



**UNIVERSAL PERIODIC REVIEW  
SUBMISSION FOR  
EQUATORIAL GUINEA**

NGO Submission

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Prepared and submitted by:  
The Human Rights Foundation  
Center for Law and Democracy

Human Rights Foundation  
350 Fifth Avenue, Suite 4202  
New York, NY 10118  
[www.hrf.org](http://www.hrf.org)

ABOUT HRF

The Human Rights Foundation (HRF) is a nonpartisan nonprofit organization that promotes and protects human rights globally, with a focus on closed societies. HRF unites people in the common cause of defending human rights and promoting liberal democracy. Our mission is to ensure that freedom is both preserved and promoted around the world.

We focus our work on the founding ideals of the human rights movement, those which are most purely enshrined in the 1948 Universal Declaration of Human Rights (UDHR) and the 1976 International Covenant on Civil and Political Rights (ICCPR).

HRF's Center for Law and Democracy (HRF-CLD) is a program of HRF. HRF-CLD promotes legal scholarship in the areas of comparative constitutional law and international law, with a focus on international human rights law and international democracy law.

## INTRODUCTION

1. This submission was prepared by HRF, for the Universal Periodic Review (UPR) of Equatorial Guinea. In this submission, HRF evaluates Equatorial Guinea's implementation of recommendations made during its previous UPR, as it relates to the current human rights situation in the country, which is characterized by systematic, widespread, and gross violations of human rights, including: arbitrary arrests, detentions, and violations of due process, the curtailment of the freedoms of assembly, association, and expression, as well as torture and ill-treatment.

## FOLLOW-UP ON THE PREVIOUS REVIEW

2. The most recent UPR of Equatorial Guinea by the United Nations (UN) Human Rights Council took place on May 13, 2019.<sup>1</sup> The Human Rights Council

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<sup>1</sup> *Universal Periodic Review - Equatorial Guinea*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/gq-index>.

considered and adopted the outcome of the country's review during its 42<sup>nd</sup> Session on 20 September 2019.<sup>2</sup> A total of 221 recommendations were made to Equatorial Guinea, with the government accepting 202 recommendations and noting 19.<sup>3</sup>

3. As a UN Member State, Equatorial Guinea has committed to protect, promote, and respect the individual rights and fundamental freedoms laid out in the UDHR. Equatorial Guinea has also ratified the ICCPR and the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT).
4. Two of the most common recommendations by UN Member States were that Equatorial Guinea should ratify particular international conventions. Despite the number of States that made these recommendations, Equatorial Guinea has yet to:
  - a. ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;
  - b. ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
5. Domestically, Equatorial Guinea's Constitution formally enshrines within it the protection of human rights (*see infra Equatorial Guinea's National Framework for Protecting Human Rights*). However, despite these constitutional guarantees, in practice, activists and dissidents are routinely subjected to severe human rights violations.

## EQUATORIAL GUINEA'S NATIONAL FRAMEWORK FOR PROTECTING

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<sup>2</sup> Outcome of the universal periodic review: Equatorial Guinea 42/111 - Forty-second session, Human Rights Council (Sept. 2019), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/286/98/PDF/G1928698.pdf?OpenElement>.

<sup>3</sup> Equatorial Guinea: Responses to Recommendations - Session 33, UPR-INFO, (May 2019), [https://www.upr-info.org/sites/default/files/documents/2019-12/2rps\\_equatorial\\_guinea.pdf](https://www.upr-info.org/sites/default/files/documents/2019-12/2rps_equatorial_guinea.pdf).

# HUMAN RIGHTS

6. Equatorial Guinea's Constitution<sup>4</sup> contains several key provisions relating to the protection of citizens' fundamental rights.

7. In relation to human dignity and protection from inhuman treatment, the Constitution states in *Article 13(1)(a)*:

*1. Every citizen enjoys the following rights and freedoms.*

*a. The respect of his person, life, personal integrity, its dignity and his full material and moral development. The death penalty can only be imposed by a crime established by the law.*

8. In relation to freedom of expression, the Constitution states in *Article 13(1)(b)*:

*1. Every citizen enjoys the following rights and freedoms. [...]*

*b. To the freedom of expression, thinking, ideas and opinions.*

9. In relation to the equal protection of individuals under the law, the Constitution states in *Article 13(1)(c)*:

*1. Every citizen enjoys the following rights and freedoms. [...]*

*c. To equality before the law. The woman, irrespective of her civil status, shall have the same rights and opportunities as men in all aspects of public, private and familiar life, in civil, political, economic, social and cultural life.*

10. In relation to freedoms of assembly and association, the Constitution states in *Article 13(1)(k)*:

*1. Every citizen enjoys the following rights and freedoms. [...]*

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<sup>4</sup> Equatorial Guinea 1991 (rev. 2012) Constitution, Const. Project (2012), [https://www.constituteproject.org/constitution/Equatorial\\_Guinea\\_2012#s58](https://www.constituteproject.org/constitution/Equatorial_Guinea_2012#s58).

