

FOLLOW UP TO THE PREVIOUS REVIEW

1. From its 2019 UPR review, Equatorial Guinea received a total of 221 recommendations. From those ones, it supported or accepted 202 and noted or rejected 19.¹
2. 32 of these recommendations were related to the acceptance and ratification of international human rights treaties, including the Optional Protocol to the Convention against Torture, the Second Optional Protocol to the International Convention on Civil and Political Rights aiming at the abolition of the death penalty and the Convention for the Protection of all Persons from Enforced Disappearances. Despite giving support to these recommendations, since the last review, the government of Equatorial Guinea has only ratified the Convention on the Rights of Persons with Disabilities.²
3. In the last review, at least 10 recommendations were accepted regarding the improvement of respect for the right to freedom of expression.³ Despite this commitment, the right to freedom of expression continues to be under threat in the country with people preferring to self-censor rather than face attacks, intimidation, harassment and arrests.
4. 11 recommendations supported by Equatorial Guinea from the last review called for the authorities to create a safer and more fostering environment for human rights defenders.⁴ However, no changes have been made to the national legal framework in this sense, and human rights defenders continue to be harassed by security forces and authorities.

THE NATIONAL HUMAN RIGHTS FRAMEWORK

5. Despite the 32 UPR recommendations supported by Equatorial Guinea in 2019 regarding the acceptance of international human rights treaties and calling for national legislative changes to address human rights issues related to the protection and promotion of the right to freedom of expression, discrimination, violence against women, only minor legislative changes have taken place since then.
6. Despite the acceptance by the government of three recommendations during the UN UPR process to reform Law 1/1999 on Non-governmental organizations (NGOs) activities, authorities continue to use this law to impose financial constraints on NGOs by limiting their capacity to receive donations from abroad, preventing them from carrying out independently and effectively their legitimate activities.
7. The government accepted the recommendations to adopt legislation to eradicate violence against women. However, since the last UPR session, no law has been enacted in this regard.
8. On 19 September 2022, the Equatorial Guinea president promulgated the new Penal Code which removed death penalty provisions. However, death penalty provisions remain in the Code of Military Justice and the State did not ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty as a step towards the abolition of the death penalty despite 13 recommendations made in that regard from the 2019 UPR process.

THE HUMAN RIGHTS SITUATION ON THE GROUND

Arbitrary arrests and detention

9. In Equatorial Guinea, the law requires arrest warrants unless a crime is in progress or in cases that affect national security and prohibits arbitrary arrest and detention. It also provides for the right of any person to challenge the lawfulness of its arrest or detention in court. However, these requirements are frequently ignored.⁵ Amnesty International documented many cases of individuals who have been arbitrarily detained by security officers. According to national law, any detained person has the right to a judicial determination of the legality of their detention within 72 hours of arrest, excluding weekends and holidays. However, this determination often took longer – sometimes several months – in cases documented by Amnesty International.
10. In addition, Equatorial Guinea supported a recommendation from the 2019 UPR which called for investigations and prosecutions of those suspected to be responsible for arbitrary detention.⁶ Yet, arbitrary arrests and detention continue to be perpetrated by security officers in total impunity, and to target specific groups such as migrants, opposition members, activists and youth. Arbitrary arrests and detention have been especially numerous when the government has launched campaigns against specific groups such as migrants⁷ or youth, as in the case of “operación limpieza”.
11. In response to an alleged increase in crime by youth gangs, especially a group known as the “8 Machetes”, Equatorial Guinea’s Vice President, Teodoro Nguema Obiang Mangue, launched a national plan at the beginning of May 2022 “to clean” the streets of Equatorial Guinea of “criminals and bandits”.⁸ This was labelled by the authorities as a “operación limpieza”, or “cleaning operation”.
12. In a single week in May 2022, more than 400 young people were arrested, while three months later, thousands of young men were reportedly arrested across the country. Some were granted parole due to lack of evidence. Others died in prison.⁹
13. Some family members of victims interviewed by Amnesty International explained how their relatives were mistreated by the security forces during their arrest and detention.
14. Rubén, a 21-year-old from Campo-Yaunde, was arrested alongside a group of other young people on 20 May 2022 while gathering in the Campo-Yaunde area of Malabo, Equatorial Guinea’s capital. On 6 June, he died in prison. The family received his body and a medical report which indicated that Rubén had suffered from breathing difficulties and anorexia, among other health issues. The family maintains that Rubén had no health problems at the time of his arrest.¹⁰
15. The whereabouts of many other young people arbitrarily arrested by security forces remained unknown. In other cases, despite having a court release orders, detainees remained in jail. That was the case of Pablo Santiago Nsue Ondo Angue, 22-year-old, who, despite a release order dated from October 2022, remained in Oveng Azem prison where he died in February 2023 of cardiorespiratory arrest.¹¹
16. Arbitrary arrests and detention are also used as a tool to silence and threaten political opponents. On 29 September 2022, police arrested the leader of the opposition party Ciudadanos por la Innovación (Citizens for Innovation), Gabriel Nsé Obiang Obono and more than 150 of his supporters who gathered at the party’s headquarters in Malabo. On 6 October, 119 of the supporters were released without charge. Citizens for Innovation had been dissolved by the authorities in 2018. A few days before the arrests, Gabriel Nsé threatened that there might be demonstrations if he was not allowed to run in the presidential elections.¹²
17. Nse Obiang Obono was sentenced to 29 years behind bars and the party members received terms of between nine and 29 years in prison on orders made 26 June 2023 by the military court in the capital Malabo.¹³

