of his imprisonment he was made to work on tasks such as cutting the grass. One day, following the August coup d'état he was released along with other political prisoners or people held in custody during the Macías régime.

154. The same witness stated that the régime of former President Macías had institutionalized terror and the violation of human rights. He said: "To judge from what I personally saw and experienced, this statement can be summed up under the following headings:

Violation of the right of association;

Violation of freedom of belief and worship;

Violation of the right to education and schooling for children and young people. Since July 1973 there has been virtually no education in the national territory. The hours of schooling are used to teach "revolutionary principles", to practise "mass physical training" and to learn "revolutionary songs", which were nothing more than praises and flattery of the "Great Leader";

Arbitrary detention and imprisonment without trial, and of course without sentence;

Disregard for the inviolability of the home and correspondence in practice, even though the Constitution proclaims the contrary;

Violation of the right to be informed and to inform: no press, and a radio used exclusively for propaganda serving the régime. Macías actually stated at one of the meetings he was in the habit of holding every Saturday in the Bata Secondary Education Institute: "You don't need newspapers. I myself will inform you of anything you need to know."

155. In reply to the question whether the régime of former President Macías had attempted to change the tribal system of the country, he answered that, on the contrary, Macías had tried to accentuate tribal differences for the purpose of creating a situation of internal division within the country and tribal antagonisms which would enable him to govern more easily. That came up when the Rapporteur asked him whether there had been a normal legal system before the fall of Macías, in other words, during the former régime, to which the witness answered

that there had been and that the system was a mixture of indigenous Equatorial Guinea elements and the system introduced by the Spaniards. In each district capital or administrative division there had been a standard conventional court, of the Spanish type, but the tribal system had also been used whereby the chief of the tribe was given certain powers to act in quite a number of various problems, both civil and criminal, all of a minor nature. That tribal system had been maintained, but to the benefit of the régime of former President Macías.

156. Concerning the educational system, the same person stated that, when the Equatorial Guinea teachers had departed or, in other words, when they had been deprived of their posts, driven into exile or persecuted, and when Macías had decided to close the private schools and colleges, he had sought assistance from Cuba and Cuba had sent teachers to fill the vacancies left by the Equatorial Guinea teachers. The Rapporteur asked him whether the Cubans were still there and was informed that they were not. They had remained for a very short time, because they had been unable to get on with the pupils, with the children and their parents, and had failed to be accepted by the teaching profession. Their problems with the children arose because they did not understand their way of life or peculiar characteristics, because they were not in harmony with the behaviour and feelings of the Equatorial Guinea children. They had had trouble with the student teachers - they had also filled vacancies in the Escuela Normal, that is, the teachers' training college - because it appeared that the Cubans had sent unqualified personnel who gave a poor impression of Cuban assistance. The impression received was that they had sent second-class or third-class people, or personnel intended for pre-school education who had had little professional training. The result was a clash and the Cubans themselves felt ill at ease and soon left the country. That explained something which had interested the Rapporteur, the fact that teachers, citizens of Equatorial Guinea, seemed to have had nothing to do with the system. The witness also stated that there had been a group of Cubans running the hospital, thus confirming other information received.

157. Concerning the present situation, the same witness stated that he thought that, with the advent of the new Government, there had been an opening favourable to the practice of human rights. He thought that his views - his assessment - were shared by quite a number of the citizens of Equatorial Guinea, namely, that there was a general hope that the situation was improving and becoming normal.

With regard to the problem of refugees, he said that he thought that it was gradually solving itself. He was aware of the amnesty decree by the present Government and said that, nevertheless, he thought it would be prudent for exiles who were politically active not to press too strongly or too urgently for the complete normalization of political life or, in other words, the legalization of political parties and participation in the political life of the country. He felt that, if the exiled members of political parties exerted too much pressure along those lines and demanded that the Government should completely normalize democratic life, with elections and the rest, the people might take that, rather premature, intense political life, as a sign that evils such as those produced by the Macías régime might return. In his view, they would make an association of ideas between the political activity which had culminated in the authoritarian

and totalitarian power of Macías and the new political activities under the current régime. A period of calm would be needed by the régime to normalize economic and social life and, once that had been done, he thought that the time would then be ripe to introduce full political activities for all citizens of Equatorial Guinea. He emphasized that that was just his own impression and that he himself had never been an activist or indeed a member of any political movement.

158. In another meeting with a Catholic priest, the Rapporteur was told that Macías began to interfere in Church matters when he first came to power, particularly with respect to marriages between citizens and foreigners, which he called "mixed marriages". If the father was a foreigner, the children were baptized according to the custom of the Church with the father's surname and that in the eyes of Macías, enabled or facilitated flight from the country by persons belonging to that family. Later, the interference became greater. It reached the point of banning completely all religious services and the priests were submitted to pressure, intimidation and harassment of all kinds. First they were prevented from conducting baptisms and marriages and then all other services were banned. Macías expelled all foreign priests but first he imposed upon them a fine of 4 million ekuelé, which the Church was quite unable to pay.

Finally, he expelled them on the promise by white persons, mainly Spaniards resident in the Peninsula, to pay the fine. Now, the informant said, the situation is better. He even described it as "marvellous". The Rapporteur understood this, of course, to mean in relative terms, as compared with the Macías régime.

According to this priest, there is complete religious freedom even in the educational sphere. The Church is not only permitted to maintain educational institutions but the Government itself has called upon priests to give classes in religion in its own institutions. He specifically mentioned the Malabo Institution. The Government was recruiting the services of priests for religious courses taught there in view of the fact that, according to the informant, the Spanish curriculum was being followed there.

159. The same person also indicated that the refugees were returning cautiously in small groups, to check on the situation with their relatives, or, in other words, to find out what guarantees the Government was offering them for living in peace. Some had returned. Others were coming back for about 10 days. They feared that the régime might be essentially the same, on account of the persons composing it. According to him, most of the chief governmental posts in Bioko, including the diplomatic service, were held by Fangs and that was resented by the Bubis.

160. Another Catholic priest told the Rapporteur his experiences under the régime of former President Macías. He distinguished between physical suffering and moral suffering. Practically all of the priests in the country had experienced physical suffering, detention, and the like. On the other hand, he felt that the worst torture was the moral suffering, "the trampling on personal feelings, the fact of never having a moment of spiritual tranquillity, of being at the mercy of anything they tried to perpetrate against any one of us." He told the Rapporteur

that he had been detained three times and imprisoned twice. The worst period of imprisonment in terms of physical suffering was the last one, from late 1976 to the spring of 1977. There were two kinds of physical ill-treatment, namely beatings and forced labour for 12 or more hours a day. The length of the work day depended on the whim of the prison guards. Most of the work consisted in clearing the bush (chapear). However, since prisoners were considered more or less as slaves, prisoners were used for any kind of work below human dignity. Beatings were particularly hard, since priests were considered naturally "subversive", and under the régime of President Macías, subversives had no right to life. Those who had a weak constitution would die or be left with a physical disability. Beatings were given on all parts of the body. He stated that during his stay in the Bata prison he had not personally seen anybody die, but that during that same time many persons were killed in the Malabo prison, in particular a Catholic priest Father José Esono; Jesús Alfonso Oyono, former Minister of Public Works; Manuel Nsi Mba, former Minister of Youth and Sports; and many others. He also mentioned the names of a number of Catholic priests who had been jailed and had suffered physical consequences.

161. He stated that the persecution of the Church under the régime of President Macías had been greatly intensified after 1974. From that point on, priests and religious personnel in general were subject to arbitrary arrest and detention. Since the Church was considered to be inherently "subversive", anything that priests did or said aroused suspicion. They were therefore detained without any specific charges. For example, when the informant was detained for the last time, the immediate reason had been a child's poetry contest organized by one of the religious schools; the mere fact of having been together in a meeting had led the authorities to believe that they were plotting against them. Therefore, it could be said that there was no religious freedom under the previous régime, even before the churches were actually closed down in 1978. The closing of the churches had been preceded by several years of violent anti-religious propaganda, with the purpose of preparing the public for the final elimination of the Church. During the entire time of the Government of President Macías priests had to watch very carefully what they said and what they did, because everything could be turned against them.

162. In this person's view, the plan of the Government was to destroy church buildings systematically. He stated that they began in the interior of the country, particularly in Evinayong and Akurenam, by vandalizing the churches and village chapels and by removing parts of the structures, such as gutters, so that the buildings began to fall apart. Then they would raid the homes of all those who were baptised and take away anything that they thought had something to do with religion, such as birth certificates, baptismal certificates, religious images, and even passports and many other things. Besides attempting to suppress the religious identity of the people, they also suppressed all religious teaching, and eventually they closed all schools run by the Church. Church property was seized such as the Cathedral and the adjoining Catholic mission buildings both in Malabo and in Bata, the museum belonging to the Catholic mission, houses and cars. Between 1969 and 1977, all Spanish priests were expelled, and pressure was exercised on the indigenous priests to leave the country.

163. Concerning the present situation, the priest stated that he was satisfied that religious freedom had been re-established and was hopeful that the new Government would maintain its promise to restore the rule of law.

164. The Rapporteur also had the opportunity to inquire about the condition of nuns under the régime of former President Macías. At the Luba hospital, the Rapporteur was shown an empty building which had housed the nuns who were on the hospital staff, and was told that the nuns had escaped because of persecution under the previous Government. He was also told that the nuns at the Batete monastery had suffered much repression.

165. On another occasion, the Rapporteur was able to speak at length with a nun who gave a vivid description of life under what she called the "régime of terror", namely, since the establishment in 1970 of the Partido Unico Nacional de los Trabajadores, which she said had been President Macías' main instrument for oppressing the people of Equatorial Guinea. She stated that nuns were harassed and persecuted, and told the Rapporteur several cases in which nuns had been detained, subjected to daily beatings (in one instance at least 80 blows daily), forced to work on the roads, and other kinds of ill-treatment. She told the Rapporteur that, as a consequence, one of the nuns had died. She also stated that, under the Government of President Macías, women had been forced to work on State plantations, road clearing and other kinds of work in addition to their normal work in the house and on their own farms. She stated that the previous Government had driven the country to complete misery and that life had become a constant struggle for survival; the Government provided nothing, medical and other services had been eliminated, food had disappeared, and people had been left to themselves "like the animals in the forest". After the overthrow of President Macías people were beginning to hope again, but for the time being it was only hope, since the poverty caused by the former Government was such that things had changed very little in practice.

166. The Rapporteur was also able to visit the Methodist Church in Malabo and to speak with a catechist. The church was in the area of town which had been evacuated by President Macías and surrounded by a high wall topped with barbed wire to prevent access by the public. The church was in a state of abandon: the altar had been destroyed, benches and other furniture removed or vandalized, all church papers destroyed, and the court-yard was overgrown with weeds. The catechist stated that Protestant churches had also experienced repression under the régime of President Macías: while Methodists had not been detained, Evangelists had; the churches had also lost a considerable amount of property.

4. Meetings with educational personnel

167. The Rapporteur had the opportunity to have an informal exchange of views with a civilian member of the Culture and Education Commission. He explained to the Rapporteur that the civilian members of the various commissions had been designated by the Supreme Military Council on the basis of their professional knowledge. His Commission consisted of sixteen members, thirteen of whom were civilian members. All these were teachers and had been given complete freedom in their work. Although the Commissioner had the power to veto decisions taken by the Commission, this had not happened as yet. He felt that the fact that the Military Government had designated professional persons as members of the commissions guaranteed the efficiency and impartiality of their work.

