

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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(Washington, DC) President Barack Obama and other leaders scheduled to meet with President Teodoro Obiang Nguema Mbasogo of [Equatorial Guinea](#) next week should denounce torture, corruption, and other serious human rights abuses in the country, EG Justice and Human Rights Watch said today. Obiang will participate in Obamas [US-Africa Leaders Summit](#) in Washington, DC, from August 4 to 6, 2014.

Human Rights Watch issued a [report](#) with details about three current or recent examples of serious human rights abuses in Equatorial Guinea.

President Obiang is trying to shed his image as the head of a corrupt and abusive government, said [Lisa Misol](#), senior business and human rights researcher at Human Rights Watch. Instead of giving him propaganda opportunities, President Obama should press for an end to torture, corruption, and other abuses that are rife in Equatorial Guinea.

Obiang, long dogged by [controversy](#), is the guest of honor at an [invitation-only](#) dinner on August 7 hosted by the Corporate Council on Africa, which will also [co-sponsor](#) an [Equatorial Guinea Economic Forum](#) on August 8. Obiang, who has ruled since August 3, 1979, has held power longer than any other African head of state or any non-monarch in the world. His governments harsh [repression](#) of political opponents, independent organizations, and the media, along with its high levels of corruption, has given him a poor international reputation.

Equatorial Guinea is one of the largest oil-producing countries in Sub-Saharan Africa and has a small population, making it the wealthiest country on the continent in per capita terms. Corruption and skewed government priorities help explain why a tiny elite close to the president has been able to enrich itself from the countrys natural resources while socio-economic conditions for most of the population are worse than in many African countries with far fewer resources.

The US State Department, in its most recent [human rights report](#), identifies the most serious human rights abuses in the country as disregard for the rule of law and due process, including police use of torture and excessive force; denial of freedom of speech, press, assembly, and association; and widespread official corruption.

In one case Human Rights Watch cited, [Roberto Berardi](#), an Italian businessman, has been unjustly imprisoned for over 18 months in an apparent attempt to protect Obiangs eldest son, Teodoro (Teodorn) Nguema Obiang Mangue, the countrys second vice president for defense and security, from disclosures about his alleged corruption. Berardi has been tortured and denied medical care, the group said.

He was arrested in January 2013 and later tried and sentenced to more than two years in prison, in what his lawyer said was an effort to prevent him from providing testimony to the US Justice Department and other foreign investigators about Teodorns alleged corruption. Teodorn is joint owner with Berardi of a construction company in Equatorial Guinea.

Agustn Esono Nsogo, a teacher who was [imprisoned](#) without charge for over a year, until February 2014, was tortured on three occasions by being hung by his hands and feet and severely beaten to the point of losing his hearing in one ear, his lawyer told Human Rights Watch.

Cipriano Nguema Mba, a former military officer who was granted refugee status in Belgium in 2013, was abducted while visiting Nigeria in late 2013 and illegally returned to Equatorial Guinea, where he was secretly held by government authorities and tortured. He remains in custody and reportedly was [transferred](#) to solitary confinement on July 26, 2014. This is the second time Nguema was kidnapped from exile abroad. His lawyer told Human Rights Watch that he has not been able to visit him.

The Obiang government has repeatedly denied that torture takes place in the country. In 2013, when Equatorial Guinea was up for review before the UN Committee on Economic, Social, and Cultural Rights, the delegation from the country highlighted [the absence of torture in the country's prisons and the care given to inmates](#). President Obiang has also declared that there is no torture in Equatorial Guinea.

In a February 2014 submission to the United Nations Human Rights Council, his government stated that it has a firm policy not to tolerate the practice of torture or arbitrary detention, on penalty of drastic coercive measures.

Obiang exercises inordinate control over the judiciary, which lacks independence. Lawyers have reported that judges say they need to consult with the office of the president regarding their decisions in sensitive cases. The president is designated the country's chief magistrate. Among other powers, he chairs the body that oversees judges and appoints the body's other members.

Judicial processes are used to intimidate or punish those perceived as disloyal to those in power. For example, [Florentino Manguire](#), another former business associate of Teodorn, spent over two years in prison on unsubstantiated theft charges filed by Teodorn, who was then forestry minister. Manguire received a presidential pardon in June 2012. In August 2012, he was again arbitrarily arrested and held for 10 days, then released without charge after a stern warning not to reveal information about Teodorn.

Obama invited all African leaders in good standing with the United States and the African Union to attend the US-Africa Leaders Summit.

For Obiang, the designation that his government is in good standing, together with the opportunity to participate alongside Obama and other heads of state in the summit, represents a major diplomatic and public relations achievement.

