



CLIMATE OF FEAR CONTINUES

ENFORCED DISAPPEARANCES,
KILLINGS AND TORTURE IN GAMBIA

AMNESTY
INTERNATIONAL



The human rights situation in Gambia is deteriorating and the government is failing to abide by its international human rights obligations. Cases of enforced disappearance are yet to be resolved after several years, those involved in unlawful killings have not been identified and brought to justice, and torture is still widely used by security forces.

In 2008 Amnesty International published a report *Gambia: Fear rules* (AFR 27/003/2008), documenting serious human rights violations in the country and the government's failings in relation to its international obligations. This campaign digest includes new cases that have emerged since 2008, and highlights some of those that are still outstanding. The pattern of human rights violations documented in 2008 has not changed; in a wave of arrests in March 2010, which followed an earlier wave in November 2009, former government officials were accused of treason or attempts to destabilize the government. In all, several hundred former officials, military officers and civilians were detained. The detainees were overwhelmingly denied access to lawyers

and relatives, and held in conditions so harsh that they amounted to cruel, inhuman and degrading treatment.

ENFORCED DISAPPEARANCES

Most victims of enforced disappearance are journalists, opposition party members or security force personnel. Investigations by the authorities rarely take place and perpetrators are not brought to justice.

The government should publicly disclose the whereabouts of all those named by Amnesty International and other victims of enforced disappearance, and should seek international assistance for independent investigations.

“I was told I will be arrested if I keep coming to the police station to ask for my disappeared son.”

Father of Ebrima Manneh

Market in Banjul, Gambia, where Sulayman Dumbuya was shot dead by soldiers loyal to the President in January 2000.



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KANYIBA KANYI

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his home by security agents. He was taken first

On 18 September 2006, Kanyiba Kanyi, a politician with the opposition United Democratic Party (UDP), who also worked for the international NGO Christian Children's Fund, was arrested at

to a local police station and then to the capital Banjul, where he was questioned by the crime management co-ordinator. Since then, there have been reports that Kanyiba Kanyi was moved between several police stations, but he has not been seen and has had no access to his family or a lawyer. The authorities deny that he is in custody. The UDP filed a writ of habeas corpus and in 2007 a high court ordered his release. There has been no independent investigation into Kanyiba Kanyi's disappearance and he remains missing.

LAWS AND TREATIES PROTECTING HUMAN RIGHTS IN GAMBIA

The Constitution of Gambia (Chapter IV)

Regional treaties

- African Charter on Human and Peoples' Rights
- African Charter on the Rights and Welfare of the Child
- Convention Governing the Specific Aspects of Refugee Problems in Africa
- Protocol to the African Charter on Human and Peoples' Rights

International treaties

- International Covenant on Civil and Political Rights and its (first) Optional Protocol
- International Covenant on Economic, Social and Cultural Rights
- UN Convention on the Elimination of All Forms of Discrimination against Women
- International Convention on the Elimination of All Forms of Racial Discrimination
- UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- UN Convention on the Rights of the Child

Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance, adopted in 2006, states: "enforced disappearance" is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law."

EBRIMA MANNEH

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National Intelligence Agency (NIA) at the newspaper's offices. It is believed that he was arrested for trying to print a BBC article that criticized the Gambian government.

Ebrima Manneh, a journalist with the government-owned newspaper *Daily Observer*, has not been seen since 11 July 2006 when witnesses saw him being arrested by members of the

On 19 June 2007, the Media Foundation for West Africa filed an application on behalf of Ebrima Manneh at the Court of Justice of the Economic Community of West African States (ECOWAS) in Abuja, Nigeria. The court ordered the Gambian government to immediately release him from unlawful detention and pay US\$100,000 in damages to his family. The government did not comply with the order and has denied any involvement in his arrest and subsequent disappearance. Ebrima Manneh was last seen in hospital under police custody in July 2007.

Amnesty International brought the case of Ebrima Manneh to the attention of the Gambian government at the UN Universal Periodic Review in February 2010 when Gambia's human rights record was being assessed under this procedure. The case has also been raised by the Gambia Press Union and the UN Special Rapporteur on freedom of expression, who has twice written directly to the government demanding Ebrima Manneh's release.

FIVE SECURITY OFFICERS



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Five security officers – Daba Marenah (left), former Director General of the National Intelligence Agency (NIA); Lieutenant Ebou Lowe; 2nd Lieutenant Alieu Ceesay (top left); Warrant Officer

Alpha Bah (top right); and Staff Sergeant Manlafi Corr – have not been seen since they were arrested in March 2006 as suspects in an alleged coup plot. The government claimed that the officers escaped after a road accident during a routine transfer between prisons. There has been no independent investigation into the incident. At the time of their disappearance the five officers were being investigated for treason.



