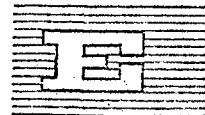


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COMMISSION ON HUMAN RIGHTS

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE
TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

THE HUMAN RIGHTS SITUATION IN EQUATORIAL GUINEA

Report of Professor Fernando Volio Jiménez, Expert,
appointed in accordance with resolution 33 (XXXVI)
of the Commission on Human Rights

GE.81-10234

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INTRODUCTION

A. Appointment and mandate of the Expert

1. At its thirty-sixth session the Commission on Human Rights had before it for its consideration a study on the situation of human rights in Equatorial Guinea (E/CN.4/1371 and Corr.1) submitted by the Special Rapporteur, Professor Fernando Volio Jiménez, appointed in accordance with Commission resolution 15 (XXXV).
2. Following its consideration of the Special Rapporteur's report, on 11 March 1980 the Commission adopted resolution 33 (XXXVI) 1/ by which it decided, in response to the request of the Government of Equatorial Guinea, to request the Secretary-General to appoint, as an expert in his individual capacity, a person with wide experience of the situation in Equatorial Guinea, in particular with a view to assisting the Government of that country in taking the action necessary for the full restoration of human rights and fundamental freedoms, keeping in mind the recommendations of the Special Rapporteur and the economical, political and social realities of that country. It requested the Secretary-General, in consultation with the expert, to provide the assistance necessary for the full restoration of human rights and fundamental freedoms in that country. It has also requested the expert to submit a report on the implementation of this resolution to the Commission for consideration at its thirty-seventh session.
3. The Economic and Social Council adopted on 2 May 1980 decision 1980/137, by which it approved the decision of the Commission on Human Rights on Equatorial Guinea as contained in resolution 33 (XXXVI) of 11 March 1980. In this context, the Secretary-General appointed Professor Fernando Volio Jiménez of Costa Rica as Expert in his individual capacity to carry out the above mandate. By letter of 19 September 1980 Professor Volio accepted his nomination as expert for the implementation of Commission on Human Rights resolution 33 (XXXVI). By cable of 1 October 1980 2/ the Government of Equatorial Guinea had accepted the nomination of Professor Volio as the Expert.

B. Meeting in New York with high-ranking United Nations officials and the representatives of the Government of Equatorial Guinea

4. On 6 October 1980, the Expert had consultations with Mr. Abdulrahim A. Farah, Under-Secretary-General for Technical Co-operation and Development. Also present at the meeting were Mr. Theo C. van Boven, Director of the Division of Human Rights, and Mr. Donald E. Fitzpatrick, Special Assistant for Political and Humanitarian Affairs. The meeting discussed the nature of the Expert's mandate under Commission resolution 33 (XXXVI) and its relation to the implementation of General Assembly resolution 34/123, which requested the Secretary-General to mobilize resources for an international programme of financial, technical and material assistance to Equatorial Guinea in order to meet the short-term and long-term reconstruction, rehabilitation and development needs of the country.

1/ See annex I.

2/ See annex II.

5. On 8 October 1980 the Expert held consultations with Mr. Antonio Mba Ndong, Secretary-General of the Ministry of Foreign Affairs, and Ambassador Nvono Nka, Permanent Representative of Equatorial Guinea to the United Nations. Also participating in the consultations were Mr. Gordon K. Goundrey, Assistant-Secretary-General and Mr. Theo C. van Boven. The participants in the meeting were aware of the report of the Secretary-General (A/35/447), which had just been issued, on assistance to Equatorial Guinea to enable the country to meet some of its urgent rehabilitation, reconstruction and development needs. In discussing the relation of the mandate of the Expert under Commission resolution 33 (XXXVI) and implementation of General Assembly resolution 34/123 referred to above, the participants took into account the views of potential donors that in implementing the programme of assistance special attention should be given to the need for the restoration of human rights in the country. It was also emphasized that the mandate of Professor Volio was mainly of an advisory nature.
6. The Expert expressed the view that the assistance referred to in Commission resolution 33 (XXXVI), paragraph 2, should be considered as an integral part of the plan which he was preparing for the full restoration of human rights in Equatorial Guinea. He was also of the opinion that all efforts must be made to mobilize help and assistance to Equatorial Guinea in accordance with the terms of resolution 33 (XXXVI), paragraph 5.
7. On 10 October 1980, the Expert held further consultations with the two representatives of Equatorial Guinea. The meeting was also attended by Mr. Theo C. van Boven and Mr. Donald E. Fitzpatrick. In the course of the meeting, the Expert presented to the representatives of Equatorial Guinea his plan for the full restoration of human rights in that country, which he had revised in the light of the views expressed at the two preceding meetings. After having read the plan and after receiving clarification on certain points from the Expert, the representatives of Equatorial Guinea stated that in principle they would agree with the plan, but would submit it to their Government for consideration. The meeting also discussed preparations for the Expert's visit to Equatorial Guinea as envisaged in the plan. The Expert also requested the representatives of Equatorial Guinea to furnish him with up-to-date answers to the questionnaires he had given to various Commissioners and officials during his visit to the country in November 1979 (see annexes to document E/CN.4/1371 of 12 February 1980).
8. On the same day, in compliance with the request of the representatives of Equatorial Guinea, the Expert prepared a list of government officials and other personalities he would like to see during his visit to the country. This list is attached to the plan.
9. The text of the plan prepared by the Expert and the list referred to in the preceding paragraph are reproduced in annex III to the report.
10. The plan prepared by the Expert to assist the Government of Equatorial Guinea in its efforts to achieve the full restoration of human rights in the country may be summarized as follows:
 - (1) The Three-Stage Plan will be put into effect taking into consideration the conditions of the country and its socio-cultural heritage and also keeping in mind the urgency that every Government should give to the effective implementation of human rights;

(2) (a) In the first stage

- (i) The Expert should make a review of the existing legislation in Equatorial Guinea. Attention should be given to the Decrees issued by the Supreme Military Council from 3 August 1979 until November 1980 in the economic, social and political fields. He should also consider the customary laws of Equatorial Guinea, as well as the laws, practices and relevant jurisprudence of the Spanish system in that country. As a practical matter, adequate attention should be given to the situation affecting labour conditions on cacao plantations;
- (ii) The Expert would help the Government to examine the manner in which their Decrees should be implemented and to what extent the citizens are acquainted with them and can make use of them to protect their fundamental rights and freedoms;
- (iii) The Expert could suggest new decrees and reforms to the Government with a view to strengthening the "rule of law";
- (iv) The Expert could make to the Government of Equatorial Guinea the preliminary recommendations that he deems appropriate and will advise the Government on the drafting of laws and codes required for the improvement of the system for the protection and promotion of human rights;

(b) In the second stage

- (i) Attention should be given to the task of drafting a Constitution and preparing gradual measures that will allow citizens to participate in a constructive and responsible way in the consideration and approval of the new Constitution. The legal measures that will be put into effect, in accordance with what has been suggested in the first stage, will facilitate the measures leading to the drafting of the Constitution in the second stage;
- (ii) It would be advisable to give more incentive to the citizens of Equatorial Guinea who fled the country during the Macias Government to other countries (Cameroon, Gabon, Nigeria and Spain, in particular) to return to their own country. It would be especially advisable to give more assurances to professional persons and, generally speaking, to intellectuals, and make them feel that they will be safe in their own country and that they will be allowed to participate in a creative way in all sectors of the reconstruction of the country;
- (iii) Also in the second stage, the improvement of the existing conditions in the educational system as well as in the field of the status of women, freedom of the press, public health and training of public employees (an adequate system of civil service) should be promoted;

(c) In the third stage

A Constitutional Convention or Constituent Assembly should be convened to draft a new Constitution, and subsequently a referendum should be called with the purpose of submitting the new Constitution for the approval of the citizens. In this stage the participation of political parties would be envisaged or, at least, groups representing various social sectors of society should be able to express their opinion on the referendum.

(3) Subsequently the United Nations, and in particular the Commission on Human Rights, should make periodic evaluations of the implementation of this Plan, bearing in mind the terms of Commission resolution 33 (XXXVI) and of General Assembly resolution 34/123.

11. The Plan also envisages a one-week visit by the Expert to Equatorial Guinea for consultations mainly with government officials principally in Malabo and Bata. In view of (a) his familiarity with human rights conditions in Equatorial Guinea, as a result of the fact-finding mission he undertook to the country last year pursuant to Commission resolution 15 (XXXV), (b) the advisory nature of his mission under Commission resolution 33 (XXXVI), and (c) the limited time at his disposal for the preparation of the report for submission to the Commission at its thirty-seventh session, the Expert believed that one week would be sufficient for the visit to Equatorial Guinea.

12. In connection with his visit to Equatorial Guinea the Expert also stated in the Plan that the Government should designate a high-ranking official to act as liaison, with the necessary authority to secure access to government officials and to facilitate his mandate in other respects as well, before and during his visit to the country. Last but not least, the Expert and his staff should be provided with all necessary facilities to accomplish his mandate, as well as full diplomatic privileges and immunities.

C. The acceptance by the Government of Equatorial Guinea
of the Three-Stage Plan proposed by the Expert

13. By letter of 17 October 1980, 3/ Mr. Antonio Mba Ndongo, Technical Secretary-General, Ministry of Foreign Affairs, informed the Director of the Division of Human Rights that "the Guinean Government has accepted the entire working plan and has taken the necessary measures in order to facilitate the work of Professor Volio Jiménez during the course of his mission in Equatorial Guinea". Subsequently, on 12 November 1980, information was received from the Permanent Mission of Equatorial Guinea to the United Nations in New York that Mr. Antonio Mba Ndongo would act as co-ordinator for Professor Volio's mission. Professor Volio expressed his satisfaction with the appointment of Mr. Antonio Mba Ndongo as co-ordinator.

3/ See annex IV.

I. VISIT OF THE EXPERT TO SPAIN AND EQUATORIAL GUINEA

A. Meeting with officials of the Ministry of Foreign Affairs of Spain

14. At the preparatory meeting in New York with the representatives of Equatorial Guinea, the Expert was informed of the existence of a bilateral agreement between Spain and Equatorial Guinea on the provision of legal advice with a view to improving the existing administration of justice in Equatorial Guinea. In view of the nature of his mandate, and taking into account the Three-Stage Plan for the restoration of human rights in Equatorial Guinea, it was suggested that it would be useful for the Expert to see the appropriate officials of the Spanish Government before proceeding to Equatorial Guinea in order to be informed of the nature of this assistance. Accordingly, on 24 November 1980, the Expert met Mr. Pedro López Aguirre-Pengoa, Director-General for African Affairs, of the Spanish Ministry of Foreign Affairs and Mr. Juan María Alzina, Director-General for Sub-Saharan Africa. The two officials informed the Expert, in summary form, of the legal advice which Spain is giving to Equatorial Guinea.