*k. To freedom of association, assembly and manifestation.*

11. In relation to arbitrary detention, the Constitution states in *Article 13(1)(i), 13(1)(m), and 13(1)(n)*:

1. *Every citizen enjoys the following rights and freedoms. [...]*
  - i. To the right of habeas corpus and amparo. [...]*
  - m. To not being deprived of their freedom save by virtue of a judicial order, except in those cases provided by the Law and in flagrant crimes.*
  - n. To be informed of the cause and reasons of their detention.*

## POLITICAL BACKGROUND

12. Equatorial Guinea officially achieved independence from Spain on October 12, 1968<sup>5</sup> and became a UN Member State one month later.<sup>6</sup>

13. The first President, Francisco Macías Nguema, introduced a one-party system through the 1973 Constitutional Referendum.<sup>7</sup> The Constitution designated the Single National Workers Party of Equatorial Guinea (PUNT) as the only legal political party and acknowledged President for Life status for Macías.<sup>8</sup>

14. On August 3, 1979, President Macías' rule came to an end following a bloody military coup orchestrated by his nephew and Vice-Minister of the Armed Forces, Teodoro Obiang Nguema Mbasogo.<sup>9</sup> Following the coup, the Supreme Military Council, which served as Equatorial Guinea's ruling military junta, was established, with Obiang assuming the presidency.<sup>10</sup> The Council convened a

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<sup>5</sup> Decreto 2467 (B.O.E. 1968, 245) (Spain), <https://www.boe.es/boe/dias/1968/10/11/pdfs/A14442-14442.pdf>.

<sup>6</sup> *Member States*, United Nations, <https://www.un.org/en/about-us/member-states#gotoE>.

<sup>7</sup> *Elections in Equatorial Guinea*, African Elections Database (Nov. 19, 2011), <https://africanelections.tripod.com/gq.html>.

<sup>8</sup> Constitución de 1973 (B.O.E. 1973) (Equatorial Guinea), Art. 50, § 5, [https://drive.google.com/file/d/1m6606laWM-g2Qh4k1V8LisbZ6Xg-6bXm/view?usp=drive\\_link](https://drive.google.com/file/d/1m6606laWM-g2Qh4k1V8LisbZ6Xg-6bXm/view?usp=drive_link).

<sup>9</sup> Alejandro Artucio, *The Trial of Macías in Equatorial Guinea: The Story of a Dictatorship*, 20, ICJ (1979), p. 20, <https://www.icj.org/wp-content/uploads/1979/01/Equatorial-Guinea-fair-trial-trial-observation-report-1979-eng.pdf>.

<sup>10</sup> *Id.*

Special Military Tribunal, resulting in Macías' execution on September 29, 1979.<sup>11</sup>

15. In 1982, a constitutional referendum marked the conclusion of the junta era and paved the way for Obiang's ascent to the presidency.<sup>12</sup> Under his rule, the Democratic Party of Equatorial Guinea (PDGE) was established in 1987 as the governing political entity.<sup>13</sup> In 1989, Obiang secured re-election as the sole candidate.<sup>14</sup> President Obiang and the PDGE have maintained continuous rule since 1979 and wield control over the executive, legislative, and judicial branches.<sup>15</sup>
16. The regime has systematically excluded political opposition from operating in the country, leading to the dissolution of the main opposition party, Citizens for Innovation (CI), in 2018.<sup>16</sup> Through unfree and unfair elections which lack political competition, Obiang and his party have secured electoral victories unopposed, which in some instances surpass 95% of the vote,<sup>17</sup> such as the recent 2022 elections. Concerns have been raised by members of the opposition,<sup>18</sup> international human rights organizations,<sup>19</sup> international observers,<sup>20</sup> and civil society, pointing to accusations of voting fraud, the presence of armed security personnel inside polling locations, double voting, and reported instances of intimidation directed at voters and opposition members in the period leading up to elections.<sup>21</sup>

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<sup>11</sup> *Id.* at 54.

<sup>12</sup> *Around the World: Referendum is planned in Equatorial Guinea*, The New York Times (Aug. 14, 1982), <https://www.nytimes.com/1982/08/14/world/around-the-world-referendum-is-planned-in-equatorial-guinea.htm>.

<sup>13</sup> *Equatorial Guinea: Parliamentary Chamber*, IPU (1988) [http://archive.ipu.org/parline-e/reports/arc/2101\\_88.htm](http://archive.ipu.org/parline-e/reports/arc/2101_88.htm).

<sup>14</sup> African Elections Database, *supra* note 7.

<sup>15</sup> *Trial Observation Report: Mass Trial in Equatorial Guinea*, ABA (2019), [https://www.americanbar.org/groups/human\\_rights/reports/fair-trial-report-equatorial-guinea-mass-trial/](https://www.americanbar.org/groups/human_rights/reports/fair-trial-report-equatorial-guinea-mass-trial/).

<sup>16</sup> EFE, *Guinea Ecuatorial ordena la disolución del principal partido opositor*, El País (Feb. 27, 2018), [https://elpais.com/internacional/2018/02/26/actualidad/1519668320\\_509572.html](https://elpais.com/internacional/2018/02/26/actualidad/1519668320_509572.html).

<sup>17</sup> African Elections Database, *supra* note 7.

