



# General Assembly

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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights,  
civil, political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by Amnesty International, 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.

[15 February 2010]

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

## **Amnesty International's reaction to the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his visit to Equatorial Guinea**

Amnesty International welcomes the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment his visit to Equatorial Guinea in November 2008 (A/HRC/13/39/Add.4).

This visit signalled willingness on the part of the Government to open their detention facilities to scrutiny and to seek advice on strengthening the related legal, policy and administrative framework. While welcoming this positive development, Amnesty International is concerned that the Special Rapporteur on torture was prevented from visiting military detention sites and that he was unable to undertake follow-up visits to the facilities in Malabo and Bata, the purpose of which – at least in part – was to ensure no reprisals had taken place against individuals who had already met with the Special Rapporteur. All states are expected to cooperate with Special Procedure mandate-holders at all stages of country missions, including by complying fully with the 1998 Terms of Reference for Fact-Finding Missions of the Special Procedures.

The Special Rapporteur concluded that torture is systematically practiced in Equatorial Guinea and made a number of recommendations, which to date have not been acted upon by the authorities. Some of his recommendations built on those previously made following a visit by the UN Working Group on arbitrary detention in 2007, which had not been implemented either. Amnesty International notes that, during the recent review of Equatorial Guinea under the Universal Periodic Review, the Government indicated its readiness to consider UPR recommendations pertaining to the implementation of the Special Rapporteur's recommendations and to the issue of torture and ill-treatment more generally.

In the last two years, Amnesty International has received fewer reports of torture and ill-treatment of political prisoners in Equatorial Guinea. This follows the promulgation of Law 6/2006 on the Prevention and Punishment of Torture (*Lei 6/2006 sobre la Prevención y Sanción de la Tortura*), which reflects some of the provisions of the UN Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (Convention against Torture), to which Equatorial Guinea is party.

Nevertheless, Amnesty International continues to receive reports of torture and other ill-treatment in police stations, especially in Bata. Convicted criminals are reportedly routinely beaten as punishment in both the Black Beach and Bata prisons. Political prisoners are subjected to torture and other forms of cruel, inhuman or degrading treatment or punishment, including by being held in prolonged incommunicado detention, in handcuffs or shackles or both, and being denied adequate medical assistance or food. Amnesty International has received detailed reports of torture inflicted on people arrested after an alleged attack on the presidential palace in Malabo in February 2009. The individuals concerned included seven Nigerian nationals and at least two Guineans of a group of 10 members of the political party *Unión Popular*.

Torture and other ill-treatment are reported to occur mostly at the time of arrest and in pre-trial detention. They are practised as punishment and to obtain confessions to use as evidence in court, contrary to international human rights standards, and they are applied to political detainees as well as to suspected criminals.

Torture and other ill-treatment usually consist of beatings on parts of the body, commonly on the soles of the feet and the buttocks, with batons, rubber-covered cables, and sticks, and of electric shocks with battery chargers or car batteries. The detainees often have their hands and feet tied together and then they are suspended from the ceiling and beaten. Sometimes a heavy object is placed on their backs. They rarely receive medical treatment for injuries sustained as a result of torture or other ill-treatment.

Prison visits by families and lawyers were suspended in December 2007 and were only reinstated in December 2009. Thus, all prisoners were effectively held incommunicado for two years. Amnesty International welcomes the resumption of prison visits as access to families is essential for the well-being of prisoners.

Since 1998 Amnesty International has recorded several cases of death in custody as a result of torture. Other deaths have occurred as a result of the denial of medical care for chronic illnesses or diseases contracted while in detention. None of these instances have been investigated, and those responsible have not been brought to justice.

Indeed, and as concluded by the Special Rapporteur on torture, impunity prevails in Equatorial Guinea. Amnesty International knows of only one police officer who was tried in early 2008 and sentenced to seven months' imprisonment in connection with the death of a man as a result of torture. However, other officers, some of them high-ranking, who are known to have regularly tortured detainees continue in active service in police stations.

Contrary to the Convention on the Rights of the Child, children below the age of criminal responsibility, which in Equatorial Guinea is 16 years of age, continue to be held in the same facilities as adult prisoners. For example, a group of children aged from 10 to 16 were arrested in late January 2009 and held for varying periods of time in Black Beach prison in Malabo, a prison for convicted adult prisoners.

Amnesty International urges the government of Equatorial Guinea:

- to act swiftly to implement the recommendations contained in the report of the Special Rapporteur on torture and to report back to the Human Rights Council on the measures taken;
- to ensure that no reprisals are perpetrated against individuals, their families or representatives who met with the Special Rapporteur during his visit and to prosecute in accordance with international standards anyone responsible for any reprisals that have taken place;
- Amnesty International further encourages the Government:
  - to ratify the Optional Protocol to the United Nations Convention against Torture and to make the necessary declaration under Article 22 to enable individuals to bring complaints before the Committee against Torture; and
  - to remove its reservation under Article 28 of the Convention and recognize the competence of the Committee to investigate allegations of systematic torture.