B. Consultation with the Ambassador of Equatorial Guinea in Madrid

15. On 25 November 1980, the Expert met H.E. Mr. Alejandro Evuna Owono, Ambassador of Equatorial Guinea to Spain. The discussion centred on the preparation of his visit to Equatorial Guinea, including the request for visas.

C. Arrival at Malabo

16. As scheduled, the Expert and his team arrived at Malabo on Thursday, 27 November 1980. He was welcomed by Mr. Antonio Mba Ndongo, the co-ordinator and a number of officials of the Protocol Department. Also present at the airport to meet him was Mr. Gerd Merrem, the UNDP Resident Representative in Equatorial Guinea. The Expert was interviewed by a local television correspondent on the scope and purpose of the mission.

D. Work activities during the visit

17. The first item of business on the day following his arrival was a meeting with the officials of the Protocol Department to discuss the work programme during the visit. The discussion was based on a time-table prepared by the Expert before his arrival at Malabo. The original work programme was subsequently amended taking into account certain points raised by the officials of the Protocol Department. The work programme as revised is reproduced as annex V to the report. It should be noted that the meeting scheduled with Mr. Federico Mesa Bill, Secretario General Técnico de la Junta Técnica del Consejo Militar, was cancelled because Mr. Bill was unavailable.

18. In the course of implementing the work programme the Expert encountered some difficulties mainly because some persons were unavailable at the time scheduled for meetings. As a result, some unexpected delays occurred and these necessitated daily changes in the agreed work programme.

19. Another difficulty which slowed down the pace of the work of the Expert during his stay in the country was the late availability of the relevant laws and decrees as promised. In spite of numerous reminders, most of these laws and decrees ^{4/} were not received by the Expert until 6 p.m. on Wednesday, 3 December 1980, the last day of his visit. This was also the case with the

^{4/} See Annex VI.

answers to the questionnaires which the Expert had submitted to the various Ministries during his first visit to Equatorial Guinea in 1979. In the opinion of the Expert, these difficulties were mainly due to the present inadequacy of the administrative machinery rather than to any intention on the part of the Government to hamper the work of the Expert.

20. In the course of his stay, the Expert held consultations with a number of authorities in Equatorial Guinea in accordance with a programme agreed to between himself and the Government. In addition, he undertook other activities and meetings, (indicated below with an asterisk) on his own initiative.

(a) Thursday, 27 November 1980

- * Meeting with Mr. Sanz Bayón, legal consultant provided by the Spanish Government to assist the Government of Equatorial Guinea in the drafting of new legislation.

(b) Friday, 28 November 1980

- * (i) Attendance at a court of session.
- * (ii) Meeting with Mr. G. Merrem, the UNDP Resident Representative.
- * (iii) Meeting with Mr. Bonneau, an ILO expert who has been appointed to assist the Government in the drafting of a labour agreement for the recruitment of plantation labourers.

(c) Saturday, 29 November 1980

- (i) Meetings with government officials as follows:

Ministry of Culture and Education

Mr. TARSICIO MENE ABESO, Military Commissioner
Mr. Daniel MBA IDEMENSOGO, Technical Secretary

Secretariat of the Presidency

Mr. Federico MESA BILL CONGUE, Secretary-General of the Government

Ministry of Health

Mr. Pablo ESONO OBAMA EYANG, Military Commissioner
Mr. Anselmo NSUE, Doctor and pharmacist

Ministry of Labour

Mr. Marcelino ASUMU NSUE, Military Commissioner
Mr. Angel NDONG MICHA, Technical Secretary
Mr. Fernando MICO NSUE

Ministry of Justice

Mr. Policarpo MESUY MBA, Military Commissioner
Mr. Jose MANGA ANDEME, Deputy Military Commissioner
Mr. Alfredo TOMAS KING THOMAS, Technical Secretary
Mr. Leoncio EDJANG, Deputy Technical Secretary
Mr. Jose Luis MAHO SICACHA, Technical Director of Justice
Mr. Jose Luis JONES DOUGAN, Technical Director of Registry and Notaries
Mr. Silvestre SIDE BILETTA, State Counsel in two courts
Mr. Adolfo NDONGO MICHA MIA, Notary

(ii)*Visit to the Santuario Claret, a Catholic Parish at Malabo, and meeting with two priests.

(d) Sunday, 30 November 1980

Visit to a Catholic school at Basile, where the Expert met with three nuns;

Visit to Luba, a city about 56 km from Malabo and located in the south of the island of Bioko.* There the Expert visited a hospital and met a number of private persons, including a priest, a teacher, a bank director, two policemen, some fishermen and workers;

*On the way back to Malabo, the Expert visited a private cacao plantation, where he met a number of labourers and discussed labour conditions at the plantations.

(e) Monday, 1 December 1980

The whole day was devoted to meetings with officials of the Ministry of the Interior, including:

Mr. Felipe OVONO MENANA, Deputy Military Commissioner
Mr. Faustino EPALEPALE ILINA, Technical Secretary
Mr. Inocencio UPOLAWSON MECHEBA, Deputy Technical Secretary

(f) Tuesday, 2 December 1980

In the morning, meetings with officials of the Ministry of Agriculture including:

Mr. Paulino OBIANG ENAMA, Commissioner
Mr. Donato OMDO EFUA, Deputy Commissioner
Mr. Emiliano BUALE BORICO, Technical Secretary
* Meeting with Mr. Alonso RABAT ICACA, Deputy Mayor of Malabo

In the afternoon the Expert was received by the First Vice-President, H.E. Mr. Florencio MAYE BIA MANGUE (see paras. 22 and 34)

(g) Wednesday, 3 December 1980

(i) The Expert was received in audience by the President, H.E. Mr. Teodoro OBIANG NGUEMA MBASOGO (see para. 23)

*(ii) Visits to an elementary school and to the radio and television stations at Malabo.

21. In addition to the above-mentioned officials and persons, the Expert originally intended to see some other persons, including educators, and leaders of non-Catholic churches. Unfortunately, these persons were not available during the week of his visit. During his visit to the Methodist Church at Malabo on 3 December 1980, the people present at the premises of the Church informed the Expert that Church services on Sunday had been resumed since the present Government had come to power.

22. During his meeting with the First Vice-President, on 2 December 1980, the Expert discussed with him his preliminary observations and suggestions for the restoration of human rights in Equatorial Guinea.

23. During the audience with H.E. Mr. Teodoro OBIANG NGUEMA MBASOGO, President of Equatorial Guinea, on 3 December 1980, the latter gave an over-all picture of the multifarious problems involved in the rehabilitation and reconstruction of his country. The President stated that he was also fully aware of the human rights aspects of these problems and recognized the importance of the mandate of the Expert in assisting his Government in its efforts to restore fully human rights in Equatorial Guinea.

24. When the Expert had prepared his original work programme for his visit to Equatorial Guinea he had intended to devote the first three days of his stay at Malabo to meetings with all the relevant ministers and Government officials and obtain from them all the necessary information, including the pertinent laws and decrees issued between 3 August 1979 and November 1980, and the replies to the questionnaires (see document E/CN.4/1371). He would then have studied all the information provided by the Government and have used the last few days for a review of all the legislations and for clarification of certain points, as required. However, as stated earlier, in view of the delays and repeated modifications of the schedule of the work programme, it was not possible to carry out his mission as originally planned. For example, at the end of the fourth day, the Expert had not yet completed his meetings with all the competent government officials. As shown in paragraph 5, the meetings with the Minister of the Interior and the Minister of Agriculture were held only on 1 and 2 December respectively. Under the circumstances the Expert, keeping in mind the advisory nature of his mandate under resolution 33 (XXXVI), his familiarity with the conditions on the mainland as a result of his recent fact-finding mission undertaken under resolution 15 (XXXV) and the limited time at his disposal, decided to cancel the scheduled visit to Bata, in Rio Muni. In his view, he should concentrate more in Malabo on the study of the decrees and legislations rather than spend his very limited time on a visit to Bata.

25. The Expert left Equatorial Guinea on Thursday, 4 December 1980. At the airport to bid him farewell were Mr. Antonio Mba Ndongo, the co-ordinator, the Protocol officials who had been assisting him during his stay in the country, a number of other high-ranking government officials and Mr. G. Merrem, the UNDP Resident Representative. Also present was Mr. Julio Ndong Jla, Legal Adviser to the President, who informed the Expert that the President was pleased with the

meeting he had had with the Expert and that he wished the Expert success in his work, which would contribute to the full restoration of human rights in Equatorial Guinea. Before his departure the Expert was again interviewed by a local television correspondent on his impressions and the result of his mission.

26. The Expert would like to express his deep appreciation for the facilities and co-operation provided by the Government of Equatorial Guinea in carrying out his tasks during his stay in the country. He would also like to express gratitude to the UNDP Resident Representative at Malabo for his valuable assistance and co-operation.

E. Preliminary observations of the Expert on the implementation of his mandate under resolution 33 (XXXVI) of the Commission on Human Rights

27. At every meeting with the government officials of the various ministries, the Expert presented to them his views and suggestions with regard to the improvement and promotion of respect for human rights in their respective fields. Discussions followed on certain points raised by the officials and clarifications were requested by the Expert. In the light of these discussions, and taking into account his Three-Stage Plan, which had already been approved by the Government of Equatorial Guinea, the Expert prepared the following preliminary observations concerning the full restoration of human rights in Equatorial Guinea.

28. "The Expert was not able to study the legislation of Equatorial Guinea, especially the most recent legislation, because as of 4 p.m. on the day preceding his departure he had received only a small part of it. Nevertheless, he was able to study Decree-Law No. 3/1980 of 12 March 1980 on the legal régime of the central administration of the State, Decree-Law No. 10/1979 of 17 November 1979 on the investment of foreign capital in the Republic of Equatorial Guinea and the Judicial Power Organization Bill. Because of their importance and scope, the Expert resolved to study those instruments more thoroughly after his visit to Equatorial Guinea.

29. In addition, the Expert learned during his meetings with various Commissioners that there were in existence a number of other laws and bills on several matters of importance. That legislation included the General Bill on Education, the Medical and Pharmaceutical Training Bill or Act, the draft Civil Service Statute and the School of Public Administration Bill. The Expert was also told that consideration had been given to the drafting of a Ministry of Labour Organization Bill with the assistance of ILO. Other legislation concerning the labour régime, education and government administration, and regulations for the application of the legislation already in force or to be promulgated in the future appeared to be at the preliminary preparation stage.

30. During his meetings with several Commissioners and their principal assistants, the Expert collected useful and important information relevant to his mandate. For the most part, the additional information he had requested from each of them had not reached him by the day preceding his departure. The Expert had repeatedly asked for that information. He had also asked for information concerning the questionnaires which the Special Rapporteur, appointed in conformity with resolution 15 (XXV) of the Commission on Human Rights had submitted to most of the Commissioners for consideration in November 1979. The Expert repeated the questions contained in the questionnaires on the day of his arrival in Malabo and during his visits to the various ministries, pointing out that it was necessary to bring the replies up to date and to elaborate on

the information so that it covered what had been achieved so far. Although the majority of the Commissioners made verbal reference to those questions, only the Minister of Justice presented his reply to the Expert. The others promised to send their replies at a later date.

