



**Audit of Police Oversight  
in Central African Countries:**

**Central African Republic, Democratic Republic of  
the Congo, Republic of the Congo, Equatorial  
Guinea, Gabon, Guinea-Bissau, and the  
Democratic Republic of São Tomé and Príncipe**

**June 2008**

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# CENTRAL AFRICAN POLICE OVERSIGHT AUDIT 2008

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This report was commissioned by the African Policing Civilian Oversight Forum (APCOF), as part of a broader study on Police Oversight in Africa made possible by funding from the Open Society Foundation for South Africa

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## **Introduction**

This is a desktop-based audit of police oversight mechanisms in Central Africa. The countries in this audit include Central African Republic, the Democratic Republic of Congo, the Republic of Congo, Equatorial Guinea, Gabon, Guinea-Bissau and the Democratic Republic of São Tomé and Príncipe. The audit provides an overview of oversight mechanisms in place, the applicable law(s), how they have been practiced and some of the challenges associated with the oversight of police activities. The audit is limited by the lack of access to materials and the limitations of the study which excluded on site field work. The work accessed may also reflect the bias of the organisations from which it was sourced. Even so the need for oversight of police emerges clearly from the study. Many of the countries covered in the audit have been plagued by authoritarian and repressive regimes, political instability, human rights violations and brutal civil and regional conflicts.

The range of oversight mechanisms are apparent from the study, from external mechanisms such as the dedicated police oversight bodies, the judiciary, the auditor-general, the attorney-general, the ombudsman, non-governmental organizations (NGOs) and human rights organisations to in-house disciplinary structures within the police. However, the general lack of commitment to implement oversight laws, external influences on the work of the police by politicians, corruption, poor educational levels, confusion with applicable laws and human rights abuses which have hindered any effective oversight of the police remain problematic.

## **Central African Republic**

### *Historical Background*

Governance in the Central African Republic has been unstable since the 1960s due to numerous attempted military coups in 1965, 1981, 1988, 2001 and 2003 (Kalck, 1997). The country, naturally located in the centre of Africa, has a predominantly French-based legislation due to colonisation in 1894 (Central Intelligence Agency,

World Factbook, 2008). Although the Central African Republic achieved independence on the 13<sup>th</sup> of August 1960, this unitary state adopted a constitution in 1995 which was passed by referendum in December 1994 (Kalck, 2005).

In March 2003, the constitution was suspended by decree (after a military coup) and a new constitution was passed by referendum in December 2004, maintaining several aspects of the 1995 constitution (such as a maximum of a five-year term for the elected president with a provision to renew the position only once) (Kalck, 2005). The president of the Central African Republic has the authority to appoint the prime minister, other members of the Council of Ministers, and judges (which has resulted in charges of corruption within the criminal justice system) (Botha, 2007). The primary focus of the Central African Republic Constitution is unity, human rights and national sovereignty, with emphasis against opposing the republic by a (civil or military) coup, as a crime against the nation (Moriarty and Brooks, 2006).

### Police

The Central African Republic had a small indigenous police force since the mid-1940s, but in 1946 when the people of the Central African Republic were granted French citizenship, a national police force was established (Moriarty and Brooks, 2006). As the military was commonly utilised in the various coups and the police force was typically utilised by the presidency, there were several exchanges of gunfire between the army and the police forces throughout the decades, and at times, particularly in the 1960s, the military were granted more authority over most matters, by the newly appointed presidents, than the police (Kalck, 2005). The President of the Central African Republic has authority over the Council of National Defence and thus the security forces, which includes the navy, air force, national police, Gendarmerie, local police and the Presidential Security Unit (Frame, 2008).

### Police Oversight

After the military *coup d'état* in December 1965, Army Chief of Staff Jean Bedel Bokassa overthrew and imprisoned then President David Dacko (BBC Country Profiles, 2008). Bokassa's rule as self-appointed president of the Central African Republic resulted in thirteen years of brutality and oppression. Bokassa's rule is known as 'the Bokassa Era' during which time the police were used to spy on those that could cause any unrest for the president (Tittley, 1997).

Bokassa's rule was overthrown in a *coup d'état* by the previous president, Dacko, which, in turn, led to General Andre Kolingba's *coup d'état* against Dacko in 1981. In 1986 the constitutionally elected president, General Andre Kolingba, transformed the governance of the Central African Republic to promote public rights. The police were restored to maintaining order in an official capacity and civilian review panels were implemented to address human rights violations (Moriarty and Brooks, 2006).

The current Central African Republic Constitution makes reference to the equality and protection of human rights (such as the prohibition against torture) as noted in the Universal Declaration of Human Rights and the African Charter of Human and Peoples' Rights (Botha, 2007). Correspondingly, in 1988, the Central African Republic united with Interpol in the Conference of Central African Police Chiefs (CCAPC) to fight against trans-national crimes such as diamond smuggling, and, the United Nations High Commissioner for Refugees (UNHCR) assisted in training those in authority of the rights and duties of refugees (Moriarty and Brooks, 2006).

In 1999, the Minister for Public Security supported the United Nations Mission in the Central African Republic to increase police training. The Gendarmerie Training School (close to the capital Bangui) was utilised for advance weapons training, increasing knowledge on non-violent methods of crowd control and reinforcing an ideology of honest servitude to reduce potential desires of extortion (Moriarty and Brooks, 2006).