Obiang has hired public relations firms, made sizable donations to international organizations, traveled widely to visit leaders in other countries, and built [lavish conference facilities](#) to host [international events](#) that draw [prominent figures](#) to Equatorial Guinea in order to improve his image.

It is shocking that President Obiang gets the red-carpet treatment in Washington while his perceived opponents in Equatorial Guinea are thrown in prison to be flogged, said Tutu Alicante, the Equatoguinean lawyer who founded [EG Justice](#) from exile. We hope President Obama tells President Obiang loud and clear to end false imprisonment, torture, and oil-fueled corruption.

### **Torture in Equatorial Guinea**

Due process rights are routinely flouted in Equatorial Guinea and prisoner mistreatment remains common. Many detainees are held indefinitely, some in secret detention, without knowing the charges against them. Lawyers and others who have visited prisons and jails indicate that serious abuses continue, including beatings in detention that amount to torture.

### **The Tortured Teacher**

Agustín Esono Nsogo, a teacher who established and directs a private school in Bata, was released under international pressure in February 2014 after more than a year in prison. He was arrested without warrant at his home on October 17, 2012, then transferred to Black Beach prison in Malabo and held without charge or trial.

His lawyer, Fabín Nsue Nguema, told Human Rights Watch that Esono was held there incommunicado for at least a week, and was tortured in an effort to get him to confess to an alleged plot to destabilize the country. Nsue said that guards tied Esono's hands and feet and suspended him from above like an animal, then severely beat him with batons. Most of the blows were on his wrists and feet, the lawyer said, but his client was also beaten on the head and lost hearing in one ear as a result. He was denied medical attention. Nsue said the beatings happened three times and, at the time of his release, Esono had visible marks of torture on his wrists.

As reported by [Amnesty International](#), Esono is the nephew of a co-founder of the Unin Popular (Peoples Union) political opposition party. His uncle died in 1993 as a result of torture in police custody.

Nsue, his lawyer, was himself a victim of an enforced disappearance after he tried to visit Esono in prison. Nsue was illegally arrested and kept in secret and incommunicado detention for several days, then, under [international pressure](#), released without charge eight days later.

### **The Kidnapped Colonel**

Former army colonel Cipriano Nguema Mba has been held in Malabo since December 23, 2013, when he was allegedly abducted from Nigeria and illegally repatriated to Equatorial Guinea. For months thereafter, the government of Equatorial Guinea declined to reveal his whereabouts, leading to speculation he had been killed.

This was the second time Nguema was forcibly disappeared: in 2008 he was illegally arrested in Cameroon, where he had been recognized as a refugee, and put in [incommunicado detention](#) in Equatorial Guinea. Nguema had been convicted in absentia in a secret 2005 military trial of approximately 70 people that did not meet international fair trial standards, and in which those detained credibly alleged torture. He was sentenced to 30 years in prison for allegedly plotting a coup and embezzling government funds.

He escaped from prison in October 2010, and eventually settled with his family in Belgium, where he had been granted political asylum.

In each case, the authorities have belatedly acknowledged holding him and have claimed he was discovered inside the country and imprisoned to serve an earlier sentence.

At least three other people arrested with him in December 2013, and a fourth person arrested separately, also remain in custody, all without charge or trial. These include a Spanish citizen, Ticiano Obama Ncogo, and Timoteo Asumu, Mercedes Obono Nkoni, and another unidentified woman, according to media [reports](#). On June 3, 2014, five others arrested in December 2013, Florencio Ela Bibang, Antimo Edu Nchama, Felipe Obama Ondo Nchama, Feliciano Ela Monsuy, and Acacio Mae Nguema, were released.

Lawyers for some of those arrested told Human Rights Watch that their clients had told them that the former colonel has been tortured in custody.

### **The Personal Prisoner of Presidents Son**

Human Rights Watch conducted independent research on the case of Roberto Berardi. Information from confidential sources and interviews with his family and lawyer indicate that Berardi has been unjustly imprisoned and that he has been subjected to torture and other serious mistreatment in detention, in violation of Equatorial Guineas international human rights obligations.

He has been severely beaten and flogged by guards, held for lengthy periods in solitary confinement in inhumane conditions, and repeatedly denied medical treatment and access to his lawyer or diplomatic representatives, Human Rights Watch said.

The only times Berardi has been authorized to leave his isolation cell since December 2013 were during two brief hospital stays in early July that were granted under [international pressure](#) when he was thought to be near death.

His lawyer, [Ponciano Mbomio Ny](#), said that Berardi was arrested soon after he asked his business partner, President Obiangs eldest son, Teodoro (Teodorn) Nguema Obiang Mangué, about a US Justice Department civil complaint alleging in part that he had used their company, Eloba Construccin, to launder the proceeds of alleged corruption.

