

EQUATORIAL GUINEA

Follow-up - Jurisprudence Action by Treaty Bodies

CCPR A/51/40, vol. I (1996)

VIII. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

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429. A country-by-country breakdown of follow-up replies received or requested and outstanding as at 26 July 1996 provides the following picture:

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Equatorial Guinea: Two views finding violations; no follow-up reply received. During follow-up consultations with the Permanent Mission of Equatorial Guinea in the course of the fifty-sixth session, the State party representative challenged the findings of the Committee (see paras. 442-444).

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Overview of the Special Rapporteur's follow up consultations

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442. During the fifty-sixth session, the Special Rapporteur and the Chairman of the Committee met with the Counsellor of the Permanent Mission of Equatorial Guinea to the United Nations, who was reminded that Equatorial Guinea had failed to reply to several requests for follow-up information on the Committee's views in cases Nos. 414/1990 (Essono v. Equatorial Guinea) and 468/1991 (Bahamonde v. Equatorial Guinea). The State party representative recalled that the State party had invited the Committee, in both cases, to examine the authors' allegations *in situ*, and deplored that that had not been done prior to the adoption of the views. He observed that his Government was not convinced that the Committee was justified in condemning the State party so rapidly on the basis of allegations that could hardly be corroborated. In respect of case No. 414/1990, in which the author was also holder of a Spanish passport, he noted that Equatorial Guinea could not allow foreigners to mix in the internal affairs of the country.

443. The Chairman explained in some detail the procedures under article 40 of the Covenant and under the Optional Protocol, noting in particular that no fact-finding was provided for and that the Committee's decisions in the above cases were final. The State party representative expressed regret and suggested that the Committee might have opted to defer its decisions. He further indicated that the new Minister for External Affairs had given assurances that a detailed follow-up reply would be sent to the Committee shortly; he was unconvinced, however, that either author merited any compensation.

444. The Committee expresses its serious concern over the attitude of the State party and notes that no follow-up reply had been received by the end of the Committee's fifty-seventh session, in July 1996. It suggests that Equatorial Guinea benefit from a special technical cooperation programme which could be designed by the United Nations Centre for Human Rights, and which should emphasize treaty-based procedures.

...

Concern over instances of non-cooperation under the follow-up mandate

463. In spite of the progress in collecting follow-up information since the adoption of the last annual report, the Committee and the Special Rapporteur note with concern that a number of countries did not provide any follow-up information within the deadlines established by the Committee or have not replied to reminders or requests for information from the Special Rapporteur. The States that have not replied to requests for follow-up information are the following:

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Equatorial Guinea (no reply in respect of two cases);

...

464. The Special Rapporteur urges these States parties to reply to his requests for follow-up information within the imparted deadlines.

VIII. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

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524. A country-by-country breakdown of follow-up replies received or requested and outstanding as of 30 June 1997 provides the following picture (Views in which the deadline for receipt of follow-up information had not yet expired have not been included):

...

Equatorial Guinea: Two Views finding violations: 414/1990 - Primo Essono and 468/1991 - Oló Bahamonde (1994 Report).^{9/} State party's follow-up reply remains outstanding in both cases, in spite of follow-up consultations with the Permanent Mission of Equatorial Guinea during the fifty-sixth and fifty-ninth sessions (see 1996 Report, 10/ paras. 442-444, and below, para. 539).

...

Overview of follow-up replies received and of the Special Rapporteur's follow-up consultations during the reporting period

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539. Equatorial Guinea: On 4 April 1997, Committee member Mrs. Cecilia Medina Quiroga met with the Chargé d'affaires of the Permanent Mission of Equatorial Guinea to the United Nations and discussed the State party's failure to follow-up on the Committee's Views on communication No. 414/1990 (Primo Essono), adopted on 8 April 1990, and No. 468/1991 (Oló Bahamonde), adopted on 20 October 1993. The State party representative indicated that he would seek to obtain a follow-up reply from the capital in time for the sixtieth session of the Committee, but, no reply had been received by the end of that session.