However, numerous instances of unlawful killings, tortures, destruction of governmental and private property, pillaging, rapes and abductions by government soldiers, gangs and armed groups still persist. For example, government soldiers, members of the Central African Armed Forces (*Forces armées centrafricaines*, FACA), executed several people without trial who were suspected of being part of an opposition group and in the north FACA burned and looted the homes of those suspected of committing attacks against the state in 2007, displacing approximately ten thousand individuals (Amnesty International, 2008).

The constitution of the Central African Republic provides for an independent Judiciary, but the President selects the members of the Judiciary and oversees the High Council of the Judiciary (and the High Council of Defence), which may lend this governmental branch open to political influence as well as others courts that are under its authority, such as the Constitutional Court; Criminal Court; Court of Accounts, in charge of verifying finances of those in authority; and a High Court of Justice, which investigates charges of treason (Botha, 2007).

#### Contact Person/Organisation

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### References

Amnesty International (2008) *Amnesty International Report 2008: The State of the World's Human Rights*. London: Author.

BBC Country Profiles (2008) *Central African Republic*. Retrieved June 20, 2008, from British Broadcasting Channel Web site:

[http://news.bbc.co.uk/2/hi/africa/country\\_profiles/1067518.stm](http://news.bbc.co.uk/2/hi/africa/country_profiles/1067518.stm)

Botha, C. (2007) 'Central African Republic'. In Robbers, G. (ed) *Encyclopedia of World Constitutions: Volume I, Afghanistan-France*. New York: Facts on File, Inc.

Central Intelligence Agency. (2008) *The World Factbook*. Available at: [www.cia.gov.org](http://www.cia.gov.org). Accessed 10 June 2008.

Frame, I. (ed) (2008) *Africa South of the Sahara (37<sup>th</sup> ed.)*. London: Routledge.

Kalck, P. (1997) *Central African Republic: A failure in de-colonization*. London, U.K.: Pall Mall Press.

Kalck, P. (2005) *Historical Dictionary of the Central African Republic*. Maryland: Scarecrow Press.

Moriarty, L. and Brooks, C. (2006) 'Central African Republic'. In Das, D. K., Palmiotto M. J., et al (eds) *World Police Encyclopedia: Volume 1, A-K Index*. London: Routledge.

Titley, B. (1997) *Dark Age: The Political Odyssey of Emperor Bokassa*. Montreal: McGill-Queen's University Press.

## **The Democratic Republic of the Congo**

### **Historical Background**

The Democratic Republic of the Congo (DRC, formerly Zaire) gained its independence from Belgium in 1960. The period following independence has been characterised by political and social instability. In 1965, a coup resulted in Colonel Joseph Mobutu seizing power and declaring himself president. He changed his name and that of the country to *Mobutu Sese Seko* and Zaire respectively and retained political and economic control for 32 years. Mobutu's reign was associated with human rights abuses, sham elections, brutal force and authoritarianism (Central Intelligence Agency, World Factbook, 2008).

In more recent times the DRC has been involved in ethnic and civil wars after the wars in both Rwanda and Burundi. Its own conflict was as a result of the dictatorial rule of Mobutu, who repressed dissent by the opposition; corruption in every facet of the state and gross human rights abuses. He was deposed after he attempted to exile Zairians of Tutsi origin in 1996. Laurent Kabila backed by troops from Rwanda, Uganda and Burundi, toppled Mobutu in 1997. Kabila who renamed the country DRC, but his reign was itself challenged by a second insurrection again backed by Rwanda and Uganda. Kabila's regime was supported by troops from Angola, Chad, Namibia, Sudan and Zimbabwe. Hostilities ended when a cease fire agreement was reached. After his assassination in January 2001, Laurent Kabila was succeeded by his son, Joseph Kabila, as head of state. Joseph Kabila concluded the a peace deal in October 2002 that led to the withdrawal of Rwandan forces which were occupying eastern Congo and the remaining troops signed the Pretoria Accord to end the fighting and establish a power-sharing government (Central Intelligence Agency, World Factbook, 2008; Mthembu-Salter, 2008; Onwudiwe, 2006). In mid-2003 a transitional government was established with Joseph Kabila as president. In December 2005 a successful constitutional referendum was held and the following year elections for the presidency, National Assembly, and provincial legislatures

were held. Kabila won the presidential elections and was inaugurated in December 2006 (Central Intelligence Agency, World Factbook, 2008).