168. This person indicated that "private education had again been given official recognition and a new Directorate-General of Private Education had been created within the Commission in order to carry out this directive. The main problem faced now by the educational system was the lack of qualified teachers; it was hoped that aid would be received from UNESCO, which had sponsored the educational centre in Bata until 1977, when the last UNESCO teacher had had to leave the country. Subsequently, the centre had been closed, but it was hoped that it could be reopened in January 1980. He also indicated that many teachers who had escaped abroad were now returning and were being reintegrated into the system without difficulties.

169. The Rapporteur was also told that there were no current statistics on the number of schools functioning in the country, or on the number of children attending classes. It had been found that Macías had terminated about 600 teachers corresponding to about 600 unitary schools. The majority of schools in the country were unitary schools, namely, one teacher was in charge of several classes (mostly level one to four). The consequence of the policy of the previous régime had been a high degree of illiteracy.

170. On 8 November 1979, while on his way to Niefang, the Rapporteur stopped at a little country school in the village of Meñung. It was a unitary school, consisting of one large room, accommodating children from Kindergarten to level four. The teacher, Mr. Sergio Ondo Obuna, told the Rapporteur that he had been teaching since 1968, and therefore had experience of the educational system both before Independence and during the period of the Government of President Macías. He explained that, in the previous eleven years, teaching of regular subjects was increasingly disregarded, most of the time was spent on what the Government regarded as revolutionary political education, namely the study of President Macías' biography, his works, and other information concerning his Government. The teaching of religion had been forbidden. The drop-out rate had greatly increased since the parents felt that children were not learning sufficiently.

171. The teacher showed the Rapporteur one of the textbooks he was now using, and stated that the question of textbooks and programmes was the greatest preoccupation of teachers at present, textbooks being very scarce and antiquated. There were no reading books for the children, and the only equipment which the school received in abundance was chalk. No equipment had been provided by the previous Government during the previous régime, but now there was hope that this would be corrected.

172. Another question asked by the Rapporteur concerned the salary paid to teachers. Mr. Obuna indicated that his salary (5,793 ekuelé monthly) was now being paid regularly again since the beginning of August; under the previous Government he would spend up to five or six months at a time without being paid.

173. In answer to another question asked by the Rapporteur, Mr. Obuna informed him that teachers from the district met when convened by the school inspector for information purposes or to discuss questions relating to the educational system; there was no teachers' association as such, and teachers did not get together outside of these official meetings, mainly because of the problems posed by distance and lack of transportation. There was no school board or parents' association to work with the teachers, although villagers living near the school would lend a hand when work needed to be done.

174. In a brief talk on the street in Mongomo on 10 November 1979, another teacher confirmed much of the information provided by Mr. Obuna, and added that the statutes of the single party PUNT were also required teaching during the time of former President Macías; he also stated that schools in the district did not have a regular schedule, but were often opened or closed according to President Macías' whim.

175. In Niefang on 8 November 1979, the Rapporteur had the opportunity to ask a few questions to the school inspector for the district of Niefang, Mr. Pedro Wolasco Nculu Oyé Olinga. He told the Rapporteur that the Planning Office in Malabo was carrying out a school census, but the results were not yet known. He indicated that the school system was composed of national colleges, in the main towns; graded schools, consisting of two classrooms accommodating different levels; unitary schools, with one teacher for several levels. Many of the latter were so-called rural schools, namely schools conducted by teachers who were better trained than other villagers, but who had not achieved the necessary level of qualification and were therefore not officially remunerated. The inspector explained that, in the period preceding the Government of President Macías, there had been training programmes for rural teachers and for other teachers, but that these had been gradually eliminated because the previous Government was opposed to cultural advancement.

176. Concerning textbooks and school materials, Mr. Nculu indicated that a delegation from Equatorial Guinea had recently visited Spain and had ordered new books printed in line with the new educational plan, and that these would be made available soon.

5. Meetings with medical personnel

177. On 4 November 1979, the Rapporteur visited the Luba hospital, a solid and attractive two storey building in a beautiful location by the ocean. The main building was surrounded by smaller pavilions, but a connecting bridge had been destroyed. The Rapporteur observed that the hospital was completely empty; there were practically no beds, and the few that existed had no mattresses; there was no running water, no electricity, and no medical equipment of any kind. The hospital only had a small pharmacy with a few drugs. The Rapporteur was received by two nurses, a male nurse who had worked for the hospital for about twenty years, and a female nurse who had worked there for about ten years. They both looked very sad and hopeless as they were showing the Rapporteur the desolation into which their hospital had fallen. They stated that the hospital used to be run by Spanish doctors with the assistance of nuns of the order of the Corazón de María; the hospital had space for 280 patients or more, and used to be generally full; it also used to have excellent services, in particular a very good maternity ward. After President Macías had come to power, the Spanish doctors had fled and so had the nuns, in order to escape persecution. Now the hospital had no doctors and the only service that was still functioning was a dispensary for external patients (up to 200 a day) run by fourteen nurses. The two nurses stated that the most common diseases treated were malaria, hepatitis and bronchitis. They also informed the Rapporteur that the Government had promised that two or three doctors would be sent soon, but they had no hope that this would actually happen, an attitude which appeared to the Rapporteur to be symptomatic of the total abandon in which the hospital had been left by the previous Government.

178. On 8 November 1979, the Rapporteur visited the hospital at Niefang. The hospital had two doctors, both of them trained abroad, but its state of abandon and deterioration was similar to, if not worse than that of the Lubar hospital. The buildings were largely empty, with practically no beds or mattresses, and with no medical equipment; many of the buildings visited by the Rapporteur were in a bad state of disrepair, with caved-in ceilings, unpainted walls and concrete floors. The hospital housed two patients who were sleeping on beds with no mattresses, but its current activity was practically limited to the provision of medical services for external patients. The doctors showed the Rapporteur several boxes of medicines which had been received recently and stated that medical supplies had started coming in after the change of Government for the first time in six years. On the other hand, the hospital was not equipped to store certain drugs, in particular vaccines, which required refrigeration.

179. The doctors confirmed to the Rapporteur that the Government of President Macías had engaged in a policy of repression of all educated people in the country, including doctors, and gave him the names of two doctors from Niefang who had been jailed in Malabo as "subversives" and subsequently killed in about 1972/73, Dr. Manuel Nguema Obono and Dr. Manuel Combo. 11/

180. On 11 November 1979, following the car accident already mentioned, the Rapporteur was taken to Bata hospital. There he was attended by the Director, Dr. Marcelino Ondo Ndong, and by two doctors from the People's Republic of China, Dr. Cheng, surgeon, and Dr. Shi, radiologist, and by hospital staff. The hospital consisted of a number of large buildings in good condition, and appeared to be busy; it had a certain amount of equipment at its disposal, such as an x-ray machine, operating room tables and stretchers; it had electricity and running water. It also appeared to have first aid supplies, drugs and vaccines. On the other hand, the Rapporteur was informed that certain vital equipment was missing, such as ambulances, sterilizers and mattresses.

6. Meetings with prisoners

181. The Rapporteur visited the jail in Bata on 7 November 1979. He and his staff were taken to the jail by the Military Commander of Bata, Lieutenant José Moro Mba, who, however, remained outside of the court-yard where the Rapporteur was interviewing prisoners. The jail could be reached only by crossing a military camp; it was a fairly small building, surrounded by a grassy area enclosed by a high wall; there were goats grazing on the grass. The Rapporteur also inspected some of the cells, which were spacious but dark and bare, with no furniture and no beds. Conditions in the jail are to be considered as bad, although not the worst the Rapporteur has seen in the course of a number of missions.

182. The prisoners to be interviewed by the Rapporteur had been assembled in an inner court-yard which could be reached through a hall leading to it from the main entrance, where a large group of

11/ These names were also included in the list submitted to the Commission on Human Rights by refugees in 1975 (E/CN.4/R.15/Add.2, Annex 7).

soldiers stood guard. Once in the court-yard, the Rapporteur requested that he and his staff be allowed to carry out interviews with the prisoners individually and out of earshot of the military officials, in order to ensure the privacy of the interviews.

183. Three of the prisoners interviewed by the Rapporteur stated that they had been arrested subsequent to their return from Gabon, where they had been living in exile. The first two prisoners, Mr. Sebastian Mba Nguema, 31, and Mr. Angel Nguema Edu, 33, both of Evinayong, had been arrested together on 2 October 1979 after crossing the border at Akurenam. They were both former legionnaires and had originally escaped to Gabon in 1972, after having been detained for several months as "trouble-makers" in Bata jail where they suffered torture and beatings. They had returned clandestinely in 1976, and had been involved in an attempted coup which, however, had failed. They had therefore escaped again to Gabon and had remained there until after the overthrow of President Macías, when they felt that the situation had changed sufficiently to guarantee their safe return to Equatorial Guinea. However, after crossing the border with their families, they had been arrested and accused in connexion with the attempted coup of 1976. They had now been in jail for over one month without trial and without having seen a defence lawyer. One of them stated that, although they had been told that their case would be brought before the Governor, they had been unable to speak with him. Concerning conditions in the jail, they stated that they were doing light work and had not suffered any ill-treatment; the jail did not provide food, which was brought to them by their families.

184. The other former refugee, Mr. María Simón Eyoma, 40, also from Evinayong, had arrived at Bata jail that same day. He stated that he had been a member of the municipal police force of Evinayong, but that he had been persecuted by the previous régime and jailed several times, and subjected to beatings. Therefore he had escaped to Gabon about five years earlier and had returned only on 16 October 1979. He had reported to his old post, but on 19 October he had been detained, and accused of being an accomplice of the other two prisoners by Mr. Fernando Esotom, an officer at Evinayong. He indicated, however, that the real reason for the detention was a personal antagonism with this officer. He had not been ill-treated, but he had been unable to inform his family of his whereabouts.

185. The Rapporteur also interviewed Mr. Alogo Mechan Nchama, 69, of Añisok, sentenced to twenty years in jail for collaboration with his son, Antonio Je Alogo, former Government Delegate of Anisok. He and his son had escaped to Gabon on 8 August 1979, but when they attempted to return on 17 August, they had been detained by the Military Commander of Mongomo and taken first to Bata jail and then to Añisok, where they had been tried before a military tribunal. His son had been sentenced to death for murder; he had been imprisoned with his younger son, Marcelino Ondo, who could not be interviewed because he was working outside the jail at the time. Mr. Mechan Nchama declared to the Rapporteur that his son Antonio was innocent of murder but had made many enemies while in a position of power as Government Delegate of Añisok during the time of former President Macías; that he himself had done nothing and ignored the real reason for his sentence, except that he had been considered guilty of not giving good advice to his son. He said he had been beaten both in the Mongomo and Bata jails, but that the ill-treatment had ceased after the Military Governor had given orders in this sense.

