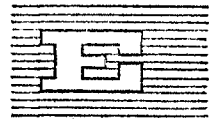


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COMMISSION ON HUMAN RIGHTS

Thirty-seventh session
Agenda item 13

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

Note by the secretariat

The attached statement by the Expert appointed in accordance with resolution 33 (XXXVI) of the Commission on Human Rights constitutes the introduction to his report (E/CN.4/1439) and is made available to the Commission at the Expert's request in the hope that it may facilitate the consideration of the main points of that document.

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INTRODUCTION TO THE REPORT OF THE EXPERT,
PROFESSOR FERNANDO VOLIO

Mr. Chairman,

Allow me to present my compliments to you and to the other distinguished members of this Commission and to introduce the report which the Commission asked me, at its thirty-sixth session, to make on the human rights situation in Equatorial Guinea.

I accepted the task entrusted to me by the Secretary-General of the United Nations of serving as Expert in accordance with the Commission's resolution 33 (XXXVI) because of the honour it represented and because of the opportunity it gave me of further serving the Commission and the people of Equatorial Guinea.

I wish to thank Mr. Abulqhim A. Farah, Under-Secretary-General, Department of Technical Co-operation for Development, Mr. Gordon K. Goundrey, Assistant Secretary-General of the same Department, Mr. Donald E. Fitzpatrick, Special Assistant for Political and Humanitarian Affairs, and Mr. Theo C. van Boven, Director of the Division of Human Rights, for their valuable assistance during the preparation, in New York, of my second visit to Equatorial Guinea.

I also wish to express my gratitude to Mr. van Boven, Mr. Ramón Prieto, Assistant Director of the Division of Human Rights, and Mr. Pace, Secretary of the Commission, for their equally valuable aid in the execution of my mandate. In Malabo, Mr. Gerd Nerrem of UDDP provided most helpful assistance for my mission. I wish to draw special attention to the efficient work of and the extensive and knowledgeable assistance given to me by the officials who accompanied me to Equatorial Guinea, Mr. Hilman Djajasasmita, a Professional officer from the Division of Human Rights, and Mrs. Yvonne Santa Eugenia, a secretary from that Division.

I believe that the report I have prepared for the Commission in document E/CN.4/1439 is self-explanatory. At least, I think that it sets out the essence of what I saw, observed and thought it appropriate to recommend in fulfilment of my mandate. However, I feel that I should stress the following points:

(a) On this occasion, my mission was, primarily, to consult or advise, although I did also carry out investigatory activities necessary to that end. In 1979, on the other hand, my purpose in being in Equatorial Guinea was, basically, to investigate;

(b) This report is based on the Three-Stage Plan for assistance to Equatorial Guinea in the full restoration of human rights which I suggested to the Government of that country in New York. This Plan having been approved by the Government, I was sure of the guidelines for my work (see paragraph 10 of the report);

(c) At the end of my visit to Equatorial Guinea, I submitted to the Government, both orally and in writing, my preliminary observations and suggestions, which were, basically, favourably received (see paragraphs 27 and 28 of the report). However, the Government has not yet formally expressed its opinion on them in writing;

(c) his This time I focused on the legislation promulgated in the country, particularly since my first visit -- that is, since 15 November 1979 -- which I felt was important, by reason of its nature and content, for the improvement of the human rights situation. I also commented on a number of bills which I was told were being drafted and suggested a few steps which could help to extract the greatest possible benefit from all that legislative effort;

(d) I gave a special place in my preliminary observations to the time-table for the adoption of a democratic constitution in Equatorial Guinea and to the procedure for the drafting, discussion and promulgation of the corresponding text (see paragraph 32 (q) of the report);

(e) After I had submitted to it the above-mentioned list of observations, during the afternoon preceding my departure, the Government provided me with copies of other laws and bills which I had requested. I studied those documents after my return to my own country. It is on the basis of all the information I had gathered and of my previous experience that I drew up the Conclusions and Recommendations contained in my present report;

