



UPR Submission

Equatorial Guinea

April 2009

Summary

The government of Equatorial Guinea systematically commits serious human rights violations. Despite the enormous wealth that the discovery of oil has brought to the country, the vast majority of people have not shared in the benefits, due to corruption and mismanagement, and continue to live in poverty. Free and fair elections are denied to the citizens of Equatorial Guinea, and arbitrary detention and torture of real and perceived government opponents continues to be widespread. The government maintains strict restrictions on media outlets and journalists, allowing no real source of independent news information to exist.

In this submission, Human Rights Watch focuses on the effects of endemic corruption and mismanagement on the Equatorial Guinean population's enjoyment of economic and social rights, as well as the serious human rights abuses committed by the government against the political opposition and the media.

The effect of corruption and oil revenue mismanagement on economic and social rights

Human Rights Watch's research documents corruption, misallocation of resources, and lack of transparency in Equatorial Guinea's oil sector, to the detriment of economic and social rights. The evidence of a link between financial mismanagement and underfunding of essential social services is so stark that it compels the conclusion that funds have been needlessly diverted away from services and institutions critical to fulfillment of Equatoguineans' economic and social rights. The International Covenant on Economic, Social and Cultural Rights does not unrealistically require countries to immediately devote more resources than they have to fulfill their obligations, but rather calls upon governments to progressively implement those rights commensurate with the amount of resources available. However, inadequate spending in light of available resources or gross misallocation of resources to the detriment of the enjoyment of economic and social rights, as in Equatorial Guinea, can constitute a human rights violation.

Since the discovery of oil in the 1990s there have been numerous allegations of corruption and mismanagement against the government, particularly against President Teodoro Obiang Nguema Mbasogo and his family. Human Rights Watch has documented numerous questionable practices including: ownership by government officials of land that is rented or sold to foreign companies; contracts between foreign companies and entities in which government officials have significant ownership stakes; scholarships or

other services paid to relatives of government officials by foreign investors; and transactions by government officials involving tens of millions of dollars in cash withdrawals or to purchase luxury items such as mansions or exotic cars.

The government of Equatorial Guinea has not only failed to curb the endemic corruption, but has also consistently mismanaged its oil revenue wealth so that even money that has not been siphoned off by corrupt officials renders little benefit to Equatoguinean citizens. The government signs contracts that are extremely favorable to oil companies, has very low revenue collection rates, and fails to audit the accounts into which oil revenues are paid.

The government of Equatorial Guinea's responses to allegations of corruption and mismanagement are in general characterized by denial and heavy-handed attempts to limit public access to information. Government officials deny the involvement of personal interests in the management of government finances, launch counterattacks against those levelling allegations, and persecute those in the media who attempt to get to the bottom of those accusations.

Although Equatorial Guinea has taken steps in the past five years to improve revenue transparency—including deciding in 2004 to seek admission to the UK-sponsored Extractive Industries Transparency Initiative and allowing the release of an International Monetary Fund (IMF) fiscal transparency report on the observance of standards and codes in 2005—progress has been slow. Transparency surrounding oil revenues and accountability for the allocation and spending of those revenues is virtually non-existent.

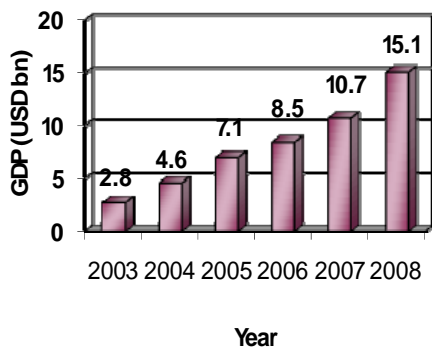
Partially because the Equatoguinean government refuses to operate transparently in a manner that would allow citizens to hold it accountable for its fiscal policies, the citizens of Equatorial Guinea have not benefited commensurate to the levels of oil revenue flowing into their country. The government has underinvested in its own population's well-being and failed to adequately utilize the massive amount of revenue the country has earned as a result of its oil boom.