186. The Rapporteur had the occasion to inquire further about the case of this prisoner both in Añisok with the Government Delegate and the traditional chiefs, and in Mongomo with the Military Commander. He was told that the man's son, Antonio Je Alogo, former Government Delegate of Añisok, had been guilty of arbitrary actions and repression against the local population, such as shooting unarmed civilians, and several assassinations, for which he had been sentenced to death by the military tribunal at Añisok and executed. The father had been traditional chief in the district of Añisok and had also engaged in arbitrary actions such as embezzlement and active collaboration with his son, for which he had been tried before the same military tribunal and sentenced to twenty years.

187. Three military prisoners were also interviewed. Two of them had been members of President Macías' security force, and the third had been the President's driver. They stated that they had been with the President when he had attempted to counter-attack after 3 August 1979; they had been told that a foreign force had invaded the country, and they had thought that the counter-attack was aimed at repelling the invaders. On 5 August, however, they had heard a broadcast by the new Head of State explaining the reasons for the coup and this had led them to escape, abandoning the forces of President Macías. They had subsequently been arrested by the armed forces and taken to Bata jail, apparently as a protective measure. All of them had been in the jail for about three months. They stated, however, that most of the ninety members of President Macías' security forces who had been taken to Bata together with them had already been released, and that they expected to leave the jail within the next few days. They stated that they had not been informed of any specific charges against them, or brought to trial, and that they had not had the opportunity to speak to a lawyer; on the other hand, they had been able to speak with the Military Commander of Bata and with the Commissioner of Justice. They stated that they were given considerable freedom, including occasional visits in town, that they were able to see their families often and did not have to work, with the exception of cleaning their cells and the yard.

188. Finally, the Rapporteur interviewed two prisoners accused of common offences (a 10,000 ekuelé debt and a 4,500 ekulé theft). One had been in jail for three weeks and the other for five days. They said they were required to work outside the prison at cutting brush, in one case five hours and in the other ten hours a day. Food was not provided, and both prisoners stated that, since they did not have family living nearby, they were dependent on the goodwill of the other inmates for their meals. On the other hand, they said they had not been ill-treated. They both stated that they had not had a defence lawyer.

7. Meetings with individuals

189. It was the Rapporteur's policy, both on Bioko and in Río Muni, to make contact with as many people as possible on the street, in markets, in villages and at their places of work, and to ask questions about their life and working conditions and about their personal experiences under the régime of former President Macías, as well as about their perception of the situation since the change in Government. The Rapporteur found these chance encounters and the opportunity to learn from the people themselves about their past and present situation extremely valuable for his study. The information obtained in the course of these conversations is set out below in chronological order, together with a brief description of the context within which these interviews took place.

(a) Meetings in Bioko

190. In Malabo, the Rapporteur visited the area of town which had been enclosed by former President Macías for his own use. The area, covering several blocks in the heart of the old town, included the Presidential palace, the Cathedral, the Bishop's palace, the military headquarters and various other buildings, both governmental and private. The area was surrounded partly by a high wall topped with barbed wire, partly by an iron gate. Many of the buildings were boarded up and in a state of abandon. The Rapporteur was able to drive through the area freely, the entry barriers having been removed, and was satisfied that freedom of movement had been restored. He was, however, prevented from taking pictures of the Presidential palace by a military guard. He was also told that persons who had owned property in the area were now able to reclaim it and that some had already been able to move back into their old homes.

191. On the evening of 1 November 1979, the Rapporteur paid a brief visit to a suburb of Malabo, Ela Nguema (formerly San Fernando). He stopped by the local church, a dilapidated and partially burned out building, where a large number of people were assembled waiting for the start of evening mass (the 1st of November being a Catholic holiday). As several people came forward to greet the Rapporteur, he engaged a conversation with a young man. He was a painter for the Malabo municipality and stated that, during the last period of the Government of President Macías, he had not received his salary for nine months; the reason apparently being that President Macías did not wish to do so. He also told the Rapporteur that, while he himself had not been in jail, his brother had been detained at Blackbich jail following a dispute with the authorities, and had died there. The family was informed of his brother's detention only after he had died. The corpse showed signs of beatings and the family assumed that this had been the reason for his death.

192. The next day, the Rapporteur went for a walk around town, interviewing people on the street, particularly in the market and at the stadium. The first person approached, a man from Ebebiyin, told the Rapporteur that he had left his native town because of his difficulties with the régime of President Macías. He had been working in Malabo for the Port Administration Commission; however, at a certain point he had been terminated. Following the change in Government he had been re-integrated to his old post.

193. A military man told the Rapporteur that under the previous régime members of the armed forces would not be paid for six or eight months at a time, and had to forage for food in the countryside, gathering roots and fruits. Most public employees had apparently been in the same situation. Meat was no longer available since cattle farms had been abandoned and the cattle had died. It was possible to eat fish occasionally, but even this was difficult since the previous Government had granted a fishing monopoly to Soviet boats, which supplied only rotten fish for the Equatorial Guinea market.

194. An incident occurred while the Rapporteur was talking with two young men met on the street, one of whom was a military man in civilian clothes. The interview was suddenly interrupted by the Commissioner of the Interior who happened to drive by while the Rapporteur was about to record the conversation. The Commissioner stopped abruptly and summoned the two men over to his car; he reprimanded them for accepting the interview and the sound recording. The Rapporteur had to walk over

to the Commissioner's car to identify himself and explain the purpose of his mission, in order to protect the two men. The Commissioner agreed that the Rapporteur could interview people on the street, but emphasized that he should speak with the lower strata of the population in order to obtain information about the previous régime. As a consequence of the incident, the Rapporteur was prevented from talking any further to the two young men in question.

195. The Rapporteur also visited the Malabo market, consisting of a number of modest stalls selling a variety of small articles which, he was told, came from neighbouring countries. Despite the poverty of the goods on sale, people appeared generally happy and the market was animated. The Rapporteur talked briefly with some people, in particular a market woman who told him that the market had been closed by former President Macías, for reasons that were not explained, but that the new Government had reopened it.

196. On the evening of the same day, the Rapporteur drove to Sampaka, a small location on a cacao plantation about 6 km outside of Malabo. The Rapporteur arrived there at dusk and was taken to the Meeting House, where he held a meeting with the traditional chief and a number of other villagers. Since the village was celebrating the re-appointment of the traditional chief, the atmosphere was very animated with music and singing and a large number of people crowded into the house to listen to the meeting. The Rapporteur interviewed at length one of the elders of the village and brother of the traditional chief. The man stated that, like the rest of the country, the village had suffered considerably under the régime of former President Macías. Two persons from the village had been detained and killed in jail, but their families had never been informed officially nor had been able to see the corpses; they had only recently known of the deaths because the names were included in the list of persons assassinated by the régime submitted to the court during the trial of former President Macías. He also stated that women had been forced to work practically as slaves and that salaries paid to workers had been insufficient for survival. He stated that salaries for agricultural workers were 1,600 ekuelé a month for local recruits and 2,500 ekuelé a month for workers recruited in Río Muni. Since the second category of workers did not have their own plots of land, they had suffered just as much as the local workers. Workers coming from Río Muni had been recruited by force, namely, by being arrested on the street as vagabonds; regardless of whether they had family and farms. None of the workers recruited in Río Muni had yet been able to go back because the President of the Supreme Military Council had declared that it was first necessary to save the harvest and that workers could return to their personal activities only after the harvest. On the other hand, he pointed out that on Bioko, the cultivation of cacao requires year-round work and thus a permanent work force. The Rapporteur was also told that on Bioko there were very few privately owned farms in the strict sense of the word; about 99 per cent of the plantations were actually owned by foreigners (Spaniards, Portuguese, West Germans), but had been taken over by the State after the owners had left for fear of repression. These plantations were now called "state farms" and were administered by the Government; however, they might revert to the original owners under recently enacted legislation. In conclusion, the Rapporteur was told that economic, cultural and religious life was beginning again after having been brought to a standstill under the previous régime; however, the general feeling appeared to be that, since the new Government had been in power for only three months, it was still too early to tell for sure what would happen.

197. The Rapporteur visited Rebola in the afternoon of 3 November 1979. This small town, about 13 km from Malabo, had been selected because it was the native town of Edmundo Bosio Dioco, former leader of the Bubi Union and one of the four candidates in the 1968 presidential election.

198. As usual, the Rapporteur's visit attracted considerable attention among the people of the village, and several came forward, eager to speak with him. The Rapporteur was told that, under the previous régime, one could be killed for speaking with strangers, so that the Rapporteur's presence was viewed as a symbol of the changed times. It was confirmed that Mr. Dioco had been assassinated in Malabo on 9 February 1975. At least seven villagers had been taken to Bata jail and had been killed there, but the families had not been able to recover the bodies. The Rapporteur was also told that the village had suffered persecution, and many people had been detained at various times. All the detainees had reported suffering ill-treatment in jail, in particular beatings with sticks and machetes. The village had not had any problems of this kind since the change in Government.

199. The question of land and labour was discussed at length by the Rapporteur with a number of villagers. He was told that the area was mostly engaged in cacao production, with some coffee being grown on the slopes of the mountain; the local people farmed their own small plots, but most of the large plantations were owned by foreign interests and currently administered by the State. It was explained to the Rapporteur that the inequality in land ownership dated back to the time of Spanish colonialism, when land ownership by the indigenous people was restricted to four hectares per family head, while foreigners were entitled to acquire land freely. The departure of Nigerian workers in the mid 1970s had been disastrous for Bubi farmers, leaving them without sufficient labour to cultivate their farms. Moreover, all able-bodied persons above the age of fifteen had been required to work on State plantations. This had led to the deterioration and abandonment of many farms. Another problem raised concerned wages for work on State plantations, which were felt to discriminate against Bubi workers, since workers from Río Muni earned 2,500 ekueles monthly, but local workers only 1,600 ekueles. In any case, the Rapporteur was told that these wages were totally insufficient for the survival of a family; moreover, they had not been paid for several months prior to the end of the régime of President Macías. In general, it was felt that the size of private farms was too small to support an average family of seven people, in particular in areas where the land was less fertile and where crops other than cacao were grown.

200. On the question of alleged Bubi separatism, it was emphasized to the Rapporteur that Bubis had consistently been ill-treated. While in the country as a whole they were a minority, they were the original inhabitants of Bioko and they felt they should not be put in a minority position in their own land. The Bubis had numbered 30,000 to 40,000 in the past, but because of repression, epidemics and other events, they had diminished to about 15,000. It was argued that the Bubis were the main producers of cacao and the main support of the country's economy; therefore, they were entitled to adequate representation both in the national Government and at the provincial level, which had not been the case for many years. The Independence Constitution had provided for balanced representation of the various ethnic groups of the country, but had been abrogated by former President Macías. All the prominent Bubi leaders had subsequently been killed. While the Bubis were now grateful to the present Government for restoring fundamental freedoms to the country, they felt that it was a transition Government and were hopeful that sooner or later the country would be given a democratic organization.

201. On his way to Luba on 4 November 1979, the Rapporteur stopped at a small shelter on the roadside which appeared to be a rest stop for agricultural workers. The Rapporteur met a group of about thirty workers there. There was a lively discussion of both the past and the present situation and, despite the presence of the foreman, the workers spoke freely and did not appear to be intimidated.

202. The Rapporteur was told that the group worked on a State plantation administered by a Government official who lived in Malabo. The foremen were also nominated by the Government. The workers explained that they were paid a salary of 2,500 ekueles a month and that they were assigned a given quantity to be harvested daily; each worker then determined the duration and the rhythm of his work, the average work day lasting from 7 to 12 a.m. They worked every day of the week except Sundays and holidays.

