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The Gambia: Government Must Stop Intimidation and Harassment of Human Rights Defenders, Journalists, Lawyers and Government Critics

Joint statement by ARTICLE 19, Commonwealth Human Rights Initiative and Amnesty International

After a new wave of arrests, Amnesty International, ARTICLE 19 and the Commonwealth Human Rights Initiative strongly urge the Gambian government to immediately stop its crackdown on human rights defenders, journalists, government critics, lawyers and anyone who dares to speak out against the government or its policies.

Since the beginning of December, at least nine cases of arbitrary arrest and illegal detention have been documented. The government continues to instil fear and use intimidation through arbitrary arrests and detention with the purpose of stifling expression and dissenting voices. The abuse of office by those in power is also a worrying practice. Several high profile individuals have recently been targeted and arrested either without charge or based on questionable charges; detained for longer than the constitutionally allowed period without being brought before a court; or released on onerous bail conditions and ordered to report daily to the security forces without any evidence or indication that a crime has been committed.

Mambury Njie, a former government minister, was arrested on 31 October and held in detention until 5 November when he was released on bail. On 14 December, after reporting to the police as per his bail conditions, Mambury Njie, was taken to court and charged with economic crimes and abuse of office. He was remanded in custody at Mile II Prison. In court, Mambury Njie did not have legal representation and he was not informed of his right to a lawyer. The magistrate court did not have the jurisdiction to hear the case. No further details have been made available to him or his lawyer as to the specifics of the crime(s) he is alleged to have committed. Lawyers filed a request for bail on 18 December and the matter will be heard in court on Monday 24 December.

Mambury Njie had previously been arrested on 31 October by the National Intelligence Agency (NIA) and kept for one night before he was transferred to police custody. He was kept in police custody for four days until he was released on bail. His detention at that time exceeded the maximum 72 hours allowed for detention without being brought before a court and his family was not made aware of the reason for arrest. It is reported that Mambury Njie, while serving as Minister of Foreign Affairs, was opposed to orders in August to execute death row inmates. On 23 August, the same day nine death row inmates were taken from their cells and executed shortly thereafter, Mambury Njie was transferred to the Ministry of High Education, Research, Science and Technology. Only a few days later, he was relieved from the President's cabinet.

On 3 December two NIA officers arrested Imam **Baba Leigh** and no one has seen him since. He is therefore at risk of enforced disappearance as well as torture or other ill-treatment. Many believe his arrest is linked to his public condemnation of the execution of the nine inmates at Mile II prison in August. Baba Leigh called the executions "un-Islamic" and urged the government to return the bodies to the families for proper burial. His family and lawyer have made repeated attempts to visit him at the NIA headquarters in Banjul where he is believed to be held but no one has been allowed access. It has now been 18 days since Baba Leigh was arrested and detained incommunicado.

Also on 3 December prominent lawyer and the former president of the Gambia Bar Association, **Amie Bensouda**, was arrested by the NIA. Amie Bensouda was trying to obtain previous court

judgements within the last five years on land matters for a project for the World Bank called Land Governance Assessment Framework. Amie Bensouda was held incommunicado for two days before being released. At no point during her detention was she informed of the reason for her arrest. However, it is reported that Amie Bensouda was arrested following a complaint by the former Acting Chief Justice who informed the security forces that her activities were an issue that “undermined the administration of the Gambia judiciary”. The former Acting Chief Justice claimed that the judgements Amie Bensouda was seeking were prejudicial as they were pending cases and she had not sought his permission. According to the family, the cases she was seeking were not pending but previous judgments from the past five years. Lawyers in the Gambia have confirmed that it is not required to seek the Chief Justice’s permission to obtain such documents.