31. In conformity with his mandate and under the terms of the Plan of Work approved by the Government, the Expert also obtained information from private and other official sources which differed from that provided by the Commissioners. He obtained that information during his visit to the interior of Bioko.

32. Without prejudice to any additional information he might obtain in Equatorial Guinea and any information he might request and obtain after leaving the country, and with the necessary reservation due to the nature of such information, the Expert ventures to make the following preliminary recommendations which, in his opinion, may usefully contribute to the Government's efforts to ensure effective respect for all human rights.

(a) The Judicial Power Organization Bill should be discussed and approved, and the corresponding regulations for its application prepared, as soon as possible. In accordance with the Ministry of Justice's own calendar, the Expert suggests that this legislation should be approved by next January or during the first quarter of 1981. The legislation would establish an appropriate legal system to assert the rule of law and thus provide guarantees of respect for human rights. The Expert reserves final judgement on this legislation until such time as he has studied it thoroughly, but he considers it absolutely essential that it should be promulgated as soon as possible since it would represent a substantial improvement on the current system.

(b) The number of lawyers in Equatorial Guinea should be increased. There are at present insufficient lawyers to attend to the many and complex tasks of their profession, especially if the fact that they are now civil servants is taken into account. It is also essential to train practising lawyers in the new tasks that will be required under the new legislation whose implementation is now being considered.

For the foregoing reasons, the Expert suggests that a law school should be established and a system of further training for practising lawyers prepared, and this without prejudice to any fellowships the Government may now be using for this purpose under bilateral agreements.

In his report, the Expert would propose that an expert should be sent for the lawyer training project.

(c) The fullest possible support should be given to the programme of popular legal education which the Expert has been told is in progress. This is essential in order that citizens (the common man) may learn about their legal rights and guarantees and make use of them. Among other measures directed towards the same goal, the Expert suggests that simple instruction booklets should be prepared for use in educational centres, religious communities, work centres such as cacao plantations, and other similar centres; they should effectively disseminate information on legal rights and guarantees.

Similarly, the provisions relating to prison procedures should be implemented and disseminated among the public.

(d) It is very important that the Government's initiative of establishing a Ministry for the Advancement of Women should be put into practice since, in the opinion of the Expert, the legal equality of women should be given special priority. The Expert agrees with the Government on this point. The Government's plan should therefore be put into practice during the first quarter of 1981. At the same time, it is necessary to study the procedure for establishing a Preparatory Commission for the Ministry, composed for the most part of professional women. Nuns could form its nucleus.

Of course, the advancement of women will not be achieved through ministerial action alone. Basically, since this is a cultural problem, the process of achieving equal rights for women should start in the schools. The Expert accordingly recommended to the Minister or Commissioner of Education that ideas on this issue should be developed vertically, so that from childhood onwards the values of the essential dignity of women and their no less essential equality with respect to men may be firmly established.

(e) In the labour field, the Expert feels that greater incentives should be provided for agricultural workers, especially cacao plantation workers, in order that the national level of employment may be increased. The system which the Ministry of Labour is introducing on an experimental basis and which involves the working by independent farmers of two or three hectares of cacao belonging to private owners, with credit offered by the owners for fertilizers and some implements against the sale of the harvest, could prove to be viable and attractive to agricultural workers. The Expert formed this impression during conversations with workers. In addition, as suggested to Ministry of Justice officials, the Expert believes that this experiment could contribute to the fuller development of co-operatives in this sector of agricultural production. The experiment should, accordingly, be implemented on a sufficiently wide scale to lead to a real system, which will be the forerunner of enterprises managed by the workers themselves.

The Expert further suggests that working conditions on the plantations should be modified since they do not appear to be such as to ensure an essential minimum level of well-being. To this end, the Expert suggests that a specialist in the subject should go to the country, within the framework of the Expert's mission and in conformity with his Plan of Work.

(f) Although he is not yet familiar with the Education Bill, the Expert suggests on the basis of the information which the Minister of Education gave him and in conformity with what was suggested in the meeting with the Minister, that this Bill should focus its attention on the training of citizens in the values of representative democracy, linking those values to the indigenous cultural heritage that can enrich them and promote the adoption of a democratic régime peculiar to Equatorial Guinea which will permit the full exercise of human rights.

Obviously, in order to achieve educational goals it is essential to improve the professional and working conditions of teachers. The Expert suggests that in this area of education high priority should be given not only to the training of future teachers, but also to the further training of existing teachers (refresher courses). The Expert could suggest that a United Nations expert should be sent to assist the Government in the task of advancing current plans and to play a catalytic role, without prejudice to existing bilateral aid.

(g) Since private education, especially education provided by religious orders, eases the burden on the State and has its own higher values, the Expert feels that the Government should give a fillip to such education through such measures as the full return of property belonging to Churches which provide education.

(h) The draft Civil Service Statute should be put into force in order to regulate matters concerning the duties and rights of members of the administration and to set a standard of efficiency that is essential for every Government, and especially one dedicated to the task of national reconstruction. This instrument too should be put into practice during the early part of 1981.

(i) On the basis of information which he has received, the Expert feels that there is an urgent need to establish a school of administration for public activities, such as the one envisaged by the Government. There is no doubt that, for the purposes of the proper implementation of legislation relating to human rights, civil servants must have the necessary knowledge. In the case of legislation already in force in the country, this applies, for example, to the implementation of the Act relating to the Legal Régime of the Central Administration of the State which contains modern provisions whose implementation requires truly professional training and preparation.

(j) Similarly, the basic codification of the country should be prepared in order to replace the Spanish codes of 1968, which were put into force on a suppletory basis by the current Government. In order to do this, it is essential to establish a drafting committee for such vitally important codes as the Civil, Penal, Commercial, Labour, Civil Procedure and Criminal Procedure Codes. A work schedule for this task should also be established. The Expert could suggest expert assistance in this area, without prejudice to bilateral aid.

(k) Naturally, in this area of fundamental laws, the main law, the Political Constitution, crowns a system which is governed by law and protects human rights. In other words, it is a democratic Constitution. Since this question of the new Constitution requires more time (the Expert will consider it further on in this document), the Universal Declaration of Human Rights should in the meantime be brought into force by means of an appropriate decree-law so that it may serve as a national law in the area of the fundamental freedoms of the citizens of Equatorial Guinea. In addition, and in order that they may have the same legal effect, the Expert considers it desirable that Equatorial Guinea should accede to the United Nations International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, and should ratify them in due course. In that way the country would have the necessary provisions for the full observance of basic rights and guarantees. In accordance with the Expert's plan of work, the United Nations, through its Division of Human Rights, could advise the Government in this area. The Expert considers this suggestion highly important because of the benefits it would bring to the people.

(l) The Expert also considers it desirable and necessary that Equatorial Guinea should become a member of ILO and accede to its principal conventions.

(m) In this same area of international conventions and declarations, the Expert ventures to draw attention to those concerning marriage, the family and childhood, among other useful instruments, so that they may serve as a guide for the improvement of the conditions prevailing in this area in Equatorial Guinea.

(n) Another law which the Expert feels would be of great assistance in adequately promoting and protecting human rights is the law on associations. This law would enable the country duly to promote and organize activities aimed at the association of citizens to defend common interests and at the same time to participate intelligently and responsibly in political matters, since the people are the focus of all State activity and not just on the receiving end of government decisions, however laudable may be the principles and initiatives underlying those decisions.

An Association Act would contribute - especially through the practice of solidarity in all areas and experience gained from trial and error - to the preparation of citizens for the exercise of their right to vote when the time comes for the democratic election of government authorities at all levels.

(o) On the subject of electoral processes, the Expert considers it desirable to return to the system of popular election of the members of town councils since not only would this represent the valuable restoration of a good system, but it would be a useful exercise for the greater tasks entailed in electing a Government. On this point the Expert received contradictory information since he was told both that the town councillors were already being elected again and that the idea of electing them again was merely under consideration. In any case, this traditional system in Equatorial Guinea should be strengthened.

(p) In order to supervise the legislative process referred to above, together with any other equally basic legislation that may be required, the Expert feels that the Government should establish a special review commission which will report directly to the President of the Government and Head of State of Equatorial Guinea. This commission would be responsible for establishing an order of priorities, in accordance with the President's directives and supervising the execution of the legislative programme. The commission would make monthly reports to the President and a bi-annual evaluation, without prejudice to any observations the President himself might make from time to time whenever he felt it necessary.

(q) As for the drafting and approval of a national constitution, the Expert recommends that a schedule should be drawn up for the following stages: (1) establishment of a drafting committee, with the participation of lawyers, other qualified persons, and persons with political and administrative experience; (2) submission of the draft to the Government for consideration; (3) submission by the Government of the approved draft for consideration by a Constitutional Assembly or Conference; (4) holding of a popular referendum on the Conference's decision; and lastly (5) promulgation of the Constitution by the Government.

The Expert considers that the following schedule for the execution of the plan described above might usefully be adopted, on a provisional basis and in conformity with the three-stage Plan of Work: 1981 would be devoted to the drafting of the codes and the adoption of the Universal Declaration, the Covenants, and other legislation; 1982 would be devoted to the Associations Act and the establishment of a drafting committee to work on a new Constitution; 1983 would be devoted to the establishment of the Constitutional Assembly or Conference to consider the text of the new Constitution; 1984 would be devoted to the promulgation and implementation of the constitutional provisions, including those concerning the establishment of the fundamental State bodies and powers.

(r) The Expert makes these suggestions and presents this general and provisional survey bearing in mind the fact that human rights will be an essential part of the reconstruction effort if it is to take root and flourish, and to serve the lofty goals pursued by every society which respects freedom and equality, the true pillars of authentic democracy.

(s) The Expert wishes to emphasize that this document is of a provisional nature and that its purpose is to advance some of his preliminary suggestions, which were derived from the impressions he gained during his week in Equatorial Guinea. The Expert is aware of the fact that further study is necessary in order to assist the Government more effectively in the task of ensuring full enjoyment of human rights. He nevertheless believes that his mission will begin to bear fruit if he expresses his first impressions and suggestions. The Three-Stage Plan previously approved by the Government can and should continue, on the basis of consultations in Geneva, Madrid and New York with representatives of the Government of Equatorial Guinea and of the United Nations. Among other things, these consultations would serve to evaluate the implementation of the Plan as envisaged in the Plan itself.