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Concern over instances of non-cooperation under the follow-up mandate

554. In spite of some progress in collecting follow-up information since the adoption of its 1996 Report, the Committee and the Special Rapporteur note with concern that a number of countries did not provide any follow-up information within the deadlines established by the Committee or have not replied to reminders or requests for information from the Special Rapporteur. Those States which have not replied to requests for follow-up information are the following (in alphabetical order):

^{9/} Official Records of the General Assembly, Forty-ninth Session, Supplement No. 40 (A/49/40).

^{10/} Ibid., Fifty-first Session, Supplement No. 40 (A/51/40).

...

Equatorial Guinea: two cases;

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555. The Committee urges those States parties to reply to the Special Rapporteur's requests for follow-up information within the deadlines that have been set.

VIII. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

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486. The Committee's previous report (A/52/40) contained a detailed country-by-country breakdown of follow-up replies received or requested and outstanding as of 30 June 1997. The list that follows shows the additional cases in respect of which follow-up information has been requested from States (Views in which the deadline for receipt of follow-up information had not yet expired have not been included). It also indicates those cases in which replies are outstanding. In many of these cases there has been no change since the previous report. This is because the resources available for the Committee's work were considerably reduced in the current year, preventing it from undertaking a comprehensive systematic follow-up programme.

...

Equatorial Guinea: Two Views finding violations: 414/1990 - Primo Essono and 468/1991 - Oló Bahamonde (1994 Report (A/49/40)). State party's follow-up reply remains outstanding in both cases, in spite of follow-up consultations with the Permanent Mission of Equatorial Guinea during the fifty-sixth and fifty-ninth sessions (see 1996 Report (A/51/40), paras 442-444, and 1997 Report (A/52/40), para. 539).

...

Concern over the follow-up mandate

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510. The Committee again expresses its regret that its recommendations, formulated in its 1995, 1996 and 1997 Reports, to the effect that at least one follow-up mission per year be budgeted by the Office of the United Nations High Commissioner for Human Rights, have still not been implemented. Similarly, the Committee considers that staff resources to service the follow-up mandate remain inadequate, despite the Committee's repeated requests, and that this prevents the proper and timely conduct of follow-up activities, including follow-up missions. In this context, the Committee expresses serious concern that, because of the lack of staff, no follow-up consultations could be organized during its sixty-second session or at its sixty-third session. It is for this reason that the Committee is unable to include in the present report a complete list of States which have failed to cooperate under the follow-up procedure. States listed in the previous year's report for which replies are still outstanding are ... Equatorial Guinea ...

VII. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

461. The Committee's previous report (A/53/40) contained a detailed country-by-country breakdown of follow-up replies received or requested and outstanding as of 30 June 1998. The list that follows shows the additional cases in respect of which follow-up information has been requested from States (Views in which the deadline for receipt of follow-up information had not yet expired have not been included). It also indicates those cases in which replies are outstanding. In many of these cases there has been no change since the last report. This is because the resources available for the Committee's work have been considerably reduced preventing it from undertaking a comprehensive systematic follow-up programme.

...

Equatorial Guinea: Two Views finding violations: 414/1990 - Primo Essono and 468/1991 - Oló Bahamonde (A/49/40). State party's follow-up reply remains outstanding in both cases, in spite of follow-up consultations with the Permanent Mission of Equatorial Guinea to the United Nations during the fifty-sixth and fifty-ninth sessions (see A/51/40, paras. 442-444 and A/52/40, para. 539).

VI. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

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596. The Committee's previous report (A/54/40) contained a detailed country-by-country breakdown of follow-up replies received or requested and outstanding as of 30 June 1999. The list that follows shows the additional cases in respect of which follow-up information has been requested from States. (Views in which the deadline for receipt of follow-up information had not yet expired have not been included.) It also indicates those cases in which replies are outstanding. In many of these cases there has been no change since the last report. This is because the limited resources available for the Committee's work prevent it from undertaking a comprehensive or systematic follow-up programme.

