

# AMNESTY INTERNATIONAL PUBLIC STATEMENT

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## **Equatorial Guinea: unjustified conviction of human rights defender**

Amnesty International is deeply disturbed by the unjustified conviction of Wenceslao Mansogo Alo, a medical doctor, of professional negligence. The organization considers him a prisoner of conscience, whose arbitrary arrest and unjust conviction were politically motivated, in order to silence and punish him for his unflinching criticism of government policy.

Amnesty International is reiterating its call for the immediate and unconditional release of Wenceslao Mansogo Alo.

On 7 May 2012 the Litoral Provincial Court (Audiencia Provincial del Litoral) in Bata city found Wenceslao Mansogo Alo who specialises in gynaecology, guilty of professional negligence and sentenced him to three years' imprisonment. Amnesty International believes his conviction was politically motivated, brought on account of his criticism of the government and political activities, as well as his relentless work as a human rights defender.

Wenceslao Mansogo Alo, who is also a leading member of the opposition political party *Convergencia para la Democracia Social – CPDS* (Convergence for Social Democracy), responsible for the party's human rights unit, and a tireless human rights defender, as well as councilor in the local administration, has been imprisoned since his arrest without a warrant on 9 February 2012. The arrest followed the death of a female patient he operated on in his private clinic on 1 February. The family of the deceased then made unfounded accusations against Wenceslao Mansogo Alo of mutilating the body.

The CPDS is the only independent opposition party in the country which also carries out human rights monitoring and regularly denounces human rights violations. Its members are regularly subjected to harassment and arrest.

Following his arrest in February, Amnesty International and Human Rights Watch issued a joint statement calling for the immediate and unconditional release of Wenceslao Mansogo Alo, as they believed that his arrest was politically motivated and there was no evidence to justify his detention.

A month after his arrest Wenceslao Mansogo Alo was formally accused of professional negligence and desecration of a body. However the latter accusation was subsequently dropped and he was charged with professional negligence. The charges against Wenceslao Mansogo Alo were based on unfounded accusations and a report of a physical medical examination of the body carried out by the Minister of Health on 10 February. No further investigation appears to have been carried out to prove the facts of the accusation.

The report of the examination concluded that the body had not been mutilated but alleged that the patient had died of a heart attack caused by maladministration of the anaesthetics. Wenceslao Mansogo Alo was not responsible for the anaesthetics.

At the trial, held on 4 and 5 April, the prosecution presented no evidence to sustain the charges of professional negligence against Wenceslao Mansogo Alo.

It appears that the authorities took advantage of an unfortunate incident to punish Wenceslao Mansogo for his work as an active human rights defender and political activist, which was not supported by facts.

Two doctors who appeared as witnesses for the prosecution stated in court that as a surgeon, Wenceslao Mansogo Alo was not responsible for administering the anaesthetics. Furthermore, they believed that that the

method and dose of the anaesthetics administered conformed to accepted medical practices for the type of operation and characteristics of the patient. Nevertheless the court found him guilty.

In addition to his custodial sentence, Wencesalo Mansogo Alo was also ordered to pay compensation of approximately US \$10,000 to the family of the deceased and a further US \$ 3.000 to the State. He was also suspended from practicing for the duration of his imprisonment. The court also ordered the closure of his clinic while he is in prison. His lawyers plan to appeal against conviction and sentence.

The anaesthetist who worked with Wenceslao Mansogo Alo who was also convicted of professional negligence and sentenced to six months' imprisonment. She was also ordered to pay compensation to the family of about US \$ 1,500.

Some procedural irregularities during the pre-trial detention of Wencesalo Mansogo Alo also seem to point at a political motivation, such as to the unexplained delays by the investigating judge and the court of appeal in dealing with requests and appeals made by the defence lawyers against the unjustified detention of Wencesalo Mansogo. According to Equatorial Guinean law, the courts must respond within three days. This deadline was not respected.

Moreover, although there was no formal accusation against him, the investigating judge legalised his detention on suspicion that a crime might have been committed, based solely on an unfounded accusation by the deceased's family and a report of the physical examination of the body. Furthermore, contrary to Equatorial Guinean law, the magistrate refused him bail. The investigating judge failed to deal with a request on 14 February by the defence lawyer to review his decision on the basis that no crime had been committed, within the three-day limit stipulated by law. Subsequently, the court of appeal also failed to respond in a timely manner to an appeal against Wenceslao Mansogo Alo's detention.

In addition, the court must issue a verdict and sentence within three days after the conclusion of the trial. However, the verdict and sentence were not read until 7 May, just over a months after the conclusion of the trial and exceeding the prescribed deadlines.

Over the years, Amnesty International has document cases of politically motivated trials and has been concerned that the judiciary in Equatorial Guinea is neither independent nor impartial. According to the Constitution the "First Magistrate of the Nation" is the President of the Republic. Judges do not enjoy security of tenure and they are appointed or dismissed by the President at will. In the past the President has dismissed judges in order to appoint others to try specific political cases. Some have reported in private that they had to refer to the "highest authority" for instructions regarding certain cases. The organization has also recorded cases where judgments and decisions by judges were ignored by the political authorities.

Amnesty International calls again on the Equatorial Guinean authorities to release Wencesalao Mansogo Alo immediately and unconditionally and to compensate him for his unlawful detention.