### Police

Since 2006, the DRC police are undergoing a large scale transformation. The pre-2006 structure of the police was characterised by human rights abuses, brutal force, arbitrariness and regime policing. Policing in the country dates back to the *Force Publique* established by King Léopold II in 1885. It had both police and military functions to maintain order and enforce tax and labour laws. Arbitrary and brute force was the tool to administer the ordinances of the King. The *Force Publique* was dissolved because of the abuses associated with it as the King's guards for his commercial dealings. The Garrison Troops and Territorial Service Troops (TST) were formed after World War I with the former entrusted with military functions and the latter police duties. The TST was renamed in 1959 the *Gendarmerie Nationale* and at independence in 1960 was integrated into the *Armee Nationale Congolaise* (ANC). There were also the Chief's Police and the Territorial Police for rural policing and paramilitary duties respectively. Mobutu merged the Congolese police into a single, centralised unit under the Ministry of Interior in 1961 and named it the Police Nationale. It was responsible for crime prevention, law enforcement, and ensuring the citizen safety and security. Police ranks were changed to military ranks. In 1972 Mobutu abolished the Police Nationale again and transferred its duties to the Gendarmerie Nationale under the Defence Department. The Inspector-General reported only to the president. Mobutu created the Civilian Police in 1984, better known as the Civil Guard. This was used to intimidate and repress his political opponents and when Laurent Kabila ascended to the presidency in 1997 the Civil Guard was dismantled it and an attempt was made to establish a new police force. (All information above from Onwudiwe, 2006).

## Police Oversight

Due to the fact that the new police are undergoing transformation recent literature on police oversight is difficult to obtain (Onwudiwe, 2006). The Constitution of DRC (February 18 2006) has as its cardinal principles respect for human rights, the rule of law and the constitution (Mangu, 2007). Although the Constitution has not explicitly created civilian oversight of the police, these principles are binding on all state organs and must be respected by all people in the republic, including the police. This places accountability on every person and entity for actions or omissions. The constitution also promotes separation of powers of the executive, legislative and judicial organs... The National Electoral Commission, the High Authority of the Media and Communication, and the offices of the Public Prosecutors might also serve in varying degrees as oversight mechanisms over the police (Mangu, 2007). There is, however, a provision in the DRC constitution which states that judicial decisions are enforced in the name of the president. This might result in the executive organ exerting undue influence over the judiciary with an impact on the rule of law and separation of power (Mangu, 2007). The DRC laws have given the president the authority to appoint and dismiss a judge without any restraint, indirectly the appointed judge may become indebted to the president for the favour of appointing him/her (Onwudiwe, 2006).

Acts of unlawful killings, arbitrary arrests and detentions, torture and other cruel, inhuman and degrading treatment that are politically motivated have persisted even to this day. Although the constitution prohibits these abuses in practice torture, highhanded police practices, indiscipline within the police ranks with impunity still continue. It has been discovered that in Kinshasa, that the Republican Guard (presidential guard) and Special Services Police have committed abuses against persons of the same ethnic region and tribe of the main opposition leader, Jean-Pierre Bemba (Amnesty International, 2008). An oversight function over the police for their various abuses cannot be guaranteed by the parliamentarians and government appointees either because these very politicians have also been accused of abuses (Human Rights Watch, 2004).

The DRC is ranked 168th in the world and 47th in Africa according to the Corruption Perception index of 2007 released by Transparency International making corruption an everyday reality.

Although the DRC police are undergoing transformation, the democratic principles and respect for the rule of law within the legal framework should be respected by all including the police. Any oversight mechanism will have to gain from the 2006 DRC constitution.

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### References

Amnesty International (2008) *Amnesty International Report 2008: The State of the World's Human Rights*. London: Author.

Central Intelligence Agency (2008) *The World Factbook*. Available at: [www.cia.gov.org](http://www.cia.gov.org). Accessed 10 June 2008.

Human Rights Watch (2004) *Briefing Paper: Democratic Republic of the Congo: Confronting Impunity*.

Available at: [www.hrw.org/english/docs/2002/02/02/congo7230.htm](http://www.hrw.org/english/docs/2002/02/02/congo7230.htm). Accessed 10 June 2008.

Mangu, A. M. B. (2007) 'The Democratic Republic of the Congo.' In Robbers, G. (ed) *Encyclopedia of World Constitutions: Volume I, Afghanistan-France*. New York: Facts on File Inc.

Mthembu-Salter, G. (2008) 'The Democratic Republic of the Congo: Recent History.' In Frame, I. (ed) *Africa South of the Sahara (37<sup>th</sup> ed.)*. London: Routledge.

Onwudiwe, I. D. (2006) 'The Democratic Republic of the Congo'. In Das, D. K., Palmiotto M. J., et al (eds) *World Police Encyclopedia: Volume 1, A-K Index*. London: Routledge.

Transparency International (2007) *Corruption Perception Index-Regional Highlights: Africa*. Available at: [www.transparency.org](http://www.transparency.org). Accessed 10 June 2008.

## **Republic of the Congo**

### Historical Background

The Republic of the Congo was a French colony that attained independence on 15 August 1960. The country was embroiled in coups, counter-coups and political assassinations for most of its history until in 1977 when Colonel (later General) Denis Sassou-Nguesso, was appointed president. The Government reached a peace agreement with a rebel group originating from the south of Congo in 2003 (Central Intelligence Agency, World Factbook, 2008). It has been ranked in the Corruption Perception index for 2007 released by Transparency International at 150th and 40th in the world and Africa respectively.

### Police

At the time of independence in 1960, there were the Congolese army and the police forces. The National Popular Army was established under the one-party dictatorship of the Congolese Labour Party. The police was dissolved and brought under the National Popular Army in 1972. This action politicised and militarised the police as the political leaders were military personnel. In a National Sovereign Conference convened in 1990, it was agreed that democracy be established and that the National Popular Army be dissolved. The National Police Force was created with the

intention of divorcing itself from politics. It comprised of the Congolese Army, Gendarmerie (State Police Force) and the *Police Nationale* (National Police) which was as a civil force bearing a military outlook. The National Police was restructured in 2003 and was brought under the Ministry of Homeland Security and Police (Elion, 2006).