In addition, the Expert wishes to make it quite clear that this document should not in any way be considered as his final report. It merely attempts to serve as a preliminary guide for putting into practice those measures that could be adopted without awaiting the results of the final report which he is to submit for consideration by the United Nations Commission on Human Rights at its thirty-seventh session to be held in February and March 1981.

(t) Lastly, the Expert feels it necessary to place on record the fact that the schedule suggested in this document, necessary as it is for the accomplishment of the Plan of Work which he prepared in October of this year and which was accepted by the Government (the Three-Stage Plan), tries to conform to the actual situation in Equatorial Guinea. Nevertheless, the Plan could be accomplished within a shorter period of time. Everything depends on the feeling of urgency and level of organization which is displayed by the Government and which will act as a spur to the middle-level personnel called upon to implement higher decisions. This also applies, of course, to the constitutional programme, for if it was accelerated, the cause of human rights and, at the same time, the national reconstruction effort would be better served.

33. Any observations that the Government may wish to make on these recommendations would be of great value to the Expert in enabling him to fulfil his mandate more effectively."

34. As mentioned in paragraph 22, during his meeting with the First Vice-President, the Expert discussed with him the above preliminary observations. The Vice-President was pleased with the ideas contained in them and stated that they should not only be acceptable to the Government but that they deserved the Government's endorsement. On the following day, 3 December 1980, the Expert submitted in writing his preliminary observations to the Vice-President. As noted in the preceding paragraph, the reaction of the Government of Equatorial Guinea to these preliminary observations would be valuable to the Expert and would enable him better to fulfil his mandate.

35. Subsequently, on 8 December 1980, at the request and on behalf of the Expert, the Division of Human Rights sent a reminder cable to the First Vice-President of Equatorial Guinea (through the UNDP Office in Malabo), reiterating the Expert's request for the Government's reaction to his preliminary observations, if possible before the Christmas holidays, so as to enable him to continue to work on his suggestions and recommendations for the full restoration of human rights in Equatorial Guinea. (See annex VIII).

35(a) As of the date of the finalization of this report (6 February 1981) no reply has been received from the Government of Equatorial Guinea.

II. CONCLUSIONS AND RECOMMENDATIONS

A.

36. Equatorial Guinea is a devastated country. The effects of a dictatorship that lasted for 11 years are still to be seen today, as the Expert was able to confirm one year after his first visit to the country.

37. There have, however, been positive changes which reflect the attitude and the work of the Government and the people in rebuilding the country. This attitude and this work were evident during the Expert's mission.

38. From the point of view of the cause of human rights, certain facts confirmed the impressions referred to in the two preceding paragraphs. On the one hand, the economic and social conditions of the people are distressing. Poverty is acute and widespread, as are its inevitable impact on inter alia, nutrition, health, housing, education and job opportunities and working conditions. This state of affairs has an adverse effect on the enjoyment of civil and political rights. In particular, it affects the administration of justice, for it constitutes a serious obstacle to the operation of an effective system of judicial guarantees and, consequently, to the advancement of freedom.

39. On the other hand, people appear to have more confidence in the new situation; they have more self-assurance and seem to be facing up to the current crises and the future with optimism and determination. There is more economic activity to be seen and there are greater contacts with the international community. A significant matter in this respect is the assistance being given for the reconstruction of the country - both bilateral, particularly from Spain, and multilateral, channelled through the United Nations. Incidentally, the Expert considers that the term "reconstruction", which has been adopted by the Government of Equatorial Guinea, gives a better idea of what has to be done than does the term "development", one which is hackneyed and full of ambiguities and can be misleading.

40. As is well known, there has been a revival in matters of religion, despite the material difficulties from which the country is suffering. The Expert had talks, in private, with priests and nuns of the Catholic Church and none of them complained of any hindrance on the part of the Government in Equatorial Guinea.

41. Again the conditions on the cocoa plantations do not amount to the forced labour that the Expert noted during his visit to the country in November 1979. This finding is enlarged upon below.

42. Equatorial Guinea now has a body of legal norms which regulate, or are designed to regulate, the activities of society in accordance with the principle of law and the rule of law.

43. The new laws referred to in the previous paragraph provide a suitable basis on which to found a system for the protection of human rights. In view of its importance mention must be made of the decree-law adopting the Spanish legislation that was in force prior to the independence of Equatorial Guinea, that is, the

criminal, civil, administrative and mercantile laws that were in existence in Equatorial Guinea on 12 October 1968. These laws still have residual force today, and will have until Equatorial Guinea replaces them with its own set of laws. The Decree-Law on the Legal Régime for the Central Administration of the State and the Decree-Law on General Labour Regulations are also of special importance.

44. In addition, some extremely important bills, which are essential for ensuring the rule of law and consequently the observance of human rights, have been drawn up. The main one is the Judicial Power Organization Bill. If approved and implemented, it would be a pillar in the edifice which protects human freedoms and would still be important after the adoption of a constitution, which would be the keystone.

45. The Expert requested, and the Government provided him with, copies of the legislation passed since November 1979. Apart from the Decree-Law on the Legal Régime of the State and the Judicial Power Organization Bill, which the Expert received at the start of his visit, most of this legislation was delivered to the Expert as he was concluding his work in Equatorial Guinea. A list of the Decree-Laws and bills is annexed to this report. For this reason, the Expert will require more time to study the legislation and to comment on it, as required by his mandate. For the present, and for the purposes of this report, the Expert will refer only to the part of this legislation which he considers relevant.

46. The Decree-Law on the Legal Régime for the Central Administration of the State embodies the basic and essential elements for regulating activities in public administration. It determines the organs that make up the Administration and defines their order of precedence, powers, responsibilities and operating procedures, as well as the rights of the individual. Although this Decree-Law expressly states that it does not have the significance of "a fundamental political law", i.e. a constitution, it does list or include as "higher organs of the Central Administration of the State" those which lie at the very heart of political power, such as the President of the Supreme Military Council and the Commissioners or Ministers. Because of its nature, implementation of this Decree-Law calls for special skills which means that measures must be taken to train the people who will have to apply it, and it must be publicized so that the population can make proper use of this new legal instrument.

47. The Decree-Law on General Labour Regulations embodies the basic principles and norms of labour law recognized in democratic societies. The importance and standing of labour is recognized and the worker is protected. For example, article 9 states that "work is a social function, shall enjoy the protection from the State and must not be regarded as merchandise". Article 10 lays down the right of the worker "to follow his vocation and to dedicate himself freely to the profession, industry, job, craft or trade for which he is fitted, always provided that the exercise thereof is lawful. He shall likewise enjoy freedom to choose his employment". Article 11 provides that "no contract, covenant or agreement relating to employment which results in the impairment, sacrifice or loss of the dignity or personal freedom of the worker shall be recognized as valid". It is also stipulated that the rights conferred on workers under the Decree-Law "may not be the subject of any waiver, compromise or restriction by agreement. Any agreement to the contrary shall be null and void ..." (article 3). Other matters governed by this legal instrument include individual contracts of employment and certain special contracts such as those relating to women and minors, and also wages and hours of work.

48. As already stated in paragraph 6 of this section of the report, the Expert came to the conclusion that the phenomenon of forced labour, which had caused him concern when he visited the country in November 1979 has disappeared. On this occasion, the Expert took every opportunity of finding out what the position is in regard to hiring workers especially on the cocoa plantations, where forced labour had been used. The information given to the Expert by the authorities was confirmed by individuals, including workers, with whom the Expert had talks in private. The workers from Rio Muni which is on the mainland - who had been recruited by force during the Macías régime had been able to return to their villages. Those who have remained in Bioko, where the main cocoa plantations are located have done so of their own volition.

49. However, conditions of work on the plantations are very hard and detrimental to the dignity of the workers, despite the increase in the minimum wage decreed by the Government and other measures which the Labour Commissioner is putting or is endeavouring to put into effect. For example, on one of the best plantations, the housing and sanitation services for the workers are inadequate. Moreover, for persons whose permanent home is in Rio Muni, travel from Bioko is very expensive: a return journey by air costs 12,000 Ekuales and by ship - when there is one in service - 8,000 Ekuales. The normal monthly wage of a worker on a cocoa plantation is 10,000 Ekuales.

50. Another important law relates to the establishment of the Secretariat of State for the Advancement of Women. This is "an organ of the Administration of the State which is responsible, in organizational and operational matters to the Office of the President". The tasks assigned to the Secretariat include those necessary to enhance the status of women in all matters. The Expert believes that the Secretariat will make it possible to examine ways of enabling women to enjoy human rights on equal terms with men. The status of women was one of the aspects of life in Equatorial Guinea which caused most concern to the Expert during his visits both in 1979 and 1980. In his view the national customs create conditions that are unjust to women and detract from their inherent dignity. This is most evident in Rio Muni. In Bioko, women seem to suffer less from environmental conditioning. Ethnic relations are a very influential factor in this regard as is education. Although Government officials stated that women receive equal treatment, the Expert noted that when he asked questions about the status of women, he touched on what is a very sensitive point for men. This was the case for instance, whenever the Expert tried to find out whether women worked on cocoa plantations and whether they received equal pay for equal work, as compared with men.

In any event, the fact that a law has been enacted to establish a Secretariat to promote the rights of women is a positive and encouraging step forward, despite the fact that when the Expert visited the country nothing had been done about setting up the Secretariat, since it was not in operation.

51. The Public Order Act is also very important. It deals with matters involving the country's internal and external security and, in general, its provisions suffice to govern an extremely sensitive issue. There are, however, two main comments which the Expert feels bound to stress, without prejudice to any others that he may make subsequently. They concern the lack of correlation between the definitions of acts contrary to the public order and the penalties laid down in the Act for persons who commit such acts. In other words, the Public Order Act does not contain the requisite definition of acts that are punishable, and this may result in an arbitrary application of its provisions. Furthermore, the application of the penalties provided for under the Act is a matter for the administrative authorities instead of the judicial authorities. According to the principles of a State governed by the rule of law, the latter are the proper authorities.

52. Among other draft Decree-Laws that should be mentioned are two on the régime governing Civil Servants and on the Statutes of Farmers' Associations. One suitably regulates what is equivalent to a civil service system. The other governs the activities of associations similar to co-operatives, for the purpose of farming agricultural land. The draft Decree-Law provides that these associations shall be declared to be of "priority interest" for the State and incentives are proposed in this connection.

This legislation will, when it comes into force, fill a gap in the national life which the Expert pointed out in his 1979 report as he also did in respect of other matters which have received the attention of the Government of Equatorial Guinea.

53. The development of associations or co-operatives principally for agricultural purposes is particularly important in ensuring enjoyment of economic and social rights by the people of Equatorial Guinea. In this way, each citizen could shape his own future and achieve a standard of living that will guarantee respect for his dignity. At the same time, the people would be able to make a greater contribution to shaping the destiny of the country.

