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Zimbabwe: Amnesty opposes extradition of alleged mercenaries to Equatorial Guinea

Amnesty International is concerned by reports that Zimbabwe plans to extradite 69 alleged mercenaries to Equatorial Guinea because they will be at grave risk of torture and unfair trial procedures, and could face the death penalty.

The 69 men were arrested, along with one other man, in Harare on 7 March 2004. They have been linked to a group of 15 men arrested on 9 March 2004 in Malabo, Equatorial Guinea and accused of plotting a coup against the President of Equatorial Guinea, Teodoro Obiang Nguema Mbasogo.

In March Amnesty International expressed concern that some, if not all, of the 15 suspected mercenaries detained in Equatorial Guinea had been severely tortured, allegedly leading to the death of one of them, Gerhard Eugen Nershz, on 17 March. The Equatorial Guinean authorities publicly admitted his death but attributed it to "cerebral malaria". However, there is reliable information that he showed signs of having been tortured and was very ill and the prison authorities denied him prompt medical treatment. He died shortly after being taken to hospital.

Amnesty International reiterates its opposition to all military, security and police transfers which contribute to human rights violations. Mercenaries operate outside the military disciplinary and legal system and the established military chain of command. Accordingly, Amnesty International has welcomed efforts, such as under South Africa's Foreign Military Assistance Act, to establish legislative controls over mercenary activities. However, any person arrested on suspicion of such activities has the right not to be subjected to torture and the right to a fair trial. Amnesty International also opposes the use of the death penalty.

The 70 men arrested in Zimbabwe have been charged with a number of offences under Zimbabwean law, including violations of aviation, immigration and firearms legislation and with contravening the Public Order and Security Act. Their trial in Chikurubi Maximum Security Prison is at a preliminary stage.

Fears that they would be extradited were fuelled when, in April, Zimbabwe added Equatorial Guinea to the list of countries with which it has an extradition agreement.

Since then Amnesty International has received information that an extradition request made by the Equatorial Guinean authorities for the extradition of 69 of the 70 men exists, and makes

specific reference to their involvement in the alleged coup plot. Amnesty International further understands that the Zimbabwean Ministry of Foreign Affairs has recommended that Zimbabwe should accede to the extradition request.

Amnesty International has documented for many years the routine use of torture in detention facilities in Equatorial Guinea. Accused persons are also subjected to trial proceedings which routinely fail to meet international standards of fair trial. When imposed, the death penalty is swiftly applied. In addition it is likely that these detainees will be tried by a military court using summary procedures and from which there is no right of appeal. The organization believes that Equatorial Guinea's human rights record should rule out any consideration of extraditing the alleged mercenaries detained in Zimbabwe to that country.

"The Government of Zimbabwe should not hand over detainees to Equatorial Guinea because of the serious risk of human rights violations," Amnesty International urged.

All of the 70 alleged mercenaries being detained in Zimbabwe reportedly hold South African citizenship. The majority of those held in Equatorial Guinea hold South African citizenship.

Amnesty International supports the South African Human Rights Commission's action on 11 May calling on the government of South Africa to defend the right of its citizens detained in Equatorial Guinea and Zimbabwe to a fair trial and humane conditions of detention.

"The South African government should investigate the grounds for requesting their extradition to South Africa in terms of the Foreign Military Assistance Act and oppose the extradition of any of the South Africans in Zimbabwe to Equatorial Guinea," Amnesty International said.

Public Document

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