203. All the workers in the group were Fang from Río Muni, and stated that they had been recruited against their will. They were unanimous in asserting their wish to return to Río Muni, and stated that all the other Fang workers they knew on the plantation wished to go back. They indicated that the reason was not only the desire to return to their native villages but also the fact that they would be economically better off if they could work in their own farms.

204. Many of them also stated that they had been detained at various times; one of them had spent four years in the Malabo jail for having crossed the border into Gabon in order to buy some personal items. They stated that, while in jail, they had all experienced ill-treatment and beatings.

205. Asked about the conditions of work of women and children, the workers replied that women were not now forced to work on the plantations, and did so only if they wished. Women workers received a lower salary than men, apparently because they were assigned lighter tasks. Minors were employed from the age of fifteen and were doing the same kind of work as adult males, but usually earned considerably less because they could not finish the assigned quantity in a day.

206. The workers also stated that no medical facilities existed on the plantation. If a worker fell ill or had an accident, he had to be taken to the hospital in Malabo where, however, medical care was also insufficient.

207. In Luba, the Rapporteur had a conversation with three peasant women he had met on the street. They told him that under the previous régime they had been forced to work on cacao plantations and to do other kinds of heavy work, such as clearing the bush, often without pay. Now they were working on their own farms and would hire their labour out to State or private plantations only if they wished. They confirmed some of the allegations that were made before the Commission on Human Rights concerning brutality against women by the Juventud en Marcha con Mácías. They also stated that, although the situation had now changed, their life was still very difficult because of the scarcity of food and the total lack of health facilities.

208. Later the same day, a serious incident occurred when the Rapporteur visited Batete, a small town in the hills about 45 minutes by car from Luba. The Rapporteur had decided to go to Batete because he had been told that the town was celebrating the day of its patron saint and that there would be people coming from

all over the district. When the Rapporteur arrived, he was not taken immediately to the house of the traditional chief, as was the custom, because the town elders were meeting at that time with the military authorities. The Rapporteur and his staff therefore drove to the main street where they were welcomed by a large crowd of people in a festive mood. The Rapporteur was also met by the chief of the local military post who indicated that the Rapporteur would be free to speak with whomever he wished while waiting to be received by the town authorities.

209. Several persons in the crowd surrounding the Rapporteur expressed their delight at seeing him and stated several times that this was a symbol to them of the end of their isolation, since they had not seen foreigners for many years, and indeed it had been a crime under the previous régime to speak to foreigners. They said that the town had suffered a variety of abuses, including arbitrary arrests, murders and torture. They also pointed out that they were wearing new clothes and shoes, recently provided by the new Government, while under the previous Government they had been dressed in rags and had had to cut up their own clothes in order to cover their children.

210. The Rapporteur then walked down the main street towards the traditional chief's house, always followed by the crowd. As the Rapporteur approached the chief's house, an elderly man came and identified himself as the President of the committee which had organized the festivities. However, as soon as the Rapporteur began interviewing him, another man in civilian clothes who had been standing outside of the chief's house with a large group of police and military personnel, pushed his way through the crowd surrounding the Rapporteur, took the first man aside and reprimanded him for speaking with the Rapporteur. A few minutes later the President of the committee returned and told the Rapporteur that, although they wanted to prevent him from speaking with the Rapporteur, he was not afraid. Again, however, a group of men in civilian clothes and policemen intervened and angrily reprimanded the man, despite the Rapporteur's efforts to convince them that the man was not at fault, since the Rapporteur was asking him questions in his capacity as Rapporteur of the Commission on Human Rights who had been invited by the Government. The man was eventually led away and the Rapporteur did not see him again for the rest of the time he spent in Batete.

211. The situation then became very tense and confused, as the Rapporteur continued to be surrounded by a large crowd of townspeople, armed police and army personnel, and several men in civilian clothes who appeared to be in positions of authority. The Rapporteur was then escorted into the house of the traditional chief where, after a delay, he was able to meet the military governor of the province.

212. The Rapporteur explained the purpose of his mission and expressed his concern about the man to whom he had been speaking when the incident occurred. He asked the governor, as a personal favour, to see to it that nothing would happen to the man. The governor assured him that there was nothing to worry about. The governor and the other authorities then escorted the Rapporteur and his staff back to their car. There were still many people on the streets, but the festive mood appeared to have been stifled by the incident. The Rapporteur was not given a chance to speak to any of the townspeople again. After he drove off, a military jeep, without being requested, escorted him all the way back to Luba.

213. The Rapporteur viewed the incident as a serious abridgment of the freedom of speech of the people of Batete, and upon his return to Malabo, he immediately informed the Government liaison officer of what had happened and urged him again to ensure that the man in question would not suffer any consequences for having spoken with the Rapporteur. The Rapporteur was again assured that there was nothing to worry about; however, it was unfortunately impossible for him to obtain any further information about the disposition of the case.

214. Before leaving the country on 14 November 1979, the Rapporteur was able to interview in Malabo two men from Pagalu. Both men had been living and working in Malabo for several years but they were able to supply the Rapporteur with information concerning the island since their families were still living there and they had been able to maintain sporadic contact. They stated that, prior to the coming to power of President Macías, there had been boat connexions with the island every month. In case of emergency, connexions were provided by navy boats. Doctors used to visit the island periodically. However, following independence, the island was gradually abandoned: boats would go only every six months and then gradually less and less often, and lately boats would run only once every two years. Medical attention was no longer provided, and in 1973 a cholera epidemic was left unattended, resulting in the deaths of 400 to 500 persons. Shortly thereafter, the island was struck by an epidemic of German measles which caused the deaths of more than 200 children. One of the informants had lost six close relatives in the two epidemics. They stated that, under the former régime, they were able to receive news from their families only once every two years when the boat made the trip to the island. They said the island had at most 3,000 inhabitants, mainly old people, women and children who had been left behind, while most of the young men had gone to work elsewhere. There were no Government teachers and no missionaries on the island; the only authorities were the traditional chiefs, although they had heard that the Government had recently nominated a delegate. Finally, they told the Rapporteur that the last boat going to the island had left in November 1978 and they were not sure whether the new Government would restore more regular connexions.

(b) Meetings in Río Muni

215. In Bata, the Rapporteur visited the area which had been enclosed by former President Macías, and which included the Governor's palace, the telecommunications building, and the Catholic church and mission building. He was able to verify that, although the wall built by the previous Government was still standing, all entrance barriers had been removed and traffic moved freely to the area. The Rapporteur, however, saw one barrier on the road leading out of Bata in the direction of Mongomo. Churches were open and so were the markets; a number of stores appeared to be functioning normally. On the other hand, there appeared to be very few people in the town and many buildings appeared to be abandoned, with their shutters closed. There appeared to be very little food in the markets, sold at extremely high prices.

216. In the afternoon of 6 November 1979, the Rapporteur visited briefly the Bata harbour, a recent and quite extensive construction. The harbour, however, appeared to be completely empty; there were no ships or boats in sight, and no buildings or equipment of any kind on the docks. The harbour appeared to be completely unused.

217. The Rapporteur also visited a tank farm on the outskirts of town, where he spoke with a small group of workers. The tank farm seemed quite modern but it was semi-deserted and there appeared to be very little activity in and around it. The workers, however, told the Rapporteur that it was functioning normally. They also said that they had direct knowledge of a number of people who had been detained and had died in jail under the previous régime. They also informed the Rapporteur that, before the change in Government, they would often spend up to eight months without being paid, and that they would survive by searching for food in the forest.

218. The Rapporteur had occasion to ask about the food situation in the countryside at Meñung, where he stopped to visit a small school. He was told by some of the village people that their staple foods were fruits and vegetables such as bananas, coconuts, malangas, and aguacates. Goats and other small livestock were reserved for special celebrations; the only meat eaten relatively regularly would come from hunting in the woods for small animals, such as porcupines, antilopes and monkeys. There was no milk for children, since all cows had been killed and the goats did not provide milk.

219. On the way to Mongomo, on 9 November 1979, the Rapporteur stopped briefly at a road-side village called Viuda de Potao, about 5 km before entering the town. There he spoke at length with a group of villagers. Since some of them did not speak Spanish, he relied on the interpretation provided by the Protocol officer accompanying the mission.

220. One of the villagers told the Rapporteur that he had spent four years working on the cacao plantations in Bioko, and had been able to return to Río Muni only because his children had died. He stated that workers had been recruited against their will through the intermediary of the traditional chiefs who selected a certain number of persons from their village; in his view, there was no way that he could have refused, except running away. The workers had been told that they would remain on the island for eighteen months, but at the end of this period, the authorities had refused to let them go. Regular wages were paid only during the first period, but after that the workers would spend up to six months without being paid. Food rations had also been discontinued, and workers were forced to eat fruits in order to survive.

221. Other peasants told the Rapporteur that, after the change in Government, they had been able to cultivate their own plots again, while under the previous régime they had been forced to work without wages on the peanut plantations belonging to the former President. One of the villagers had had his land confiscated by the former President and had been forced to resettle. He expressed the hope that the new Government would now allow him to return to his farm. They stated that the former President would confiscate property in the name of the State, but that in reality such property would be used for his own benefit.

222. In Mongomo, on 10 November 1979, the Rapporteur and his staff interviewed a number of people on the Plaza de la Libertad, in the centre of town. The square was quite animated, with many people milling around the station where a bus was being loaded, other coming on trucks, and others doing their shopping in the market or crowding in small wooden stalls around the square where drinks were being served. The Rapporteur picked some people at random among the crowd to ask a few general questions about the past and current situation.

223. Asked about the reasons for all the movement in town, several persons stated that freedom of movement had now been restored, the eight barriers between Mongomo and Bata having been removed. People were now travelling to see their families and friends, and in general to enjoy the changed situation. Many refugees were also coming back from Gabon. There was now a regular bus service between Mongomo and Bata, provided by a State-owned line since all private transport had been nationalized by former President Macías. The exorbitant fares charged by the previous Government had, however, been reduced since August 1979. It was expected that the transportation system would revert to private hands. It was also stated that the border with Gabon had now been reopened and people moved freely back and forth to visit their families on the other side, which had been prohibited before. Among the people interviewed by the Rapporteur was a man who had left the country prior to Independence in order to study abroad and who had not dared return in view of the situation in the country, particularly because of the persecution against educated people. He stated that he and others had come back to visit their families and check the current situation after the new Government had called for the return of refugees. Another man told the Rapporteur that he had spent nine and a half years in jail for having voted against President Macías in the 1968 election.

224. As the Rapporteur approached a group of women to ask a few questions, a man in civilian clothes intervened and scolded one of them for answering the Rapporteur's questions, preventing her from speaking. The Rapporteur withdrew in order to avoid a conflict. Two persons who were standing nearby told him that the man was a relative of the young woman. The same man attempted again to intervene in order to prevent the two persons from giving information to the Rapporteur; the Rapporteur was by then surrounded by a crowd and, as the same man appeared to have summoned an armed policeman, the Rapporteur decided to leave in order to avoid further controversy. Although this incident was not as serious as the one in Batete, it would appear that people are not yet used to speaking freely and can be easily intimidated.