<sup>18</sup> Alfonso-Owono Nsue Avomo, *A la junta electoral nacional*, CPDSGE.org (2022), <http://www.cpdsg.org/wp-content/uploads/2022/12/Contencioso-Electoral-de-CPDS.pdf>.

<sup>19</sup> *Equatorial Guinea: Freedom in the world 2023*, Freedom House (2023), <https://freedomhouse.org/country/equatorial-guinea/freedom-world/2023>.

<sup>20</sup> *Equatorial Guinea: Statement by the spokesperson on the outcome of the elections*, EEAS (Nov. 30, 2022) [https://www.eeas.europa.eu/eeas/equatorial-guinea-statement-spokesperson-outcome-elections\\_en](https://www.eeas.europa.eu/eeas/equatorial-guinea-statement-spokesperson-outcome-elections_en).

<sup>21</sup> *Irregularidades Electorales en Guinea Ecuatorial*, EG Justice (2022), [https://assets-global.website-files.com/5c5b3d21055de3235de4f742/6399e5323e0f01373784e2b1\\_Elecciones%202022%20ES.pdf](https://assets-global.website-files.com/5c5b3d21055de3235de4f742/6399e5323e0f01373784e2b1_Elecciones%202022%20ES.pdf).

17. In 2012, a Constitutional reform granted President Obiang the authority to appoint his vice president.<sup>22</sup> On June 22, 2016, he appointed his son, Teodoro Nguema Obiang Mangue, who was facing charges of embezzlement and money laundering in a French court.<sup>23</sup> Teodoro is widely regarded as the potential presidential successor.<sup>24</sup>
18. On September 19, 2022, a new Penal Code was enacted, formally abolishing the death penalty.<sup>25</sup> However, capital punishment remains legally permissible under military jurisdiction, as the Code of Military Justice still includes provisions for the death penalty.<sup>26</sup> This legal loophole presents a threat to civilians, given past instances of civilians being sentenced to death under military jurisdiction, often in unfair trials.<sup>27</sup>

## ARBITRARY ARRESTS, DETENTIONS, AND VIOLATIONS OF DUE PROCESS OF THE LAW

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<sup>22</sup> *Equatorial Guinea: A Move to Consolidate Power. Secrecy, Intimidation Ahead of Vote for Constitutional Change*, Human Rights Watch (Nov. 11, 2011) <https://www.hrw.org/news/2011/11/11/equatorial-guinea-move-consolidate-power>.

<sup>23</sup> *France: Equatorial Guinea Vice President's Conviction Upheld Paves Way for Equatoguineans to Regain Stolen Resources*, Human Rights Watch (Jul. 28, 2021). <https://www.hrw.org/news/2021/07/28/france-equatorial-guinea-vice-presidents-conviction-upheld>.

<sup>24</sup> Alonso Soto, *New Cabinet Paves Way for Successor to World's Longest-Serving President*, Bloomberg (Aug. 20, 2020) <https://www.bloomberg.com/news/articles/2020-08-20/new-cabinet-paves-way-for-successor-to-longest-serving-president>.

<sup>25</sup> Ley No. 4/2022 de la fecha 17 de Agosto (Equatorial Guinea) p. 13, <https://drive.google.com/file/d/1N-G7v0mvj5us5h0MtrZjXLpMK0tYvZhM/view?usp=sharing>.

<sup>26</sup> *Equatorial Guinea 2022*, Amnesty International, <https://www.amnesty.org/en/location/africa/west-and-central-africa/equatorial-guinea/report-equatorial-guinea/#:~:text=On%2019%20September%20the%20president,the%20Code%20of%20Military%20Justice>.

<sup>27</sup> APROFORT, *UN Human Rights Committee Concluding Observation on Equatorial Guinea: Evaluation 2020-2021*, TI-PT p. 16 [https://aprofort.transparencia.pt/wp-content/uploads/2022/05/APROFORT\\_Report\\_UN-Human-Rights-Committee-Concluding-Observations-on-Equatorial-Guinea\\_Evaluation-2020-2021\\_20220503.pdf](https://aprofort.transparencia.pt/wp-content/uploads/2022/05/APROFORT_Report_UN-Human-Rights-Committee-Concluding-Observations-on-Equatorial-Guinea_Evaluation-2020-2021_20220503.pdf).

<sup>28</sup> Equatorial Guinea 1991 (rev. 2012) Constitution, Const. Project (2012), Art. 13(1)(i), Art. 13(1)(m), Art. 13(1)(n), [https://www.constituteproject.org/constitution/Equatorial\\_Guinea\\_2012#s58](https://www.constituteproject.org/constitution/Equatorial_Guinea_2012#s58).

<sup>29</sup> Ley No. 18/1995 de fecha 11 de octubre por la que se regula el procedimiento del Habeas Corpus (Equatorial Guinea) [https://drive.google.com/file/d/1QgJ9t-po1w9MpKkbjrTwkVgJ1\\_pOUkq6/view?usp=sharing](https://drive.google.com/file/d/1QgJ9t-po1w9MpKkbjrTwkVgJ1_pOUkq6/view?usp=sharing).



19. Although Equatorial Guinea's Constitution<sup>28</sup> and laws<sup>29</sup> formally enshrine within them the right to habeas corpus, due process violations, arbitrary arrests, and detentions occur regularly.