54. Moreover, this bill, if approved would create conditions conducive to the development of that community feeling which is essential for the promotion of the general well-being of the people in many domains, particularly political affairs. In other words, a gap would be filled in the organization of Equatorial Guinea, one which is hampering the process of national reconstruction, and above all, the necessary efforts would be made to achieve a democratic system of government that is the safeguard of human rights.

The Expert was able to confirm in his two visits to Equatorial Guinea, in the discharge of two different mandates, that not only is there no general law on associations but also that the people are not inclined to form groups to protect common interests; nor is the usefulness of this kind of unity appreciated. Not even teachers are aware of the importance of joint action to promote their interests. This surprised the Expert, all the more so since tribal customs and, in general, the way of life of the people in Equatorial Guinea create conditions that are conducive to community life.

55. The remarks made in the preceding paragraphs regarding the laws that are in force and the current bills do not mean that the Expert agrees with all of this legislation: what the Expert has done is to highlight some of its positive aspects. Of course, as in all legal systems, the laws referred to above can and must be subject to reform with a view to bringing them into line with the prevailing situation. There are, for instance, provisions which need to be amended, such as article 1 of the Judicial Power Organization Bill, which is undemocratic. It provides that: "Justice shall be administered on behalf of the Head of State ...". In the Expert's view, justice is administered on behalf of the people.

56. Similarly, these Decree-Laws and bills particularly the Decree-Law on the Legal Régime for the Central Administration of the State, do not, and should not, replace a constitution. Equatorial Guinea lacks a constitution. From the human rights point of view, this is the main weakness - the Achilles heel - of the country's political and legal system. Without a democratic constitution the

overthrow of the Maçias dictatorship could in the long run lose its significance and lead to another dictatorship. Man's inexhaustible ingenuity has never managed to invent a good dictatorship. There never has been one. It is a contradiction in terms and materially impossible.

57. The picture of the law and practice relating to human rights in Equatorial Guinea was fitted in by the replies from Ministers and Commissioners to the questionnaires which were prepared by the Expert when he served as Special Rapporteur of the United Nations Commission on Human Rights in November 1979 and were delivered to him at the end of his recent mission. The interviews the Expert had with Ministers and Commissioners and senior officials of their staff during his visit in November 1980, as well as his conversations with members of the public, were also useful in this connection. His interviews with the President of Equatorial Guinea and with the First Vice-President were particularly valuable for the purposes of his mission.

58. At these interviews, the Expert not only listened to the replies to his questions but took the opportunity of suggesting changes in the law and practice, as well as new measures that might lead to an improvement in human rights. For example, at the interview with the Minister of the Interior, the Expert suggested that minor offences leading to "administrative detention" (such as fights or breaches of the peace in the market place) should be tried not by the police authorities, as was the practice, but by the judicial authorities.

In general, on the basis of the foregoing the Expert formed a favourable opinion of what has been done or what the country intends to do to ensure full enjoyment by the people of human rights. However, the above remarks are not to be taken as an endorsement of all that has been done or what it is intended to do.

59. At the interview with His Excellency the First Vice-President, Florencio Maye Ela, who also acts as Minister for Foreign Affairs, the Expert made preliminary observations and recommendations for improving the system for the protection of human rights. Mr. Maye Ela listened carefully to what the Expert had to say and, at the end, expressed his satisfaction. He said that, in his view, the observations and recommendations would be "welcomed and commended" by the Government if, as the Expert had indicated, they were set down in a written document, something was done afterwards. The First Vice-President added that the Government's efforts were being directed towards effective protection of human rights. He also referred expressly to the time-table suggested by the Expert and stated that the work on drafting a constitution could even be brought forward.

60. At the interview with the President, His Excellency Teodora Obiang Nguema Mbasogo, whom the Expert was unable to meet in 1979, the question of the preliminary observations and recommendations was not discussed. The Expert presumes that the First Vice-President, who was present at the interview, had already apprised the President of them. Furthermore, the subjects raised by the President all concerned the Government's efforts to rebuild the country after a cruel and devastating dictatorship - and he spoke of some of the effects of the dictatorship and the efforts to overthrow it - which left the Expert with the impression that the observations and recommendations were acceptable to the President. At all events, the matters discussed by the President during the conversation confirmed this impression. For instance, among other important matters, the President said that he

was anxious to form a civilian government. This is why he is endeavouring to ensure that the every-day tasks of government are increasingly handed over to civilian officials. For this reason, he said, he preferred the military officers heading each Department to be called "Commissioners" instead of "Ministers", since he wanted them to serve as guardians or supervisors to ensure the smooth operation of public affairs rather than as members of the Supreme Military Council. It was his hope he added, that in due course the officers would be returned to their barracks to form a modern army responsible for watching over the security of the nation and public order.

61. The President also spoke of the problem of poverty. He said he much regretted that it was not possible to satisfy the basic needs of the population despite Government efforts and the international co-operation the country is now receiving.

62. In his other remarks the President also referred to the system of justice. He said that he had ordered oral and public trials to be resumed, to strengthen the security of citizens.

63. The Expert's impression is that the President, Teodoro Obiang Nguema Mbasogo, Head of State and Head of Government, is well-intentioned and is endeavouring as part of the effort to rebuild the country to ensure that human rights are observed.

64. The Expert considers that President Obiang's good intentions and the efforts of his Government to restore full enjoyment of human rights could lead to disenchantment because of the middle-level officials in public administration. The Expert realizes that there is, of course, a capable minority in the higher echelons of the bureaucracy. Also, members of the professions, who were formerly in exile, have joined the government service which is an indication that the work will be carried out more efficiently. But there is still not enough staff to cope with the growing demands involved in rebuilding the country; in addition the administrative system is still slow and is not very efficient. The Expert had cause to note this fact. Among other matters that come to his attention, the Expert noted the failure to carry out the decisions of superiors. There is a bureaucratic bottleneck because of the absence of any central authority responsible for ensuring that the decisions of high authorities are carried out. This results in confusion and loss of time.

65. Bureaucratic problems, of course, afflict all countries. Bureaucracy, with its tangled web, suffocates even the most developed of modern states. In all countries, so-called middle level officials, with a diligence and perseverance that would do service to a better cause, are set on placing obstacles in the way of basic policy decisions. But, in Equatorial Guinea, where efforts are being made to emerge from the chaos into which the country was plunged by the dictatorship of President Macías, this problem merits special attention.

66. With regard to other aspects of life in Equatorial Guinea, it came to the Expert's attention that 19 issues of a periodical called "Ebano" (ebony) had appeared before a defect in the printing press led to suspension of publication. The issues the Expert was able to study contained a range of news items on both national life and international events, although articles of the first kind, including articles on the Government were the most frequent. The Expert read articles critical of the activities of Government officials. The publication also contained information on Decree-Laws and bills. "Ebano" tended to place undue emphasis on

various aspects of official activity and in particular, it fostered the cult of personality. On the whole, however, it represented an advance in the sphere of freedom of information, despite the fact that it was published by an official body.

67. With respect to radio and television, both of which are State-controlled, the Expert found that, since it has wide coverage and broadcasts in the national languages, the radio is listened to by the majority of the population. New Decree-Laws and other information on essential activities are reported on the radio. Television has a smaller audience, since there are few people outside the circle of Government officials who are able to have sets in their homes. The Catholic and Anglican Churches have weekly free spots on both radio and television. The Expert was given this information by Catholic priests.

68. From another point of view, freedom of expression seems to have improved. Ordinary people were more natural and forthcoming in their contacts with the Expert.

69. Despite the great material obstacles to its development, the administration of justice also seems to have improved. Mention was made in paragraphs 9 and 19 of this section of the Judicial Power Organization Bill. Although it has yet to be approved, efforts are already being made to organize the courts according to the ideas contained in the Bill. One of the aims is to modernize the traditional system of justice, which the Expert was able to see in operation in 1979. However, the Expert had no impression that the modern system is replacing the positive aspects of its traditional counterpart, namely the latter's popular roots and promptness in resolving minor cases. The Expert notified the competent authorities of this opinion, and they agreed that the traditional system must not be allowed to disappear.

70. The Expert was told that the present system of courts comprises, in each province, a supreme court, a court of first instance, a district court and local courts. But although the system has been improved, the Expert finds it difficult, for reasons that include a shortage of suitable personnel for the handling of cases, to believe that it functions well. In Malabo, the country's capital, the Expert took the opportunity to attend two important trials, one relating to a serious robbery, and the other to a traffic accident in which a person had died. The Spanish judge who is advising the Government on such judicial matters was on the bench helping to ensure that the proceedings were conducted according to modern standards. The court comprised three judges, only one of whom was permanent, since the other two were to be replaced at the next session of court hearings by two better-trained lawyers. There was a prosecutor and a counsel for the defence. The parties were given an opportunity to call witnesses. The verdicts were postponed until the following week and proved to be convictions. A third trial, which like the others, was oral and public, was held on the same day and involved an important military official who was accused of having killed a small girl by knocking her down with his car and of having fled the scene. The Expert was prevented from attending by other business, but he learned that the officer was also convicted.

71. Such trials have been resumed at the insistence of the President, Teodoro Nguema Nbasogo, according to what the Assistant himself told the Expert. The trials at which the Expert was present were held in Malabo's Marfil Cinema and were attended by large numbers of the public, who were able to follow the proceedings thanks to a loudspeaker system.

72. One of the material obstacles mentioned above is that there are only 12 lawyers in the country and the most experienced of them have to take it in turns to fill the roles of members of the court, prosecutor and counsel for the defence. Furthermore, all the lawyers are civil servants.

73. Since there are so few lawyers and they all work for the Government, the Expert considers that accused persons cannot be adequately defended. He holds this view even though he was told that accused persons are entitled to have the advice of a lawyer "from the moment the pre-trial investigation begins and by prescriptive right, if further proceedings are taken".

74. For the purposes of investigating punishable acts persons may be detained for up to 72 hours without their cases being submitted to the competent juridical authority. The Expert considers that this period is excessive and contrary to the concept of freedom and the judicial guarantees recognized in democratic countries.

75. Education has improved, thanks to the opening of more teaching centres and increases in the numbers of teachers. Two teacher-training colleges have also come into operation. There is still no higher education.

76. There is now better health care, although, as in the case of education, problems still remain. The Expert noted an improvement in conditions in the hospital at Luba, a large town in Bioko. March 1980 saw the entry into force of a Decree-Law reforming the Social Security Institute with a view to catering better for the needs of workers and their families.

77. There are no privately-owned mass media; the State-owned media therefore enjoy a position of privilege and a monopoly on information, to the detriment of fundamental freedoms.

78. The military government is to give way, in due course, to a civilian government. By their very nature, military governments are no substitute for civilian authorities in the matter of protection of human rights; indeed, as the Expert pointed out in the report on Equatorial Guinea which he submitted in 1979 in his capacity as Special Rapporteur of the Commission on Human Rights, they are inclined to restrict such rights and even to ignore them altogether. Consequently, the Expert recommends the adoption for the gradual and orderly transfer of power to civilian authorities of a schedule similar to that he has outlined in his "Preliminary Observations" and "Recommendations".