Four court officials, **Buba Jawo** (Master of the High Court), **Mariama Ceesay Mboob** (Registrar), **Modou Boye** and **Jerreh Manneh** (both assistant registrars) were also arrested on 4 December in connection with Amie Bensouda’s case. The officials, who were not charged, were questioned about the court documents given to Amie Bensouda. They were released on bail on 5 December but without charge. Amie Bensouda was also released without charge but had to surrender her travel documents and land deeds as condition of bail. All five must report to police headquarters on a weekly basis.

In November, Amie Bensouda represented and won the case of women’s rights activists, Dr Isatou Touray and Amie Bojang-Sissoho, respectively executive director and programme coordinator of the Gambia Committee on Traditional Practices Affecting the Health of Women and Children. The two women had been arrested in October 2010 charged with theft. They were acquitted and discharged in November 2012.

Ousman Saydikhan, the brother of journalist Abubacarr Saikyhan, was also arrested on 8 December for questioning by the Gambian Police. The police asked some questions in relations to his brother’s whereabouts but gave no indication as to any crime alleged to have been committed by Ousman Saydikhan. He was released on bail on 10 December without charge, pending an investigation. He must still report to the police station every day. Abubcarr Saikyhan has been in hiding ever since receiving death threats following his attempt to protest the August executions of nine death row inmates.

Abubacarr Saikyhan was arrested on 6 September alongside fellow journalist Baboucarr Ceesay after applying to the police for a permit to protest against the August executions. Baboucarr Ceesay was charged with sedition, incitement of violence and conspiracy to commit a felony and Abubacarr Saikyhan was charged with incitement of violence and conspiracy to commit a felony. The two journalists were released on 10 September and the charges were eventually dropped, reportedly on orders of the President. However shortly after, the two journalists began receiving death threats.

Abdoulie John, a journalist, editor of the website JollofNews, was arrested on 9 December by the NIA at an event organized for the release of eight Senegalese security personnel who had been captured by the Mouvement des Forces Democratique of Casamance (MFDC), a separatist movement along the southern Senegalese and Gambian border. A State House photographer questioned Abdoulie John’s authorization to be at the event and a verbal argument ensued. The NIA forces arrested Abdoulie John, and he was kept overnight. He was released on bail on 10 December and ordered to report to the NIA on a regular basis. No charges have been brought against him. According to Abdoulie John, he was invited to report on the release of the soldiers by the event organizers.

Under international human rights law as well as Gambian law, individuals may only be deprived of their liberty on grounds and according to procedures established by law. The Gambian 1997 Constitution Chapter IV Section 19, Article 9 of the International Covenant on Civil and Political Rights (ICCPR) and Article 4 of the African Charter all guarantee the right of everyone to liberty and security, including the right not to be subjected to arbitrary arrest or detention. The Gambia is a state party to the ICCPR and the African Charter.

The fact that these individuals could be arrested and detained often without any clear reason, explanation or evidence of a crime by the security forces is extremely worrying and a blatant violation of the basic rights enshrined in international law and in the Gambian Constitution. In some cases, the detainees themselves have not been informed of reasons for their arrest and access to legal representation has not been allowed. In most cases, if released they were subjected arbitrarily to procedures such as frequent check-in with the security forces.

Amnesty International, ARTICLE 19 and Commonwealth Human Rights Initiative call on the Gambian government to stop repressing human rights defenders, journalists, lawyers and government critics. They must be allowed to carry out their peaceful activities without fear of reprisals, intimidation or harassment. The Gambian authorities must respect the right of every individual to due process.

Amnesty International, ARTICLE 19 and the Commonwealth Human Rights Initiative call on the Gambian government to release Mambury Njie and Imam Baba Leigh and to respect the right of all Gambians to freely express their views and opinions.

BACKGROUND:

On the evening of 23 August, nine death row inmates – one woman and eight men – were taken out of their cells and by 24 August they had been executed by firing squad. The executions were carried out in secret and without informing the families, lawyers or respective governments of the prisoners before they took place. The prisoners themselves are believed to not have been told until they were taken from their cells. These executions were the first to take place in nearly 30 years. The bodies have still not been returned to their families or their burial site made known.