As the third-largest oil-producer in sub-Saharan Africa, yet with a relatively small population of approximately 527,000 people, the country has among the highest per capita Gross Domestic Product (GDP) in the world and should be a model of development.

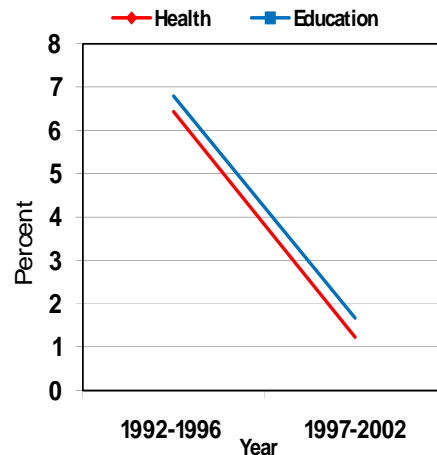
Yet, social indicators have not markedly improved in the decade since oil revenues started to come in, despite the relative stability in population. As of 2009, Equatorial Guinea had one of the largest gaps between its per capita GDP and its Human Development Index score. Life expectancy is low at 51 years, and infant mortality is high at 124 deaths per 1,000 live births. Nineteen percent of children under age five are moderately to severely malnourished and only 43 percent of the population uses safe water. Yet despite mounting revenues, expenditures on health and education actually declined as a percentage of government expenditures, from 6.43 percent and 6.79 percent, respectively, in the pre-oil period (1992 to 1996 average) to 1.23 percent and 1.67 percent after the flow of oil revenue (1997 to 2002 average) (see chart, below). The IMF noted in 2005 that "the country's social indicators have not improved" commensurate to

the growth in per capita GDP, while the World Bank reported that although “oil discoveries and rapid expansion of oil exports have caused a striking improvement in economic indicators, there has been no impact on the country’s dismal social indicators.”

Equatorial Guinea: Annual GDP, 2003-2008
(Source: Economist Intelligence Unit estimates)



EG Government Spending on Social Services as a Percentage of Total Government Expenditures, Pre- and Post-Oil Discovery
(Source: IMF)



Human Rights Watch makes the following recommendations to the government of Equatorial Guinea:

- Establish a clear fiscal policy for transparent management of oil wealth, including making the budget public, identifying the location of foreign accounts, and conducting an audit of government accounts.
- Progressively realise the rights of access to health and education, and ensure appropriate allocation of resources is made to that end.
- Ensure that government officials declare their assets and that this is verifiable (as provided for by Equatorial Guinea law).
- Set up a genuinely independent anti-corruption commission empowered to investigate and prosecute those implicated in corrupt practices.
- Authorize the publication of federal and local government budgets.

Repression of political opposition through arbitrary detention and torture

Equatorial Guinea is nominally a multiparty democracy, but through the use of criminal prosecutions, intimidation, and coercion, the government—led by the Democratic Party of Equatorial Guinea (PDEG)—has managed to maintain an effective monopoly over political life. For some 30 years the country has been under the control of President Teodoro Obiang. There have been no free and fair elections since independence in 1968.

The calling of elections in 2002, 2004, and 2008 was accompanied by intimidation and imprisonment of the opposition—with the government's using the pretext of thwarting a coup attempt as justification for its actions. The announcement of a foiled plot has usually been followed by waves of arrests of real and perceived opposition politicians, military personnel, their families and friends. Detention is frequently accompanied by torture and ill-treatment. Although Human Rights Watch is not in a position to verify whether each alleged coup attempt was actually real, we have documented the patterns of abuse associated with the government's response against real or perceived government opponents. These abuses include arbitrary arrest and detention without trial, torture, harassment, and extrajudicial killing.