79. Equatorial Guinea can be rehabilitated. It has natural resources which, if properly exploited, could provide the means to cover its vital needs both during the period of reconstruction and afterwards, when it has returned to normal. It also has valuable human resources which it can increase and train through the adoption of a systematic and forthright policy for health and education.

80. In as much as the Expert considers that his mandate under resolution 33 (XXXVI) of the Commission on Human Rights is primarily of a consultative nature, and in view of the conclusions referred to above, he has drawn up the following recommendations which the Government of Equatorial Guinea may wish to take into account as guidelines in its efforts and activities to restore fully human rights and fundamental freedoms throughout the country.

RECOMMENDATIONS

81. The Expert considers that his Three-Stage Plan, as approved by the Government of Equatorial Guinea, plus the document entitled "Preliminary observations of the Expert" submitted to the Government at Malabo on 2 December 1980, as well as the present report set out the fundamental terms of reference for use in helping the Government to take the steps necessary for the full restoration of human rights. Those documents are based on the Expert's mandate under resolution 33 (XXXVI) of the United Nations Commission on Human Rights and take into account the Expert's personal experience.

82. With regard to the Preliminary Observations of the Expert drafted in Malabo on 2 December 1980 in accordance with, and in order to give effect to, the Three-Stage Plan, the recommendations of relevance to the present chapter are those contained in paragraph 5 (see, in this report, the Introduction, section B, paragraph 7, page 2, and annex III. See also chapter I, paragraph E, and annex VIII).

83. The initiation, in accordance with the schedule suggested by the Expert, of the process of drafting and approving a new constitution is especially important. The schedule and the procedures for achieving the goal in question are set out in paragraph 33 of the preliminary observations of the Expert. As an example, a drafting committee to prepare a draft constitution would be formed no later than 1982, or earlier, if possible. In 1983, or earlier, if possible, there would be elections to a Constituent Assembly or Conference. Subject to the prior holding of a referendum, the new constitution would come into force in 1984, or earlier, if possible.

84. The Expert now wishes to add the following recommendations to those mentioned above:

(a) Courses or seminars must be organized for court officials to enable them properly to apply the Judicial Power Organization Bill when it becomes law;

(b) An intensive course must be arranged for persons with a secondary education and persons with judicial skills in order to provide better-trained staff to fill judicial offices and to equip such persons to assume certain functions that are indispensable in safeguarding the rights of accused persons;

(c) The programme of instruction in law for the people now being studied by the Ministry or Commissariat of Justice, should be implemented via the radio and other media, for the Expert was able to confirm that it has not yet been put into effect;

(d) Courses or seminars need to be arranged to improve the efficiency of the present body of civil servants;

(e) The number of labour inspectors must be increased, in order to ensure better monitoring of compliance with labour contracts, particularly on the cocoa plantations;

(f) Approval should be given to the bill concerning the statutes of farmers' associations that has been drafted by the Ministry or Commissariat of Agriculture, Husbandry and Forestry and to the bill that declares such associations to be "agrarian bodies of priority interest". The bills in question encourage land-owners

and tenants to organize for common ends. These organizations are akin to co-operatives and that is, in fact, what they are called in Equatorial Guinea. The two bills would contribute to the advancement of economic and social rights and would foster the general welfare;

(g) Encouragement should be given to the formation of associations or genuine co-operatives for the marketing of agricultural products; in order to complement the efforts of the producers' groups; and

(h) It is advisable to promote trade-unionism among educators as a means of contributing to the advancement of teaching staff as regards both professional and contractual matters. To this end, the Expert suggests that, in addition to the General Associations Act which he has recommended should be drafted and adopted, a charter should be issued for teaching staff and, as a back-up to the efforts of the teacher-training colleges, refresher courses or seminars should be held for serving staff. Such courses should be arranged without prejudice to the fellowships that the international community may grant for the same purposes within the context of assistance from the Commission on Human Rights or the United Nations in general.

85. The Expert recommends that, for the tasks suggested above and such others as may prove necessary, the United Nations should make available through the appropriate channels the services of experts in the following fields: (1) training of lawyers; (2) working conditions on agricultural plantations; (3) formation of agricultural production co-operatives; (4) basic and in-service teacher training; (5) basic and in-service training for public servants; (6) drafting of fundamental legal codes (there might be two experts, one a lawyer specializing in public law and the other a lawyer specializing in private law); (7) preparation of a draft constitution (the expert might be a lawyer specializing in constitutional law); and (8) drafting of an Associations Act and an Electoral Code.

86. With reference to the above list, the Expert believes that order of priority for sending specialists would be fields (1), (2), (5), (7) and (8) (simultaneously), (3), (4) and (6). He wishes to stress, however, that all the programmes in the list are necessary and urgent.

87. Perhaps it would be better if the programme of specific assistance recommended by the Expert was supervised by a group of specialists under the guidance of a co-ordinator appointed by the United Nations Secretary-General at the request of the Commission on Human Rights. Such a group could co-ordinate its efforts with those of the specialists who are already working in Equatorial Guinea in connection with bilateral and multilateral aid projects.

88. The Expert recommends that, as part of the international community's efforts to co-operate with the Government of Equatorial Guinea in the full restoration of human rights by means of the multilateral assistance channelled through the Commission on Human Rights or of the United Nations in general, donor countries should draw up, on the basis of broad criteria adapted to the particular needs of Equatorial Guinea, fellowship schemes for the training of professional staff. He also recommends that the Commission on Human Rights and the United Nations should seek the participation in these co-operation programmes of such specialized international organizations and agencies as the World Confederation of Organizations of the Teaching Profession (WCOTP), which has its headquarters at Morges, Switzerland, and the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD) and the Central American Institute for Public Administration (ICAP), both of which have their headquarters at San José, Costa Rica.

89. With regard to the preparation of the draft constitution, the Government should establish as soon as possible a drafting committee comprising lawyers from Equatorial Guinea. The specialist or specialists appointed by the United Nations would hold an initial meeting with the members of that drafting committee in Geneva, New York or Madrid to study the procedure and a plan of work for the preparation of an outline constitution. The drafting committee would then meet in Malabo until it had produced a first draft which it would discuss with the specialist or specialists at successive meetings until a final draft had been approved, first by committee and then by the Government.

90. As the Expert stated to the Government during his visit to the country, the new constitution would be democratic, representative and pluralist, so as to afford effective protection of human rights. It would take into account the specific cultural values of Equatorial Guinea and would therefore be conducive to the creation of a political system that is in keeping with the real situation and thus serve both to give stability to the new State and to promote its gradual modernization. In other words, rather than copying an existing model that would be alien to the "way of being, thinking and feeling" of the people of Equatorial Guinea - in short, alien to its culture - the aim would be to create an indigenous type of democracy.

91. For the purposes of the referendum on the draft constitution, citizens must be permitted to participate constructively in public discussion of such an important legal instrument, which will be the crowning point of the system for the protection of all their freedoms. This means, inter alia, that an Associations Act must first be adopted to enable the population to participate in political life or at least have the help of properly organized groups to promote ideas of general interest. The formation of such groups would be a prelude to the institution of a system of political parties, the fundamentals of which would be guaranteed and regulated by the Constitution.

92. Similarly, it would be indispensable for the discussion of the draft constitution that there should be complete freedom of expression. To achieve this, one of the requirements is privately-owned organs of mass communication free from any kind of censorship. The State-owned media would also have to contribute to the discussion not only by disseminating information and comment on the new constitution, but also by providing opportunities for ordinary citizens to express their points of view.

93. Since the freedom to express opinions is so important, the Expert recommends that both the Government and the international community should strive to promote the development of a free press. This could be done through technical and financial assistance.

94. The Government should establish as soon as possible the special review commission proposed by the Expert. In his "Preliminary Observations", the Expert recommended that the Government should create such a body in order to carry through both the legislative action it has already undertaken or is planning and the action suggested by the specialists mentioned in this report, thereby ensuring full and effective observance of human rights in Equatorial Guinea.

The review commission, which would be a standing body, would remain in existence until the promulgation of the new constitution. It would be appointed by the Government and would report direct to the Head of Government and Head of State, His Excellency Teodoro Obiang Nguema Mbasogo. The commission would be directly responsible to him and would be obliged to submit periodic reports and such other reports as the President might request before each period. It would not only deal with matters relating to laws and bills, but would also have responsibility for supervising other plans for the full realization of human rights.

95. The Expert is of the opinion that the assistance referred to in Commission on Human Rights resolution 33 (XXXVI), paragraph 2, should be considered as an integral part of the plan to assist the Government of Equatorial Guinea in securing full restoration of human rights in that country.

96. He is also of the view that the United Nations, particularly the Commission on Human Rights, should conduct, in the light of the provisions of Commission on Human Rights resolution 33 (XXXVI) and of General Assembly resolution 34/123, periodic appraisals of the implementation of the measures proposed in this report. In view of its favourable attitude to the Expert's mandate, his Three-Stage Plan and the "Preliminary Observations" formulated during his visit to the country in November 1980, there is no reason to doubt that the Government of Equatorial Guinea would welcome such appraisals.

ANNEX I

33 (XXXVI). The situation of human rights in Equatorial Guinea

The Commission on Human Rights,

Recalling its resolution 15 (XXXV) of 13 March 1979 in which it recommended that a Special Rapporteur to be appointed to make a thorough study of the situation of human rights in Equatorial Guinea,

Considering the important changes that have occurred in the country since 3 August 1979, which indicate a desire on the part of the new régime to restore and guarantee enjoyment of human rights in Equatorial Guinea,

Noting that a change of Government has taken place in Equatorial Guinea since the adoption of the above-mentioned resolution,

Bearing in mind its responsibilities for co-ordination in the human rights field conferred by Economic and Social Council resolution 1979/36,

Mindful of the developmental measures to be considered by concerned bodies in the United Nations system as a result of General Assembly resolution 34/123 of 14 December 1979, and of the need to take due account of human rights concerns in the adoption and implementation of such measures,

Taking note with appreciation of the report submitted by the Special Rapporteur on the situation of human rights in Equatorial Guinea,

Noting with appreciation the interest of the Government of Equatorial Guinea in the co-operation of the United Nations in order to ensure the effective enjoyment of fundamental rights by the citizens of Equatorial Guinea,

1. Decides, in response to the request of the Government of Equatorial Guinea, to request the Secretary-General to appoint, as an expert in his individual capacity, a person with wide experience of the situation in Equatorial Guinea, in particular with a view to assisting the Government of that country in taking the action necessary for the full restoration of human rights and fundamental freedoms, keeping in mind the recommendations of the Special Rapporteur and the economical, political and social realities of that country,

2. Requests the Secretary-General, in consultation with the expert, to provide the assistance necessary to help the Government of Equatorial Guinea take the action necessary for the full restoration of human rights and fundamental freedoms in that country;

3. Invites the Government of Equatorial Guinea to extend its co-operation to the expert in the implementation of his mandate;

4. Requests the expert to submit a report on the implementation of this resolution to the Commission for consideration at its thirty-seventh session;

5. Invites all States, specialized agencies and other organs associated with the United Nations system, humanitarian organizations and non-governmental organizations to extend their help and assistance to Equatorial Guinea with a view to helping that country in its desire fully to restore human rights and fundamental freedoms;

6. Recommends the following draft decision for adoption by the Economic and Social Council:

(a) To appoint, as an expert in his individual capacity, a person with wide experience of the situation in Equatorial Guinea, in particular with a view to assisting the Government of that country in taking the action necessary for the full restoration of human rights and fundamental freedoms, keeping in mind the recommendations of the Special Rapporteur and the political economic and social realities of that country;

(b) To provide, in consultation with the expert, the assistance necessary to help the Government of Equatorial Guinea take the action necessary for the full restoration of human rights and fundamental freedoms in that country.