8. Information obtained from refugees

225. Because of the limited time at his disposal, and of the accident suffered in Río Muni, the Rapporteur was unable to travel to other countries to interview refugee groups. However, the Rapporteur received a communication from Mr. C.M. Eya Nchama, Secretary-General of the Alianza Nacional de Restauración Democrática, dated 30 November 1979. Mr. Nchama stated that:

"I am very sorry that we were not able to meet one another either before or after your stay in Equatorial Guinea. I would have liked to have met you in order to inform you of the number of towns and villages which had been burnt (Jandje, Miseng-Ebu), the towns and districts completely pillaged, some of them several times (Basacato del Este, Basacato del Oeste, Batete), others completely abandoned (Evinayonj, Akurenam, Nsork, Rio Benito, Cogo and the islands of Annobon, Corisco and Elobeyes), all of which are evidence of flagrant violations of human rights. If we had met, I would also have given you the names of persons living in countries bordering on our own and would have advised you to visit the agricultural workers who have been engaged in forced labour on the plantations of the islands of Fernando Poo for four years without being allowed to return to their homes.

Sir, the problem of the violations of human rights in Equatorial Guinea is a political problem since the motives for such violations were, and continue to be, political, the sole argument being that a person was against the régime. For all these reasons, I would request you to publish as an annex to your report the communiqué that our movement sent on 10 August 1979 to the soldiers who carried out the coup d'état, a copy of which had been sent to the Secretary-General of the United Nations. In that communiqué, we expressed our wish to participate in the reconstruction of our country once the conditions, that you will see in the communiqué have been fulfilled.

Sir, I have no wish to bore you but, before finishing, I should like to express the hope that your report will serve to inform the world of the violations of human rights in Equatorial Guinea and to prevent them from being repeated. I can assure you that many of our people have the impression that the situation has not changed in our country, since otherwise a communiqué such as ours would not have been rejected."

226. The text of the letter sent to the Secretary-General by the same organization on 19 August 1979 reads as follows:

"Sir,

On behalf of the Executive Committee of the Central Committee of ANRD (the National Alliance for the Restoration of Democracy) of Equatorial Guinea and on my own behalf, I have the honour to address you in order to inform you of our position subsequent to the coup d'état which has occurred in our country.

Our movement has been fighting since 1974 for the restoration of democracy in Equatorial Guinea. As we stated in our communiqué, a copy of which is enclosed, we are prepared to return to our country provided that a number of basic rights are guaranteed.

Sir, the people of Equatorial Guinea in general and our movement in particular are very grateful for the support which the United Nations has given them in their efforts to ensure that human rights are respected in Equatorial Guinea.

Our struggle for the defence of human rights and the restoration of democracy in Equatorial Guinea has not yet ended. That is why we are asking you to continue to give us your support until the day that the rights of our people are respected."

227. The text of the communiqué in question is reproduced in Annex V of the report for the information of members of the Commission.

III. CONCLUSIONS AND RECOMMENDATIONS

A. CONCLUSIONS

228. The Special Rapporteur found the country in a state of prostration, politically, economically and socially. The aftermath of a dictatorial régime, lack of a sense of direction and inefficiency, had brought about a grave deterioration in the conditions existing in 1968, when Equatorial Guinea began its life as an independent State, within the framework of democratic institutions. The consequences of this state of prostration are felt by the common people in their living conditions, which are appalling;

229. The Special Rapporteur was able to corroborate the majority of the most serious complaints made to the Commission on Human Rights of the United Nations concerning violations of human rights which are an affront to the conscience of any civilized person and which are committed as an essential element in a system inimical to the fundamental freedoms embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, and other instruments of similar world-wide standing and validity.

230. The Special Rapporteur was also able to observe the atmosphere of frank relief prevailing in all sectors of the people of Equatorial Guinea at the termination of the régime of the former dictator Francisco Macías Nguema, and the equally general feeling of hope that from now onwards there will be changes that will improve their present situation. The ordinary people, as well as the intellectuals, have faith in the new Government, both as being well disposed towards mobilizing the country for economic and social stability and as promising to re-establish the enjoyment of human rights. These sectors feel that the Government should be given time to put its programmes into operation;

231. The Special Rapporteur was likewise able to ascertain that freedoms as important as those of religion and education, freedom of movement, freedom to trade (limited) and freedom of expression, among others, have been re-established. The first two mentioned above, in particular, are exercised without any apparent restrictions;

232. Nevertheless, the Special Rapporteur has the impression, which is based on sound reasons, that the absence of mechanisms for political control characteristic of representative democracy and indispensable if the higher values which are its raison d'être are genuinely to flourish, greatly endangers the freedoms restored to the people and make it possible even now, as the Special Rapporteur was able to ascertain, for serious restrictions on the freedom of expression of the citizens to occur and to spread in the future. These political control mechanisms, such as those arising from the exercise of political rights and social communication media, free from any restrictions and conditions imposed by the governing élite, which is basically military, could act as a danger-signal for any aberration on the part of the present Supreme Military Council or any other military group which might take its place, and so prevent the country from actually suffering the same fate as it suffered under the Macías dictatorship, or a similar fate;

233. The Special Rapporteur was by no means satisfied with the explanations given by the Government for failure to permit the exercise of political rights, and he was seriously perturbed by the Government's statements that it has not fixed a date for full democratic relaxation, in other words for an end to the present provisional

régime with absolute power, nor for the establishment of a representative Constituent Assembly, freely elected and with instructions to draft a new Political Constitution. Furthermore, the Government gave the Special Rapporteur to understand that when this new Constitution was approved, political rights would remain in suspense for another two or three years after its entry into force.

The need for national reconstruction referred to by the Government, and cited as the basis for its refusal to allow free political participation by the citizens, does not seem to the Special Rapporteur to be a valid reason justifying this prohibition. Indeed, full participation would make it possible for the reconstruction plans to be carried out on a solid basis of national consensus.

234. Work on the cacao plantations was a matter of particular concern to the Special Rapporteur, since hundreds of citizens work there in a variety of activities, all of them important, since cocoa is the country's main export product. What is significant here is not the number of people engaged in the cultivation of a basic product in a developing country, on which its economic stability depends in present circumstances. The significant and disturbing fact is that, actually, the majority of these workers are not on the plantations, mostly in Bioko, of their own free will, but in circumstances similar to those characteristic of forced labour, with the aggravating circumstance of bad working conditions as regards wages, working hours, medical care, separation from their families, etc.

This problem is of course not new. It became acute during the régime of former President Macías, but the current Government has maintained it without any appreciable variation, and is rather inclined to justify it. Promises are made that the Government will allow the workers on the plantations to return to Rio Muni in the near future, but the Special Rapporteur could not obtain any assurance from the competent authorities in regard to these plans, nor as to the nature of any substantial change in working conditions on the cacao plantations.

235. The status of women in Equatorial Guinea was a matter of concern to the Special Rapporteur, since there is discrimination against them in various spheres, and generally speaking, their status is lower than that of men, to the detriment of their essential dignity.

236. The judicial system in the country is not structured in such a way as to constitute an effective guarantee of protection of the rights of citizens; and worse still, it depends ultimately, and for the more serious and important cases, on the political decision of the military élite in power.

The combination of indigenous customs and procedures ("of the country" as they say here) with norms and procedures characteristic of juridical systems based on world-wide patterns and embodying control of the political power ("the rule of law and not of men") is at the present time far from constituting a harmonious and effective system for safeguarding human rights.

The Special Rapporteur would have liked to go more deeply into this matter, but the conditions in the country and lack of collaboration on the part of the Government in carrying out his mission prevented him from doing so. Nevertheless, his experience in the country obliges him to state his views and concerns emphatically in this matter;

237. The Government of Equatorial Guinea does not appear to give sufficient attention to the problem of promoting and protecting human rights. Those which it has restored and made effective, important though they are, do not suffice to form a picture of institutionalized and universal respect for all human rights. In addition, to some extent this very restoration which is shaky by reason of the attendant circumstances, could prove convenient from the Government's point of view as justifying its de facto régime and prolonging it for too long a time. The Special Rapporteur was left with this impression, inasmuch as he realized to his surprise and disappointment that his mission had little interest for the Government.

238. Freedom of the press is non-existent. Both Radio Malabo and Radio Bata are State-controlled and their policies are dictated by the Government. The television is also State-controlled and is under the superior orders of the military. There is no press in the printed sense, either private or official. There is some talk of one or two private publications appearing shortly, but everything suggests that these will be under the control of the military, and this would seriously limit their freedom.

B. RECOMMENDATIONS

239. It is a matter of urgency for the international community to assist the people of Equatorial Guinea in its task of reconstructing the country in all respects, if it is to attain a state of well-being as rapidly as possible. The assistance should basically be channelled through the United Nations, UNESCO, WHO, the ILO and other similar organizations, and co-ordinated by the Commission on Human Rights of the United Nations.

Bilateral assistance too is desirable, especially from those countries which for historical, cultural, geographical and political reasons can best understand the tragic situation of the country and co-operate with special generosity and effectiveness in the efforts being made by the people of Equatorial Guinea to attain decent levels of living in a political régime respectful of human rights.

240. Participation in the task of reconstructing the country must be shared by all forces and sectors in the country, and the benefits of this collective effort must be reflected in an equitable distribution of the wealth produced, so that the new society will ultimately become genuinely democratic, without acute economic and political imbalances between the various social groups. In this respect, it is essential that the people should genuinely exercise the right to self-determination, with no strings attached outside the country to upset the independence won in 1968 and lost since, and also with no internal ties inclining towards dictatorship.

241. The Government of Equatorial Guinea must undertake without delay the task of convening a Constituent National Assembly which will give the country a new basic statute and form the basis of a juridical system along modern lines and in keeping with democratic freedoms. This new Political Constitution must guarantee the independence of the Judiciary and the exercise of political rights;

242. In the meantime the Government of Equatorial Guinea must allow all exiles to return, including those who have lawful aspirations to participate politically in the reconstruction of the country and the establishment of a true pluralist and representative democracy, as the nationals of the country themselves would like to structure it, in accordance with their own situation, experience and culture. These exiles rightly fear that the change of government has not basically meant a real change in the structure of political power or in its attitude in relation to public freedoms.

243. The Government of Equatorial Guinea must draw up a plan to replace the system of work on the cacao plantations by another which will avoid the harmful consequences of the present system. In this connexion, one possible solution would be a policy of immigration by which the productive force of the country could be supplemented with manpower capable of adapting to local conditions and settling in the country on a permanent basis. For the time being, there might be a policy of incentives for nationals of Equatorial Guinea, such as fixed-term contracts, with proper guarantees that they will be observed, and with freedom to form trade unions and fair working conditions, including periodic visits to their families in the case of workers from Río Muni who cannot be settled in Bioko.

244. For the production process on the cacao plantations, and in general, for other productive processes which need to be activated or undertaken, the system recommended is that of co-operatives, with members entirely or mostly nationals of Equatorial Guinea, as well as immigrants or foreign investors. This would be a way of achieving in large part the aim of increasing production and achieving social justice, without the risks inherent in dependence on outside economic forces;

245. For these projects and others indispensable for the common good, it is desirable that the Commission on Human Rights of the United Nations offer its advisory services to the Government of Equatorial Guinea. In particular, it might be well to offer to set up a panel of experts or to assign a special commission to co-ordinate within the country the efforts of the international community and those of the Government itself, with a view to adequate publicity for the instruments setting forth human rights, procedures for safeguarding them at the international level, and also assistance in putting them into operation in an appropriate manner within this country. The mandate of any bodies such as those proposed would also include co-operation to solve the main problems at present preventing the people of Equatorial Guinea from fully enjoying their freedoms, for example lack of organs for political participation, jurisdictional bodies, arrangements for the protection of labour, and safeguards for the rights of women. Above all, its mandate would be helpful in the vital task of gradually making the Army subordinate to the civil power.