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Equatorial Guinea: Two Views finding violations: 414/1990 - Primo Essono and 468/1991 - Oló Bahamonde (A/49/40). The State party's follow-up reply remains outstanding in both cases, in spite of follow-up consultations with the Permanent Mission of Equatorial Guinea to the United Nations during the fifty-sixth and fifty-ninth sessions (see A/51/40, paras. 442-444 and A/52/40, para. 539).

CCPR A/56/40, vol. I (2001)

Chapter IV. Follow-up Activities under the Optional Protocol

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180. The Committee's previous annual report (A/55/40, vol. I, chap. VI) contained a detailed country-by-country survey on follow-up replies received or requested and outstanding as of 30 June 2000. The list that follows updates that survey, indicating those cases in which replies are outstanding, but does not take into account the Committee's Views adopted during the seventy-second session, for which follow-up replies are not yet due. In many cases there has been no change since the previous report.

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Equatorial Guinea: Two Views finding violations: 414/1990 - Primo Essono; and 468/1991 - Oló Bahamonde (A/49/40). Follow-up reply remains outstanding in both cases, in spite of consultations with the Permanent Mission of Equatorial Guinea to the United Nations during the fifty-sixth and fifty-ninth sessions (see A/51/40, paras. 442-444 and A/52/40, para. 539).

CCPR A/57/40, vol. I (2002)

Chapter VI. Follow-up activities under the optional protocol

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228. The previous annual report of the Committee (A/56/40, vol. I, chap. VI) contained a detailed country-by-country survey of follow-up replies received or requested and outstanding as of 30 June 2001. The list that follows updates that survey, indicating those cases in which replies are outstanding, but does not include responses concerning the Committee's Views adopted during the seventy-fourth and seventy-fifth sessions, for which follow-up replies are not yet due. In many cases there has been no change since the previous report.

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Equatorial Guinea: Views in two cases with findings of violations:

414/1990 - Primo Esono; and

468/1991 - Oló Bahamonde (A/49/40). Follow-up reply remains outstanding in both cases, in spite of consultations with the Permanent Mission of Equatorial Guinea to the United Nations during the fifty-sixth and fifty-ninth sessions (see A/51/40, paragraphs 442-444 and A/52/40, paragraph 539).

...

229. For further information on the status of all the Views in which follow-up information remains outstanding or in respect of which follow-up consultations have been or will be scheduled, reference is made to the follow-up progress report prepared for the seventy-fourth session of the Committee (CCPR/C/74/R.7/Rev.1, dated 28 March 2002), discussed in public session at the Committee's 2009th meeting on 4 April 2002 (CCPR/C/SR.2009). Reference is also made to the Committee's previous reports, in particular A/56/40, paragraphs 182 to 200.

CHAPTER VI. Follow-up activities under the Optional Protocol

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223. The previous annual report of the Committee¹ contained a detailed country-by-country survey of follow-up replies received or requested and outstanding as of 30 June 2002. The list that follows updates that survey, indicating those cases in which replies are outstanding, but does not include responses concerning the Committee's Views adopted during the seventy-seventh and seventy-eighth sessions, for which follow-up replies are not yet due in the majority of cases. In many cases there has been no change since the previous report.*

...

Equatorial
Guinea:

Views in two cases with findings of violations:

414/1990 - *Primo Essono* and 468/1991 - *Oló Bahamonde* (A/49/40). Follow-up reply remains outstanding in both cases, in spite of consultations with the Permanent Mission of Equatorial Guinea to the United Nations during the fifty-sixth and fifty-ninth sessions (see A/51/40, paras. 442-444 and A/52/40, para. 539).

Notes

1. [*Official Records of the General Assembly*], *Fifty-seventh Session, Supplement No. 40(A/57/40)*, vol. I, chap. VI.