### Police Oversight

The June 2002 constitution of the Congo Republic upholds the separation of powers of the executive, legislative and judicial arms of government. The constitution further establishes the democratic state and guarantees rights for all by observing the rule of law. The oversight mechanisms in the constitution include the presidency, parliament (which has the National Assembly and Senate); the Supreme Court; the Constitutional Court; the High Court of Justice; the Court of Accounts and Budgetary Discipline; the Economic and Social Council; the Council for Freedom of Communication; the Human Rights Commission; and the mediator of the republic (Mangu, 2007).

The president exercises oversight over the police through the Ministry of Security and Public Order. The Minister of Security and Public Order may be dismissed at the discretion of the president for any reason of incompetence in the performance of police duties and security functions. According to the 1992 Constitution, the mediator of the republic is an important independent office responsible for “simplifying” and harmonising the relations between government and citizens, and may address dissatisfaction within the workplace of any public organisation (Englebert, 2008:353). The Audit Office is “materially competent to examine the budgeting and accounting of public funds, local organisations, the state’s economic endeavours...subsidized agencies, and all agencies subjected to its jurisdiction or control by law” thus having the power to hold the police financially accountable (Elion, 2006:197). The Supreme Court exercises supervisory powers and controls the courts below. It exercises oversight powers over the police where the laws of the land are breached. Other courts include the Court of Appeal, County Courts, Administrative Courts, Commerce

Courts, Magistrates Courts and Labour Courts also serve as oversight institutions on the police. The courts, according to the Constitution, are expected to be proactive in enforcing oversight on the police for the sake of the people (Mangu, 2007). They are also meant to serve the general public and ensure that the rule of law and human rights are upheld, but the justice system in its entirety has been described as “repressive” and “antiquated” (Elion, 2006:198). The police have internal oversight mechanisms over its members. The General Inspection of the Police Agencies is a body which assists the minister in the “general control of...police personnel” and for the upholding of rules and statutes related to the police (Elion, 2006:1999). The General Inspection of the Police Agencies, answerable to the minister, also exercises control on administrative and disciplinary functions, and conducts investigations on police misconduct with the aim of enhancing the internal operations of the police with regards administration and budget propriety (Elion, 2006). Similarly, the General Secretariat of the Police is an oversight mechanism responsible for human and financial resource management within the police. The General Management of the National Police; the General Direction of the Surveillance of the Territory; the General Management of Public Safety and the Special Units Command are all internal oversight mechanisms that are in place to hold police personnel accountable. They deal with internal safety, intelligence gathering, public safety, and control of special units respectively (Elion, 2006).

In actual practice abuses have been recorded after the relative normalcy that has existed after the signing of an agreement in April 2007 between the Government and the National Resistance Council (CNR) (Englebert, 2008). Human rights abuses have been reported including the arbitrary detention of Colonel Serge André Mpassi and others since 2005 without trial (Amnesty International, 2008). The detention remains unchallenged by the courts...

Contact person/Organisation

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## References

Amnesty International (2008) *Amnesty International Report 2008: The State of the World's Human Rights*. London: Author.

Central Intelligence Agency. (2008) *The World Factbook*. Available at: [www.cia.gov.org](http://www.cia.gov.org). Accessed 10 June 2008.

Elion, J. (2006) 'The Democratic Republic of the Congo'. In Das, D. K., Palmiotto M. J., et al (eds) *World Police Encyclopedia: Volume 1, A-K Index*. London: Routledge.

Englebert, P. (2008) 'Recent History: Congo, Republic of the.' In Frame, I. et al (eds) *Africa South of the Sahara 2008, 37<sup>th</sup> Edition*. London: Routledge.

Mangu, A. M. B. (2007) 'Congo, Republic of the.' In Robbers, G. (ed) *Encyclopedia of World Constitutions: Volume I, Afghanistan-France*. New York: Facts on File Inc.

Transparency International (2007) *Corruption Perception Index-Regional Highlights: Africa*. Available at: [www.transparency.org](http://www.transparency.org). Accessed 10 June 2008.

## **Republic of Equatorial Guinea**

### Historical Background

The unitary state of Equatorial Guinea is one of the smallest countries in Africa, consisting of five islands and part of the mainland (commonly known now as Rio Muni) of Central Africa (Liniger-Goumaz, 1989). In 1471, the island of Bioko (where the current capital, Malabo resides) was originally found by the Portuguese, but was adopted by Spain in 1778 (Liniger-Goumaz, 1979). In 1900, Spain controlled the mainland territories (known then as Spanish Guinea) and the other islands, but granted limited autonomy to the inhabitants in 1963 (Das, 2006).

Spain, with influence from the United Nations, granted independence after 190 years of rule on the 12<sup>th</sup> of October 1968 (Central Intelligence Agency, World Factbook, 2008). In 1982 a new constitution was established (Das, 2006). However, the present Equatorial Guinea constitution was warranted by a national referendum on the 17<sup>th</sup> of November 1991, with subsequent amendments in 1995 and January 1998 (Rank, 2007).

