



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2005/NGO/258
11 March 2005

ENGLISH AND SPANISH
ONLY

COMMISSION ON HUMAN RIGHTS
Sixty-first session
Item 11 of the provisional agenda

CIVIL AND POLITICAL RIGHTS

**Written statement* submitted by the American Association of Jurists (AAJ),
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2005]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

THE NEED TO NAME A NEW SPECIAL RAPPORTEUR FOR EQUATORIAL GUINEA

On April 19 2002, the 58th period of sessions of the UN Commission on Human Rights voted in favour of resolution 2002/11 that terminated the mandate of the Special Representative for Equatorial Guinea, gratefully acknowledging the Government's will to continue its efforts to adopt effective measures to protect and strengthen the human rights situation in the country” However, the situation of both civil and political human rights as well as the economic, social and cultural rights is still extremely serious in the country.

Civil and political rights

Equatorial Guinea is a state that came about as the result of the colonial engineering that erroneously agglutinated territories pertaining to idiosyncratically different nations: the Bubi on Bioko Island, the Annobonese in Annobón and the Ndowe in Rio Muni. However, Spain handed power to the Fang, who had been in the region for barely seven decades. Different reports on the current situation in Equatorial Guinea hardly mention this fact, a basic issue for understanding the country and finding a solution for consented coexistence. In this sense, it should first be stressed that the dictatorial system is attempting to turn Equatorial Guinea into a single ethnic country, particularly silencing the Bubi, Ndowe and Annobonese ethnic groups¹.

In 2003, a year after the end of the special proceedings, the '*Equatorial Guinea at a decisive moment*' report by the International Bar Association (after visiting the country in July 2003) stated that the **total absence of a rule of law**, due to what is, in practice, a single-party regime (even though the constitution recognises a multi-party system), the lack of independence for judicial authorities and the lack of separation of powers (as the executive powers have control over both the legislative assembly and judicial authorities) facilitates the systematic occurrence of systematic violations of basic liberties as well as generalized impunity². According to the aforementioned report, freedom of speech and the press are heavily censored³; the combined impact

¹ Despite the lack of information on an international scale, according to local sources, these have suffered serious violations of human rights. The Ndowe have lost such important leaders such as: Saturnino Ibongo (Equatorial Guinea's representative to the United Nations); Agustín Eñeso (Autonomous counselor, politician and one of the managers of the independence of Equatorial Guinea); Jesús Buendi (economist, first Governor of the National Bank of Equatorial Guinea); recently poisoned Felipe Inestrosa and Andrés Molongua (both economists); whole towns, such as Jandje, were set on fire. Many others have suffered torture, confiscations of possessions or been confined to their home towns, as well as the purchase by the regime and acolytes of whole towns or large plots of land such as the regions of Bweco, in the North, depriving native people of growing land. The same has happened to the Ndowe of Asonga, Bomudi, Moganda and Ekuku (in Bata) who now have no farmland. The drastic situation suffered by José Mecheba (Ndowe) Secretary General of UDENA (Unidad Democrática Nacional) who is currently living under permanent surveillance is yet another example.

² In March 2002, Amnesty International launched 14 urgent actions in relation to prisoners of conscience, political prisoners, arbitrary arrests, forced disappearances, torture, ill-treatment and deaths in custody.

³ *Journalists en Danger* has pointed out the lack of independent press in the country, as the only independent newspapers have not been published for more than a year for financial reasons.

of the lack of basic liberties has hindered the development of civilian society; torture, the inability to guarantee the right to a fair trial, the dreadful conditions at detention centres and impunity are widespread throughout the country.

From early 2004, opposition parties criticised the arbitrary arrest of at least 100 people in the country. In particular, in March the UN Secretary General expressed his concern for the situation in the country and announced that the present Secretary General for Political Affairs, T. Kalomoh, would be sent to analyse the security situation after the supposed attempt at a coup d'état and the frenzy of arrests made by T. Obiang's Government. As a result of the alleged coup, the Guinean army was deployed in Malabo for an operation that involved mass arrests of foreign Africans, and the country tribunals convicted 20 people to prison sentences that ranged between 14 and 34 years imprisonment in a trial that Amnesty International claims it has failed to comply with international standard proceedings. The regime was especially severe with Avelino Mocache (Ndowe), a former partner of Severo Moto's, who is free under surveillance. Meanwhile, and since October 2004, the campaign of arrests has intensified, and until now has led to the detention of more than 300 people, according to local sources.