246. This last point, the existence of the army as the only real decision-making power within the country, is the greatest threat of all to freedom, and what is particularly dangerous for the enjoyment of freedom is the existence within the regular army of the Popular Militias, which were instruments of repression during the previous régime and were incorporated by the new régime into its regular forces.

247. Education calls for special treatment. The previous régime brought the educational system under political control, making it an instrument of dictatorship. Modernization of the system, broadening it horizontally to include higher education, which at present does not exist, and thus making it democratic, as well as improving it vertically in search of excellence, would train the citizens to make intelligent and vigorous use of their human rights, in the interests of their general well-being.

248. The Government of Equatorial Guinea should at the earliest possible moment enter into contact with the higher echelons of the Commission on Human Rights and the corresponding Division in the United Nations with a view to undertaking as soon as possible such appropriate action as will ensure the full restoration of political and economic democracy in that country, whose people deserve the best possible future, both because of what they have suffered and because of their outstanding human qualities.

249. The Government of Equatorial Guinea should in the near future guarantee the freedom of the press in its broadest and most democratic sense, with a view to the formation of non-governmental social communications media calculated to serve, together with the other mechanisms indicated above in this chapter, as political controls. Similarly, the State media should be made subject to special legislation to prevent them from being used as instruments of the military today, or of the constitutional power tomorrow, to the detriment of the exercise by the citizens of their fundamental human rights.

ANNEX I

Confidential decisions adopted by the Commission on Human Rights
relating to Equatorial Guinea

Confidential decision of 23 February 1977

The Commission on Human Rights, having regard to the report of the Working Group on Situations established by Commission decision 6 (XXXII), decides to request the Secretary-General of the United Nations to establish direct contact on a confidential basis with the Government of the Republic of Equatorial Guinea:

(a) to help clarify some of the points raised in that Government's observations on documentary material relating to the human rights situation in Equatorial Guinea; and

(b) with a view, inter alia, to finding ways in which the United Nations might, if necessary, provide assistance to that country.

Confidential decision of 3 March 1978

The Commission on Human Rights,

Further to its confidential decision concerning the Republic of Equatorial Guinea, adopted on 23 February 1977 at its 1402nd (closed) meeting,

Having considered the report of the Working Group established in accordance with Economic and Social Council resolution 1503 (XLVIII),

Taking note with satisfaction of the measures taken by the Secretary-General pursuant to the decision adopted by the Commission on 23 February 1977 in which the Secretary-General was requested to establish direct contacts of a confidential nature with the Government of the Republic of Equatorial Guinea,

Regretting the lack of results due to the fact that the Republic of Equatorial Guinea has not reacted favourably to these measures,

Taking note of the text of the telegram from the Permanent Representative of Equatorial Guinea to the United Nations (E/CN.4/R.41):

1. Requests the Government of the Republic of Equatorial Guinea, further to the efforts of the Secretary-General, to co-operate with the Commission by responding to the direct contacts of a confidential nature which the Secretary-General has sought to establish concerning the situation with regard to human rights in Equatorial Guinea;

2. Decides that, if there are no new factors indicating that such contacts have been established, the situation with regard to human rights in the Republic of Equatorial Guinea will be raised at the thirty-fifth session of the Commission, in accordance with the public procedure provided for in Commission resolution 8 (XXIII) and Economic and Social Council resolution 1235 (XLII).

Confidential decision of 8 March 1979

The Commission on Human Rights,

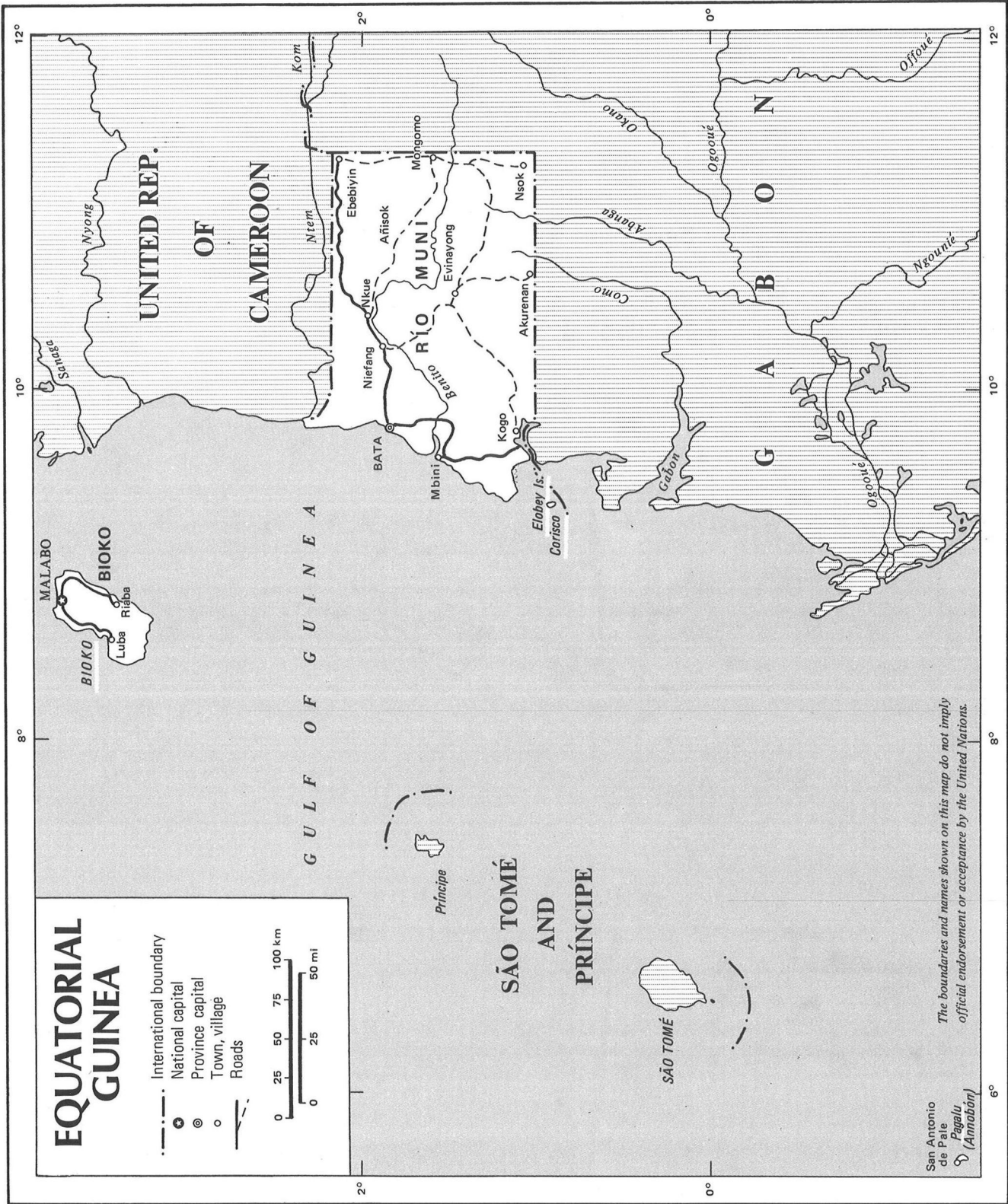
Having exhaustively solicited the co-operation of the Government of Equatorial Guinea for the examination of the human rights situation in Equatorial Guinea under Council resolution 1503 (XLVIII),

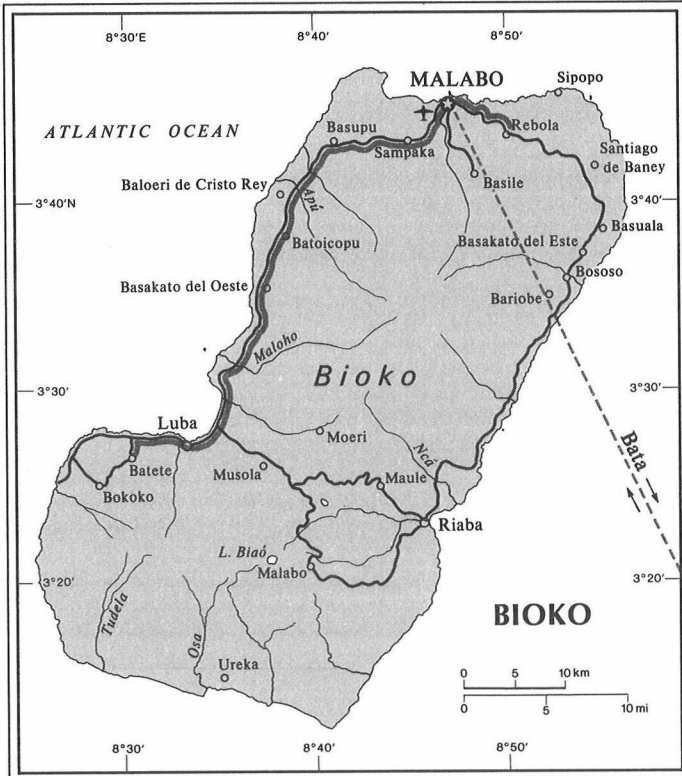
Considering that further efforts to examine the situation of human rights in Equatorial Guinea within the framework of Council resolution 1503 (XLVIII) would appear to be futile,

1. Recommends to the Economic and Social Council to make an appeal to the Government of Equatorial Guinea to extend its co-operation to the Commission in connexion with the implementation of the decision(s) taken on the matter by the Commission at its thirty-fifth session under Commission resolution 8 (XXIII) and Council resolution 1235 (XLII);

2. Further recommends to the Council that the confidential material that hitherto has been before the Commission under Council resolution 1503 (XLVIII) shall no longer be restricted;

3. Decides to discontinue consideration of the human rights situation in Equatorial Guinea under Council resolution 1503 (XLVIII) and to take up consideration of the subject matter under the public procedure provided for by Commission resolution 8 (XXIII) and ECOSOC resolution 1235 (XLII).