After independence in 1968, Francisco Macias Nguema became the first president of the republic and adopted presidency for a life term, negating significant constitutional and human rights (concerning slavery, excommunication, and mass slaughters) (Fegley, 1989). These actions prompted a coup by his nephew, Teodoro Obiang Nguema Mbasogo in 1979, led to a rule of over twenty years as president, being re-elected in 1989, 1996, 2002, and is the current president (although the 1996 and 2002 election results were reported internationally as flawed) (Reeves, 1996; Central Intelligence Agency, World Factbook, 2008).

### Police

Equatorial Guinea has established an army, navy, air force, as well as a paramilitary force, which was known by both names, 'Ninjas' and 'Antorchas', who received specialised training from the French military (Das, 2006). Equatorial Guinea has also received military advisors since 1979 from Morocco and Spain (Frame, 2008). Information regarding the police forces of Equatorial Guinea is not readily available but this country has a paramilitary police force, many of who have violated numerous constitutional and human rights (Das, 2006). Even in recent times, Equatorial Guinea authorities have harassed, evicted, arrested, tortured and killed political activists for voicing negative views on the efficiency of the government, despite legislation forbidding such action (Frame, 2008). The President can declare peace and war at any stage and has complete control over the armed forces (Rank, 2007).

### Police Oversight

Although the constitution of Equatorial Guinea is aligned with the 1948 Universal Declaration of Human Rights and several other international agreements, the United Nations, United States Department of Justice and Amnesty International reports report numerous acts violating human rights and freedoms (such as torture of opposition party members and exercising authority over media coverage in the country) (Rank, 2007). With regards to media in particular, the United States Committee to Protect Journalists (CPJ) ranked Equatorial Guinea in the top five most censored countries in 2006 (BBC Country Profiles, 2008).

Specifically, human rights violations still persist in the form of torture by the government, regardless of laws prohibiting this action. For instance, sixteen children between the ages of five and sixteen were arrested and beaten by police officials authorised by the Vice-Minister of Agriculture and Forestry whom suspected them of stealing his personal belongings (Amnesty International, 2008).

Moreover, human rights violations occurred in the forms of unlawful arrests and detention. For instance, there were reported cases of security and police officials of the then ruling party, the Democratic Party of Equatorial Guinea, arresting and harassing those that opposed the governmental party (Amnesty International, 2008).

Furthermore, retention of the death penalty, appears to counter particular constitutional rights regarding this legalised punishment. For instance, in the Military Academy of Ekuku (on the mainland, in Bata), three people were executed in 2007 without their families being notified. There have been numerous reported cases of forced evictions by the government without prior notification, due process, consultation, or compensation (Amnesty International, 2008).

In Equatorial Guinea, the President of the Republic decides the policies to be implemented and has the capacity to implement laws by presidential decree, either directly or indirectly by vetoing draft laws from the Chamber of People's

Representatives (or *Cámara de Representantes del Pueblo*) (Rank, 2007). The President can dissolve this legislative branch and advocate a re-election of these members and can determine and dismiss military officials and the Council of Ministers (including the prime minister, cabinet ministers, and deputy ministers) (Central Intelligence Agency, World Factbook, 2008).

Traditionally, the Judiciary (which is predominantly based on Spanish civil law and a combination of tribal customs and military justice) acts as an independent oversight mechanism, however, the Attorney General and the judges of the Constitutional Court are all appointed by the president (Rank, 2007). This leads to difficulty in determining the practical implementation of this system in the prevention of human rights abuses.

In a similar respect, the Ministry of the Economy, Trade and Business Development oversees the financial institution that manages the state funds of Equatorial Guinea, being the *Caja Autónoma de Amortización de la Deuda Pública* (Frame, 2008). However, as mentioned earlier, the President has ultimate authority over the ministries. Equatorial Guinea has been placed in the top ten most corrupt countries by Transparency International (BBC Country Profiles, 2008).

#### Contact Person/Organisation

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### References

Amnesty International (2008) *Amnesty International Report 2008: The State of the World's Human Rights*. London: Author.

BBC Country Profiles (2008) *Equatorial Guinea*. Retrieved June 20, 2008, from British Broadcasting Channel Web site:

[http://news.bbc.co.uk/2/hi/africa/country\\_profiles/1067518.stm](http://news.bbc.co.uk/2/hi/africa/country_profiles/1067518.stm)

Central Intelligence Agency. (2008) *The World Factbook*. Available at: [www.cia.gov.org](http://www.cia.gov.org). Accessed 10 June 2008.

Das, D. K. (2006). 'Equatorial Guinea'. In Das, D. K., Palmiotto M. J., et al (eds) *World Police Encyclopedia: Volume 1, A-K Index*. London: Routledge.

Fegley, R. (1989) *Equatorial Guinea: An African Tragedy*. New York: Peter Lang.

Frame, I. et al (eds) *Africa South of the Sahara 2008*, 37<sup>th</sup> Edition. London: Routledge.

Liniger-Goumaz, M. (1979) *Historical Dictionary of Equatorial Guinea*. New Jersey: Scarecrow Press.

Liniger-Goumaz, M. (1989) *Small is Not Always Beautiful: The Story of Equatorial Guinea*. London: C. Hurst & Company.

