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Equatorial Guinea: Arrest and torture of political opponents following February attack on presidential palace

Nine members of the opposition party, People's Union (*Unión Popular – UP*), including the wife and a brother of the party's leader, have been arbitrarily arrested and detained without charge or trial in the aftermath of an attack on the Presidential Palace in the capital, Malabo, on 17 February 2009. Amnesty International is concerned about this arbitrary arrest and detention, and that at least two of those detained have been tortured in order to extract a confession, despite the promulgation of a law forbidding torture in November 2006.

Amnesty International considers the nine to be prisoners of conscience who were arrested and detained without charge or trial because of their non violent political activities and political association, and calls on the Equatorial Guinea government to immediately and unconditionally release these detainees, investigate the allegations of torture and bring those responsible to justice. In addition, the organization calls on the Equatorial Guinean authorities to immediately end any further acts of torture and other ill-treatment.

Marcelino Nguema Esono; Santiago Asumu; Juan Ekolo; Filemón Ondó; Antonio Otego; Beatriz Andeme Ondó and Gerardo Micó, brother of Faustino Ondó Ebang, were arrested without warrants between 18 February and 1 March 2009 in Bata, the main city on the mainland, and in Malabo, following the attack on the Presidential Palace. Two other men, Norberto Nsue Micha and Luis Nzo Ondó were arrested in Malabo on 22 March. The Equatorial Guinean Government attributed the attack to forces of the Nigerian armed group Movement for the Emancipation of the Niger Delta (MEND), which the MEND denied. Three days after the attack, in a nationwide television broadcast President Obiang alleged that Equatorial Guineans had collaborated with the attackers and financed the attack although he admitted the government did not yet know who these Equatorial Guineans were. Nevertheless, he stated that all of them would be tried on charges of "aggression and terrorism".

The nine UP members are currently detained without charge in the central police station in Malabo. The police have interrogated them and accused them of making telephone calls to Faustino Ondó Ebang, the leader of UP who is currently in Spain receiving medical treatment. Except for one, the detainees acknowledged speaking on the telephone to the party leader, to discuss matters related to the party and enquire about his health. Their arrest and detention violates Equatorial Guinean law which requires a warrant to carry out an arrest and stipulates that detainees must be informed of the charges against them and brought before a judge within 72 hours to legalise their detention.

Amnesty International is concerned that Marcelino Nguema was tortured on 19 March and that Santiago Asumu was tortured while in detention in Bata central police station and on at least two other occasions since his transfer to Malabo. He is now in poor health as a result of the torture. Santiago Asumu had his hands and feet tied together and then suspended from a height and beaten all over the body. On one occasion in Malabo, the police tied his hands at the back and put him in a sack and then beat him. His mouth was stuffed with paper, presumably to stop him from screaming. At the same time he was asked for the names of soldiers who, the police claimed, would have taken part in the attack on the presidential palace with Faustino Ondó Ebang. The police further alleged that Faustino Ondó had sent Santiago Asumu €1,000 to facilitate the attack, which he denied. As far as Amnesty International is aware, the other detainees have not been tortured or ill-treated. However, they

are being held in overcrowded cells that lack sanitation and hygienic facilities, which amounts to inhuman and cruel treatment.

The day after the attack on the presidential palace the Minister for Information announced that 15 foreign nationals had been arrested and that the security forces were continuing to search for the attackers who were hiding among the population. However, he did not give details of the identity or nationalities of those arrested. Nor did he provide details of the circumstances of their arrest. Amnesty International has not been able to ascertain the precise number of those arrested or whether they were arrested during the attack on the palace or during the searches in neighbourhoods inhabited by foreign nationals. Some reports indicate that the number of foreign nationals arrested is considerably higher than the number officially announced and that some of the foreign nationals arrested, most of whom are apparently Nigerians, are traders and have been resident in the country for a long time. As far as Amnesty International is aware, they were arrested without a warrant and they have not been charged or brought before a judge to legalise their detention. They appear to have been arrested only because they are foreign nationals.

Amnesty International calls for the release of all those detained unless they are charged with a recognisably criminal offence and promptly brought to justice in trials that conform to international human rights standards.

Background

Two of the detainees Marcelino Nguema Esono and Filemón Ondó, were members of the banned Progress Party of Equatorial Guinea (Partido del Progreso de Guinea Ecuatorial –PPGE) before they joined UP. Marcelino Nguema Esono was arrested in June 2004 and held without charge or trial in Black Beach prison in Malabo until his release in a presidential pardon in June 2006. Filemón Ondó was previously arrested in October 2006 and held for over a month in Bata police station. At the time Amnesty International considered both men prisoners of conscience. Together with 60 others, Faustino Ondó Ebang was convicted in a grossly unfair trial in June 2002 of attempting to overthrow the government and kill the President of the Republic. He was sentenced to six years and eight months' imprisonment. He was released in a presidential pardon in June 2006. Amnesty International considered him and his co-defendants as prisoners of conscience. Luis Nzo, was formally a member of the Democratic Republican Force (Fuerza Demócrata Republicana – FDR). He was one of 60 FDR members convicted in the same trial as Faustino Ondó Ebang of attempting to overthrow the government and kill the President of the Republic. He too was sentenced to six years and eight months' imprisonment. He was released in a presidential pardon in June 2006.

The UP was the first political party to be legalised in 1992. Over the years the party has been riddled with internal disputes and defections, and one wing of the party was co-opted by the government. In October 2007 the government pressurised UP to hold a congress to elect a new leader. The congress elected Faustino Ondó Ebang as party president, but his election was rejected by the government.

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