Freedom of expression

18. Equatorial Guinea supported a total of 10 recommendations made regarding the right to freedom of expression and opinion during the last UPR review.¹⁴
19. Despite the constitution and the law guaranteeing the right to freedom of expression in Equatorial Guinea, press offences are not decriminalised and lawsuits for slander or defamation are common, leading to self-censorship.¹⁵
20. Human rights violations, such as torture and other ill-treatment or arbitrary detention are commonly perpetrated against those individuals or institutions whose opinions are not in line with those by the government or official institutions.
21. Criticizing the government on social media is also punished. On 29 July 2021, social activist Noelia Asama, regular user of social media who denounces the situation of women in the country, was arrested without warrant at her home in Malabo, and held in a cell with dozens of men at the judicial police station. She was questioned by officers about posting videos to social networks as well as about her social media calls for President Obiang to stepdown.¹⁶

Human rights defenders

22. Despite supporting more than 11 recommendations regarding the protection of human rights defenders and their legitimate work,¹⁷ the Equatorial Guinea authorities continue to hinder NGOs' work, especially those defending human rights: obstructing their legal registration procedures, forcing the dissolution of NGOs or targeting, intimidating and harassing their leadership.
23. In June 2020, Somos+, a civil society platform, applied for legal registration to the Ministry of Interior and Local Corporations. Several days later, they were notified by this body that their application should be validated by the General Direction of Human Rights, although such validation is not required by the law. In August that year, the Interior Minister reminded them that they needed to register before they carried out any activities.¹⁸
24. On 5 July 2019, the Minister of Interior and Local Corporations published a decree revoking the authorization granted to the Center for Development Studies and Initiatives (CEID) – one of the few independent NGOs that denounce human rights violations in the country – which the authorities accused of undertaking political activities.¹⁹ They are still unable to operate legally in the country.²⁰
25. In February 2019, Joaquín Elo Ayeto, a Somos+ member, was arbitrarily arrested and detained for a year in Black Beach Prison. He was released in February 2020. Although he was tried in 2019 for defamation and threats against the President, he was not given any information about his sentence. He was just released on the President's orders.²¹ Since then, Joaquín has been arbitrarily arrested several times for various reasons, including for organizing a conference on Human Rights Day in Malabo without an official authorization.²²
26. In May 2023, human rights activist Anacleto Micha Ndong Nlang was sentenced to six months in prison and handed a 100,000 XAF (about 152 euros) fine for contempt against authority. He had spent nearly nine months in prison by the time of his release. He was initially arrested on 25 September 2022 during a siege of the office of opposition party Citizens for Innovation, where he had gone to see if members of the party needed assistance. He was not present nor was any representation provided for him during this trial.

