

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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Intensifying Attacks on Human Rights Defenders, Organizations, and Institutions

Health Providers Complicity in Torture and Cruel, Inhuman or Degrading Treatment

In Search of Authoritative Local Voices

Despite Equatorial Guinea earning tens of billions of dollars as the fourth-largest Sub-Saharan African oil producer, the vast majority of its people remain impoverished due to corruption and mismanagement. The discovery of oil in the mid-1990s has enriched the country's elites and helped to further entrench an already autocratic regime. Free and fair elections are denied to the citizens of Equatorial Guinea, and arbitrary detention and torture continue to be widespread. The government severely restricts the media and almost no independent news information exists within the country.

President Teodoro Obiang Nguema, who celebrated his 30th year in power in August 2009, announced in October that Equatorial Guinea would hold its next presidential election on November 29, giving six weeks' notice. Opposition leaders condemned this announcement, saying they had expected the poll to be held later and were thus at a disadvantage to prepare their campaigns. The election year saw an increase in militarization, a common practice of the Obiang government. In previous years, allegations of coup attempts before elections provided justification to increase military presence in the streets and limit freedom of movement.

The gross domestic product (GDP) of Equatorial Guinea increased over 5,000 percent since 1992. Given its enormous oil wealth and its relatively small population of approximately 527,000 people, the country should be a model of development. However, underfunding of essential social services—far lower than the regional average—compels the conclusion that funds have been needlessly diverted from services and institutions critical to the fulfillment of Equatoguineans' economic and social rights. GDP per capita is among the highest in the world and the highest in Sub-Saharan Africa. However, nearly 77 percent of the population lives below the poverty line, and levels of severe poverty are on par with those of Haiti. Life expectancy is low, at 52 years, and infant mortality is high at 124 deaths per 1,000 live births.

The 2009 United Nations Human Development Report showed that, of all the countries listed, Equatorial Guinea had the largest gap between its per capita GDP ranking and its Human Development Index ranking, which stood at 118 out of 182 countries. President Obiang is callous toward his obligations to fulfill socioeconomic rights, saying that most people in his country "are living very well" and that lazy citizens who "don't want to work" should "sweat a bit" to earn money. Most Equatoguineans live on less than a dollar a day.

Reporters Without Borders ranked Equatorial Guinea the 158th worst out of 175 countries for press freedom in 2009. A small number of non-state-controlled publications appear sporadically, none of which can report critically on government activity. Aside from the print media, there is only state radio, one state television station, and one private television station owned by the president's son. In a particularly stark example, a journalist for Agence France-Presse was imprisoned in Malabo's Black Beach Prison for four months after being charged with libel for a mistaken report that he wrote (and quickly corrected) about the head of the national airline. The government attacks its critics, even alleging that the 2009 reports on Equatorial Guinea by Human Rights Watch and the Center for

Economic and Social Rights were attempts at "blackmail."

Freedom of association and assembly are severely curtailed, limiting the growth of a civil society capable of monitoring government action. There are no legally registered independent human rights organizations in the country.

While Equatorial Guinea is nominally a multiparty democracy, in reality the Democratic Party (PDGE) maintains a monopoly over political life, and opposition parties are silenced through the use of criminal prosecution, arbitrary arrest, and harassment. Additionally, not all parties are legally registered. Only two, the Convergence for Social Democracy (CPDS) and the People's Union (UP), are actively opposed to the PDGE and to Obiang.

Arbitrary detention and arrests without legal due process are common; numerous detainees were held for indefinite periods without knowing the charges against them. Following an attack on the presidential palace in February, 10 UP members were arbitrarily arrested without warrant and held without charge; at least two were tortured. At this writing, two of the 10 detainees, Marcelino Nguema and Santiago Asumu, remain in Black Beach prison.

