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Equatorial Guinea: Trial of alleged "mercenary coup plotters" unfair

As six Armenians convicted of taking part in an alleged coup attempt in Equatorial Guinea last year await release after a pardon for humanitarian reasons issued by the country's President, Amnesty International said today that the arrest, trial and detention of the group of alleged "mercenaries" was rife with human rights violations.

In a report released today, *Equatorial Guinea – A trial with too many flaws*, Amnesty International exposes in detail the gamut of human rights violations seen throughout the uncovering and prosecution of the alleged coup plot against Equatorial Guinea's President Obiang Nguema, which several UK businessmen – including Mark Thatcher – are alleged to have financed.

"Everyone – including those accused of 'mercenary activity' – has the right to a fair trial and to have his or her rights protected – including the right to be presumed innocent until proven guilty and not to be subjected to torture or cruel inhuman and degrading treatment. These rights were flagrantly violated in this case," said Kolawole Olaniyan, Director of Amnesty International's Africa Programme.

The report's findings are based on the three-month monitoring of the trial by Amnesty International delegates.

"No evidence was presented in court to support the charges against the accused and the court repeatedly ignored allegations that defendants had been tortured while under interrogation in order to extract confessions," said Kolawole Olaniyan.

"The court often appeared more interested in gathering information to further a separate civil case being brought by the Equatorial Guinean government against several British businessmen it accused of financing the alleged coup than in securing justice."

Amongst other recommendations, Amnesty International called on the government to ensure an immediate and fair hearing of the appeal lodged by defence lawyers, and to ensure that all allegations of torture and other human rights violations are promptly and thoroughly investigated and that suspected perpetrators are brought to justice.

Torture allegations include the case of Gerhard Eugen Merz, a German national arrested on 8 March 2004. About ten days after his arrest, Gerhard Eugen Merz died. Several South African defendants stated in court that he had died in front of them, after having been subjected to severe torture - including lighter-burns on his back and feet.

Background

Since President Obiang Nguema came to power in 1979, Amnesty International has documented over a dozen allegations of coup attempts. The announcement of a foiled coup plot is typically followed by a wave of arrests accompanied by torture and unfair trials. The authorities seldom produce evidence in court to substantiate the charges – often based on confessions extracted from the accused under torture. Until recently, such cases have gone largely unnoticed by the international community.

In 2004 there were at least three alleged coup attempts, which led to the arrest of about 200 people. Most of those arrested continue to be held without charge or trial – many of them are seen to be contenders for power and as such a threat to President Obiang Nguema's rule.

In the first week of December 2004, four men and one woman were tried by a military court and convicted of treason, "terrorism" and espionage. They were sentenced to prison terms ranging from 22 to 26 years. Reports indicate that the five were severely tortured and the woman raped by several members of the security forces.

For more information, please see the report Equatorial Guinea: A trial with too many flaws, on <http://web.amnesty.org/library/index/engaf240052005>

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566
Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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