(f) The measures I recommend are feasible and should be implemented, because they would help to place the national reconstruction effort to which the people and Government of Equatorial Guinea have pledged themselves in the context of a democratic style of life and of government, thereby leading to the full restoration of fundamental freedoms in that long-suffering country. The suggestions made in the report naturally take into account the economic, political and social circumstances prevailing in Equatorial Guinea and the difficulties inseparable from any democratic form of political organization;

(g) The question of the time-table for the adoption of a constitution and the normalization of political life is intrinsically, the most important. This aspect of the question of Equatorial Guinea must not be overlooked;

(h) The report suggests practical measures for the realization of its proposals. For example, it would be advisable, for the purposes of giving effect to the laws that have been or are about to be promulgated, for the Government to establish a review commission which would report to the President of the Supreme Military Council (see paragraphs 32 (p) and 94 of the report). As regards the constitution, the drafting committee proposed in the report (see paragraphs 32 (k) and (q) and 39) should be set up as soon as possible; before this is done, the country must be endowed with a charter of fundamental freedoms that would serve to protect all its inhabitants and would, at the same time, form the basis of the legal system. To this end, the report recommends that the Government should adopt the Universal Declaration of Human Rights as a national law and that it should accede to the United Nations International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights (see paragraph 32 (k) of the report);

(i) The specialist or specialists in constitutional law mentioned in the report would assist the Government in the above two tasks, and in the process of guaranteeing the freedoms of association, expression and assembly which are essential to the fulfilment of the plan relating to the constitution;

(j) Since there are already specialists co-operating with the Government in various fields under bilateral and multilateral assistance programmes, and since I propose in my report that the United Nations should make available any other experts who may prove to be required, it would be very helpful if the new specialists formed a group co-ordinated by a person to be appointed by the Secretary-General. That Group would also be responsible for co-ordinating its own work with that of the specialists already serving in the country (see paragraphs 85-87 of the report);

(k) The assistance to which I have referred, like that mentioned in the operative part of Commission on Human Rights resolution 33 (XXXVI), should be considered as an integral part of the international community's plans for aid to the Government of Equatorial Guinea (see paragraphs 6 and 95 of the report);

(l) I propose in my report that the Commission on Human Rights should make periodic evaluations of the situation in Equatorial Guinea (see paragraphs 10 (3) and 96 of the report). That would enable the Commission to continue its constructive efforts and would ensure that the Government and the intelligent and noble people of the country would have the benefit of the views and action of the United Nations and its specialized organ for the promotion and defence of human rights.

You will recall how instructive I found my discussions with a select group of intellectuals and brave priests from Equatorial Guinea during my first visit to the country. They asked me why I had come after Macias's fall, and why the United Nations had not come forward to help them and the people as a whole when they had been suffering from the dictator's grave errors. I am sure that no one here would wish the United Nations to lay itself open to any similar or, perhaps, still harsher complaints in the future because its current efforts to promote the full restoration of human rights in Equatorial Guinea had failed for lack of an adequate follow-up to and evaluation of the process now under way;

(m) For my part, I have the impression that the Government would be particularly interested in maintaining its ties with the United Nations and with the Commission, since that would help to increase the international community's confidence in Equatorial Guinea and therefore its willingness to co-operate more with that country (which has always preferred international co-operation to bilateral co-operation, the former being more consistent with the principle of the self-determination of peoples. Naturally, this does not preclude bilateral co-operation). Furthermore, such co-operation would make it easier for the Government to fulfil its intention of establishing a system for the effective protection of human rights. Democracy in Equatorial Guinea could suffer a further disastrous setback if fundamental freedoms were not fully re-established.

(n) Finally, I wish once again to express my gratitude to the Government of Equatorial Guinea for the co-operation it gave me in the discharge of my mandate. I am confident that my mission will prove to have been of some benefit.

Thank you, Mr. Chairman.