Human Rights Watch interviewed two defendants, arrested following an alleged 2002 coup attempt, who had been tortured while in pretrial detention. They described being tied up with rope and hung from a bar with the result that their wrists, ankles, and shoulders were either dislocated or broken. The individuals also described how they were blindfolded for prolonged periods, kept in appalling conditions, and denied access to their lawyers and family. They said that the mistreatment was intended to coerce them into making incriminating statements regarding their alleged role in the coup attempt.

Similarly, about 70 people charged with offences related to another alleged coup attempt in October 2004 were reportedly tortured before and during a military trial in September 2005. The group consisted of former military officers and relatives of the alleged leaders of the attempted coup. Most of the defendants had been held incommunicado in Bata Prison since their arrests in December 2004 and January 2005. All but two of the defendants reportedly stated in the military court that they had been tortured in detention, and, according to Amnesty International, some reportedly still bore visible marks. One man apparently had to be carried in and out of court as he was unable to walk as a result of torture.

In response to alleged coup attempts, security forces in Equatorial Guinea also often detain relatives of suspects in an attempt to pressure the suspects into cooperation. In 2004, relatives of opposition party supporters, including the wife and daughter of activist Macelino Nguema Esono, were reportedly arrested and tortured. Similarly, according to Amnesty International, since October 2004 the wife of one of the in absentia defendants in the alleged 2002 coup attempt, Florencio Ela Bibang, as well as other members of his family and friends, have been reportedly imprisoned without charge or trial.

Human Rights Watch makes the following recommendations to the government of Equatorial Guinea:

- Produce a comprehensive list of political prisoners and provide information on where all prisoners are being detained.
- Grant families access to the detained.
- Promptly investigate allegations of torture, and hold perpetrators accountable.
- Allow foreign diplomats and human rights groups access to the country's prisons and detention centers to monitor the condition of prisoners and prisons.
- Put procedures in place to ensure free, fair, and transparent elections, including voter registration and elections training and monitoring, and allowing independent foreign monitors and journalists access.
- Uphold the rights of the opposition to travel freely, hold meetings, disseminate their views, and have equal access to the media.
- Ensure that an independent appraisal can be made of the effectiveness of human rights training given to security and law enforcement agencies.
- Remove its reservations to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

Freedom of the media

The government of Equatorial Guinea represses virtually any form of independent media. Although, at times, the media has highlighted official excesses in general terms, public and media criticism of public institutions and public sector mismanagement is actively discouraged. Criticism of the president and security forces is prohibited. As a result, self-censorship and fear are widespread.

According to the Committee to Protect Journalists, Equatorial Guinea ranks as the fourth most-censored country in the world. The current 1992 press law authorizes government censorship of all publications. In the past five years the government has been particularly active in restricting media freedoms regarding the oil industry in the country and related allegations of corruption. In July 2004 the government confiscated digital satellite equipment from Spanish news agencies in the capital, Malabo, because of their live broadcasting of features about government corruption. In 2004 and 2005 the government expelled foreign journalists who were researching the oil industry.

Due to censorship, repression, and fear, a meaningful independent press does not exist in Equatorial Guinea. There are only two non-state-controlled newspapers published in the country, neither of which can report critically of government activity. The editor of the only independent paper, *La Opinión*, complained to Human Rights Watch that he could not print his paper, first because of a lack of newsprint itself, but also because the public's fear of being found possessing copies led to a lack of sales. Shopkeepers also require official permission to sell or distribute international newspapers or news magazines.

Aside from the print media there is only state radio and state television. The only private radio station is operated by the president's son, Teodorin Nguema Obiang Mangué. Teodorin Obiang also operates Television Asonga, a cable TV channel in Bata. The

government generally withholds access to domestic broadcasting from opposition parties, and broadcasters refer to the opposition negatively in news programs.

Human Rights Watch makes the following recommendations to the government of Equatorial Guinea:

- Respect and promote freedom of expression in accordance with Equatorial Guinea's international human rights obligations, including through enactment of an appropriate legal framework for the media that no longer permits government censorship of publications.