27. On 26 January 2024, Anacleto Micha was arrested again. Four plain clothes men took him from his home in Malabo. He was detained in an office of the Gendarmerie in Malabo for more than a month. No charges were brought against him. On 1 March, he was sent to the Malabo prison of Black Beach where he is currently detained on pre-trial detention on the basis of the accusations against him by a gendarme from Black Beach. Anacleto Micha alleged that the gendarme tortured him the last time he was detained there, in 2023.²³

Migrants' rights

28. In Equatorial Guinea, migrants have been subject to arbitrary detention and in some cases deported without due process. Despite supporting recommendations that called for the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,²⁴ no progress has been made towards ratification.
29. Government sometimes launches campaigns for “combatting irregular migration”. These campaigns do not comply with guarantees provided in national law and international standards.
30. One such campaign took place between 30 October 2021 and early December 2021 when immigration raids were launched in major cities of the country including Malabo, Bata, Mongomo and Ebibeyin.²⁵ Security forces stopped people on the street who they believed had “African foreign facial features” and demanded that they produce their identification papers. Those who did not have their documents with them were immediately arrested and detained, often regardless of their immigration status.²⁶
31. More than 500 people — mainly nationals from Cameroon, Nigeria, Senegal, Cote d’Ivoire, Central African Republic, Chad and Mali — were detained in several cities around the country. Dozens of those arrested alleged that they were severely beaten during their arrest and detention.²⁷
32. Most detained individuals did not receive any legal assistance, nor did they have access to appropriate legal procedures and due process relating to their detention. Some were deported to their home countries without due process. Others were released weeks after their arrest but did not receive any explanation for their detention and were never charged.

Torture

33. Eight countries in the 2019 UPR session made recommendations regarding the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, calling for its accession or its ratification.²⁸ Two other countries recommended the full application of the Act No 6/2006 on the prohibition of torture or otherwise combating torture effectively.²⁹ All recommendations made were supported by the government of Equatorial Guinea, but torture and other ill treatment continue to be regularly applied. In some cases, police officers use torture on detainees to extract confessions. Many of these cases involve opposition members and political activists.³⁰
34. Many victims of the campaigns to “combat irregular migration” and the “Operación limpieza”³¹ explained with details the practices of torture that they underwent during their arrests or detention.
35. In January 2023, the Spain-based opposition group Movement for the Liberation of the Third Equatorial Guinea (MLGE3R) announced the death in custody of Julio Obama Mefuman, a group member and Spanish citizen. They accused the authorities of torturing him. He had been serving a 60-year prison sentence in Oveng Azem prison for an attempted coup. Foreign Minister Simeon Oyono Esono Angue confirmed that Obama Mefuman died in hospital following illness but refuted any accusation of torture. The body has not been released to his family.³²

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Equatorial Guinea to:

Arbitrary arrests and detention

36. Immediately and unconditionally release all individuals arbitrarily detained solely for peacefully exercising their human rights and end arbitrary arrests and detention.
37. Ensure full implementation of Article 13 (m,n) of the Constitution that provides, that no one can be deprived of its freedom without a judicial warrant, and that detainees should be informed of the charges against them.
38. Ensure full respect for the right to defence, including the right to be defended by counsel of one's choice; and the right to be tried within a reasonable time by an independent and impartial court or tribunal.

Death penalty

39. Ratify the Second Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.
40. Remove the death penalty from the military code.

Freedom of expression

41. Ensure that the Constitutional provisions and the laws which guarantee human rights including the right to freedom of expression are fully implemented.
42. Decriminalize press offences.
43. Ensure prompt, thorough, impartial, independent, effective and transparent investigations into all reports of human rights violations against human rights defenders, activists and opposition leaders for doing their legitimate work and exercising their right to freedom to expression; and bring to justice, in fair trials, those suspected of criminal responsibility for any related offences.

Human rights defenders

44. Reform the Law 1/1999 regulating NGOs to facilitate their registration and enable their full and independent functioning.
45. Repeal or amend legislation that may place obstacles in the way of legitimate activities to promote and defend human rights, including with regard to the rights to freedom of expression, peaceful assembly and association.
46. Fully co-operate with the UN Special Rapporteur on the Situation of Human Rights Defenders and issue a standing invitation to enable her to conduct visits in accordance with her mandate and allow her to meet with HRDs and other stakeholders without hindrance.