Though national law prohibits torture, it remains a serious problem. In July Obiang commented to Spanish press that "there is no torture" in Equatorial Guinea, but the UN special rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, found in a January 2009 report on Equatorial Guinea that torture is regularly used to obtain confessions. Torture is often utilized against political opponents, common criminals, and perceived critics of the government. Epifanio Pascual Nguema Algo was arrested on February 22, after an anonymous tip alleged that he had made disparaging comments about the president. On March 2 he was severely tortured for hours—he suffered wounds to his genitals and was unable to walk or stand for several days. He was left without medical attention until March 23.

Torture is particularly problematic in detention centers. The US Department of State cited "systematic torture of prisoners and detainees by security forces" in its May 2009 *Advancing Freedom and Democracy* report. Nowak also addressed this problem in August 2009, stating, "In Equatorial Guinea, detainees spend several weeks or even months in overcrowded, often dark and filthy police cells with virtually nothing but a concrete floor where they are kept for 24 hours a day." Prisons do not feed detainees, leaving prisoners to rely on family members for food. Prisoners are forced to collect their bodily waste in bottles and bags, as there are no toilets, and sleep in shifts due to severe overcrowding. There are no separate detention facilities for female and child prisoners, who frequently are held in overcrowded cells with male prisoners and are vulnerable to abuse.

The notorious Black Beach prison held British coup plotter Simon Mann and his South African co-conspirators, until they received a presidential pardon on November 3, 2009. Although Mann's release was ostensibly for medical reasons, he had shared information on the alleged coup backers and the government felt that he had "genuinely repented."

The United States is Equatorial Guinea's main trading partner and US companies dominate the country's oil sector. The Bush administration sought to improve relations with Equatorial Guinea, in part due to heavy lobbying by the US oil industry, and this "business first" relationship came at the expense of engaging Equatorial Guinea on human rights and democracy issues. President Obiang highly values a close relationship with the United States, giving the Obama administration an opportunity for a new relationship that prioritizes human rights and good governance. In a July address in Ghana, President Barack Obama criticized "leaders [who] exploit the economy to enrich themselves," and offered support to those working to promote good governance and combat corruption. The Obama administration nominated a new ambassador to Equatorial Guinea in July, who echoed the same theme at his confirmation hearings in November. It remains to be seen how this administration will hold Equatorial Guinea to these standards. Following revelations in November that a US government investigation identified nearly \$80 million spent in the US by Teodorin Obiang, the president's son and minister of agriculture and forestry, the Obama administration was under increased pressure to deny entry to the US to Equatoguinean officials credibly accused of corruption, and to seize assets purchased with proceeds of corruption.

Spain's foreign minister, Miguel Angel Moratinos, led a large, high-profile delegation to Equatorial Guinea in July 2009. Rather than press vigorously on human rights issues, the trip instead was meant to improve diplomatic relations and explore economic opportunities.

Internationally, there are several ongoing legal challenges alleging misuse of Equatorial Guinea's oil funds. In Spain a human rights organization has accused President Obiang and other government officials of siphoning money from a state-owned oil company and using it to buy houses. Together with other groups, it also filed a complaint to the African Commission on Human and Peoples' Rights on March 19, 2008, arguing that Obiang's diversion of the country's oil wealth violates the African Charter on Human and Peoples' Rights. In France, Transparency International and the rights group Sherpa brought a case against President Obiang, accusing him of using public funds to buy luxury homes and cars in France. The court ruled on October 29, 2009, that the groups did not have legal standing to bring a case; that decision is expected to be appealed.

While Equatorial Guinea has sought admission to the Extractive Industry Transparency Initiative (EITI), real progress in revenue transparency has been slow. The government has taken some steps in 2009 toward meeting objectives required to join the EITI, but its validation as a compliant country is due in March 2010 and there are concerns about its ability to meet EITI requirements, particularly regarding the lack of meaningful civil society participation.

The country was reviewed under the Universal Periodic Review mechanism of the United Nations Human Rights Council in December 2009.

Human Rights Watch defends the rights of people in 90 countries worldwide, spotlighting abuses and bringing perpetrators to justice

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