The US government complaint asserts that Teodorn used an Eloba account to funnel nearly US\$1 million into the US. One wire transfer, for \$872,112, paid for Teodorns purchase at auction of Michael Jackson memorabilia, including [a white, crystal-covered Bad Tour glove](#).

The Eloba transactions appear among Justice Department descriptions of ostentatious purchases by Teodorn worth more than \$300 million from 2000 to 2011, allegedly paid for with illicitly obtained funds, including a fleet of luxury cars, art by master painters, and mansions on four continents.

Teodorn is reportedly close to finalizing a [settlement](#) with the Justice Department. He is also the [focus](#) of a major corruption investigation in France.

Teodorn has repeatedly denied allegations of corruption and money-laundering through his lawyers. Obiang and his government also strongly defend Teodorn against the allegations. In addition, they contend that Teodorn has immunity because of the high-level posts granted by his father.

Berardis lawyer said that Berardi was unfamiliar with Teodorns reputation when he agreed to form a partnership. They met when Teodorn admired a building that Berardi built in Cameroon, he said. For their new venture, in which Teodorn was 60 percent owner, Berardi moved to Equatorial Guinea and brought capital and equipment. Teodorn did not contribute any capital but instead offered to guarantee security and facilitate contracts.

Berardi was responsible for administering the company and became concerned that some contracts Teodorn arranged went unpaid. When Berardi learned of the allegations by the US Justice Department that funds were diverted from an Eloba account, he confronted Teodorn.

The conversation became heated, the lawyer said, and Berardi heavily criticized his partners business practices. The lawyer believes Teodorn had Berardi jailed to prevent him from revealing information that could be used in foreign corruption and money-laundering cases against Teodorn. He believes Teodorns case against Berardi is also designed to allow him to take full ownership of the company they share.

Berardi was arbitrarily arrested on the night of January 18, 2013, at his home in Bata, according to his lawyer. He was taken to the Bata police station, without warrant or explanation. He was kept in incommunicado detention there for 21 days, where he was beaten.

On February 11, 2013, Berardi was transferred to house arrest, where he was kept under guard until February 27. On that day he learned that Teodorn had accused him of theft and was taken to Bata prison.

Berardi was charged, tried, and convicted of theft of company property and fraud, following an unfair trial at which, Berardis lawyer said, his accuser did not appear in court and no evidence was presented. On August 26, he was sentenced to 2 years and 4 months in prison.

Berardi has been kept in solitary confinement for lengthy periods. In mid-December 2013, he was transferred from a cell shared with seven other prisoners to solitary confinement. Other than for the two brief hospital stays, Berardi has not been permitted outside his isolation cell ever since, the lawyer said. Once a day, guards open the door to his cell to provide food and water.

Lengthy periods of solitary confinement are considered a form of torture under international law.

The authorities have frequently prevented Berardi from receiving consular visits. Despite numerous requests, Berardi spent 10 months in Bata prison before he was permitted his first visit from an Italian embassy representative, on December 13, 2013, the lawyer said. Several guards were present during the interview. The lawyer thinks he was transferred to solitary confinement in retaliation for seeking the Italian embassys support. He also saw embassy representatives in prison in March and June 2014, again in the presence of security officials and after repeated requests, as well as in July while hospitalized.

Berardi was denied access to a lawyer for nearly a year. Mbomio met his client for the first time on July 10, 2014, during Berardis 3-day stay at La Paz hospital in Bata. The last time Berardi met with his previous lawyer was in August 2013.

Mbomio, a prominent Equatoguinean lawyer with experience handling sensitive cases, took over representation of Berardi once he regained his legal license. The license had been [suspended](#) for two years in retaliation for criticizing the government when defending an

imprisoned opposition figure.

Berardi has not been allowed personal visits in prison at least since December 2013. He was able to see friends while at La Paz hospital but he was soon returned to solitary confinement.

It is well known that torture takes place in Equatorial Guinea's detention facilities, and recordings made inside in Bata prison in 2014 were smuggled out and are available online. Human Rights Watch has spoken with a lawyer familiar with the recordings who verified their origin.

One recording, features five-and-a-half minutes of cries, screams, and the loud sound of beating, followed by commentary in which the speaker says, This is what we hear every day, the torture sessions from morning till evening and at night.

The lawyer told Human Rights Watch: There is no doubt that torture is taking place. It is even done openly. The recordings confirm for once and for all that torture continues in Equatorial Guinea.

In the Berardi case, his lawyer, [Ponciano Mbomio Ny](#), and family provided Human Rights Watch with compelling evidence that he has been tortured. Human Rights Watch was able to verify some of this information independently.

