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COMMISSION ON HUMAN RIGHTS
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Agenda item 12

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

Costa Rica: draft resolution

1993/... Situation in Equatorial Guinea

The Commission on Human Rights,

Recalling its resolution 1992/79 of 5 March 1992,

Bearing in mind that the Economic and Social Council, in its resolution 1982/36 of 7 May 1982, took note of the Plan of Action proposed by the United Nations and accepted by the Government of Equatorial Guinea, which was based on the recommendations submitted by Mr. Fernando Volio Jiménez, the Expert appointed by the Secretary-General pursuant to Commission on Human Rights resolution 33 (XXXVI) of 11 March 1980,

Considering that the 1982 Plan of Action has never been satisfactorily implemented by the Government despite the assistance and the advice given by the Centre for Human Rights,

Noting with satisfaction that the Government of Equatorial Guinea is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol thereto,

Taking into account that the Government of Equatorial Guinea has an obligation to submit periodic reports to the Committee on Economic, Social and Cultural Rights and the Human Rights Committee and that its initial reports are overdue,

Mindful of the fact that, in order to overcome the present serious deterioration of the political situation, it is not sufficient to promulgate legislation if the legislation remains without practical effect on the life of citizens,

Mindful also that it is essential that all the political tendencies, including the opposition parties in exile, should play an active role,

Pointing out that the reasons given by the refugees for not returning to Equatorial Guinea, so long as an overall political solution is not achieved and a broad-based government is not established, are the persistence of systematic violations of human rights and fundamental freedoms, the systematic application of torture and other cruel, inhuman and degrading treatment or punishment to political prisoners, as well as other obstacles which the refugees are reported to face if they return to Equatorial Guinea,

Taking note of the fact that the authorities have, very recently and successively, arrested and ill-treated political opponents who had returned to their country, availing themselves of the promises given by the President of the Republic himself to facilitate the return of exiles to their country, under a plan of return prepared by the churches of Equatorial Guinea and the exiles,

Mindful further of the fact that the new Fundamental Law and the recently promulgated legislation on religious freedom, amnesty and political parties are prejudicial to the enjoyment of fundamental freedoms, to the return of the thousands of exiles and to the participation of all citizens of Equatorial Guinea in political life in complete freedom,

Taking note of the report of the Expert (E/CN.4/1993/48), which indicates that the human rights situation in Equatorial Guinea has continued to deteriorate seriously,

Mindful that it is essential to put an end to the serious deterioration of the human rights situation in Equatorial Guinea,

1. Commends the excellent work done during the past 14 years by Mr. Fernando Volio Jiménez for the promotion and protection of human rights in Equatorial Guinea;

2. Deeply deplores the serious deterioration of the human rights situation in Equatorial Guinea;

3. Expresses its serious concern at the persistence of politically motivated violations of human rights, such as arbitrary arrests and the systematic application to political prisoners of torture and other cruel, inhuman and degrading treatment or punishment;

4. Also expresses its concern at the fact that, despite having approved it, the Government has never implemented the Plan of Action prepared by the Expert in 1980, and has not yet approved the new Plan of Action prepared by the Expert in 1992;

5. Further expresses its serious concern at the fact that the Government of Equatorial Guinea has refused to collaborate with the Expert in seeking means of improving fundamental freedoms, and particularly freedom of worship and religion, trade union freedom, freedom of association, and freedom of peaceful demonstration and assembly, which are still seriously restricted;

6. Deplores the situation of women in Equatorial Guinea, as revealed by the report of the Expert;

7. Also deplores the arbitrary detentions of exiles and opponents of the regime who returned to Equatorial Guinea in order to avail themselves of the promises of political opening made by the Government;

8. Calls upon the Government of Equatorial Guinea to put an end to the use of military courts for trying ordinary law offences and to permit the establishment of an independent judiciary;

9. Also calls upon the Government of Equatorial Guinea to take all necessary measures to promote harmonious coexistence of the peoples forming the society of Equatorial Guinea;

10. Further calls upon the Government of Equatorial Guinea to free all political prisoners and to take, as soon as possible, legislative and administrative measures satisfying the requirements laid down in the International Bill of Human Rights and in other relevant international instruments, and providing for the establishment of freedom, democracy and the rule of law, as well as the promotion and effective protection of human rights and fundamental freedoms of all citizens of Equatorial Guinea;

11. Encourages the Government of Equatorial Guinea to endeavour to facilitate, as the President of the Republic has already given a written undertaking to do in a letter to the Committee on the Return of Exiles, the

return of all refugees and exiles, inter alia, by adopting measures permitting the full participation of all citizens in the country's political, economic, social and cultural affairs, thus helping to resolve the shortage of specialized personnel, as indicated in the report of the Expert;

12. Requests its Chairman, following consultations with the Bureau, to appoint an individual of recognized international standing in the field of human rights, who is entirely familiar with the situation in Equatorial Guinea, as a Special Rapporteur of the Commission whose mandate will be to make a thorough study of the violations of human rights by the Government of Equatorial Guinea, on the basis of all the information which he considers relevant, including information furnished by intergovernmental and non-governmental organizations and by private individuals and, in particular, any documentation provided by the Government of Equatorial Guinea;

13. Requests the Government of Equatorial Guinea to give the necessary cooperation to the Special Rapporteur and to the Centre for Human Rights in the implementation of the new Emergency Plan of Action (E/CN.4/1992/51, para. 125);

14. Urges the Government of Equatorial Guinea to propose to the International Committee of the Red Cross the conclusion of an agreement for the purpose of enabling the Committee to make periodic visits to prisons and civil and military detention centres, including cells in which persons are held incommunicado;

15. Urges the Government of Equatorial Guinea to continue negotiations with the opposition with a view to establishing the bases for the democratic process in Equatorial Guinea;

16. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur;

17. Requests the Special Rapporteur to report to the Commission at its fiftieth session;

18. Decides to consider the question at its fiftieth session under the agenda item entitled "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".