EXTRAJUDICIAL EXECUTIONS

Extrajudicial executions are deliberate and unlawful killings carried out by order of a government or with its complicity or acquiescence. Extrajudicial executions have been routinely carried out in Gambia, especially against members of the security forces who oppose the government.

Amnesty International has also documented cases in which students, journalists and foreign nationals have been killed by security personnel. Extrajudicial executions are prohibited by Section 18 of the Gambian Constitution, Article 6 of the International Covenant on Civil and Political Rights and Article 4 of the African Charter.

The government should investigate and bring to justice all those involved in the extrajudicial executions above, and provide redress and compensation to the families.

“They [unlawful killings] are seen as quickly getting rid of coup plotters and other perceived enemies, especially people whom the President feels have turned against him.”

Human rights defender



Gambia Day of Action in London, UK (above) and in Freetown, Sierra Leone (below), 22 July 2010.

50 FOREIGN MIGRANTS

On 23 July 2005 a group of 50 foreign nationals, including 44 Ghanaians, was intercepted by Gambian security forces in the waters off Gambia on suspicion of planning to overthrow the government during Gambia's Independence Day celebrations. According to a Commonwealth Human Rights Initiative (CHRI) report, the men were taken to the Naval Headquarters in Banjul, divided into groups of eight and taken to a field near Siffoe in Gambia's Western Division. There they were reportedly killed by members of security forces with machetes, axes and other weapons. The bodies were indiscriminately dumped at various locations, among them the village of Brufu, near Siffoe.

Efforts to initiate an investigation into this incident have been mired in problems. With no movement on the case by May 2006, and with

no progress on the investigation, the CHRI called on the African Commission on Human and People's Rights to investigate the killings. In July 2007 the Ghanaian Foreign Affairs Legal Bureau identified the bodies of eight Ghanaian men. Preliminary investigations show they died from shock and trauma. In February 2008 a joint UN-ECOWAS investigative team was formed, which visited Gambia in September 2008. According to media reports, the Ghanaian authorities were briefed on the report in Abuja, Nigeria, only in May 2009. The UN-ECOWAS report stated that "members of the Gambian security service, acting on their own, took active part in the death and disappearance of the West African nationals, including the [44] Ghanaians." Although the report named individual security force members as taking part in the killings, to date no one has been brought to justice.

COUP ATTEMPTS IN 1994 AND 2000



Eleven members of the army, including Lieutenant Basiru Barrow (left), were summarily executed in November 1994 by security forces loyal to the President after being arrested for an alleged coup plot.

Their bodies were reportedly dumped in a ditch in Yundum military barracks, 32km from Banjul.

In January 2000, three soldiers – Captain Landing Sanneh, Lieutenant Alimamo Manneh and Corporal Sulayman Dumbuya – were accused of planning to overthrow the government. Landing Sanneh was court-martialled and sentenced to 16 years' imprisonment with hard labour. The other two were killed: Alimamo Manneh was executed immediately on arrest and Sulayman Dumbuya was shot dead in a busy market in Banjul. No one has been brought to justice for their deaths.

STUDENT PROTESTS IN 2000



On 10 and 11 April 2000, security forces opened fire on students peacefully protesting against the reported killing of fellow student Ebrima Barry in Brikama, 30km from Banjul.

Thirteen students and Omar Barrow (pictured), a journalist covering the protest, were killed. In response to this incident, the National Assembly passed an Indemnity Act, effectively protecting security personnel from prosecution for any act needed to quell an unlawful assembly or other emergency situation. However, in 2002 the Supreme Court ruled that the Indemnity Act did not apply to the April 2000 killings, since it was passed after the incident took place. Despite this ruling, no action was subsequently taken to investigate and bring the perpetrators to justice.

DEYDA HYDARA



On 16 December 2005, Deyda Hydara, editor of *The Point* newspaper and President of the Gambia Press Union, was shot and killed in his car while travelling home from work. Two

of his colleagues, Ida Jagne and Nyansarang Jobe, were also in the car and were shot in their legs and critically injured. The murder came on the anniversary of the establishment of *The Point*, and three days after controversial media legislation had been passed, which Deyda Hydara had vociferously opposed. No investigation has taken place and no one has been brought to justice.



The Point newspaper, Banjul.

TORTURE AND OTHER ILL-TREATMENT

Torture is used routinely in Gambia to force confessions and to punish detainees. Significant evidence has emerged in trials in recent years suggesting that people were tortured to extract confessions, raising concerns about the admissibility of the evidence.

The government must investigate all cases of torture and bring to justice those responsible.

“What a mockery to democracy, rule of law and justice in a country once regarded as a champion of human rights and democracy.”

Musa Saidykhan



Torture or other ill-treatment of detainees is routine in Gambia, in violation of the Gambian Constitution, Chapter IV, Article 21; the International Covenant on Civil and Political Rights, Article 7; the Convention against Torture, Article 2(2); and the African Charter, Article 5. No one may be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

Protesters against the lack of freedom for people in Gambia gather outside the Gambian High Commission in London, UK, July 2009.