Migrants' rights

47. Immediately end any arbitrarily arrests and detention based on racial profiling.
48. Launch a prompt, thorough, independent, impartial, transparent and effective investigation into the allegations of illegal racial profiling and violence during arrests, as well as the failure to ensure access to legal protections and ill-treatment in custody.

Torture

49. Ratify the Optional Protocol to the Convention Against Torture.
50. Implement Law 6/2006 banning torture and other ill-treatment and ensure prompt, thorough, independent, impartial, transparent and effective investigations into all reports of torture and other ill-treatment, and bring those suspected to be responsible for all such violations to account in fair trial proceedings, and ensure full and adequate reparation for their victims.

¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review*, 2 July 2019, A/HRC/42/13 (UN Doc A/HRC/42/13 - 2 July 2019); Human Rights Council, *Report of the Working Group on the Universal Periodic Review-Equatorial Guinea*, 30 August 2019, A/HRC/42/13/Add.1 (UN Doc A/HRC/42/13/Add.1-30 August 2019).

² OHCHR, UN Treaty Body Database, tbineternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=56&Lang=en (accessed on 19 March 2024), Ratification status for Equatorial Guinea.

³ UN Doc A/HRC/42/13 - 2 July 2019 (previously cited), paras 122.83, 122.84, 122.85, 122.86, 122.87, 122.89, 122.98; UN Doc A/HRC/42/13/Add.1 - 30 August 2019, paras 123.24, 123.25 and 123.26.

⁴ UN Doc A/HRC/42/13 - 2 July 2019 (previously cited), paras 122.90, 122.91, 122.92, 122.93, 122.94; UN Doc A/HRC/42/13/Add.1 - 30 August 2019, paras 123.27, 123.28, 123.31, 123.36, 123.37, 123.38.

⁵ Human Rights Watch, "Equatorial Guinea: Coup Trial Travesty of Justice, 112 Convicted in Flawed Case; Defendants Alleged Torture, 2 August 2019, [Equatorial Guinea: Coup Trial Travesty of Justice | Human Rights Watch \(hrw.org\)](https://www.hrw.org/news/2019/08/02/equatorial-guinea-coup-trial-travesty-of-justice).

⁶ UN Doc A/HRC/42/13 - 2 July 2019 (previously cited), para. 122.71.

⁷ See section on migrants' rights.

⁸ Amnesty International, "Equatorial Guinea: 'Cleaning Operation' tramples on human rights, not crime", 18 August 2022, [Equatorial Guinea: 'Cleaning Operation' tramples on human rights, not crime - Amnesty International](https://www.amnesty.org/en/latest/news/2022/08/equatorial-guinea-cleaning-operation-tramples-on-human-rights-not-crime/) (Amnesty International, 'Cleaning Operation' tramples on human rights, not crime).

⁹ Amnesty International, 'Cleaning Operation' tramples on human rights, not crime (previously cited).

¹⁰ Amnesty International, 'Cleaning Operation' tramples on human rights, not crime (previously cited).

¹¹ Amnesty International, *Amnesty International Report 2022/23: The state of the world's human rights* (Index: POL 10/5670/2023), 27 March 2023, [Amnesty International Report 2022/23: The state of the world's human rights - Amnesty International](https://www.amnesty.org/en/latest/reports/2023/03/the-state-of-the-worlds-human-rights-2022-23/).

¹² Amnesty International, *The state of the world's human rights 2022/2023* (previously cited).

¹³ Barron's, "EU condemns Jailing of E.Guinea Opposition Figure", 10 July 2023, [EU Condemns Jailing Of E.Guinea Opposition Figure | Barron's \(barrons.com\)](https://www.barrons.com/news/eu-condemns-jailing-of-equatorial-guinea-opposition-figure).

¹⁴ UN Doc A/HRC/42/13 - 2 July 2019 (previously cited), paras 122.83, 122.84, 122.85, 122.86, 122.87, 122.89, 122.98; UN Doc A/HRC/42/13/Add.1 - 30 August 2019 (previously cited), paras 123.24, 123.25, 123.26.

¹⁵ RSF, Africa-Equatorial Guinea, [Equatorial Guinea | RSF](#).

