

URGENT ACTION

FOUR ABDUCTED REFUGEES FACE DEATH PENALTY

Four refugees abducted in Benin in January were tried by a military court in Equatorial Guinea from 14 to 16 August on charges of attempting to assassinate the President, and treason. If found guilty, they face the death penalty.

The four refugees, former military officers **José Abeso Nsue, Manuel Ndong Anseme, Alipio Ndong Asumu** and **Jacinto Michá Obiang** had been abducted in Benin in January. Reports indicate they have been tortured to make them confess. The authorities in Equatorial Guinea never confirmed that they were holding the men. Their trial was open to the public, but not publicized.

The men received a summary trial before a military court (*Consejo de Guerra*) in Malabo on 14-16 August, on charges of attempting to assassinate President Obiang Nguema, and treason. The charges related to an alleged attack on the presidential palace in February 2009. Two military officers, who apparently do not have legal training, were allocated to represent them. In court, they confirmed the statements they had made under torture that implicated them in the supposed attack but said their intention had been to steal money thought to be kept in the palace. The prosecution called for the death penalty. No date has been set for passing sentence but it is believed that it could be before the end of August. If they are sentenced to death they could be executed soon afterwards. There is no right of appeal against conviction or sentence by a military court.

PLEASE WRITE IMMEDIATELY in Spanish or your own language:

- √ Expressing concern that José Abeso Nsue, Manuel Ndong Anseme, Alipio Ndong Asumu, and Jacinto Michá Obiang are facing the death penalty, and saying that Amnesty International opposes the death penalty in all cases, without reservation, as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment;
- √ Calling on the authorities not to sentence the men to death;
- √ Expressing concern that the four men were tried by a military court, which provides no right of appeal, and that they did not have adequate legal representation;
- √ Calling on the authorities to order a full and impartial investigation into the reported torture to make them confess, publish the results and bring those responsible to justice;

PLEASE SEND APPEALS BEFORE 1 October 2010 TO:

President

General Teodoro Obiang Nguema
Mbasogo
Presidente de la República
Gabinete del Presidente de la
República, Malabo, Equatorial Guinea
Fax: +240 333 09 3313/ 3334
Salutation: Excelencia/Your Excellency

Attorney General

Sr Don Carlos Mangué
Fiscal General de la República,
Fiscalía General de la República,
Malabo, Equatorial Guinea
Fax: +240 333 09 1338
**Salutation: Sr Fiscal/Dear Attorney
General**

Minister of National Defence

General Antonio Mba Nguema
Ministerio de Defensa
Malabo
Republica de Guinea Ecuatorial
Fax: +240 333 09 2772
Salutation: Sr. Ministro/Dear Minister

COPIES TO: Vice Prime Minister responsible for Human Rights, Salomón Nguema Owono, Presidencia del Gobierno, Malabo, Equatorial Guinea. **Fax: +240 222 09 9544**

Also send copies to diplomatic representatives of Equatorial Guinea accredited to your country. Please check with your section office if sending appeals after the above date. This is the second update of UA 44/10 (AFR 24/003/2010). Further information:
<http://www.amnesty.org/en/library/info/AFR24/003/2010/en>

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ADDITIONAL INFORMATION

On 17 February 2009 the authorities alleged that the presidential palace in Malabo had been attacked by a Nigerian armed group, Movement for the Emancipation of the Niger Delta (MEND), assisted by nationals from Equatorial Guinea. At the time of the alleged attack President Obiang was in the country's second city, Bata, on the mainland. Scores of Nigerian residents in Equatorial Guinea were rounded up, imprisoned and many expelled from the country. Seven Nigerian fishermen and traders were arrested at sea. They were charged with attempting to assassinate President Obiang and were tried unfairly, by a civilian court, in March 2010. On 5 April 2010, they were convicted and sentenced to 12 years' imprisonment.

Ten Equatorial Guineans members of the opposition party People's Union (*Unión Popular* – UP) were also arrested following the alleged attack on the palace. They too were charged with attempting to assassinate President Obiang and were tried in March 2010 together with the seven Nigerian nationals. Charges against eight of the Equatorial Guineans were dropped at the beginning of the trial and the remaining two were acquitted.

According to information received by Amnesty International, the four refugees now at risk of being sentenced to death were tortured to make them confess and implicate others. In those confessions, they said they had taken part in the attack on the palace on 17 February together with a group of Nigerians and that they had arrived by boat. They said they had not had weapons on the boat because they had expected to raid the palace's armoury and take the weapons for the attack. They also said that they fled after being discovered by the security forces.

In December 2009 the UN Human Rights Council, under its Universal Periodic Review mechanism, examined the human rights situation in Equatorial Guinea. During the session, member states made recommendations, 86 of which were accepted by the Equatorial Guinean government, including a recommendation to end the abduction of Equatorial Guinean refugees from neighbouring countries and their subsequent secret detention in Equatorial Guinea. However, the government rejected a recommendation calling for the abolition of the death penalty, saying this presented "moral and juridical difficulties."

Further information on UA: 44/10 Index: AFR 24/011/2010 Issue Date: 20 August 2010