MUSA SAIDYKHAN



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In December 2010 the regional ECOWAS Community Court in Abuja, Nigeria, heard the case of Musa Saidu Khan, former editor-in-chief of *The Independent*, a Banjul-based newspaper which was banned in 2006.

Musa Saidu Khan alleges that he was tortured (pictured left) after state security agents raided the newspaper offices in 2006, shut it down and imprisoned its staff. After his release, Musa Saidu Khan fled to Senegal. In its judgement, the Court declared that the arrest of Musa Saidu Khan was illegal and unconstitutional, and that his detention for 22 days without trial and his torture were illegal. Musa Saidu Khan was awarded damages of US\$200,000 to be paid by the government.

17 SENEGALESE NATIONALS

Amnesty International has expressed concern about the fate of 17 Senegalese nationals arrested on 13 October 2010 in the villages of Bullock and Bajan. They have been charged with possession of firearms and ammunition and are believed to be at serious risk of torture and other ill-treatment while in detention.

TORTURE ALLEGATIONS

Amnesty International continues to monitor the case of three National Intelligence Agency (NIA) officers and a member of the Drug Squad, accused of torturing suspected drug dealers at the NIA headquarters in May 2009. Lamin Darboe, Lamin Drammeh, Edrisa Jobe (alias Alagie Morr) and Omar Jammeh have been charged with grievous harm, unlawful wounding, and beating with fists and electric cables.

AFRICAN COMMISSION RESOLUTION OF 24 NOVEMBER 2008

The African Commission hereby:

Condemns the continued human rights violations in the Republic of The Gambia and requests the immediate and unconditional release of Chief Ebrima Manneh and Kanyi Kanyiba and all prisoners of conscience;

Calls on the Republic of The Gambia to immediately and fully comply with the 5th June 2008 judgement of the ECOWAS Community Court of Justice in respect of the release of Chief Ebrima Manneh from unlawful detention and pay the damages awarded by the Court.

Further Calls on the Government of the Republic of The Gambia to investigate all allegations of acts of torture in detention and extrajudicial executions.

Urges the Government of the Republic of The Gambia to provide organizations, families and friends of persons in detention, access to the detainees to enable an assessment of their health and living conditions;

Calls on the Government of the Republic of The Gambia to bring to an immediate end the harassment and intimidation of independent media institutions and respect the rights of journalists and other human rights defenders;

Urges the Government of the Republic of The Gambia to fully comply with its obligations under the African Charter with regard to the right to liberty, freedom from torture, right to fair trial, freedom of expression and of association and to take all necessary measures to ensure its accountability for reported cases of human rights violations in the country;

Further Calls on the Government of the Republic of The Gambia to immediately implement this Resolution.

EIGHT SENTENCED TO DEATH



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Eight men, including General Lang Tombong Tamba (left), arrested in late 2009 were convicted of treason and sentenced to death in July 2010 after being convicted in a grossly unfair trial of procuring arms, ammunitions,

equipment and mercenaries from Guinea to stage a coup. The men were arbitrarily arrested, tortured in prison and denied food and water for long periods. They were not permitted to see a lawyer and were refused urgent medical treatment for broken bones, heart conditions and other complaints.



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General Lang Tombong Tamba, Brigadier General Omar Bun Mbaye, Major Lamin Bo Badjie, Lieutenant Colonel Kawsu Camara, Former Deputy Inspector General of Police Momodou B. Gaye, Gibril Ngorr Secka, Abdoulie Joof and Yousef Ezziden, sentenced to death in July 2010.



Amnesty International activists in Glasgow, UK, on the Gambia Day of Action, 22 July 2010.

TAKE ACTION NOW

1. Write to the President of Gambia, asking him to:

- Immediately end incommunicado detention and enforced disappearances, and ensure that security personnel who engage in these practices are brought to justice in fair trials;
- Investigate cases of extrajudicial execution by security forces and ensure that those responsible are brought to justice in fair trials;

- Grant access to family members and lawyers for all prisoners;

- Comply with obligations under the African Charter with regard to the right to liberty, freedom from torture, right to fair trial, freedom of expression and of association;

2. Write to the Commonwealth Secretary General in the United Kingdom, asking him to raise these concerns with the Gambian authorities.

Send appeals to:

H.E. Yahya A.A. Jammeh
 President of the Republic of the Gambia
 State House
 Banjul
 The Gambia

Kamalesh Sharma
 Secretary General
 Commonwealth Secretariat
 Marlborough House
 Pall Mall
 London SW1Y 5HX
 United Kingdom
 Email: secretary-general@commonwealth.int

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AMNESTY INTERNATIONAL



Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

Index: AFR 27/001/2011
 English

June 2011

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