Rank, H. (2007) 'Equatorial Guinea'. In Robbers, G. (ed) *Encyclopedia of World Constitutions: Volume I, Afghanistan-France*. New York: Facts on File Inc.

Reeves, P. (1996) *Equatorial Guinea: 1996 Presidential Elections Observation Report*. Washington: International Foundation for Election Systems.

## **Gabon**

### *Historical Background*

In the 1400s, the now unitary state of Gabon (with the capital of Libreville), was originally one of the key locations for slave trading for the English, Dutch, French and centuries later, the Americans (Gardinier, 1994). From 1839 the French ruled Gabon and from 1910 to 1957 Gabon was deemed part of French Equatorial Africa and became an overseas territory of the French (Gray, 2002). On the 17<sup>th</sup> of August 1960, Gabon became independent from France and Leon Mba became the first president. In 1967 (and for approximately four subsequent decades), Albert Bernard Bongo (otherwise known as El Hadj Omar Bongo) became one of the world's longest serving presidents (BBC Country Profiles, 2008). In 1968, a one-party state had been declared (namely, the Gabonese Democratic Party),

The 1988 the presidential elections were met with severe public and political unrest (BBC Country Profile, 2008). The president established a transitional constitution in May 1990 legalising a multiparty election process (which was the first multiparty election in 22 years) (Gardinier, 1994). Although the ruling political party, the Gabonese Democratic Party, won those elections, the opposing parties proclaimed fraud, and on the 26<sup>th</sup> of March 1991, a new constitution was introduced with the aim of illuminating electoral procedures (Elion, 2006).

In 1993, the president was, again, re-elected with accusations of fraud (which were declared as unfounded by international observers) (BBC Country Profile, 2008). In 1995, the constitution was reformed to reduce fraudulence in elections and a

bicameral parliament with a National Assembly (and Senate) was created, and subsequently, in 1997, a reformation of the constitution permitted a vice-president (Elion, 2006). Again, the presidential election in 2002/3 was met with a low number of voters and accusations of fraud but despite this an amendment to the Gabonese constitution on the 19<sup>th</sup> of August 2003 permitted the president to be re-elected (Frame, 2008).

### Police

Gabon has an army, air force, navy, paramilitary troops (or Gendarmerie), with France maintaining a small contingent of soldiers in the country (Elion, 2006). The President of the Republic of Gabon appoints the officials for the military and police forces, and, is the authority over the security of the country and all the armed forces (Schmidt-König, 2007).

### Police Oversight

The Gabonese constitution makes direct reference to the 1789 French Declaration of the Rights of Man and the Citizen, the 1948 Universal Declaration of Human Rights, the 1981 African Charter of the Rights of Man and the Rights of Peoples, and the 1990 National Charter of Liberties (Schmidt-König, 2007). Regardless, many practical challenges persist in the implementation of the lists of fundamental rights for citizens.

The Gabonese government wields extensive control over the media, unlawful arrests, the torture of prisoners, and poor prison facilities remain common (Elion, 2006). The Ministries of Justice and Human Rights is required to counteract these violations and preserve the human rights of the people of Gabon, with the assistance of a National Commission on Human Rights that was established in 2000 (Elion, 2006).

The Judiciary of Gabon is an independent entity from the executive and legislative sectors, decreed by the president and the Superior Council of the Magistrate (Schmidt-König, 2007). The court system is comprised of a Judicial Court, concerned with penal, social, commercial and civil matters, and the Administrative Court, concerned with administration and law-making procedures. Each court has its own set of tribunals and courts of appeals (Central Intelligence Agency, World Factbook, 2008).

The Constitutional Court is the highest authority (with the outcomes irreversible outside this court), asserting fundamental human rights and public freedoms, in which the President of Gabon or any citizen can approach the court contesting an unconstitutional law in respect of infringements on human and/or fundamental rights (Schmidt-König, 2007).

The constitution of Gabon has a High Court of Justice which deals with treason (and other criminal activities) committed by the President of the Republic, as well as a Court of Accounts which is the authority over public financial matters overseeing the financial institution that manages the funds of the state, which is the *Caisse Autonome d'Amortissement du Gabon* (Frame, 2008).

#### Contact Person/Organisation

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**UNICEF:** [www.unicef.org](http://www.unicef.org)

### References

BBC Country Profiles (2008) *Gabon*. Retrieved June 20, 2008, from British Broadcasting Channel Web site:

[http://news.bbc.co.uk/1/hi/world/africa/country\\_profiles/1023203.stm](http://news.bbc.co.uk/1/hi/world/africa/country_profiles/1023203.stm)

Central Intelligence Agency. (2008) *The World Factbook*. Available at: [www.cia.gov.org](http://www.cia.gov.org). Accessed 10 June 2008.

Elion, J. (2006) 'Gabon.' In Das, D. K., Palmiotto M. J., et al (eds) *World Police Encyclopedia: Volume 1, A-K Index*. London: Routledge.

Frame, I. et al (eds) *Africa South of the Sahara 2008*, 37<sup>th</sup> Edition. London: Routledge.

Gardinier, D. E. (1994) *Historical Dictionary of Gabon*. Maryland: Scarecrow Press.