Economic, social, and cultural rights

Present estimates predict that Equatorial Guinea will be the third biggest oil producer in Africa for the next fifteen years, and one of the main recipients of United States investment in Western Africa, along with Nigeria. In this sense, the Government coffers, which had a 1993 turnover of 3 million dollars from this sector, expected to receive 725 million dollars in 2003, representing 86% of GDP in the year 2000, according to a *Catholic Relief Services* report. The economic growth of Equatorial Guinea was the highest in the world in 2001 (65%) thanks to income from oil. However, the levels to which economic, social and cultural rights can be enjoyed are among the lowest in the world. In this sense, social indicators demonstrate that the average life expectancy is 51, and that a third of the population lives to no longer than 40 years. 57% of the population has no access to drinking water, and expenditure on education⁴ is, since 1985, 1.7% of GDP.

The conditions of extreme poverty in which the majority of the population lives must be viewed in the context of **extreme corruption**. In this sense, the '*Riggs Bank Case Study*' by the United States Senate Permanent Subcommittee on Investigations on Governmental Affairs came to the conclusion that between 1995 and 2004, the Riggs Bank managed more than 60 accounts and certificates of deposits in the name of the government of Equatorial Guinea, of members of that government and their families. In 2003, the Equatorial Guinean accounts were Riggs Bank's biggest, with quantities ranging between 400 and 700 million dollars. The subcommittee's investigations concluded that Riggs Bank managed the Equatorial Guinean accounts with little or no heed of their legal obligations against money laundering, and turned a blind eye to

⁴ The Government and the PNUD has launched a training program for 2000 teachers, which will cost 4 million euros, aiming to achieve full primary schooling by 2010. According to the PNUD, only half of the country's minors attend primary school at any of the country's 884 schools.

data that suggested that they were administering funds taken from acts of corruption abroad, and allowed several suspicious transactions to take place without notifying the legal authorities. The report also contains a large number of payments made by the oil companies working in Equatorial Guinea to senior Equatorial Guinea Government officials, their relatives, or organisations controlled by these senior officials or their relatives. This corruption has negative repercussions on the economic, social and cultural rights to which Equatorial Guinea is committed as a member state of the International Covenant on Economic, Social and Cultural Rights.

More specifically, the capital of Equatorial Guinea and its almost 150,000 inhabitants must cope with a **lack of mains water**, which can last for several weeks, even months. Inherited from the colony, the water distribution system is extremely outdated and a large-scale operation to renew the installations, which began in 2001, was never completed, making the present day situation even more serious.

Meanwhile, and in relation to the **right to shelter**, from August of last year, T. Obiang has decided to implant a military camp at Punta Mbonda, evicting a large number of the population from its homes without any type of compensation. The same situation is taking place in other towns in the north of Bata, such as Ngonamanga and Bweco. The Annobonese people are also enduring a difficult situation, being denied the minimum health care, access to schooling, or the minimum communication infrastructure.

Conclusion

Given all that has been exposed here and considering that the human rights situation is still extremely serious since the Special Representative, G. Gallón, presented a report that “the situation of human rights in Equatorial Guinea and any technical assistance provided should continue to be monitored in order to ensure the implementation of the recommendations repeatedly made by the Commission over the last 20 years and the reinforcement of the measures and undertakings the Government has embarked on in pursuit of that goal”;

Considering that Equatorial Guinea forms an integral part of a series of regional and international human rights treaties, but that to date Equatorial Guinea has failed to comply with the requisites stipulated in the conventional system of the International Human Rights Law by presenting the respective reports to the relevant committees;

Considering that since 1998 Equatorial Guinea has not responded affirmatively to the requests for visits by the Special Rapporteur on Torture or the Secretary General’s Special Representative on human rights defenders;

Considering the corruption and absence of transparency in relation to income proceeding from oil, the dreadful state of social indicators and the extreme poverty of the population, the American Association of Jurists reasserts the need for the Commission on Human Rights in its 61st Period of Sessions to name a new Special Rapporteur for Equatorial Guinea.

(Document prepared by the Human Rights Programme of the *School of Peace Culture*
at the *Universitat Autònoma de Barcelona*)