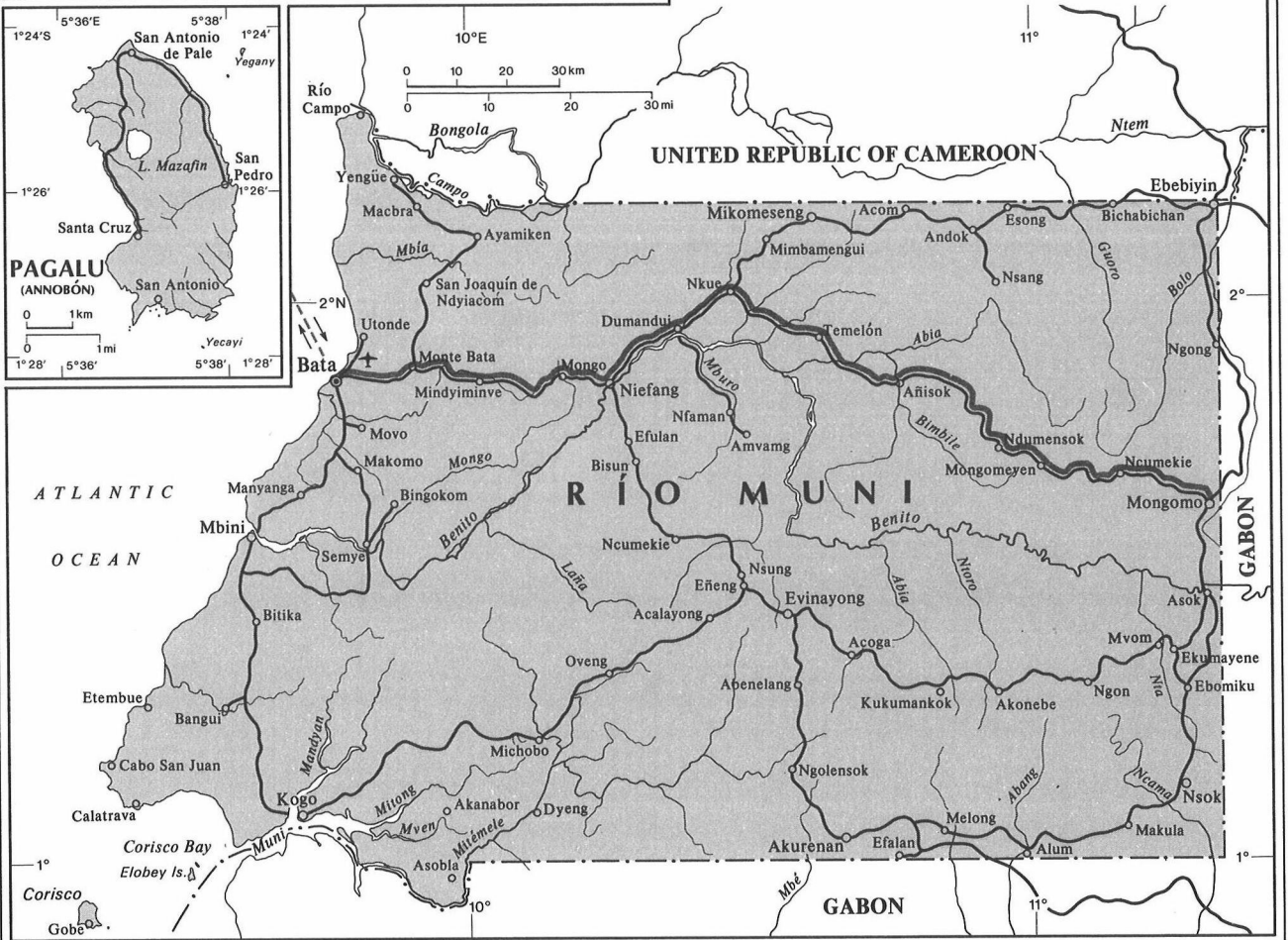
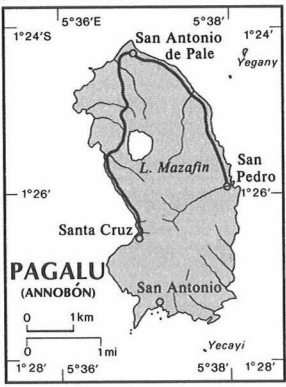


EQUATORIAL GUINEA

Itinerary of Special Rapporteur

- Itinerary
- by car
 - - - by air
 - ⊛ National capital
 - ⊙ Provincial capital
 - Town, village
 - Road

The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations.



ANNEX III

RADIO COMMUNIQUE

On 13 March 1979, because of complaints reaching it concerning violations of human rights in Equatorial Guinea, the United Nations Commission on Human Rights decided to carry out a study of the situation prevailing in the country. This involved entrusting the study to a person of high qualifications and long experience, acting as Special Rapporteur, in other words as the envoy of the Commission on Human Rights, who would visit the country to gather information at first hand concerning the pertinent facts, in compliance with his important mandate.

For this purpose, the Chairman of the Commission appointed Professor Fernando Volio Jiménez to make a thorough study of the human rights situation in Equatorial Guinea.

The Commission asked the Government of Equatorial Guinea if it would allow the Special Rapporteur to carry out his task satisfactorily by visiting the country, and when the Government expressed its agreement, Professor Volio Jiménez came for that purpose.

To enable him to proceed with his study, the Commission requested the Government to ensure that he would be able to carry out his activities with complete independence, both on the island of Bioko and in Rio Muni. The Government has formally promised to grant the Special Rapporteur the necessary credentials.

Professor Volio Jiménez would like to make contact with businessmen, workers, professional people, religious figures, indeed with anyone having information to give him, so that he can report the facts he has witnessed, such comments on them as he considers appropriate, and proposals and the suggestions most likely to lead to full respect for the human rights and fundamental freedoms of the citizens of Equatorial Guinea and other inhabitants of the country.

ANNEX IV

Letters written by the Special Rapporteur to Mr. Apolinar Moiche Echek, Chief of Protocol, Commission of Foreign Affairs, including questionnaires submitted to officials of the Government of Equatorial Guinea.

5 November 1979

Mr. Apolinar Moiche Echek
Chief of Protocol

Dear Don Apolinar,

As soon as I arrived in Bioko, I informed you of my proposal to visit the country's prisons, including the one at Malabo known as "Blackbich". I repeated that proposal again yesterday, when I visited His Excellency the first Vice-President, Mr. Florencio Maye Ela, and today, when I had the pleasure of meeting in your office with the Commissioners of the Interior and Justice.

Since I have been unable to visit "Blackbich" and must leave for Rio Muni tomorrow, 6 November, with the delegation accompanying me, I trust that I will be able to carry out this part of the very important task entrusted to me when I return to Malabo.

I would also request you kindly to inform the Director of Radio Malabo that I would like the radio communiqué I gave you on the night of 1 November to be transmitted at 1.30 p.m. or so, as the Director himself said would be done.

It is necessary for it to be known in Rio Muni that the United Nations delegation will be there for a few days so that my mission may be accomplished as effectively as possible.

Yours sincerely,

Fernando Volio Jiménez
Special Rapporteur of the
United Nations Commission on Human Rights

5 November 1979

Dear Mr. Apolinar Moiche Eчек,

I should be very grateful if you would bring the enclosed questionnaires to the attention of the Commissioners of Labour, Justice, the Interior, Culture and Education and Health, and of the Sub-Commission on Radio, Press, Television and Tourism. The questions I have asked in them are essential to the fulfilment of the task entrusted to me, i.e. for the preparation of the report which I am to submit to the United Nations Commission on Human Rights at its next session, in February 1980.

I would appreciate it very much if the questionnaires could be completed by the date of my return to Rio Muni, i.e. by 13 November.

Yours sincerely,

Fernando Volio Jiménez
Special Rapporteur of the
United Nations Commission on Human Rights

QUESTIONS ADDRESSED TO THE COMMISSIONER OF LABOUR

1. Number of cacao plantations in Bioko? in Rio Muni?
2. Number of (how many) cacao plantations belonging to the State?
3. Number of (how many) cacao plantations belonging to private individuals:
(a) nationals? (b) foreigners?
4. Cultivated land on the Island: (a) cacao-growing? (b) coffee-growing?
5. Cultivated land in the State plantations? In private plantations:
(a) belonging to nationals? (b) belonging to foreigners?
6. Number of local workers in the cacao and coffee plantations? How many Fang and how many Bubi?
7. Number of foreign workers in both types of plantations?
8. Wages of Bubi workers in cacao and coffee plantations?
9. Wages of foreign workers?
10. Daily and weekly working hours in both types of plantations?
11. Are working hours and wages the same as they were under the Macías Government?
12. Is there a minimum wage for each kind of work?
13. Is there any labour legislation which protects the rights of workers?
14. Is there a social security system (for example, regulations on medical care, occupational hazards, maternity care, etc.)?
15. What system is used to recruit labour for the cacao and coffee plantations?
Is it the same as or different from the one in force during the previous Government?
16. Are minors allowed to work in the cacao and coffee plantations? How much are adolescents engaged in such work paid?
17. What wage system is used in the cacao and coffee plantations? Piece rates?
18. Do women work? Do they work in the plantations? What are their wages?
19. How many people work in ports? Categories? Wages? Working hours? Holidays?

QUESTIONS ADDRESSED TO THE LABOUR COMMISSIONER

(Addendum 2)

1. I have been informed that in January the work of harvesting the cacao will be completed and that the workers from the Rio Muni province who wish to return may do so immediately. I should be pleased to have confirmation from the Government to this effect, i.e. if there will be any constraint on such workers **doing** as they wish.
2. With regard to persons from Rio Muni working on the cacao plantations, I am interested to know if the Government will provide them with the necessary means to return to their province as soon as the present crop is harvested and they indicate that they wish to do so. What measures are being taken to this end?

QUESTIONS ADDRESSED TO THE COMMISSIONER OF JUSTICE

1. How is the country's judicial system organized (tribunals, criminal courts, etc.).
2. Who are the people responsible for administering justice?
3. On what acts, decree-laws, decrees and orders is the administration of justice based?
4. How long may an accused be held without being handed over to the judicial authorities to be brought to trial?
5. When, after arrest, is the accused informed of the charges against him?
6. When is an accused person allowed to call a defence counsel?
7. How many lawyers are practising in Bioko? In Rio Muni?
8. What penal laws, decree-laws, decrees or orders are in force?
9. How many political prisoners are there and how many have been brought to trial?
10. Who appoints the judges and other law officers? Who may remove them from office and on what basis?
11. For what length of term are they appointed?
12. What degree of independence do they have in relation to the Government?
Do they receive orders from the Government in the exercise of their functions?

QUESTIONS ADDRESSED TO THE COMMISSIONER OF THE INTERIOR

1. What are the functions of the Commission of the Interior?
2. Do nationals and foreigners have freedom of movement within the country? May a national or a citizen travel abroad whenever he likes and return to the country? Are there any restrictions?
3. How is the system of government organized in each city and town (government offices, police headquarters, command posts, etc.)? In other words, who are the authorities and what is the hierarchy in these places? Who appoints them?
4. Are public meetings allowed? Are religious processions?
5. Are there legal rules and regulations for keeping registers of where people live?
6. Which Commission is responsible for postal services?
7. How is Annobon administered?
8. How often do the Malabo authorities visit Annobon?

QUESTIONS ADDRESSED TO THE COMMISSIONER OF
CULTURE AND EDUCATION

1. What are the rules governing private education?
2. Does freedom of education exist?
3. May heads of households choose between public or State education and private education?
4. Is primary education compulsory?
5. How are teachers appointed, and by whom?
6. How many schools are operating in Bioko? How many in Río Muni? How many in Annobon?
7. How many teachers are registered in the country?
8. How many primary teachers are there in the country? How many secondary teachers?
9. Is there a teachers' training institute? How many students does it have?

14 November 1979

Dear Mr. Apolinar Moiche Echek,

We arrived yesterday and no member of Protocol was there to meet us. We had difficulty in getting to the hotel. I waited all the afternoon for Mr. Wenceslao although I had asked him to be here at 3 p.m. to carry out important tasks relating to my mission. He did not arrive until 9 o'clock today.

