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Equatorial Guinea: Executions just weeks before announcement of a “temporary moratorium” on the death penalty raise serious questions

Amnesty International is deeply concerned about the execution of at least four and possibly nine death row prisoners in Equatorial Guinea at the end of January 2014. The country may have executed all people on death row. Two weeks later, the government announced a moratorium on the use of the death penalty in what seems to be an attempt to secure membership of the Community of Portuguese Language Countries (CPLP).

Announcing a moratorium on the death penalty and “moves towards abolition” only a fortnight after executions were carried out raises serious questions about the government’s motives. Amnesty International urges the government of Equatorial Guinea to demonstrate its commitment to universal human rights by abolishing the death penalty.

Executions

On 31 January 2014, at least four people were executed in Equatorial Guinea, in the first known judicial executions since 2010. Tadeo Mitogo Alo, Mariano Nguema Ela and Abraham Ndong from Equatorial Guinea, as well as Amadou Tamboura from Mali, were executed by a firing squad in Evinayong in central Equatorial Guinea. All had been convicted of murder between 2003 and 2013. According to local sources, the death sentences had been imposed by ordinary courts and confirmed on appeal.

National opposition politicians were reported as saying that the four men were only notified of their imminent executions 30 minutes before they were carried out.¹ Other sources said that neither the families nor their lawyers were informed prior to the executions, in violation of international standards.

In addition, it is possible that that on the previous day, 30 January, four death row prisoners were secretly executed just outside the capital Malabo, and one more in Mbini on the western coast, bringing the possible number of executions to nine. According to local sources, the bodies were not returned to the families, but buried by soldiers.

It is unclear if any people remain under sentence of death in the country. Equatorial Guinea must make its use of the death penalty transparent, and disclose to the public the number and circumstances of all executions carried out, as well as how many people are still under sentence of death in the country at present.

¹ “En dos días Obiang ejecuta ocho peronas clandestinamente”, *Gaceta de Guinea*, <http://www.gacetadeguinea.com/noticia.asp?ref=751> (accessed 24 March 2014).

“Temporary moratorium”

The Deputy Prime Minister for Human Rights, Alfonso Nsue Mokuy, announced on 4 March at the UN Human Rights Council that President Teodoro Obiang Nguema signed on 13 February 2014, a “resolution” which establishes a “temporary moratorium on the application of the death penalty”.²

The resolution expressly calls for the imposition of terms of imprisonment by the courts instead of the death penalty. The resolution still needs to be ratified by parliament or in a national referendum. It is however not a bill to abolish the death penalty in the country, but only temporarily suspends its application. The government had already announced its intention to adopt a moratorium in the National Report submitted ahead of the Universal Period Report (UPR) at the UN Human Rights Council in May this year.³

On 19 March, the President of the Senate of Equatorial Guinea, Teresa Efua Asangono, was reported as saying the moratorium meant that executions were suspended indefinitely. In addition, she stated that the government was working to remove the death penalty from the Constitution.

Article 13 of the Constitution allows for the death penalty, but does not require it. This suggests that abolition of the death penalty in statutory law would already be possible without changing the Constitution.

Another way to formalize the “temporary moratorium” in law would be to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), aiming at the abolition of the death penalty, which prohibits the execution of anyone within the jurisdiction of a State Party, and requires each State Party to “take all necessary measures to abolish the death penalty within its jurisdiction.”

Equatorial Guinea’s accession to the Community of Portuguese Language Countries

At a special session in Maputo in Mozambique on 20 February 2014, the Council of Ministers of the “Comunidade dos Países de Língua Portuguesa” (CPLP- Community of Portuguese Language Countries) welcomed the announcement of the adoption of a moratorium on the death penalty which would allow Equatorial Guinea to move closer to membership of the Community. The Council agreed to recommend the accession of Equatorial Guinea as a full member of the CPLP to the next Conference of Heads of State and Government in Dili, Timor-Leste, in July 2014.

Equatorial Guinea has been an “associated observer” at the CPLP since 2006. All of presently eight member states of the CPLP— Angola, Brazil, Cape Verde, Guinea-Bissau, Mozambique, Portugal, São Tomé and Príncipe and Timor-Leste – have legally abolished the death penalty for ordinary crimes such as murder.

² The resolution is part of domestic law (no. 426/2014).

³ UN Human Rights Council, “National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Equatorial Guinea”, UN document A/HRC/WG.6/19/GNQ/1, 3 February 2014, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GQSession19.aspx> (accessed 24 March 2014), para 48.

Background

Equatorial Guinea has been ruled by President Teodoro Obiang since 1979. The country retains the death penalty, which is mandatory for premeditated murder, unless there are mitigating circumstances. The last known judicial executions were in 2010, and before that in 2007, when three men who had been convicted of murder in separate cases in 2006 were executed after the Supreme Court rejected their appeals.

The death penalty has been applied to political opponents convicted of crimes against the state in unfair trials, usually by military courts. On 21 August 2010, four political opponents were sentenced to death by a military court for attempting to kill President Obiang, as well as treason and terrorism. They were executed in secret within one hour, depriving them of their right to appeal to a higher court and of their right to seek clemency, in accordance with international law and the country's own law. They were also denied the right to see their families.

The second Universal Periodic Review (UPR) of Equatorial Guinea at the UN Human Rights Council will take place on 5 May 2014.⁴ During its first UPR in December 2009, Equatorial Guinea rejected recommendations to ratify the Second Optional to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

Amnesty International opposes the death penalty unconditionally as the ultimate cruel, inhuman and degrading punishment and violation of the right to life.

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⁴ *Equatorial Guinea: Continued institutional and key human rights concerns in Equatorial Guinea: Amnesty International Submission to the UN Universal Periodic Review, May 2014* (Index AFR 24/013/2013).