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Equatorial Guinea/Nigeria: Concerns about an unfair trial, torture and possible 'disappearance'

Amnesty International is concerned about allegations of torture and the unfair trial of about 70 people charged with offences related to an alleged coup attempt in Equatorial Guinea on 8 October 2004. The organization is also concerned that three of those convicted in absentia risk "disappearing" or being subjected to torture or ill-treatment.

Twenty two men and one woman were sentenced to lengthy prison terms by a military court (*Consejo de Guerra*) in Bata, Equatorial Guinea. At least six were tried in absentia. The trial, which took place from 6 to 19 September 2005, did not conform to international law and standards for fair trials. Those convicted have no right of appeal.

The 23 were part of a group of about 70 military officers, former military officers and relatives of the alleged leader of the attempted coup. The defendants, including several women, were charged with crimes of undermining the security of the state, rebellion, treason and negligence, and attempting to overthrow the government. The prosecution had asked for the death penalty for six of the defendants including at least three who were tried in absentia: Lieutenant-Colonel Cipriano Nguema Mba, the alleged leader; Lieutenant-Colonel Florencio Elá Bibang and Felipe Esono Ntumu "Pancho".

Nine people, including those tried in absentia, were sentenced to 30 years in prison on the charges of undermining the security of the state and attempting to overthrow the government. They were sentenced to 30 years in prison. Eleven others, including Florencia (or Florentina) Nchama Mba, a woman, were convicted of the same offences as accessories (*encubridores*) and sentenced to 21 years' imprisonment. Francisco Mba Mendama "Efe Pulé" (who was also convicted of undermining the security of the state and received a 30 years prison sentence) and two others were convicted of treason. They received a 25-year prison sentence. One person received a 12-year prison sentence.

Amnesty International welcomes the fact that the court did not impose the death penalty.

However, Amnesty International is concerned that:

Allegations of torture made in the course of the trial were ignored and that no investigation into the allegations has been conducted.

Most of the defendants had been arrested in the Mongomo district, in eastern Rio Muni (the mainland) in October and November 2004 and had been held incommunicado in Bata Prison since their arrest. Amnesty International is concerned that statements which were reportedly extracted under torture

during incommunicado detention were used as evidence, in violation of international law.

All but two of the defendants reportedly stated in court that they had been tortured in detention and some reportedly still bore visible marks. One man apparently had to be carried in and out of court as he was still unable to walk. One woman is reported to be suffering from vaginal bleeding resulting from torture.

Amnesty International calls for allegations of torture to be impartially and independently investigated as a matter of urgency and for those suspected of involvement to be brought to justice.

The trial did not conform to international standards of fair trials. At least six people were tried in absentia in contravention of international and national law. In all cases, the defence lawyers did not receive the full indictment and only received their clients' statements. Furthermore, the defence lawyers' request to cross-examine the accusers was turned down. Those convicted do not have the right to appeal against their conviction and sentence.

The safety of three of those convicted in absentia is at serious risk. The organization is concerned that Navy Commandant Juan Ondó Abaga, who was sentenced to 30-year prison term, former Lt-Col Florencio Elá Bibang, and Felipe Esono Ntumu "Pancho" have effectively "disappeared". When announcing the sentences on 20 September, Equatorial Guinean national radio reported that they were out of the country. However, Amnesty International has information that they have been held at Black Beach prison in Malabo since their abduction from Benin and Nigeria earlier this year.

Former Navy Commandant Juan Ondó Abaga, a refugee resident in Benin, was allegedly abducted from Benin by Equatorial Guinean security personnel in January 2005 and taken to Black Beach Prison where he has been reportedly tortured.

Former Lt-Col Florencio Elá Bibang and Felipe Esono Ntumu "Pancho" had fled Equatorial Guinea in October 2004. The two and Antimo Edú, who is not known to have been tried, were arrested in Lagos, Nigeria in late April 2005 and held incommunicado, first at the Army Intelligence Authority in Lagos and subsequently in the State Security Services in Abuja. From there they were reportedly abducted on 3 July 2005 by Equatorial Guinean security personnel -- allegedly with the connivance of Nigerian security personnel. They were reported to have been severely tortured in Black Beach prison. Florencio Elá Bibang is also known to be seriously ill with hepatitis C.

Amnesty International calls on the Equatorial Guinea authorities to immediately make public the whereabouts of these people and to allow them to receive visits by their families and friends, lawyers and doctors of their own choice.

The organization also calls for an independent and impartial investigation into the abduction from Nigeria of these three people and to try all those suspected of involvement.

Amnesty International is concerned about the failure of the Nigerian authorities to protect these people from abduction, and reminds them of their obligations under the 1969 Organization of African Unity Refugee Convention and customary international law, not to forcibly return anyone to a country where they are at risk of serious human rights violations.

Amnesty International calls on the Nigerian authorities to immediately carry out an impartial investigation into the abduction of the three men and to bring those responsible to justice and for full reparation for the victims.