They said he had been subjected to violence in the Bata police station after he was initially arrested and experienced much worse abuse in Bata prison. Berardi's lawyer said he was tortured on June 12, 2013, in July 2013, and on January 31, 2014, by being held down by guards and flogged with a whip. On numerous other occasions, the lawyer said, he was severely beaten with a baton. Berardi also told Mbomio that the guards threatened him with death.

Berardi's family provided [photos](#), showing lash marks across his back from one of these episodes. Mbomio told Human Rights Watch that he observed numerous scars on Berardi's back and hands consistent with his descriptions of torture. Mbomio also said he had interviewed his client about one episode and verified his client's testimony by separately interviewing a second person who had been present at the time.

Mbomio said the isolation and the mistreatment had taken a mental toll on his client.

The lawyer told Human Rights Watch that prison conditions for Berardi, as with other inmates in Equatorial Guinea, were very poor.

Berardi is given little to eat, and the food is of very poor quality. He told his lawyer he receives no food at all on weekends or major holidays. Berardi has lost considerable weight in detention, visible in [before](#) and [after](#) photos issued by his family.

His family said his long incarceration was a source of great emotional strain and had ruined them financially. They have sought to assist him through a [Facebook page](#) created to advocate for his release and raise money for his legal fees.

They also published [photos](#) of his cramped prison cell. Temperatures in his cell regularly reach 104 degrees Fahrenheit (40 degrees Celsius), his lawyer said. Provisions for sanitation and ventilation are inadequate. He added that because it lacks any protection from mosquitos, Berardi has contracted malaria several times.

The description by Berardi's family and lawyer is consistent with the detention conditions of an Equatoguinean political prisoner, [Dr. Wenceslao Mansogo Alo](#), who was held in Bata prison from February to June 2012 and spent several weeks in solitary confinement. During that time, Dr. Mansogo was kept in a locked prison cell, had no contact with other prisoners, and was not permitted to leave the cell for fresh air or exercise. His [small prison cell](#) had only a tiny window insufficient to allow natural light or adequate ventilation from the extreme tropical heat. The hygiene was extremely poor.

The most recent US State Department [human rights report](#) on Equatorial Guinea, for 2013, states that, [c]onditions in the country's three prisons, 12 detention centers, and numerous police station jails were harsh and life threatening. There were no statistics on the prevalence of deaths in prisons or detention centers. Diseases, including malaria and HIV/AIDS, were serious problems. The government provided sporadic medical care to a limited number of prisoners and detainees. Provisions for sanitation, ventilation, lighting, and access to potable water were inadequate.

Until his medical examination on June 30, 2014, and brief hospitalizations in early July 2014, Berardi had been denied medical attention for over a year. Despite repeated requests for treatment for malaria and other illnesses, his lawyer said, his only prior medical visit took place in June 2013.

He was frequently ill from malaria and dysentery, developed a severe cough, and had high fevers, the lawyer said. Other Bata inmates reportedly have died from lack of medical treatment, including a man whose death from malaria was [reported](#) to have occurred on July 13, 2014.

In June 2014, Berardi's family and lawyer became gravely concerned by his rapidly deteriorating health, including a persistent high fever and severe cough. They feared he could die in prison if he did not get immediate medical attention. Following international pressure, Berardi was able to receive a medical visit in prison on June 30.

The resulting medical report, seen by Human Rights Watch, states that Berardi developed a number of conditions including emphysema and acute bronchitis. The doctor prescribed antibiotics but Berardi's lawyer told Human Rights Watch that prison authorities did not allow him to obtain them, apparently without explanation.

Following international [pressure](#), Berardi was briefly permitted to go to Bata central hospital on July 2. He was returned to prison the following day, and his medicine was confiscated.

On July 8, after further international pressure, he was allowed to go to the better-equipped La Paz hospital in Bata. The July 12 medical

report, seen by Human Rights Watch, confirmed the earlier diagnosis of bronchitis. Berardi was told, his lawyer said, that his high fevers had been the result of a particularly bad case of malaria.

The medical report adds that he entered the hospital with fever, cough, diarrhea, as well as lesions on his face and leg from a skin infection, but that most of the symptoms had improved. The doctor cleared him to be discharged but recommended a convalescence of three weeks. Instead, Berardi was sent back to prison that same day and put in solitary confinement, where once again prison authorities confiscated his medicine.

Following [international attention](#) to Berardi's case and concerns about his health and safety, President Obiang publicly [promised](#) in April to promptly release him on humanitarian grounds. The announcement followed a meeting with the Vice President of the European Commission, Antonio Tajani.

The pardon has not materialized, however. Expectations were high that the president would issue it on his birthday in early June. Obiang also favors another date for prisoner pardons: August 3, the anniversary of the coup that brought him to power. This year he is expected to be traveling to Washington on the anniversary, since the US-Africa Leaders Summit opens the next day.

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