20. Equatorial Guinea's Human Rights Director admitted during a 2021 interview that citizens are being detained longer than allowed by law.<sup>30</sup> They often face arbitrary arrest without a warrant, followed by prolonged *incommunicado* detentions exceeding the 72-hour national legal limit.<sup>31</sup> For example, human rights defender Anacleto Micha Ndong's family could not visit him during his 271-day-long detention.<sup>32</sup> Additionally, individuals face a significant risk of being denied the right to a fair trial, due to the lack of judicial independence.<sup>33</sup> In some cases, civilians are even subjected to judgments by military courts in violation of due process,<sup>34</sup> as seen with the leader and members of the CI opposition party in June 2023.<sup>35</sup>

21. In May 2022, Vice President Nguema Obiang Mangué initiated "Operación Limpieza," a large-scale arrest campaign conducted by police forces across Equatorial Guinea, targeting youth gangs allegedly involved in organized

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<sup>28</sup> Equatorial Guinea 1991 (rev. 2012) Constitution, Const. Project (2012), Art. 13(1)(i), Art. 13(1)(m), Art. 13(1)(n), [https://www.constituteproject.org/constitution/Equatorial\\_Guinea\\_2012#s58](https://www.constituteproject.org/constitution/Equatorial_Guinea_2012#s58).

<sup>29</sup> Ley No. 18/1995 de fecha 11 de octubre por la que se regula el procedimiento del Habeas Corpus (Equatorial Guinea) [https://drive.google.com/file/d/1QgJ9t-po1w9MpKkbjrTwkVgJ1\\_pQUkq6/view?usp=sharing](https://drive.google.com/file/d/1QgJ9t-po1w9MpKkbjrTwkVgJ1_pQUkq6/view?usp=sharing).

<sup>30</sup> Dámaso Alonso Esone Nsue Eyang, Manuel Mba Nchama: «Hemos constatado que muchos ciudadanos pasan recluidos más tiempo de lo que prevé la ley», *AhoraEG* (May 21, 2021), <https://ahoraeg.com/sociedad/2021/05/21/manuel-mba-nchama-hemos-constatado-que-muchos-ciudadanos-pasan-recluidos-mas-tiempo-de-lo-que-preve-la-ley/>.

<sup>31</sup> Ley No. 4/2022 de fecha 20 de mayo por la que se crean los Juzgados de Guardia (Equatorial Guinea) (B.O.E. 2002, 18) Art. 4.1., § 2, <https://drive.google.com/file/d/1zGQig3rDJOnSdF3WvyO74-qGDRswV3oh/view>.

<sup>32</sup> Anacleto Micha Ndong Nlang, *Informe de Violaciones de DDHH en Guinea Ecuatorial*, GE Nuestra (Jan. 1, 2024) p.4, <https://genuestra.weebly.com/uploads/1/3https://genuestra.weebly.com/uploads/1/3/6/2/136292618/informe-de-violacion-de-ddhh.pdf>.

<sup>33</sup> Freedom House, *supra* note 19.

<sup>34</sup> APROFORT, *UN Human Rights Committee Concluding Observation on Equatorial Guinea: Evaluation 2020-2021*, TI-PT p. 22, [https://aprofort.transparencia.pt/wp-content/uploads/2022/05/APROFORT\\_Report\\_UN-Human-Rights-Committee-Concluding-Observations-on-Equatorial-Guinea\\_Evaluation-2020-2021\\_20220503.pdf](https://aprofort.transparencia.pt/wp-content/uploads/2022/05/APROFORT_Report_UN-Human-Rights-Committee-Concluding-Observations-on-Equatorial-Guinea_Evaluation-2020-2021_20220503.pdf).

<sup>35</sup> *Equatorial Guinea: Statement by the Spokesperson on the sentence of the leader and other members of Ciudadanos por la Innovación*, EEAS (July 07, 2023), <https://www.eeas.europa.eu/eeas/equatorial-guinea-statement-spokesperson-sentence-leader-and-other-members-ciudadanos-por-la-en>.

<sup>36</sup> *Equatorial Guinea: 'Cleaning Operation' tramples on human rights, not crime*, Amnesty International (Aug. 18, 2022), <https://www.amnesty.org/es/latest/news/2022/08/equatorial-guinea-cleaning-operation-tramples-on-human-rights-not-crime/>.

crime.<sup>36</sup> In the initial phase of the operation, approximately 400 men and minors were apprehended within one week.<sup>37</sup> As the operation progressed, the number of indiscriminate and arbitrary arrests continued to rise significantly, with reports indicating that more than one thousand individuals were detained in the first three months.<sup>38</sup> Several cases have emerged of youths being brutally arrested and held in the notorious Black Beach prison in Malabo, without sufficient evidence.<sup>39</sup> Approximately 500 minors were held in the facility as of October 12, 2022, according to human rights defender Anacleto Micha Ndong, who was detained at the time.<sup>40</sup>