* The document symbol A/[Session No.]/40 refers to the *Official Record of the General Assembly* in which the case appears; annex VI refers to the present report, vol. II.

CHAPTER VI. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

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230. The previous annual report of the Committee¹ contained a detailed country-by-country survey of follow-up replies received or requested and outstanding as of 30 June 2003. The list that follows updates that survey, indicating those cases in which replies are outstanding, but does not include responses concerning the Committee's Views adopted during the eightieth and eighty-first sessions, for which follow-up replies are not yet due in the majority of cases. In many cases there has been no change since the previous report.*

...

Equatorial
Guinea:

Views in two cases with findings of violations:

414/1990 - *Primo Essono* and 468/1991 - *Oló Bahamonde* (A/49/40). Follow-up reply remains outstanding in both cases, in spite of consultations with the Permanent Mission of Equatorial Guinea to the United Nations during the fifty-sixth and fifty-ninth sessions (see A/51/40, paras. 442-444 and A/52/40, para. 539).

Notes

¹/ Ibid., *Fifty-eighth Session, Supplement No. 40* (A/58/40), vol. I, chap. VI.

* The document symbol A/[session No.]/40 refers to the *Official Records of the General Assembly* in which the case appears; annex IX refers to the present report, volume II.

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CHAPTER VI. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

224. In July 1990, the Committee established a procedure for the monitoring of follow-up to its Views under article 5, paragraph 4, of the Optional Protocol, and created the mandate of the Special Rapporteur for the follow-up on Views to this effect. Mr. Ando has been the Special Rapporteur since March 2001 (seventy-first session).

225. In 1991, the Special Rapporteur began to request follow-up information from States parties. Such information has been systematically requested in respect of all Views with a finding of a violation of Covenant rights. A total of 391 Views out of the 503 Views adopted since 1979 concluded that there had been a violation of the Covenant.

228. In many cases, the Secretariat has also received information from complainants to the effect that the Committee's Views have not been implemented. Conversely, in rare instances, the petitioner has informed the Committee that the State party has in fact given effect to the Committee's recommendations, even though the State party did not itself provide that information.

229. The present annual report adopts a different format for the presentation of follow-up information compared to previous annual reports. The table below displays a complete picture of follow-up replies from States parties received as of 28 July 2005, in relation to Views in which the Committee found violations of the Covenant. Wherever possible, it indicates whether follow-up replies are or have been considered as satisfactory or unsatisfactory, in terms of complying with the Committee's Views, or whether the dialogue between the State party and the Special Rapporteur for follow-up on Views continues. The notes following a number of case entries convey an idea of the difficulties in categorizing follow-up replies.

230. Follow-up information provided by States parties and by petitioners or their representatives since the last annual report is set out in a new annex VII, contained in Volume II of the present annual report. This, more detailed, follow-up information also indicates action still outstanding in those cases that remain under review.

FOLLOW-UP RECEIVED TO DATE FOR ALL CASES OF VIOLATIONS OF THE COVENANT

State party and number of cases with violation	Communication number, author and location ^a	Follow-up response received from State party and location	Satisfactory response	Unsatisfactory response	No follow-up response	Follow-up dialogue ongoing
...						
Equatorial Guinea (2)	414/1990, <i>Primo Essono</i> A/49/40				X	X
	468/1991, <i>Oló Bahamonde</i> A/49/40				X	X

^a The location refers to the document symbol of the *Official Records of the General Assembly, Supplement No. 40*, which is the annual report of the Committee to the respective sessions of the Assembly.

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CHAPTER VI FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

227. In July 1990, the Committee established a procedure for the monitoring of follow-up to its Views under article 5, paragraph 4, of the Optional Protocol, and created the mandate of the Special Rapporteur for follow-up to Views to this effect. Mr. Ando has been the Special Rapporteur since March 2001 (seventy-first session).