Gray, C. (2002) *Colonial Rule and Crisis in Equatorial Africa: Southern Gabon, 1880-1940*. New York: University of Rochester Press.

Schmidt-König, C. (2007) 'The Gambia'. In Robbers, G. (ed) *Encyclopedia of World Constitutions: Volume II, Gabon-Norway*. New York: Facts on File Inc.

## **Guinea-Bissau**

### *Historical Background*

Guinea-Bissau gained independence from Portugal in 1974 but has since been characterised by military rule and political instability. Joao Bernado 'Nino' Vieira was ushered in as president by a coup plot in 1980. His reign targeted political opponents and many attempts to topple him failed. Elections were conducted under his watch in 1994; he was eventually unseated in a coup in 1999 after the commencement of civil war in 1998. Another set of elections were conducted in February 2000 which brought the opposition leader – Kumba Yala – to power. Yala was in authority for three years when another coup ousted him and an interim administration led by the businessman – Henrique Rosa – installed. The elections that were conducted saw the return of former President Vieira (Central Intelligence Agency, World Factbook, 2008).

### *Police*

The police are under the direction of the Ministry of Interior having the responsibility for the maintenance of internal peace and security. The police institution has suffered tremendously as a result of the political unrest that the country had been through. The various military interregnums and the involvement of foreign peace keepers, from both West Africa and the United Nations, has led to the undermining of the police. As a result the military is often brought in to assist in various police duties. Troops from neighbouring states and the Economic Community of West African States Military Observer Group (ECOMOG) have all rendered protection to the unrests that have happened in the country (Das, 2006).

### Police Oversight

Although this desktop review has not identified any material that specifically deals with direct police oversight in Guinea-Bissau, the Constitution is drafted to uphold democracy, the rule of law and human rights. It also provides for the separation of legislative, executive and judicial powers which might serve the basis of police oversight as the rule of law embodies; supremacy of the law, equality before the law and the respect of the fundamental rights of others. The constitutional organs consisting of the presidency, the Council of State, the Prime Minister, the National Assembly and the judiciary can better serve as oversight organs for the police. Their authority is rooted on the supreme law of the land; the constitution (Bohnen, 2007).

Although the constitution prohibits human rights abuses, it is reported that the police have actively participated in them. The long period of instability has left the police without the requisite skills to interrogate suspects. This has resulted in the use of force and coercion to solicit evidence. The police in Guinea-Bissau have become too arbitrary in the exercise of their duties to the extent of forgoing legality. Searches are often conducted without the necessary warrants required by law and suspects are often kept in custody for periods more than required without charge or any explanation given (Das, 2006).

At the moment Guinea-Bissau is beset with the problem of drug trafficking from Latin American countries for onward shipment into Europe. It has been alleged that state security and army top brass are involved in this and, if the allegation is found to be true, will make effective internal police oversight next to impossible (Amnesty International, 2008). Guinea-Bissau is ranked in terms of the Corruption Perception Index of the 2007 report in 147th and 37th positions in the world and Africa respectively.

### Contact person/Organisation

**Minister of Internal Administration:** Maior Baciro Dabo.

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### References

Amnesty International (2008) *Amnesty International Report 2008: The State of the World's Human Rights*. London: Author.

Bohnen, A. (2007) 'Guinea-Bissau.' In Robbers, G. (ed) *Encyclopedia of World Constitutions: Volume II, Gabon-Norway*. New York: Facts on File Inc.

Central Intelligence Agency. (2008) *The World Factbook*. Available at: [www.cia.gov.org](http://www.cia.gov.org). Accessed 10 June 2008.

Das, M. (2006) 'Guinea-Bissau'. In Das, D. K., Palmiotto M. J., et al (eds) *World Police Encyclopedia: Volume 1, A-K Index*. London: Routledge.

Transparency International (2007) *Corruption Perception Index-Regional Highlights: Africa*. Available at: [www.transparency.org](http://www.transparency.org). Accessed 10 June 2008.

## **Democratic Republic of São Tomé and Príncipe**

### Historical Background

The unitary state of São Tomé and Príncipe is based on a mode of presidential democracy (Beyer, 2007). In 1470, the Portuguese arrived on the two uninhabited islands on Saint Thomas Day (which is *São Tomé* in Portuguese), used this land as a port for slave trading, and, in 1753, the two islands were unified as a Portuguese crown colony (Garfield, 1992). Although slave labour was abolished in 1876, forced (paid) labour and decolonisation spread throughout Africa in the 1950s. This led to

several uprisings and slaughters of African islanders who did not want to be labourers, most notably, in the 1953 mass slaughter of over a thousand São Tomé inhabitants in the “Batepa Massacre” (Frame, 2008).

As such, numerous liberal rights movements and the sole political party, the *Movimento de Libertação de São Tomé e Príncipe* (MLSTP), arose, subsequently advocating and enhancing the process for independence, which was gained on the 12<sup>th</sup> of July, 1975 (from Portugal), with Dr. Manuel Pinto da Costa being the first president (Hodges & Newitt, 1988). Although São Tomé and Príncipe was established by the MLSTP as a one-party rule, in 1990, under a revision of the 1975 constitution, this country became one of the first African countries to adopt multi-party rule (Obinyan, 2006). Although São Tomé and Príncipe has seen unsuccessful coups in 1995 and 2003, the country saw its second democratic presidential election in 2001, and in 2003, amendments were made to the constitution reducing the power of the president and heightening the position of the legislature to balance control over the country (Beyer, 2007).