Among the things I wanted him to do was to talk with you about sending me the replies of the Commissioners to the written questions I left with you. Up to the present (10.15 a.m.) I have not received the replies and, as you know, we are leaving tomorrow by Iberia.

I deplore this lack of co-operation, which has undoubtedly had its effect on the task entrusted to me by the United Nations Commission on Human Rights.

I hope that before my departure I shall receive this important information. Failing this, it is essential that the Government should dispatch it to Geneva during the coming week so that it can be taken into consideration in preparing my report. I am required to submit the report to Mr. van Boven, Director of the United Nations Division of Human Rights, by 15 December next so that it may be got ready for consideration by the Commission at its next session.

In addition, to date I have not been able to visit Blackbich prison, although from the first day of my arrival at Malabo I have expressed my desire to do so, both to you and to the Commissioners of the Interior and of Justice, and to Wenceslao himself. I hope I shall be able to visit the prison in the course of today.

In view of the fact that the Government did not provide us with transport to return to Malabo, I hope it will co-operate at least to enable us to catch the plane. We shall require transport early in the morning, at 6 a.m.

In conclusion, I am leaving with you other questionnaires addressed to the Commissioner of Finance and Trade and the Labour Commissioner (Addendum 2), which I trust will also be sent to Geneva as soon as possible.

I regret having to bring these facts to your notice, but my responsibility for the mission compels me to do so.

Yours sincerely,

signed: Fernando Volio Jiménez
Special Rapporteur of the
United Nations Commission
on Human Rights

Encs.

QUESTIONS ADDRESSED TO THE COMMISSIONER OF HEALTH

1. What is the Commission doing or thinking of doing to provide medical care for the citizens of the Island of Annobon?
2. Has the Island been visited for health purposes?
3. Has the Commission data or figures on the main diseases in the country?
4. How many hospitals or health centres are functioning in the country?
5. How many doctors are there in the country? In Bioko? In Rio Muni?
In Annobon?
6. Is health care available in Annobon? On a permanent basis? On a periodic basis? If the latter, how frequently?

QUESTIONS ADDRESSED TO THE HEAD OF THE SUB-COMMISSION
ON RADIO, PRESS, TELEVISION AND TOURISM

1. What law, decree-law, decree or ordinance governs the functioning of the radio in Malabo and Bata?
2. What Commission does the Sub-Commission come under?
3. What are the functions of the Sub-Commission?
4. If a privately-owned means of social communication (newspaper, radio, television, magazine) was set up, to what regulations would it be subject? (The Special Rapporteur has been informed that it is possible to found one or more of these media.)
5. Do the citizens of Equatorial Guinea have access to the State broadcasting service? (Can they express their views on matters of local or national interest?)
6. Must the reports written by the newsmen of the State broadcasting service be submitted for prior approval to a person other than its director?

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5 November 1979

Mr. Apolinar
Moiche Echeke
Head of Protocol

Dear Don Apolinar,

I enclose herewith some lists of additional questions for the Commissioners of Labour, Justice and the Interior and for Mr. Carmelo Nvono Nca, Civilian member of the Commission of Foreign Affairs.

Yours sincerely,

Fernando Volio Jiménez
Special Rapporteur of the
United Nations Commission
on Human Rights

Enclosures

QUESTIONS ADDRESSED TO THE COMMISSIONER OF LABOUR.

(Addendum 1)

1. In the first list of questions addressed to the Labour Commissioner, I failed to ask what wages are earned by workers on the cacao and coffee plantations, and I should be glad if he would include this information.

QUESTIONS ADDRESSED TO THE COMMISSIONER OF JUSTICE

(Addendum 1)

1. How is the prison system organized? Who is directly responsible for the prison régime?
2. How many prisons are there in Bioko and Bata?
3. Are the relatives of prisoners allowed to visit them? How frequently?
4. Is the Government responsible for providing the prisoners with food or must their relatives do this?
5. Are the prisoners forced to work? If so, at what and for how long?
6. Are sentences reduced in consideration of the work carried out by the prisoners?
7. Are prisoners given the means to communicate with their families or lawyers?
8. We should be glad to have copies of the main arguments of the State Prosecutor and the defence counsel in the trial of ex-President Macías and his five closest collaborators, together with copy of the sentences pronounced against them.
9. How many refugees or exiles have returned to the country since 3 August? How many are returning at present and how many have gone back to their place of exile?

QUESTIONS ADDRESSED TO THE COMMISSIONER OF THE INTERIOR

(Addendum 1)

1. Can you provide information about the number of persons assassinated for political reasons under Macías? How did the assassinations take place?
2. Is there any law, decree-law, decree or ordinance which offers guarantees against arbitrary arrest and detention? If so, can a copy be made available?
3. Have the former members of the PUNT party been arrested?
4. Have the citizens of Equatorial Guinea who lost their nationality under Macías for political reasons had it restored or re-established?
5. Under what Commission does the police come?
6. Is it true, as has been said, that under Macías the wives of political prisoners and refugees or exiles were forced to marry members of the former Government?
7. What is the scope or meaning of the words "duly authorized" which appear in Decree 2/1979 of 5 August relating to the re-opening of places of worship? Who has to give the authorization?
8. What was the condition of the inhabitants of Annabon under Macías? Who are the present authorities on this Island?

QUESTIONS FOR MR. CARMELO NVONO NCA, CIVILIAN MEMBER OF THE
COMMISSION OF FOREIGN AFFAIRS

1. As kindly proposed by the first Vice-President of the Supreme Military Council, Lieutenant-Commander (Navy) Florencio Mayo Ela, could you provide me with the text of the decree relating to the return of property to foreigners, that is, the decree which, inter alia, makes it incumbent on foreigners to claim their rights to property within 60 days?

QUESTIONS ADDRESSED TO THE COMMISSIONER, CAPTAIN SALVADOR ELA NSENG
(COMMISSION OF FINANCE AND TRADE)

1. Were private enterprises allowed to operate in the time of former President Macías? If not, what type of undertakings (e.g. industrial, commercial, transport) passed into the ownership of the State and when? Were some private enterprises able to continue operating? Which? Under what conditions?
2. If private enterprises passed into the ownership of the State, what measures are being taken to return them to the private sector?
3. How does the government shop system function? Is it State-owned? Is the system the same as or different from that which functioned under the previous Government?
4. In the times of former President Macías, were local producers allowed to sell their products directly and independently in the market? Were they obliged to sell their products to State undertakings? Is the present system the same as or different from the previous one?
5. Were barriers to domestic trade established in the time of former President Macías? Was permission required to transport goods through road blocks? Were dues levied and if so, what kind?
6. Were there State banks and private banks? Are there now? Which bank is responsible for financing farmers, especially small farmers? Does the large farmer, the medium-sized farmer or the small farmer receive proportionately more financial assistance?
7. How do the producers sell export crops (cacao, coffee, timber, etc.)? If they are sold by State entities, what are these and how do they fix prices? Is the system the same as or different from that under the previous Government?
8. What is the average size of the holdings of small farmers?

Annex V

EQUATORIAL GUINEA

ANRD - National Alliance for Democratic Restoration

Press Communiqué

Recent events in Equatorial Guinea were triggered off by the violent and bloody execution in the town of Nzan-Ayong on 16 June of 11 national guard officers, (including the brother of a member of the guard, Lt.Col. Teodoro Nguema Mbassogo, Commander-in-Chief of the military region of Fernando Po and Vice-Minister of Defence), who were accused of the attempted assassination of the then President for Life, Francisco Macias Nguema, and a series of grave events resulting from the broad and deep crisis which has scourged the country since 1968. The tension reached virtual breaking point in recent months and culminated in the coup d'état led by the above-mentioned Lt.Col. of the national guard, Teodoro Nguema Mbassogo.

The following communiqué is issued by the National Alliance for Democratic Restoration in Equatorial Guinea, ANRD:

Since the people of Equatorial Guinea realized that the confidence placed in Francisco Macias Nguema at the head of the nation had been cheated and abused, they have, both within the country and from their places of exile throughout the world, waged a long, tough and unyielding struggle against the domination, exploitation, slavery, despotism and barbarity unleashed by the régime of Macias Nguema. As a requirement of this struggle, the ANRD came into being in August 1974 with the specific mission of leading the country and its people to their total liberation. In order to carry out this objective, ever since its foundation, the ANRD has used all means at its disposal to carry out an unrelenting and unyielding struggle for the inalienable rights of the people against the tyranny of Macias Nguema and his régime.

The salient facts of this process are:

1. On the home front:

- a constant effort to raise the level of consciousness and mobilize the popular masses in order to fight and struggle against the atrocities of the blood-thirsty régime;
- a task of consciousness-raising and mobilization, hamlet by hamlet, village by village, and district by district;
- a particularly difficult task has been and continues to be the need to keep alive the patriotic and nationalist spirit in exile; and
- to struggle against the assimilationist pressures on the Equatorial Guinean population in exile abroad.

2. On the external front:

with the constitution of the ANRD in 1974, we set in train a broad offensive to denounce and condemn the sinister régime, thus breaking through the wall of silence which had hidden the real situation of the Equatorial Guinean people; the following successes with African and world public opinion are particularly noteworthy:

1-4 July 1976, the Macias régime was condemned in the international conference for the rights of peoples held in Algiers;

3-8 October 1977, the Pan-African conference on the death penalty in Ibadan, Nigeria, condemns the Macias régime;

12 March 1979, the Human Rights Commission of the United Nations in Geneva, resolution E/CN.4/L.1457/Rev.2 condemns the régime of Macias;

7-17 May 1979, the Pan-African conference on African refugees under the auspices of the OAU, the UNHCR and the United Nations Economic Commission for Africa, meeting in Arusha, Tanzania, condemns the Macias régime;

26-31 May 1979, the Pan-African youth movement in Algiers condemns the Macias régime;

17-21 July 1979, the annual conference of OAU Heads of State and of Governments, meeting in Monrovia, Liberia, condemns the Macias régime.

It is the over-all result of these pressures - i.e. at home, the popular masses, and abroad, world and public opinion - which brought to breaking point the internal contradictions of the régime and unleashed the coup which overthrew the President for Life. This, therefore, is the context within which should be set the military coup of Lt.Col. Nguema Mbassogo of the national guard.

The ANRD considers this event as another great step forward. Given the new situation, the ANRD is ready to join forces in the task of national reconstruction as and when it considers that the fundamental democratic rights of the people are guaranteed. In consequence, the ANRD will take part in this task of reconstruction under the following conditions:

1. release of all political prisoners
2. immediate return to the country of all exiles and refugees, without regard to their political opinions
3. national independence and the territorial integrity of the nation to be safeguarded
4. a date to be fixed for the end of the military régime

5. a date to be fixed for the initiation of the constitutional process leading to the dismantling of the structures of the military régime
6. the creation of the objective conditions making this process possible, which implies:
 - (a) an end to the régime of slavery, forced labour and unnecessary deportations;
 - (b) an end to arbitrary acts against the people - arbitrary arrests and detentions, violations of minors, setting fire to villages, etc. etc;
 - (c) a genuine and effective dissolution of all repressive agencies;
 - (d) every person responsible for atrocities under the previous régime to be put on trial, without exception.

For the Central Committee of the ANPD, by the Executive Committee in Exile.

10 August 1979.