228. In 1991, the Special Rapporteur began to request follow-up information from States parties. Such information has been systematically requested in respect of all Views with a finding of a violation of Covenant rights; 429 Views out of the 547 Views adopted since 1979 concluded that there had been a violation of the Covenant.

229. All attempts to categorize follow-up replies by States parties are inherently imprecise and subjective: it accordingly is not possible to provide a neat statistical breakdown of follow-up replies. Many follow-up replies received may be considered satisfactory, in that they display the willingness of the State party to implement the Committee's recommendations or to offer the complainant an appropriate remedy. Other replies cannot be considered satisfactory because they either do not address the Committee's Views at all or only relate to certain aspects of them. Some replies simply note that the victim has filed a claim for compensation outside statutory deadlines and that no compensation can therefore be paid. Still other replies indicate that there is no legal obligation on the State party to provide a remedy, but that a remedy will be afforded to the complainant on an *ex gratia* basis.

230. The remaining follow-up replies challenge the Committee's Views and findings on factual or legal grounds, constitute much-belated submissions on the merits of the complaint, promise an investigation of the matter considered by the Committee or indicate that the State party will not, for one reason or another, give effect to the Committee's Views.

231. In many cases, the Secretariat has also received information from complainants to the effect that the Committee's Views have not been implemented. Conversely, in rare instances, the petitioner has informed the Committee that the State party had in fact given effect to the Committee's recommendations, even though the State party had not itself provided that information.

232. The present annual report adopts the same format for the presentation of follow-up information as the last annual report. The table below displays a complete picture of follow-up replies from States parties received up to 7 July 2006, in relation to Views in which the Committee found violations of the Covenant. Wherever possible, it indicates whether follow-up replies are or have been considered as satisfactory or unsatisfactory, in terms of their compliance with the Committee's Views, or whether the dialogue between the State party and the Special Rapporteur for follow-up to Views continues. The Notes following a number of case entries convey an idea of the difficulties in categorizing follow-up replies.

233. Follow-up information provided by States parties and by petitioners or their representatives subsequent to the last annual report (A/60/40, vol. I, chap. VI) is set out in annex VII to volume II of the present annual report.

FOLLOW-UP RECEIVED TO DATE FOR ALL CASES OF VIOLATIONS OF THE COVENANT

State party and number of cases with violation	Communication number, author and location	Follow-up response received from State party and location	Satisfactory response	Unsatisfactory response	No follow-up response received	Follow-up dialogue ongoing
...						
Equatorial Guinea (3)	414/1990, <i>Primo Essono</i> A/49/40				X	X
	468/1991, <i>Oló Bahamonde</i> A/49/40				X	X
	1152 and 1190/2003, <i>Ndong et al. and Mic Abogo</i> A/61/40				X	
...						

CCPR, A/61/40 vol. II (2006)

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Annex VII

FOLLOW-UP OF THE HUMAN RIGHTS COMMITTEE ON INDIVIDUAL COMMUNICATIONS UNDER THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

This report sets out all information provided by States parties and authors or their counsel since the last Annual Report (A/60/40).

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State party	EQUATORIAL GUINEA - GENERAL INFORMATION
Case	Primo Essono, 414/1990, Oló Bahamonde, 468/1991
Further action taken	<p>On 24 March 2006, consultations were held with the Permanent Representative of Equatorial Guinea; Ekua Avomo, Counsellor Toribio, Professor Ando, and the secretariat.</p> <p>The meeting was called to discuss follow-up to the Committee's Views on communication Nos. 414 (Primo Essono), 484 (Bahamonde) and 1151 and 1152 (Ndong et al.).</p> <p>The State party representatives were not aware of the Committee's functions (which they seemed to mix up with those of the Commission), not of the above communications. The Ambassador argued that for the more recent cases, the Permanent Mission in Geneva was competent, not New York. He also claimed that the New York mission never received either the file or the Views on case Nos. 1151 and 1152.</p> <p>On case No. 414, the Mission argued that the author had elected residence in Spain in the early 1990's that he had lived there for over 10 years before passing away. For case No. 484, it argued that Mr. Bahamonde has been a member of the Government in the 1980s, before leaving the country and requesting (and being granted) asylum in Europe (Spain). Even while in exile, he had carried out official missions for the government.</p> <p>Professor Ando regretted the absence of any follow-up submissions on the above case, and reminder the State party of the need to make submissions while cases were pending, as well as in the follow-up context. Even the cursory information on case Nos. 414 and 484 that had just been given by</p>