¹⁶ Amnesty International, "Annual Report 2021/22: Has the world tried to 'build back better' in the wake of the Covid-19 pandemic?" 29 March 2022, [Amnesty International Annual Report 2021/22](#).

¹⁷ UN Doc A/HRC/42/13 - 2 July 2019 (previously cited), paras 122.90, 122.91, 122.92, 122.93, 122.94; UN Doc A/HRC/42/13/Add.1 - 30 August 2019 (previously cited), paras 123.27, 123.28, 123.31, 123.36, 123.37, 123.38.

¹⁸ Amnesty International, *Amnesty International Report 2020/21: The state of the world's human rights* (Index: POL 10/3202/2021), 7 April 2021, [Amnesty International Report 2020/21: The state of the world's human rights - Amnesty International](#).

¹⁹ Amnesty International, "Equatorial Guinea: Dissolution of an NGO shows escalating crackdown on civil society", 9 July 2019, [Equatorial Guinea: Dissolution of an NGO shows escalating crackdown on civil society \(amnesty.org\)](#).

²⁰ Amnesty International, "Equatorial Guinea: Dissolution of an NGO shows escalating crackdown on civil society", 9 July 2019, [Equatorial Guinea: Dissolution of an NGO shows escalating crackdown on civil society \(amnesty.org\)](#).

²¹ Amnesty International, *Amnesty International Report 2020/21: The state of the world's human rights* (Index: POL 10/3202/2021), 7 April 2021, [Amnesty International Report 2020/21: The state of the world's human rights - Amnesty International](#).

²² ASODEGUE, Noticias de Guinea Ecuatorial, "Joaquín Elo Ayeto, más conocido como Paysa, detenido y recluso en Guantánamo. Somos+", 12 December 2022, [Joaquín Eló Ayeto, más conocido como Paysa, detenido y recluso en Guantánamo. Somos+ | asodeguesegundaetapa.org](#); Convergencia para la democracia social de Guinea Ecuatorial, "Nota de prensa: CPDS condena la detención del activista Joaquín Elo y exige su liberación", 13 December 2022, [NOTA DE PRENSA: CPDS condena la detención del activista Joaquín Eló y exige su liberación – CPDS GUINEA ECUATORIAL \(cpdsge.org\)](#).

²³ Amnesty International, "Equatorial Guinea: Jailed human rights defender at risk of torture: Anacleto Micha Ndong", 13 March 2024, [Equatorial Guinea: Jailed human rights defender at risk of torture: Anacleto Micha Ndong - Amnesty International](#).

²⁴ UN Doc A/HRC/42/13 - 2 July 2019 (previously cited), paras 122.2, 122.3.

²⁵ Amnesty International, "Equatorial Guinea. Illegally detained irregular migrants must be released", 29 April 2022, [Equatorial Guinea. Illegally detained irregular migrants must be released - Amnesty International](#).

²⁶ Amnesty International, "Equatorial Guinea. Illegally detained irregular migrants must be released", 29 April 2022, [Equatorial Guinea. Illegally detained irregular migrants must be released - Amnesty International](#).

²⁷ United States Department of State, Bureau of Democracy, Human Rights, and Labor, 2022 Country Reports on Human Rights Practices: Equatorial Guinea, 2022, [Equatorial Guinea - United States Department of State](#).

²⁸ UN Doc A/HRC/42/13/Add.1 (30 August 2019) recommendation 123.5 (Costa Rica), 123.6 (Togo), 123.7 (Cabo Verde), (Ukraine), (Denmark), 123.8 (Germany), 123.9 (Georgia), 123.10 (Ghana).

²⁹ UN Doc A/HRC/42/13 - 2 July 2019 (previously cited), para. 122.62; UN Doc A/HRC/42/13/Add.1 - 30 August 2019 (previously cited), para. 123.22.

³⁰ Amnesty International, "Equatorial Guinea: 40 years of repression and rule of fear highlights human rights crisis", 2 August 2019, [Equatorial Guinea: 40 years of repression and rule of fear highlights human rights crisis \(amnesty.org\)](#).

³¹ See sections on migrants' rights and arbitrary arrests and detentions.

³² [Amnesty International, *Amnesty International Report 2022/23: The state of world's human rights*](#).