22. In the months leading up to the November 2022 presidential elections, there was a notable escalation in arrests targeting dissidents and opposition figures.<sup>41</sup> These arrests occurred without warrants and resulted in prolonged detention without charges.<sup>42</sup> The crackdown intensified on September 13, when hip-hop singer Leoncio Prisco Eco Mba, also known as Adjoguening, was arrested and held in Black Beach without access to legal representation or contact with his family.<sup>43</sup> His arrest followed his protest against the confiscation of his passport, an action taken after he criticized the regime in his lyrics.<sup>44</sup>

23. On September 25, 2022, police forces besieged and assaulted the Malabo offices of the banned opposition party, CI.<sup>45</sup> This operation resulted in five deaths and the arrest of over 170 party members and other individuals.<sup>46</sup> Among those targeted

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<sup>36</sup> *Equatorial Guinea: 'Cleaning Operation' tramples on human rights, not crime*, Amnesty International (Aug. 18, 2022), <https://www.amnesty.org/es/latest/news/2022/08/equatorial-guinea-cleaning-operation-tramples-on-human-rights-not-crime/>.

<sup>37</sup> Amnesty International, *supra* note 26.

<sup>38</sup> Amnesty International, *supra* note 36.

<sup>39</sup> *Id.*

<sup>40</sup> Anacleto Micha Ndong Nlang, *Informe de Violaciones de DDHH en Guinea Ecuatorial*, GE Nuestra (July 23, 2023) p. 39,

<https://genuestra.weebly.com/uploads/1/3https://genuestra.weebly.com/uploads/1/3/6/2/136292618/informe-de-violacion-de-ddhh.pdf>.

<sup>41</sup> COLIPGE, *Comunicado por la reciente represion contre disidentes en Guinea Ecuatorial*, Guinea-Ecuatorial.net (Oct. 2, 2022), <https://www.guinea-ecuatorial.net/inicio.asp?cd=ni10222>.

<sup>42</sup> *Equatorial Guinea should immediately release activist Anacleto Micha and others arrested without charges*, EG Justice (Oct. 13, 2022), <https://egjustice.org/content/eg-must-release-human-rights-activists>.

<sup>43</sup> *Id.*

<sup>44</sup> Freedom House, *supra* note 19.

<sup>45</sup> *Id.*

<sup>46</sup> EG Justice, *supra* note 42.

was CI leader Gabriel Nse Obiang Obono.<sup>47</sup> On June 26, 2023, Nse Obiang Obono was sentenced by a military court to 29 years in prison, in defiance of all due process rights.<sup>48</sup>

## FREEDOMS OF ASSEMBLY, ASSOCIATION, AND EXPRESSION

24. While Equatorial Guinea's Constitution formally enshrines the freedoms of expression,<sup>49</sup> assembly, and association,<sup>50</sup> in practice, they are heavily restricted by the regime.<sup>51</sup> Individuals who speak out against the regime face significant risks, leading to the consistent silencing of dissenting voices, including ordinary citizens, human rights defenders, lawyers, opposition members, and politicians.
25. On the night of August 7, 2022, Rubén Maye Nsue Mangué, former justice minister and clergyman, was detained without a warrant.<sup>52</sup> This occurred one day after he was summoned to meet with local PDGE representatives and declined to apologize to President Obiang for publicly criticizing his governance, referring to him as a "demon...holding his people prisoner" and calling for national dialogue.<sup>53</sup> Mangué's criticism, recorded on the messaging platform WhatsApp on July 25, was widely shared.<sup>54</sup> He was accused of "provoking public disorder" and barred from holding worship services.<sup>55</sup> Though his whereabouts still remain unknown, it has been confirmed that Mangué was detained in Oveng

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<sup>47</sup> EFE, *Ciudadanos por la Innovación de Guinea denuncia amenazas de muerte a su líder*, SWI (Sept. 25, 2022), [https://www.swissinfo.ch/spa/guinea-ecuatorial\\_ciudadanos-por-la-innovaci%C3%B3n-de-guinea-denuncia-amenazas-de-muerte-a-su-l%C3%ADder/47928732](https://www.swissinfo.ch/spa/guinea-ecuatorial_ciudadanos-por-la-innovaci%C3%B3n-de-guinea-denuncia-amenazas-de-muerte-a-su-l%C3%ADder/47928732).

<sup>48</sup> *Equatorial Guinea: 29-year-prison sentence for opposition figure*, MedaFrica (June 28, 2023) <https://medafricatimes.com/31503-equatorial-guinea-29-year-prison-sentence-for-opposition-figure.html>.

<sup>49</sup> Equatorial Guinea 1991 (rev. 2012) Constitution, Const. Project (2012), Art. 13(1)(k), [https://www.constituteproject.org/constitution/Equatorial\\_Guinea\\_2012#s58](https://www.constituteproject.org/constitution/Equatorial_Guinea_2012#s58).

<sup>50</sup> *Id.*

<sup>51</sup> Freedom House, *supra* note 19.

<sup>52</sup> Agence France-Presse, *Dis' and disappear! Equatorial Guinea*, Voice of America (Sept. 1, 2022), <https://www.voaafrica.com/a/dis-disappear-equatorial-guinea/6727089.html>.

