

10 April 2001

AI Index AFR 27/001/2001 - News Service Nr. 66

Gambia: Justice not impunity

On the first anniversary of the killing in and around Banjul of at least 12 people, including six children, by members of the Gambian security forces, Amnesty International is appealing to the Gambian authorities to continue judicial proceedings against those responsible for the killings. The killings followed a student demonstration which became violent.

"The Gambian authorities' decision not to prosecute in the interests of "national reconciliation" is short-sighted, particularly given the findings of its own Commission of Inquiry, and will not prevent further violations by members of the security forces. Any sense that the security forces are above the law is a serious threat to human rights", said Amnesty International today.

Following the public outcry over the killings, the government ordered a Commission of Inquiry and instituted a coroner's inquest. The Commission's findings, submitted to the Government in September 2000, have not been made public. However selected elements were revealed in the government's response in January 2001.

The Commission of Inquiry found that security force officers were responsible for the deaths and injuries of the students and others, and recommended their prosecution. It also recommended that student leaders could be prosecuted for their role in organizing the demonstration. In response to these findings, the government announced that it would not prosecute anyone, stating; "The Government is of the view that the spirit of reconciliation will be further strengthened and enhanced by its decision not to prosecute anyone, be it student or otherwise...".

The Government totally rejected findings relating to the responsibility of members of the security forces. However it strongly condemned the activities of the student leaders and underlined their responsibility for their unrest.

"This selectivity undermines the spirit of the Commission of Inquiry. The Government must take seriously all the Commission's findings and proceed with its recommendations," Amnesty International said.

Amnesty International is calling for any member of the security forces found to have used excessive force resulting in the death or injury of demonstrators, bystanders or others, or to have subjected detainees to torture or ill-treatment, to be investigated and brought to justice.

"In the interests of transparency and accountability, and assisting in a return of public confidence in the justice system, the government should also make public the full report."

Background

The Commission of Inquiry, headed by the then Chief Justice, included prominent members of civil society as well as the president of the Bar Association. It was mandated to investigate the causes of the breakdown of public order, the extent to which any individual or group of individuals contributed to the breakdown, to assess and quantify the loss of property, as well as to make recommendations to prevent the recurrence of such events. A coroner's report found that 11 of the 12 victims had died from gun shot wounds.

The demonstrations, involving hundreds of people, were organized by the Gambian Students Union (GAMSU) in Banjul, Brikamaba and other towns to protest at the death of a 19-year-old student, Ebrima

Barry, on 9 March 2000, reportedly after torture by Brikamaba Fire Service personnel, and the alleged rape of a 13-year-old schoolgirl by a police officer the next day. The demonstrations went ahead despite a refusal by the authorities to grant GAMSU a permit and became violent when the security forces tried to disperse crowds using tear gas and rubber bullets.

Seven firefighters were acquitted in March 2001 of the killing of Ebrima Barry on the grounds that the charges against them had not been proved beyond reasonable doubt. No one has been prosecuted for the alleged rape.

Six of those killed were children under the age of 18. One 10-year-old pupil, Burama Badji was shot in his father's compound. The youngest victim was aged three-years-old. Another of those killed was a Red Cross Volunteer, Omar Barrow, who was killed as he tried to help the wounded.

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW web : <http://www.amnesty.org>