

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Equatorial Guinea: Concerns about the recent trial of Simon Mann and other co-accused

On 7 June 2008, eight people -- including six Equatorial Guineans and two foreign nationals -- were sentenced to long prison terms in Equatorial Guinea after a trial that failed to comply with international standards of fair trials.

Simon Mann, a British citizen, was convicted of attempting to commit crimes against the Head of State, crimes against the government, and crimes against the peace and independence of Equatorial Guinea in 2004. He was sentenced to a total of 34 years' imprisonment. Simon Mann was released from prison in Zimbabwe in May 2007 after completing a sentence for trying to buy arms without a licence, and was immediately arrested pending his extradition to Equatorial Guinea to face the above charges.

Mohamed Salaam, a Lebanese businessman resident in Equatorial Guinea for several years, was convicted of the same offences and sentenced to 18 years in prison. He was arrested without a warrant on 29 March 2008.

Six Equatorial Guineans who were arrested without a warrant in March and April 2008 (see Equatorial Guinea: Arrests and death in custody of a political opponent [AI Index: AFR 24/003/2008]) were also tried in the same trial. They were charged and convicted of illegal association, for being members of the banned Progress Party of Equatorial Guinea (*Partido del Progreso de Guinea Ecuatorial* – PPGE) and holding meetings in early 2006, and for possession of arms and ammunition. Cruz Obiang Ebele, Emiliano Esono Michá, Gerardo Angüe Mangué, Gumersindo Ramírez Faustino, and Juan Ecomo Ndong were sentenced to six years in prison, while Bonifácio Nguema Ndong received a prison term of one year.

Amnesty International is concerned that the six Equatorial Guineans were tried in the same trial as Simon Mann, who was tried for an alleged coup attempt in March 2004, despite the fact that the charges against them were not related to the events for which Simon Mann was tried. According to the information received by Amnesty International, no attempt was made in court to link the six Equatorial Guineans to Simon Mann's case, nor was any evidence produced to that effect.

Amnesty International is also concerned that the six Equatorial Guineans may be prisoners of conscience arrested solely for peacefully exercising their right to freedom of association and assembly, and convicted on the basis of statements they signed under duress and/or under torture.

Amnesty International is further concerned about aspects of the pre-trial stage that violated the right to a fair trial. In particular, Amnesty International is concerned that:

The six Equatorial Guineans and Mohamed Salaam were arrested without a warrant in contravention of Equatorial Guinean law and their right not to be arbitrarily arrested.

At least with regard to the Equatorial Guineans, they were not promptly informed of the charges against them and were only informed a couple of months after their arrest.

The Equatorial Guineans gave their statements under duress. Their statements were not taken by the *juez de Instrucción*, (investigating judge) as prescribed by Equatorial Guinea law. The accused saw the investigating judge for the first time on 12 June 2008, when he read out the charges against them. They gave their statements first to the police and then to the Prosecutor in the presence of the Minister of National Security but without any legal representation in violation of their right to communicate with a lawyer. In addition, contrary to the provisions of international human rights standards of fair trial that no one may be compelled to confess guilt or testify against themselves, they were forced to sign statements they had not made.

At least two of the Equatorial Guineans were subjected to cruel, inhuman and degrading treatment by being beaten while in police custody.

The defendants were held incommunicado in Black Beach prison in Malabo, without access either to their families or to their lawyer. This had a negative impact on the physical and mental health of the defendants, particularly on Mohamed Salaam. Incommunicado detention infringes international human rights standards of fair trial that guarantee all detained persons the right of access to family, a doctor and a lawyer.

In violation of international human rights standard of fair trial, the defendants did not get adequate time or facilities to prepare their defence. They did not have access to a lawyer until five days before the start of the trial, and they did not have access to all the relevant information needed to prepare their defence.

Amnesty International is also concerned about some aspects of the trial itself. In particular, the organization is concerned that:

In court, the Equatorial Guineans retracted their statements on the basis that they were made under duress and torture. However, the court did not examine the allegations of coercion and allowed the statements to be admitted as evidence. Furthermore, in the summing up at the end of the trial the Attorney General requested an additional 20 years to be added to their sentence for failing to collaborate with the administration of justice by stating in court that they had been forced to sign statements under duress.

The six Equatorial Guineans were convicted of holding illegal meetings and being members of a banned political party in violation of their rights to freedom of association and assembly. Furthermore, the prosecution failed to produce evidence that they were in fact in possession of arms or ammunition thereby failing to discharge the burden of proof. The prosecutor was unable to prove beyond reasonable doubt that the accused were guilty. By convicting the accused when the standard of proof was not met, the court violated their right to a fair trial.

Interpretation was provided only for the part of the trial which directly related to the questioning of Simon Mann and Mohamed Salaam. Other parts of the trial, including the reading of the indictment were conducted in Spanish. Consequently, the two men were not able to follow the whole proceedings, in violation of their right to equality of arms.

On the first day of the trial, Simon Mann entered the court room with shackles on his feet. Although the presiding officer promptly ordered them to be removed, this constituted cruel, inhuman and degrading treatment and impinged on the presumption of innocence.

Amnesty International is concerned about the reported state of mental health of Mohamed Salaam and calls on the Equatorial Guinean authorities to fulfil their international human rights obligations and grant him immediate access to appropriate medical treatment.

The organization calls on the Equatorial Guinean authorities to respect the right to fair trial and comply with their international human rights obligations. In particular, Amnesty International calls for the allegations of torture and ill-treatment to be investigated and for those suspected of involvement in these allegations to be brought to justice. In addition the authorities should grant all prisoners immediate access to their families, lawyers and any medical treatment they may require.

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