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> Alisol Buiyabán Bichua, *El pastor Rubén Maye, inhabilitado para officiar y dirigir actos de culto en Guinea Ecuatorial*, AhoraEG (Aug. 14, 2022), <https://ahoraeg.com/sociedad/2022/08/14/el-pastor-ruben-maye-inhabilitado-para-oficiar-y-dirigir-actos-de-culto-en-guinea-ecuatorial/>.

Azem prison in Mongomo as of the end of 2022.<sup>56</sup>

26. On September 16, 2022, three activists were arrested.<sup>57</sup> Five days later, two opposition members were also arrested.<sup>58</sup> These arrests were primarily based on private conversations in a WhatsApp group, which called for demonstrations and demanded that President Obiang step down.<sup>59</sup> For several months, they endured illegal and *incommunicado* detention without any charges brought against them.<sup>60</sup> Eventually, they were charged and convicted, notably of attempted terrorism, despite not having initially been charged with this.<sup>61</sup> On July 10, 2023, they were all sentenced to six years for attempted terrorism, along with an additional two years for the crimes of unlawful association, assembly, and demonstration,<sup>62</sup> with the exception of one activist, who was sentenced to two years for unlawful association, assembly, and demonstration offenses.<sup>63</sup> They are all held in Black Beach prison.<sup>64</sup>

27. Similarly, on January 11, 2024, human rights advocate Liberato Biachó Bilelo was arrested for sharing a series of audio messages on WhatsApp.<sup>65</sup> In these recordings, he denounced various issues, including the lack of electricity in Sampaka municipality, criticized the management of national institutions, highlighted instances of nepotism, and called for President Obiang to step down.<sup>66</sup> Biachó Bilelo was detained at Malabo Central Police Station beyond the legal limit and without a warrant issued.<sup>67</sup> On January 22, his defense lawyer sent

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<sup>56</sup>Amnesty International, *supra* note 26.

<sup>57</sup>EG Justice, *supra* note 42.

<sup>58</sup> *Id.*

<sup>59</sup> Interview with their lawyers obtained by HRF.

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> Procedimiento Sumario n°149/2022, Juzgado de Instrucción n°3 de Malabo obtained by HRF.

<sup>63</sup> *Id.*

<sup>64</sup> Interview with their lawyers obtained by HRF.

<sup>65</sup> *Comunicado: CPDS exige que el Gobierno libere a Liberato Biachó y se ocupe de los problemas de la población*, CPDSGE.org (Jan. 16, 2024) <https://www.cpdsg.org/2024/01/16/comunicado-cpds-exige-que-el-gobierno-libere-a-liberato-biacho-y-se-ocupe-de-los-problemas-de-la-poblacion/>.

<sup>66</sup> *Comunicado de Nexos-GE sobre las Detenciones arbitrarias y torturas por parte del régimen de Teodoro Obiang Nguema*, Espacios Europeos (Feb. 3, 2024), <https://espacioseuropeos.com/2024/02/comunicado-de-nexos-ge-sobre-las-detenciones-arbitrarias-y-torturas-por-parte-del-regimen-de-teodoro-obiang-nguema/>.

<sup>67</sup> Interview with Liberato Biachó Bilelo's defense lawyer obtained by HRF.

a writ of habeas corpus, demanding his release and immediate appearance before the court but received no response.<sup>68</sup> Following a preliminary hearing attended by the prosecutor, judge, and the defense, an order dated February 8, 2024 initiated an investigation accusing Biachó Bilelo of slander, insults, threats, and abuse of fundamental rights, resulting in his immediate placement in pre-trial detention.<sup>69</sup> As of the submission of this UPR, he remains held in Black Beach prison awaiting trial.

## TORTURE AND ILL-TREATMENT

28. In Equatorial Guinea, the conditions of detention are marked by severe instances of torture and ill-treatment. Commonly used methods of torture in Equatorial Guinea include psychological abuse, humiliation, death threats, severe beatings with truncheons or machetes, electroshock, threats against family members of opposition leaders and activists,<sup>70</sup> and reverse hanging. Death while in state custody is not uncommon. Opposition figures, human rights defenders, and minorities in Equatorial Guinea are particularly vulnerable to such abuses.<sup>71</sup> There have been numerous reported cases of young detainees dying in custody during "Operación Limpieza."<sup>72</sup> In addition, gender separation in prisons is not guaranteed in Equatorial Guinea's penitentiary system, as evidenced by the case of a former social activist, who found herself confined with dozens of men on July 29, 2021.<sup>73</sup>
29. A pro-democracy opposition activist, who has been detained since January 27, 2023, has had his requests for medical assistance ignored in Malabo Central

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<sup>68</sup> Habeas corpus writ obtained by HRF.

<sup>69</sup> Auto de incoación de sumario n° 008/2024 obtained by HRF.

<sup>70</sup> Anacleto Micha Ndong Nlang, *Informe de Violaciones de DDHH en Guinea Ecuatorial*, GE Nuestra (Jan. 1, 2024) pp. 18-19,

[https://genuestra.weebly.com/uploads/1/3https://genuestra.weebly.com/uploads/1/3/6/2/136292618/informe\\_de\\_violacion\\_de\\_ddhh.pdf](https://genuestra.weebly.com/uploads/1/3https://genuestra.weebly.com/uploads/1/3/6/2/136292618/informe_de_violacion_de_ddhh.pdf).