ANNEX II

TEXT OF TELEGRAM FROM MR. WILLIAM B. BUFFUM, UNDER-SECRETARY-GENERAL FOR POLITICAL AND GENERAL ASSEMBLY AFFAIRS, TO MR. THEO C. VAN BOVEN, DIRECTOR OF THE DIVISION OF HUMAN RIGHTS, DATED 20 OCTOBER 1980

REUR GVA 5775 AND TELCON
TODAY. AAA USG FARAH'S OFFICE HAS CONFIRMED TO US TODAY THAT
VICEPRESIDENT MAYE ELA MANGUE OF EQUATORIAL GUINEA HAS CONVEYED
HIS GOVERNMENT'S ACCEPTANCE OF PROFESSOR VOLIO AS SECGEN'S SPECIAL
REPRESENTATIVE. BBB MISSION OF EQUATORIAL GUINEA HAS INDICATED
ITS DESIRE TO DISCUSS MODALITIES OF VOLIO MISSION IN NEWYORK PRIOR
TO 5 OCTOBER IF POSSIBLE. PLEASE ADVISE.

ANNEX III

PLAN PREPARED BY PROFESSOR FERNANDO VOLIO ON THE
IMPLEMENTATION OF RESOLUTION 33 (XXXVI) OF THE
COMMISSION ON HUMAN RIGHTS RELATING TO THE SITUATION
OF HUMAN RIGHTS IN EQUATORIAL GUINEA

10 October 1980

(1) Terms of reference of the Expert call upon him:

(a) to help the Government to take the necessary measures for the full re-establishment of human rights, taking into consideration the recommendations made by the Special Rapporteur and the economic, political and social facts of the country, and

(b) to act as the Secretary-General's adviser so that he can provide the necessary assistance to help the Government in taking the necessary measures for the full re-establishment of human rights.

(2) The principal objective is the achievement of the full re-establishment of human rights. The principal means will be the actions by the Government and the assistance of the United Nations.

(3) I suggest, therefore, the following:

The Expert's assistance would comprise a plan of three stages which will be put into effect taking into consideration the conditions of the country, its socio-cultural heritage and also keeping in mind the urgency that every Government should have in the field of the effective implementation of human rights.

In the first stage the Expert should make a review of the existing legislation in Equatorial Guinea. Attention should be given to the Decrees issued by the Supreme Military Council from 3 August 1979 until November 1980 in the economic, social and political fields. He should also consider the customary laws of Equatorial Guinea, as well as the laws, practices and relevant jurisprudence of the Spanish system in that country. As a practical matter, adequate attention should be given to the situation affecting labour conditions on cacao plantations.

Likewise, the Expert would help the Government to examine the manner in which their Decrees should be implemented and to what extent the citizens are acquainted with them and can make use of them to protect their fundamental rights and freedoms.

In that first stage, the Expert could suggest new decrees and reforms to the Government, with a view to strengthening the "rule of law". In other words, "a Government by laws and not by men", which will make possible the defense of human rights.

The functioning of the Courts of Justice - the traditional as well as the formal or modern - would be a very important part of the work of the Expert.

As a result of the review of the legal system, the Expert could make to the Government of Equatorial Guinea the preliminary recommendations that he deems appropriate, apart from the ones that could be made later on by one or more experts - lawyers or professors of law appointed by the United Nations - in agreement with the Government and in consultation with the Expert. The experts will advise the Government in the drafting of laws and codes required for the improvement of the system for the protection and promotion of human rights.

(4) In the second stage, attention should be given to the task of drafting a Constitution and to preparing gradual measures that will allow the citizens to participate in a constructive and responsible way in the consideration and approval of the new Constitution. The legal measures that will be put into effect, in accordance with what has been suggested in the first stage, will facilitate the measures leading to the drafting of the Constitution in the second stage.

It would be advisable to give more incentive to the citizens of Equatorial Guinea who fled the country during the Macias Government to other countries (Cameroon, Gabon, Nigeria and Spain, in particular) to return to their own country. It would be especially good to give more assurances to the professionals and, generally speaking, to the intellectuals, and make them feel that they will be safe in their own country and that they will be allowed to participate in a creative way in all sectors of the reconstruction of the country.

Also in the second stage, the improvement of the existing conditions in the educational system as well as in the field of the status of women, freedom of the press, public health and training of public employees (an adequate system of civil service) should be promoted.

(5) In the third stage, a Constitutional Convention or Constituent Assembly should be convened to draft a new Constitution and subsequently a referendum should be called with the purpose of submitting the new Constitution to the approval of the citizens. In this stage the participation of political parties would be envisaged or, at least, groups representing various social sectors of society should be able to express their opinion on the referendum.

(6) In the opinion of the Expert, the assistance referred to in operative paragraph 2 of resolution 33 (XXXVI) of the Commission on Human Rights is to be considered as an integral part of this Plan. Moreover, in the opinion of the Expert, all efforts must be made to mobilize help and assistance to Equatorial Guinea in accordance with the terms of paragraph 5 of resolution 33 (XXXVI) of the Commission on Human Rights.

(7) In the opinion of the Expert, the United Nations, and in particular the Commission on Human Rights, should make periodic evaluations of the implementation of this Plan, bearing in mind the terms of resolution 33 (XXXVI) of the Commission on Human Rights and of resolution 34/123 of the General Assembly.

(8) The Expert, with his staff, would arrive in Malabo in the course of the fourth week of November 1980. He would stay one week in the country and would work mainly with Government officials principally in Malabo and Bata. He would also have talks with private citizens.

(9) The Government should designate a high-ranking official to act as Liaison with the necessary authority to secure access to Government officials and to facilitate the mandate of the Expert in other respects as well, before and during the visit of the Expert to Equatorial Guinea.

(10) The Expert and his staff would receive all necessary facilities to accomplish the mandate as well as full diplomatic privileges and immunities and security protection.

ANNEX IV

TEXT OF LETTER FROM MR. ANTONIO MBA NDONGO, TECHNICAL
SECRETARY GENERAL, MINISTRY OF FOREIGN AFFAIRS, REPUBLIC
OF EQUATORIAL GUINEA, TO MR. THEO C. VAN BOVEN, DIRECTOR
DIVISION OF HUMAN RIGHTS, DATED 17 OCTOBER 1980

Dear Mr. Director,

I wish to refer to your letter of 14 October 1980 regarding the detailed working plan prepared by Professor Volio Jiménez for his future mission to the Republic of Equatorial Guinea, in accordance with the mandate given to him by the Commission of Human Rights in compliance with resolution 33 (XXXVI) on "the situation of Human Rights in Equatorial Guinea".

In this respect, I wish to inform you that the Guinean Government has accepted the entire working plan and has taken the necessary measures in order to facilitate the work of Professor Volio Jiménez during the course of his mission in Equatorial Guinea.

On the other hand, I wish to reiterate my Government's disposition to co-operate with the United Nations mission, as well as its wish to receive any suggestion that you deem necessary for the good accomplishment of the mission of Professor Volio in my country.

Please accept, Mr. Director, the assurances of my highest consideration.

Antonio Mba Ndongo
Technical Secretary General
Ministry of Foreign Affairs

ANNEX V

PROGRAMME OF WORK, AMENDED IN THE LIGHT OF CONVERSATIONS WITH THE MEMBERS
OF PROTOCOL, FOR THE MISSION OF THE EXPERT IN EQUATORIAL GUINEA

<u>Thursday,</u> 27 November	Morning	Discussion of the programme of work with the representatives of the Co-ordinator
	Afternoon	Interview with Mr. Federico Mesa Bill Conguo, Technical General Secretary of the Technical Board
<u>Friday,</u> 28 November	Morning	Interviews with Mr. Sanz Bayón (Spanish Judge - Assessor) Mr. Bonneau (ILO Expert) Radio and television directors Ebano journalists
	Afternoon	Religious leaders
<u>Saturday,</u> 29 November	Morning	Commissioners: Interior Labour Education Health
	Afternoon	Lawyers Visit to a farm
<u>Sunday,</u> 30 November	Morning	Visit to Luba Traditional chiefs Nuns, religious leaders
<u>Monday,</u> 1 December		Visit to Bata Provincial officials Religious leaders, lawyers, educators Secretaries of Justice, Interior, Labour, Health, a chief prison officer, a judge
<u>Tuesday,</u> 2 December	Morning	Return from Bata
	Afternoon	Courtesy visit to the First Vice-President
<u>Wednesday,</u> 3 December	Morning	Continuation of conversations with Ministry officials
	Afternoon	Courtesy visit to the President of the Supreme Military Council

Annex VI

LIST OF LAWS, DECREE-LAWS, LEGISLATIVE BILLS, COMMUNIQUEES AND OTHER OFFICIAL
INSTRUMENTS PROMULGATED BETWEEN 3 AUGUST 1979 AND NOVEMBER 1979 AND
TRANSMITTED TO THE EXPERT DURING HIS VISIT TO MALABO

No.	Description	Date	Subject	Date of transmission
1/1979	Decree-Law	5 August 1979	Ordering a general amnesty for all political prisoners	27 November 1980
2/1979	Decree	"	Providing for the re-opening of churches in the Republic	"
3/1979	Decree-Law	12 August	Decreeing the restitution of property belonging to citizens of Equatorial Guinea confiscated by the dictatorial regime of ex-President Masie Nguema Biyogo	"
4/1979	Decree-Law	"	Ordering the removal of the names of ex-President Masie Nguema Biyogo and members of his family from monuments, historic sites and works of art of national importance in the Republic of Equatorial Guinea	"
	Communiqué	13 August	Lifting the curfew and total consolidation of military power throughout the national territory following the flight of ex-dictator Francisco Macías Nguema into the jungle	"
4/1979	Decree	21 August	Withdrawal from circulation of the new currency unit, the <u>ekpwele</u>	"
5/1979	Decree-Law	16 August	Amplifying Decree-Law No. 4/1979 of 12 August	"

