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Equatorial Guinea: Arrests and death in custody of a political opponent

Amnesty International is concerned at the deteriorating human rights situation in Equatorial Guinea, in advance of the parliamentary and municipal elections scheduled for 4 May 2008.

Political opponents have recently been arrested, some of whom continue to be held without charge or trial. Some have been reportedly beaten whilst in detention in order to extract confessions from them. Amnesty International is gravely concerned about the death in police custody during the night of 12 to 13 March 2008 of Saturnino Ncogo Mbomio, a member of a banned political party Progress Party of Equatorial Guinea (Partido del Progreso de Guinea Ecuatorial - PPGE). No investigation into his death has, as yet, taken place and no autopsy has been carried out to establish the cause of death. Amnesty International calls for an immediate, thorough, independent and impartial investigation into the death of Saturnino Ncogo, in accordance with international human rights standards.

Saturnino Ncogo Mbomio was arrested following the alleged discovery on 4 March 2008 of three weapons, including a machine gun, an old musket and ammunition in the boot of a second hand car being exported to Equatorial Guinea from the port of Sagunto in eastern Spain. The Equatorial Guinea government claimed that the weapons were going to be used to stage a coup by Severo Moto, the leader of the banned PPGE, currently living in exile in Spain, who was arrested by the Spanish police in Toledo, Spain, on 14 April 2008 on charges of arms trafficking.

At least seven other people believed to be members or former members of the PPGE were arrested between 12 and 14 March 2008 in the Equatorial Guinean capital of Malabo.

Saturnino Ncogo Mbomio, who the Equatorial Guinea authorities claimed was to take delivery of the car, was arrested by members of the security police on the morning of 12 March 2008 in his house in the neighbourhood of New Building in Malabo. They accused him of "hiding things in the house". He was initially taken to Malabo Central Police Station where he was interrogated for several hours, and reportedly tortured. In the afternoon, police officers took him back to the house, which they searched. Amnesty International has been informed that whilst the search was being conducted, Saturnino Ncogo Mbomio was not able to stand on his feet and had to be supported by police officers. During the search the police found weapons buried under the floor which were later shown on national television. They consisted of three assault rifles, a sniper rifle, a gun with a silencer and some ammunition.

Saturnino Ncogo was then taken back to the police station for further interrogation. According to reports, the police asked him to name those involved in the alleged plot but he denied the existence of any plot. Later that night he was transferred to Black Beach prison where he died in

his cell during the night. The authorities alleged he committed suicide by throwing himself from the top of a bunk-bed fracturing his skull.

His family were not immediately informed of his death. His body was taken from the prison to the morgue and put in a chamber where the electricity had been switched off. According to reports, two days later, on 15 March, the Prime Minister called Saturnino Ncogo's relatives and informed them of his death by suicide and showed them CCTV footage of Saturnino Ncogo in his cell before he died but not of the moment of his death. The Prime Minister then told the relatives to collect the body from the morgue and to bury it without delay as it was decomposing. The relatives reported that because of the advanced state of decomposition of the body the only injury they could see was a fractured skull.

Amnesty International is concerned that the authorities have not carried out a thorough and impartial investigation into the death of Saturnino Ncogo to determine the precise cause of his death. The United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states, in Principle 34, states that whenever the death or disappearance of a detained or imprisoned person occurs during his/her detention or imprisonment, an inquiry into the cause of death or disappearance shall be held by a judicial or other authority and its findings should be made public. Principle 9 of the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions states: "There shall be a thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death ...The purpose of the investigation shall be to determine the cause, manner and time of death, the person responsible, and any pattern or practice which may have brought about that death. It shall include an adequate autopsy, collection and analysis of all physical and documentary evidence, and statements from witnesses. The investigation shall distinguish between natural death, accidental death, suicide and homicide."

Saturnino Ncogo's arrest was followed by the arrest of at least seven other suspected members of the PPGE. Three were released without charge or trial after being detained for between three and 12 days. They were not tortured or ill-treated while in detention. However, four others continue to be held without charge or trial. Three are being held in the central police station and the fourth in Black Beach prison. There are reports that at least one has been subjected to torture. According to the information received by Amnesty International, one of those held at the police station has had his arms, hands and legs tied very tightly and then he was beaten with a baton on the buttocks to make him confess that he knew about the weapons kept by Saturnino Ncogo. Gerardo Angüe, who is held in Black Beach prison, apparently admitted knowing Saturnino Ncogo Mbomio but denied knowledge of the existence of weapons or of a plot to overthrow the government. He has not yet been formally charged with any offence but reportedly has been told that he will be tried. In accordance with Article 302 of the Equatorial Guinea Penal Procedures Code, the detainees should have been informed of the reason for their arrest or the charges against them and brought before a judge within 72 hours to legalise their arrest, as stipulated by Article 497 of the Penal Procedures Code. Information received by Amnesty International indicates that Gerardo Angüe has not been tortured or ill-treated.

Despite the promulgation in November 2006 of a law prohibiting torture, (Law No. 6/2006 on Prevention and Sanction of Torture of 2 November 2006 - Lei No. 6/2006 sobre la Prevención y Sanción de la Tortura, 2 de noviembre de 2006) it continues to be practiced with impunity. In 2007, Amnesty International knows of at least three cases of alleged torture that resulted in death.

To Amnesty International's knowledge, only one police officer has been brought to justice for ordering the beating of a man who later died as a result. The officer, who was arrested in

November 2007, was tried on 28 March 2008 and sentenced to six months' imprisonment. At least three other police officers and soldiers who were also arrested in November 2007 for involvement in the torture of several detainees, three of which died as a result, were subsequently released without charge and reinstated in their positions.

Under international law, Equatorial Guinea has an obligation to ensure that no-one shall be subjected to torture and other ill-treatment under any circumstance. Every individual also has the right to a fair trial.

Accordingly, Amnesty International calls on the Equatorial Guinean authorities to immediately end any acts of torture and other ill-treatment. All allegations of torture and other ill-treatment must be promptly, impartially, independently and thoroughly investigated in accordance with international law; those suspected of involvement should be prosecuted in proceedings which meet international standards on fair trials.

Furthermore, the organization is calling for an urgent, full, independent and impartial inquiry into the death of Saturnino Ncogo Mbomio and for the results to be made public.

In addition, the organization calls for the release of those detained unless they are charged with a recognizably criminal offence and promptly brought to justice

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