<sup>71</sup> APROFORT, *UN Human Rights Committee Concluding Observation on Equatorial Guinea: Evaluation 2020-2021*, TI-PT p.18, [https://aprofort.transparencia.pt/wp-content/uploads/2022/05/APROFORT\\_Report\\_UN-Human-Rights-Committee-Concluding-Observations-on-Equatorial-Guinea\\_Evaluation-2020-2021\\_20220503.pdf](https://aprofort.transparencia.pt/wp-content/uploads/2022/05/APROFORT_Report_UN-Human-Rights-Committee-Concluding-Observations-on-Equatorial-Guinea_Evaluation-2020-2021_20220503.pdf).

<sup>72</sup> Amnesty International, *supra* note 36.

<sup>73</sup> Amnesty International Report 2021/22, *The State of the World's Human Rights*, Amnesty International, p. 159, <https://www.amnesty.org/en/wp-content/uploads/2022/03/WEBPOL1048702022ENGLISH.pdf>.

Police Station, despite his deteriorating health.<sup>74</sup> Additionally, from October 11-21, 2022, nine inmates at Black Beach prison allegedly died during a diarrhea outbreak, highlighting the severe lack of medical care and assistance provided within the prison system.<sup>75</sup>

30. Feliciano Efa Mangue and Julio Obama Mefuman, both Spanish citizens and members of the group MLGE3R, were apprehended in South Sudan,<sup>76</sup> extradited to Equatorial Guinea, and convicted in March 2020.<sup>77</sup> Mangue received a sentence of 90 years, while Mefuman was sentenced to 60 years on charges of terrorism and participation in an alleged attempted coup against President Obiang in December 2017.<sup>78</sup> Mefuman died in prison on January 15, 2023.<sup>79</sup> An investigation by the Spanish National Court revealed he had endured repeated torture in Mongomo's Oveng Azem Prison.<sup>80</sup> According to Spanish police, the detainees suffered individualized torture sessions, including electric shocks and suspension by hands and feet, to extract confessions.<sup>81</sup> Testimonies also revealed instances of being lashed with electric cables while naked and burned with boiling water.<sup>82</sup> Members of MLGE3R attributed Mefuman's death to severe torture,<sup>83</sup> though the Equatoguinean regime claimed that his death resulted from

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<sup>74</sup> ¡Libertad Inmediata para Jerónimo Ndong Mesi!, GE Nuestra (Nov. 12, 2023),

<https://genuestra.weebly.com/novedades/libertad-inmediata-para-jeronimo-ndong-mesi>.

<sup>75</sup> Anacleto Micha Ndong Nlang, *Informe de Violaciones de DDHH en Guinea Ecuatorial*, GE Nuestra (Jan. 1, 2024), pp. 31-32,

<https://genuestra.weebly.com/uploads/1/3https://genuestra.weebly.com/uploads/1/3/6/2/136292618/informe-de-violacion-de-ddhh.pdf>.

<sup>76</sup> *En Guinée équatoriale, mort en prison de l'opposant Julio Obama Mefuman*, Le Monde (Jan. 17, 2023),

[https://www.lemonde.fr/afrique/article/2023/01/17/en-guinee-equatoriale-mort-en-prison-de-l-opposant-julio-obama-mefuman\\_6158175\\_3212.html](https://www.lemonde.fr/afrique/article/2023/01/17/en-guinee-equatoriale-mort-en-prison-de-l-opposant-julio-obama-mefuman_6158175_3212.html).

<sup>77</sup> *Id.*

<sup>78</sup> European Parliament. *Resolution on violence against opposition activists in Equatorial Guinea, notably the case of Julio Obama Mefuman*. Resolution 2023/2552(RSP), Official Journal of the European Union (Feb. 16, 2023),

<https://oeil.secure.europarl.europa.eu/oeil/popups/printficheglobal.pdf?id=743086&l=en>.

<sup>79</sup> *Id.*

<sup>80</sup> *Muere uno de los opositores españoles a Obiang preso en una cárcel de Guinea Ecuatorial*, El País (Jan. 15, 2023),

<https://elpais.com/espana/2023-01-15/muere-uno-de-los-opositores-espanoles-a-obiang-presos-en-una-carcel-de-guinea-ecuatorial.html>.

<sup>81</sup> *España: Informe para el Comité Contra la Tortura, 77ª Sesión, 10-28 de Julio de 2023*, Amnesty International (2023), p. 15, <https://www.amnesty.org/fr/wp-content/uploads/sites/4/2023/06/EUR4168772023SPANISH.pdf>.

<sup>82</sup> José María Irujo, *Spain investigates members of Equatorial Guinea's regime for kidnapping and torture*, El País (Jan. 10, 2023), <https://english.elpais.com/spain/2023-01-10/spain-investigates-members-of-equatorial-guineas-regime-for-kidnapping-and-torture.html>.