No.	Description	Date	Subject	Date of transmission
	Act	19 August 1979	Concerning the meeting at which it was unanimously agreed by acclamation to appoint as Chief of State and Government of the Republic of Equatorial Guinea and Commander-in-Chief of the National Armed Forces, thus conferring on him the Supreme Command of the operational Armed Forces, Lieutenant-Colonel Obiang Nguema Mbasogo, President of the Supreme Military Council	27 November 1980
5/1979	Decree	21 August	Setting up the Technical Board of the Supreme Military Council of the Republic of Equatorial Guinea	"
6/1979	Decree-Law	20 August	Rehabilitating the National Coat-of-Arms, as adopted by the Representatives of the Guinean people on the occasion of the accession of the country to national independence on 12 October 1968	"
6/1979	Decree	22 August	Appointing Mr. Florencio Maye-Ela Mangué as First Vice-President of the Supreme Military Council of the Republic	"
7/1979	Decree-Law	21 August	Abolishing the titles of National Guard, People's Militia, Marines, Armed Police and Municipal Guard	"
7/1979	Decree	22 August	Appointing Mr. Salvador Ela Hseng Abegue as Second Vice-President of the Supreme Military Council of the Republic	"
8/1979	Decree-Law	21 August	Approving and granting compensation indemnities and pensions to military and civil personnel widowed, orphaned or maimed as a result of the struggle to overthrow the dictatorial regime of ex-President Masi Nguema Biyogo	"

No.	Description	Date	Subject	Date of transmission
8/1979	Decree	22 August 1979	Appointing Mr. Eulogio Oyo Riquesa as Military Governor of the Province of Bioko and Technical Board Delegate of the Supreme Military Council	27 November 1980
9/1979	Decree	22 August	Appointing Mr. Fructuoso Mba Oñana Nchama as Military Governor of the Province of Rio Muni and Technical Board Delegate of the Supreme Military Council	"
	Notice	25 August	Ordering the reinstatement of farm workers	"
10/1979	Decree	23 August	Approving the Organic Regulations of the Technical Board of the Supreme Military Council of the Republic	"
37/1979	Decree	13 September	Setting up the Consulate of Equatorial Guinea at Madrid	"
38/1979	Decree	13 September	Releasing Mr. Alejandro Evuna Owono Asangono from his post as Ambassador and Permanent Representative of Equatorial Guinea at the United Nations	"
39/1979	Decree	13 September	Appointing Mr. Alejandro Evuna Owono Asengono as Ambassador Extraordinary and Plenipotentiary of the Republic of Equatorial Guinea in Spain	"
40/1979	Decree	15 September	Approving the Rules of Procedure of the Sub-Commission for the National Development Plan	"
41/1979	Decree	19 September	Appointing Mr. Gabriel Andombe Buanga as Director of the Credit and Development Bank	"
42/1979	Decree	19 September	Appointing Mr. Patricio Eka Nguema as Governor of the Central Bank of Equatorial Guinea	"
43/1979	Decree	19 September	Changing the names of the present State Banks	"

No.	Description	Date	Subject	Date of transmission
44/1979	Decree	5 October 1979	Appointing the Chief of the Land Forces Mr. Marcelo Ekong Awong to the post of Associate Military Commissioner of the Commission for Finance and Trade in charge of national banks	27 November 1980
45/1979	Decree	10 October	Proclaiming a general amnesty in favour of all Equatorial Guinea nationals living abroad as political refugees	"
46/1979	Decree	3 October	Appointing Mr. Julián Esono Aba Ada as Ambassador Extraordinary and Plenipotentiary of the Republic of Equatorial Guinea in Paris, France	"
	Order	13 September	Appointing Mr. Faustino Nguema Esono as First Secretary of the Embassy of Equatorial Guinea at Madrid, Spain	"
	Order	13 September	Appointing Mr. Antonio Ebale Ayingono as Consul for Equatorial Guinea at Madrid, Spain	"
	Order	17 September	Appointing Mr. Eugenio Abeso Mondu Okomo as Officer of the Embassy of Equatorial Guinea at Madrid, Spain	"
	Order	19 September	Appointing Mr. Martin Ncogo Eyi as Deputy Governor of the Central Bank of Equatorial Guinea	"
	Order	"	Appointing Mr. Andres Nko Ivasa as Comptroller-General of the Central Bank of Equatorial Guinea	"
	Order	"	Appointing Mr. Eugenio Ebozogo Ayang as Assistant Comptroller-General of the Central Bank of Equatorial Guinea	"
	Order	"	Appointing Mr. Luis Nkumu Ela as Deputy Director of the Credit and Development Bank	"

No.	Description	Date	Subject	Date of transmission
	Order	19 September 1979	Appointing Mr. Mauricio Ebozogo as Cashier of the Credit and Development Bank	27 November 1980
	Order	"	Appointing Mr. Victoriano Boncanca Bojeta as Chief Cashier of the Central Bank of Equatorial Guinea	"
	Order	26 September	Appointing Mr. Eulogio Oyo Riquesa as President of the Chamber of Commerce, Agriculture and Forestry of the Province of Bioko	"
	Order	18 September	Changing the symbols on car registration plates in the Province of Bioko	"
	Order	20 September	Laying down regulations concerning movement and traffic on public and urban highways	"
	Order	28 September	Fixing postal rates applicable in the Republic of Equatorial Guinea	"
1-1979	Executive order	7 September	Establishing the maximum legal working day	"
2-1979	Executive order		Regulating the status of Sundays and feast days as days of rest	"
	Circular	18 September	Laying down regulations for dispensing national pharmaceutical products	"
1-1979	Circular	11 September	On transactions in cocoa during the 1979/1980 crop year	"
2-1979	Circular	19 September	Laying down regulations for setting up private commercial establishments	"
51/1979	Decree	23 October	Granting a grace period of 60 days to allow foreign owners of agricultural undertakings dealing in cocoa, coffee, palm oil and other products whose ownership is duly accredited by enrolment in the Register of Properties of the Republic of Equatorial Guinea, to resume exploitation of their farms previously abandoned	"

No.	Description	Date	Subject	Date of transmission
1/1979	Law	17 November 1979	On the investment of foreign capital in the Republic of Equatorial Guinea	27 November 1980
11/1979	Decree-Law	7 December	On the general organization of labour	29 November 1980
2/1980	Decree	8 January	Setting up the Institutes of Intermediate Education of Evinayong (Rio Muni) and Pagula Island (Bioko)	3 December 1980
7/1980	Decree	22 January	Fixing minimum wages in the agricultural, livestock and forestry sectors	"
112/1980	Decree	7 February	Prohibiting senior officials in the Administration from engaging in commercial activities for profit	"
2/1980	Decree-Law	3 March	Setting up the new legal and administrative structure of the National Territory of the Republic of Equatorial Guinea	"
3/1980	Decree-Law	12 March	On the legal regime of the Central State Administration	"
124/1980	Decree	17 March	Rehabilitating and restructuring the Social Security Institute	"
128/1980	Decree	29 March	Regulating free medical and pharmaceutical assistance to the various sectors of population of Guinea	"
4/1980	Decree-Law	3 April	Declaring the penal, civil, mercantile, administrative, labour and military laws in force up to 12 October 1963 applicable on a subsidiary basis in the Republic of Equatorial Guinea	"
129/1980	Decree	7 April	Regulating tariffs for electric power consumption	"
130/1980	Decree	21 April	Ordering the change in name of the Pagula Island (formerly Annobón)	"

No.	Description	Date	Subject	Date of transmission
6/1980	Decree-Law	8 May	Setting up the Wardship Courts for Minors	3 December 1980
132/1980	Decree	31 May	Laying down regulations governing import and distribution licences in the Republic of Equatorial Guinea for foreign publications	"
137/1980	Decree	4 July	Setting up a labour protection fund within the Ministry of Labour and establishing a vocational training quota	"
8/1980	Decree-Law	9 June	On law and order	"
141/1980	Decree	17 June	Setting up the Technical Assistance Co-ordination Office for Equatorial Guinea	"
1/1980	Ministerial Order	10 July	Regulating the establishment of depots for the storage and distribution of pharmaceutical products, drug dispensaries and first aid posts	"
146/1980	Decree	8 August	Approving the Publicity Statute	"
149/1980	Decree	15 September	On the structure and functioning of the provincial governments and district administrations	"
21/1980	Decree-Law	17 September	On the establishment of the Secretariat of State for the Promotion of Women's Interests	"

GOVERNMENT BILLS

	Decree-Law	15 January	On civil servants	"
/1980	Decree-Law		On basic health	"
	Decree		Declaring farmers' groupings in the Republic of Equatorial Guinea as agrarian bodies of special interest	2 December 1980
	Statute		Regulating the farmers' groupings in the Republic of Equatorial Guinea	
	Organic law		On the Judicial Power	23 November 1980

Annex VII

TEXT OF THE LETTER ADDRESSED BY PROFESSOR FERNANDO VOLIO, EXPERT APPOINTED BY THE COMMISSION ON HUMAN RIGHTS TO NAVAL COMMANDER FLORENCIO MAYE ELA MANGUE, FIRST VICE-PRESIDENT OF THE SUPREME MILITARY COUNCIL AND MILITARY COMMISSIONER, MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF EQUATORIAL GUINEA, DATED 3 DECEMBER 1980

Dear Mr. Vice-President:

I have the honour to transmit to you the annexed document embodying observations and preliminary recommendations concerning my mission.

I take this opportunity to reiterate the assurances of my highest consideration.

Fernando Volio Jiménez

Annex VIII

TEXT OF TELEGRAM FROM MR. PRIETO, ASSISTANT DIRECTOR, DIVISION OF HUMAN RIGHTS, TO MR. MERREM, UNDP RESIDENT REPRESENTATIVE FOR EQUATORIAL GUINEA, DATED 8 DECEMBER 1980

Merrem from Prieto UNATIONS Geneva

AAA Would you kindly deliver to first Vice-President and Minister for Foreign Affairs Mr. Florencio Maye Ela following message addressed to him by Prof. Volio:

"Following my visit to Equatorial Guinea I would like to express once again my thanks for your co-operation and all the help received, enabling me to carry out my mission and to inform the Commission on Human Rights at its forthcoming session. It is extremely important that I should be able to include in my report your Government's comments on the preliminary recommendations I submitted for its consideration during my visit to Malabo on 3 December. I should be glad if the observations or comments by your Government could be transmitted as early as possible to the Division of Human Rights, United Nations Office at Geneva. I take this opportunity to reiterate the expression of my highest consideration".

BBB I wish to express to you our appreciation for the invaluable assistance that you extended to Prof. Volio and our colleagues.

