

PUBLIC

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UA 37/08 Detention without charge or trial/Harsh detention conditions

EQUATORIAL GUINEA Brígida Asongsua Elo (f)

Brígida Asongsua Elo was arrested on 16 December at Malabo Central Police Station, where she is held without charge or trial, in harsh conditions which amount to cruel and degrading treatment. She is being held in a common cell together with 70 to 100 male detainees. There are no toilet or bathroom facilities, so she has no privacy.

Brígida Asongsua Elo is the wife of prisoner of conscience Guillermo Ela Nguema, who was convicted in an unfair trial in May 2002 of plotting to overthrow the government. He is currently serving a 20-year prison sentence in Black Beach prison in Malabo.

On 15 December, Brígida Asongsua Elo had visited her husband, a civil engineer by profession, who was to give her some plans for a house they are building. As prisoners are not allowed to pass papers directly to visitors, he gave the drawing to the guard. Brígida Asongsua Elo never received the drawing, as a superior officer appeared and confiscated it.

The next day, Brígida Asongsua Elo attended morning mass at the cathedral in Malabo. As she left she was approached by two police officers in plain clothes who asked her to go with them to the police station to discuss some issues relating to her husband. They did not have a warrant for her arrest and she has not been accused or charged with any offence. She has also not been given an explanation for her continued detention and has not been brought before a judge to legalize her detention.

Brígida Asongsua Elo has been interrogated twice. The first time was by the Director General of Police shortly after she arrived at the police station, and the second, two days later, was by the Minister of National Security. It appears that during the interrogation the Minister showed her a drawing which he claimed was a plan of Black Beach prison drawn by her husband. The Minister alleged that her husband was planning to escape from prison and had intended to give her the map when she visited him on 15 December. Brígida refused to acknowledge that the drawing shown to her was that done by her husband as she had not seen it before.

On 21 January, Brígida Asongsua Elo's lawyer filed a writ of *habeas corpus* on her behalf with the Tribunal de Instrucción y Primera Instancia, the court competent to hear *habeas corpus*. However, the court has not yet responded.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Spanish or your own language:

- asking the authorities to release Brígida Asongsua Elo immediately and unconditionally, unless she is to be charged with a recognizably criminal offence;
- urging them to ensure that while she is detained at the police station, she is held in a cell separate from men, where she has access to hygiene facilities;
- asking them to give her access to a lawyer of her choosing, her family and any medical treatment she may require;
- saying that if she is charged with a recognizably criminal offence, she should be held in appropriate detention facilities, entirely separated from men, in accordance with Rule 8 (a) of the UN Minimum Rules for the Treatment of Prisoners.

APPEALS TO:

President

General Teodoro Obiang Nguema Mbasogo
 Presidente de la República
 Gabinete del Presidente de la República, Malabo, Equatorial Guinea

Fax: +240 09 3313/ 3334

Salutation: Excelencia/Your Excellency

Attorney General

Sr. Don José Oló Obono
 Fiscal General de la República, Fiscalía General de la República, Malabo, Equatorial Guinea

Fax: +240 09 1338

Salutation: Sr Fiscal/ Dear Attorney General

Minister of National Security

Sr Don Manuel Nguema Mba
 Ministro de Seguridad Nacional, Dirección General de Seguridad Nacional, Malabo, Equatorial Guinea

Fax: +240 09 8259

Salutation: Sr. Ministro/Dear Minister

COPIES TO:

Sr Don Pastor Micha Ondo Bile
 Ministro de Asuntos Exteriores, Ministerio de Asuntos Exteriores, Malabo, Equatorial Guinea

Fax: +240 09 3132/ 2320

President of the Parliamentary Human Rights Commission

Sr Don Salomón Nguema Owono
 Presidente de la Cámara de Representantes del Pueblo y de la
 Comisión de Derechos Humanos de la Cámara de Representantes del Pueblo
 Cámara de Representantes del Pueblo, Avenida de la Independencia s/n
 Apartado 51, Malabo, Equatorial Guinea

Fax: + 240 09 3313

and to diplomatic representatives of Equatorial Guinea accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 24 March 2008.