<sup>83</sup> EFE, *Partido de opositor español a Obiang atribuye su muerte a venganza en Guinea*, SWI (Jan. 15, 2023),

[https://www.swissinfo.ch/spa/guinea-ecuatorial-oposici%C3%B3n\\_partido-de-opositor-espa%C3%B1ol-a-obiang-atribuye-su-muerte-a-venganza-en-guinea/48206474](https://www.swissinfo.ch/spa/guinea-ecuatorial-oposici%C3%B3n_partido-de-opositor-espa%C3%B1ol-a-obiang-atribuye-su-muerte-a-venganza-en-guinea/48206474).

an illness.<sup>84</sup> Equatorial Guinea has not repatriated Mefuman's body, despite repeated requests to do so.<sup>85</sup>

31. After being arrested on September 25, 2022, during CI's crackdown, human rights defender Micha Ndong was transferred to Black Beach Prison,<sup>86</sup> where he remained in *incommunicado* detention from September 25, 2022 to June 23, 2023.<sup>87</sup> On October 11, 2022, Micha Ndong was allegedly forcibly stripped naked by Sergeant Emiliano Nve Eyama and subjected to severe beatings, resulting in significant injuries and bleeding.<sup>88</sup> Upon his release, he filed a complaint against Nve Eyama for torture and ill-treatment on September 22, 2023.<sup>89</sup> Micha Ndong was summoned to the Malabo Central Police Station and arrested on December 26, 2023.<sup>90</sup> Officials asked him to record a video denying the crimes he outlined in his complaint.<sup>91</sup> After he refused, he was detained at the station for four days without charge.<sup>92</sup> Nve Eyama counterclaimed for slander and libel on January 17, 2024.<sup>93</sup> Micha Ndong was again arrested on January 26, 2024, under false accusations of terrorism related to two accidental fires in Malabo.<sup>94</sup>

## RECOMMENDATIONS

32. HRF calls on Equatorial Guinea's regime to:

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<sup>84</sup> *Guinea Ecuatorial afirma que el opositor Julio Obama Mefuman, con ciudadanía española, murió por "una enfermedad"*, Europa Press Internacional (Jan. 17, 2023), <https://www.europapress.es/internacional/noticia-guinea-ecuatorial-afirma-opositor-julio-obama-mefuman-ciudadania-espanola-murio-enfermedad-20230117090455.html>.

<sup>85</sup> *España: Informe para el Comité Contra la Tortura, 77ª Sesión, 10-28 de Julio de 2023*, Amnesty International (2023), p. 14, <https://www.amnesty.org/fr/wp-content/uploads/sites/4/2023/06/EUR4168772023SPANISH.pdf>.

<sup>86</sup> EG Justice, *supra* note 42.

<sup>87</sup> Anacleto Micha Ndong Nlang, *Informe de Violaciones de DDHH en Guinea Ecuatorial*, GE Nuestra (Jan. 1, 2024), [https://genuestra.weebly.com/uploads/1/3https://genuestra.weebly.com/uploads/1/3/6/2/136292618/informe\\_de\\_violacion\\_de\\_ddhh.pdf](https://genuestra.weebly.com/uploads/1/3https://genuestra.weebly.com/uploads/1/3/6/2/136292618/informe_de_violacion_de_ddhh.pdf).

<sup>88</sup> *Id.* at 33.

<sup>89</sup> *El abogado y activista, Anacleto Micha Ndong Nlang, detenido de nuevo en Malabo*, Hay Derecho en Guinea (Dec. 23, 2023), <https://www.hayderechoenguinea.com/noticias/sociedad/el-abogado-y-activista-anacleto-micha-ndong-nlang-detenido-de-nuevo>.

<sup>90</sup> Interview with his lawyers obtained by HRF.

<sup>91</sup> *Id.*

<sup>92</sup> La detención de Anacleto Micha es totalmente arbitraria y debe ser liberado inmediatamente, GE Nuestra (Jan. 31, 2024), <https://genuestra.weebly.com/novedades/la-detencion-de-anacleto-micha-es-totalmente-arbitraria-y-deber-ser-liberado-inmediatamente>.

<sup>93</sup> Complaint obtained by HRF.

<sup>94</sup> *Id.* at 92.

- a. Ratify critical international human rights instruments, including the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty; the Optional Protocol to the Convention against Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment;
- b. Repeal the provisions of the Code of Military Justice that provide for the application of the death penalty and amend the Equatoguinean constitution to include the abolition of the death penalty;
- c. Take actions to end arbitrary arrests, detentions, and violations of due process of the law by:
  - i. Guaranteeing the independence of the judiciary and the protection of due process rights;
  - ii. Guaranteeing the effectiveness of the writ of habeas corpus;
  - iii. Protecting the due process rights of every accused person to a fair, speedy, and public trial;
  - iv. Systematically investigating alleged illegal and arbitrary detention cases, holding perpetrators to account;
- d. Urgently release all human rights defenders, members of the political opposition, and citizens detained for exercising their fundamental right of freedom of expression, assembly, and association; and
- e. Take actions to end the practice of torture and ill-treatment in Equatorial Guinea by:
  - i. Ending practices of *incommunicado* detention;
  - ii. Ensuring that the conditions in which prisoners are held comply with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) in all places of detention; and
  - iii. Systematically investigating and prosecuting alleged torture cases.