the delegation would be useful in written form. The Ambassador was reminded that follow-up submissions should be sent to the Committee by the end of June, so that the follow-up replies could be included in the annual report of the Committee for 2006.

The Ambassador indicated that he would study the Views in the above cases and solicit a reply from the capital. In the meantime, he solicited a re-transmittal of the case file and the Views (including the transmittal note verbale) in case Nos. 1151 and 1152.

Professor Ando indicated that he would report to the plenary on the meeting - the Ambassador replied that his comments should not be construed as indicating that Equatorial Guinea accepted the Views of the Committee in the above cases as correct, or that the Government agreed with the result.

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CHAPTER VI. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

213. In July 1990, the Committee established a procedure for the monitoring of follow-up to its Views under article 5, paragraph 4, of the Optional Protocol, and created the mandate of the Special Rapporteur for follow-up to Views to this effect. Mr. Ando has been the Special Rapporteur since March 2001 (seventy-first session).

214. In 1991, the Special Rapporteur began to request follow-up information from States parties. Such information has been systematically requested in respect of all Views with a finding of a violation of Covenant rights; 452 Views out of the 570 Views adopted since 1979 concluded that there had been a violation of the Covenant.

215. All attempts to categorize follow-up replies by States parties are inherently imprecise and subjective: it accordingly is not possible to provide a neat statistical breakdown of follow-up replies. Many follow-up replies received may be considered satisfactory, in that they display the willingness of the State party to implement the Committee's recommendations or to offer the complainant an appropriate remedy. Other replies cannot be considered satisfactory because they either do not address the Committee's Views at all or only relate to certain aspects of them. Some replies simply note that the victim has filed a claim for compensation outside statutory deadlines and that no compensation can therefore be paid. Still other replies indicate that there is no legal obligation on the State party to provide a remedy, but that a remedy will be afforded to the complainant on an *ex gratia* basis.

216. The remaining follow-up replies challenge the Committee's Views and findings on factual or legal grounds, constitute much-belated submissions on the merits of the complaint, promise an investigation of the matter considered by the Committee or indicate that the State party will not, for one reason or another, give effect to the Committee's Views.

217. In many cases, the Committee secretariat has also received information from complainants to the effect that the Committee's Views have not been implemented. Conversely, in rare instances, the petitioner has informed the Committee that the State party had in fact given effect to the Committee's recommendations, even though the State party had not itself provided that information.

218. The present annual report adopts the same format for the presentation of follow-up information as the last annual report. The table below displays a complete picture of follow-up replies from States parties received up to 7 July 2007, in relation to Views in which the Committee found violations of the Covenant. Wherever possible, it indicates whether follow-up replies are or have been considered as satisfactory or unsatisfactory, in terms of their compliance with the Committee's Views, or whether the dialogue between the State party and the Special Rapporteur for follow-up to Views continues. The Notes following a number of case entries convey an idea of the difficulties in categorizing follow-up replies.

219. Follow-up information provided by States parties and by petitioners or their representatives subsequent to the last annual report (A/61/40, vol. I, chap. VI) is set out in annex VII to volume II of the present annual report.