### Police

The national policing system of São Tomé and Príncipe is dispersed over eight districts, is extremely under-funded, and, along with the Military and Immigration, is under the authority of the Minister of National Defence, Security and Internal Order (who is under the authority of the President) (Beyer, 2006). Furthermore, the national police force of São Tomé and Príncipe has combined training practices with the Angolan National Police, heightening police-related abilities (such as non-violent crowd control) and, in 2004, a paramilitary group trained by the Angolan Government was introduced into the country (Beyer, 2006). Other law enforcement units include the Coast Guard of São Tomé and Príncipe (or *Guarda Costeira de Sao Tome e Principe*, GCSTP) and the Presidential Guard (Central Intelligence Agency, World Factbook, 2008).

### Police Oversight

The country of São Tomé and Príncipe asserts its principles to those of the African Union and United Nations (Beyer, 2007). Although the government and constitution assert fundamental and human rights, reports have noted that the security forces in São Tomé and Príncipe have beaten and abused detainees (in inadequate prison facilities), and used violent means to disperse peaceful demonstrations (Obinyan, 2006).

Although the most common crimes on the island are minor theft and armed robbery, members of the police force have been sentenced for human rights abuses in courts. The police are commonly seen as inefficient and corrupt, international reform efforts have seen the increase of salaries, training, and standards of living to decrease the temptation of corruption (Beyer, 2007). Although São Tomé and Príncipe has not accepted the jurisdiction of the International Court of Justice (ICJ), the country is a member of the United Nations, Interpol, the Organisation for African Unity (OAU), the International Monetary Fund (IMF), and the International Bank of Reconstruction and Development (Obinyan, 2006).

The financial constraints of the country, poor facilities, and few trained lawyers and judges impede the constitutional principles of a fair trial, right to appeal and legal counsel, which results in a delay of investigations and court cases (Obinyan, 2006). The legislative system is often considered unable to serve members of the public exposed to violent criminal acts, especially women. There is also a problem with illegal child labour practices and other unconstitutional labour practices, which UNICEF and other organisations have documented and provided assistance to overcome (Frame, 2008).

The Judiciary of São Tomé and Príncipe is an independent entity (with the ultimate authority being the Supreme Court) and decide on matters pertaining predominantly to fundamental rights of the constituents of the country (Beyer, 2007). In the past, the Judiciary has overruled the president and the executive administration but is still,

reportedly, to be politically manipulated (especially due to the executive government determining the salaries of the judges) (Obinyan, 2006). However, oversight mechanisms in the constitution require that the executive government (being the prime minister, cabinet ministers and secretaries of state) be reformed following every election (Frame, 2008).

The Constitutional Tribunal oversees the electoral process, the constitutionality of political parties and legislation (whether they be statutes and/or international agreements), and whether the president is able to fulfil his/her presidential duties (Beyer, 2007). Additionally, the president of the republic may be tried by the Supreme Court for crimes committed while in office (with an approval of two-thirds majority vote by the National Assembly) (Obinyan, 2006). Although, the members of the National Assembly (or *Assembleia Nacional*) of São Tomé and Príncipe meet biannually, a Permanent Committee liaise regularly to promote continuous governance (Beyer, 2007).

It may be pertinent to note that the media is not censored by the government of São Tomé and Príncipe, which aligns with the constitutionally protected right to free speech, and in fact, free airtime is provided to the opposition political parties (BBC Country Profile, 2008).

#### Contact Person/Organisation

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**International Monetary Fund (IMF):** [www.imf.org](http://www.imf.org)

**Organisation for African Unity (OAU):** [www.oau.org](http://www.oau.org)

**Interpol:** [www.interpol.int](http://www.interpol.int)

**UNICEF:** [www.unicef.org](http://www.unicef.org)

### References

BBC Country Profiles (2008) *São Tomé and Príncipe*. Retrieved June 20, 2008, from British Broadcasting Channel Web site:

[http://news.bbc.co.uk/2/hi/africa/country\\_profiles/1064541.stm](http://news.bbc.co.uk/2/hi/africa/country_profiles/1064541.stm)

Beyer, M. (2007) 'São Tomé and Príncipe'. In Robbers, G. (ed) *Encyclopedia of World Constitutions: Volume III, Oman-Zimbabwe*. New York: Facts on File Inc.

Central Intelligence Agency. (2008) *The World Factbook*. Available at: [www.cia.gov.org](http://www.cia.gov.org). Accessed 10 June 2008.

Frame, I. et al (eds) *Africa South of the Sahara 2008*, 37<sup>th</sup> Edition. London: Routledge.

Garfield, R. (1992) *A History of São Tomé Island 1470-1655: The Key to Guinea*. New York: Edwin Mellen Press.

Hodges, T. & Newitt, M. (1988) *São Tomé and Príncipe: From Plantation Colony to Microstate*. Colorado: Westview Press.

Obinyan, E. (2006) 'São Tomé and Príncipe'. In Das, D. K., Palmiotto M. J., et al (eds) *World Police Encyclopedia: Volume 2, L-Z Index*. London: Routledge.