FOLLOW-UP RECEIVED TO DATE FOR ALL CASES OF VIOLATIONS OF THE COVENANT

State party and number of cases with violation	Communication number, author and location	Follow-up response received from State party and location	Satisfactory response	Unsatisfactory response	No follow-up response received	Follow-up dialogue ongoing
...						
Equatorial Guinea (3)	414/1990, <i>Primo Essono</i> A/49/40	A/62/40*			X	X
	468/1991, <i>Oló Bahamonde</i> A/49/40	A/62/40*			X	X
	1152 and 1190/2003, <i>Ndong et al. and Mic Abogo</i> A/61/40	A/62/40*			X	
* Although the State party has not responded, there have been several meetings between the State party and the Rapporteur.						
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On a general note, the State party's representative stated that there had been a change of government about two months ago and that new people were now looking after human rights. There is a new Human Rights Vice-Minister, and the current Prime Minister was in fact the previous Human Rights Minister. He stated that the Mission is relatively new in Geneva (since January) and that they are still mainly looking after logistical issues. The Rapporteur requested a point of contact in the Human Rights Office in Malabo for the purposes of establishing an efficient flow of information between the Secretariat and the State party. Thus, all information with respect to individual complaints could be sent directly to the appropriate Ministry, as well as through the Permanent Mission in Geneva. The State party's representative stated that he would do so.

As to individual complaints, the State party's representative stated that, to his knowledge, Mr. Ndong was now living in Spain and that he had a website which he used to criticize the government. He stated that Mr. Plácido Micó Abogo is now a Member of Parliament, and believes that the other authors of case No. 1152/1190/2003 were among 43 prisoners of conscience released by the President on 5 June 2006. He stated that he would forward the list of names as confirmation. The Rapporteur requested the State party to confirm all of the follow-up information associated with these cases to be submitted in writing, even by an email to the Secretariat for greater ease and expediency.

On 30 October 2006, following the meeting the representative of the State party faxed the list of names of prisoners who had been released and among which he had thought included the abovementioned authors. None of the authors were included among the names.

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VI. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

187. In July 1990, the Committee established a procedure for the monitoring of follow-up to its Views under article 5, paragraph 4, of the Optional Protocol, and created the mandate of the Special Rapporteur for follow-up to Views to this effect. Mr. Ando has been the Special Rapporteur since March 2001 (seventy-first session).

188. In 1991, the Special Rapporteur began to request follow-up information from States parties. Such information had been systematically requested in respect of all Views with a finding of a violation of Covenant rights; 429 Views out of the 547 Views adopted since 1979 concluded that there had been a violation of the Covenant.

189. All attempts to categorize follow-up replies by States parties are inherently imprecise and subjective: it accordingly is not possible to provide a neat statistical breakdown of follow-up replies. Many follow-up replies received may be considered satisfactory, in that they display the willingness of the State party to implement the Committee's recommendations or to offer the complainant an appropriate remedy. Other replies cannot be considered satisfactory because they either do not address the Committee's Views at all or relate only to certain aspects of them. Some replies simply note that the victim has filed a claim for compensation outside statutory deadlines and that no compensation can therefore be paid. Still other replies indicate that there is no legal obligation on the State party to provide a remedy, but that a remedy will be afforded to the complainant on an *ex gratia* basis.

190. The remaining follow-up replies challenge the Committee's Views and findings on factual or legal grounds, constitute much-belated submissions on the merits of the complaint, promise an investigation of the matter considered by the Committee or indicate that the State party will not, for one reason or another, give effect to the Committee's recommendations.

191. In many cases, the Secretariat has also received information from complainants to the effect that the Committee's Views have not been implemented. Conversely, in rare instances, the petitioner has informed the Committee that the State party had in fact given effect to the Committee's recommendations, even though the State party had not itself provided that information.

192. The present annual report adopts the same format for the presentation of follow-up information as the last annual report. The table below displays a complete picture of follow-up replies from States parties received up to 7 July 2008, in relation to Views in which the Committee found violations of the Covenant. Wherever possible, it indicates whether follow-up replies are or have been considered as satisfactory or unsatisfactory, in terms of their compliance with the Committee's Views, or whether the dialogue between the State party and the Special Rapporteur for follow-up to Views continues. The notes following a number of case entries convey an idea of the difficulties in categorizing follow-up replies.

193. Follow-up information provided by States parties and by petitioners or their representatives

subsequent to the last annual report (A/62/40) is set out in annex VII to volume II of the present annual report.

State party and number of cases with violation	Communication number, author and relevant Committee report	Follow-up response received from State party	Satisfactory response	Unsatisfactory response	No response	Follow-up dialogue ongoing
...						
Equatorial Guinea (3)	414/1990, <i>Primo Essono</i> A/49/40	A/62/40*			X	X
	468/1991, <i>Oló Bahamonde</i> A/49/40	A/62/40*			X	X
	1152 and 1190/2003, <i>Ndong et al. and Mic Abogo</i> A/61/40	A/62/40*			X	
* The State party has not replied but it has met several times with the Rapporteur.						
...						

VI. FOLLOW UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

230. In July 1990, the Committee established a procedure for the monitoring of follow-up to its Views under article 5, paragraph 4, of the Optional Protocol, and created the mandate of the Special Rapporteur for follow-up on Views to this effect. Ms. Ruth Wedgwood has been the Special Rapporteur since July 2009 (ninety-sixth session).

231. In 1991, the Special Rapporteur began to request follow-up information from States parties. Such information had been systematically requested in respect of all Views with a finding of a violation of Covenant rights; 543 Views out of the 681 Views adopted since 1979 concluded that there had been a violation of the Covenant.

232. All attempts to categorize follow-up replies by States parties are inherently imprecise and subjective: it accordingly is not possible to provide a neat statistical breakdown of follow-up replies. Many follow-up replies received may be considered satisfactory, in that they display the willingness of the State party to implement the Committee's recommendations or to offer the complainant an appropriate remedy. Other replies cannot be considered satisfactory because they either do not address the Committee's Views at all or relate only to certain aspects of them. Some replies simply note that the victim has filed a claim for compensation outside statutory deadlines and that no compensation can therefore be paid. Still other replies indicate that there is no legal obligation on the State party to provide a remedy, but that a remedy will be afforded to the complainant on an *ex gratia* basis.

233. The remaining follow-up replies challenge the Committee's Views and findings on factual or legal grounds, constitute much belated submissions on the merits of the complaint, promise an investigation of the matter considered by the Committee or indicate that the State party will not, for one reason or another, give effect to the Committee's recommendations.

234. In many cases, the Secretariat has also received information from complainants to the effect that the Committee's Views have not been implemented. Conversely, in rare instances, the petitioner has informed the Committee that the State party had in fact given effect to the Committee's recommendations, even though the State party had not itself provided that information.

235. The present annual report adopts the same format for the presentation of follow-up information as the last annual report. The table below displays a complete picture of follow-up replies from States parties received up to the ninety-sixth session (13-31 July 2009), in relation to Views in which the Committee found violations of the Covenant. Wherever possible, it indicates whether follow-up replies are or have been considered as satisfactory or unsatisfactory, in terms of their compliance with the Committee's Views, or whether the dialogue between the State party and the Special Rapporteur for follow-up on Views continues. The notes following a number of case entries convey an idea of the difficulties in categorizing follow-up replies.

236. Follow-up information provided by States parties and by petitioners or their representatives

subsequent to the last annual report (A/63/40) is set out in annex IX to volume II of the present annual report.

State party and number of cases with violation	Communication number, author and relevant Committee report	Follow-up response received from State party	Satisfactory response	Unsatisfactory response	No response	Follow-up dialogue ongoing
...						
Equatorial Guinea (3)	414/1990, <i>Primo Essono</i> A/49/40	A/62/40*			X	X
	468/1991, <i>Oló Bahamonde</i> A/49/40	A/62/40*			X	X
	1152 and 1190/2003, <i>Ndong et al. and Mic Abogo</i> A/61/40	A/62/40*			X	
* The State party has not replied but it has met several times with the Rapporteur.						
...						