

EXTERNAL

AI Index: AFR 27/03/96

26 January 1996

Further information on UA 242/95 (AFR 27/04/95, 23 October 1995) and follow-up (AFR 27/05/95, 21 November) - Fear of ill-treatment / Legal concern

GAMBIA 25 people charged with sedition: Jobarteh Manneh, Batch Samba Jallow, Mama Jawara (f), Ismaila Jawara, Adama Ceesay (f), Alhaji Mori Kebba Saïdykhan, Lang Hawa Sonko, Bakary Camara, Sainey Faye, Omar Bah, Saraney Jatta, Fansu Jawara, Yaya Darboe, Foday Ceesay, Ebrima Sonko, Kosso Taylor (f), Malamin Sonko, Landing Camara, Kebba Tunkara, Lamin Kanaju, Mustapha Dibba, Mustapha Ceesay, Dabo Colley, Modou Kebbeh, Buna Kebbeh

10 people held without charge: Hussainu Njai, Alagi Mamadi Sabally, Mamadou Cadicham, Omar Jallow, Malang Fatty, Ansumana Fadera, Babucarr Ceesay, Mohamed Lamin Ba, Modou Jammeh, Saïdy Wan

Not detained: contrary to earlier reports, Alhaji Omar Sey, former Minister of External Affairs and Yaya Ceesay, former Minister of Local Government and Lands, were not among those detained

Of all those arrested around 12 October 1995, at least the 35 people listed above are still detained. They appear to be prisoners of conscience held on account of their non-violent political opinions and activities.

Twenty-five of the alleged People's Progressive Party (PPP) supporters were charged with sedition and released on bail on 12 January 1996 but rearrested later the same day. They had been granted bail by the magistrate in accordance with the provision of the decree which allows for bail after 90 days in custody.

The legal basis for their re-arrest is unclear. A decree was reported to have been issued, dated 10 January, permitting their rearrest. However, this decree was not invoked in court on 12 January by the Deputy Director of Public Prosecutions acting as counsel for the prosecution, which suggests that it had not in fact been issued by that time. It appears that a retrospective decree was used to justify illegal acts taken by the authorities.

In a recent hearing of the 25 alleged PPP supporters, one defendant, Ismaila Jawara, claimed that he had been beaten and tortured by soldiers from State House (the office of the Chairman of the Armed Forces Provisional Ruling Council (AFPRC)) and threatened with death if he did not admit to plotting to overthrow the AFPRC.

At least 10 others arrested around 12 October 1995 remain held without charge - again in contravention of the decree which provides for a detainee to be brought before a court within 90 days. It is not clear whether the "10 January" decree may also be applied to these cases.

All 35 detainees are held in a disused hangar at Fajara army barracks in Bakau, just outside the capital, Banjul. They have been denied visits by their families and have experienced serious difficulties in gaining access to their lawyers.

BACKGROUND INFORMATION

Amnesty International has recently returned from a visit to the Gambia where meetings were sought with the Chairman and members of the AFPRC as well as

other ministers in the government. Regrettably, only the Minister of Justice was able to meet the AI delegation. Following the visit the organization remains concerned about the removal of the rights of political detainees (since July 1994 when Lieutenant (now Captain) Yahya Jammeh seized power in the Gambia, the AFPRC has issued a series of decrees which undermine human rights). In April 1995, Decree 36 (National Goals and Objectives (Amendment) Decree) effectively removed all human rights provisions from the country's laws. Further details concerning this recent visit to the Gambia can be found in Amnesty International's Report of 26 January 1996 (AI Index: AFR 27/02/96) entitled *The Gambia: Erosion of human rights safeguards continues*.

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English or in your own language:

- seeking clarification of the reasons for the continuing detention of those held without charge or trial since 12 October 1995;
- calling for their immediate and unconditional release unless they are to be charged with recognizably criminal offences, and promptly and fairly tried according to international standards;
- urging that the detainees are promptly transferred to a recognised place of detention and given full access to their families and to legal representatives and doctors of their choice;
- seeking assurances that all detainees are being treated humanely, and calling for the allegations of torture made by Ismaila Jawara to be investigated;
- explaining that your concern on these cases is motivated by a concern for universal human rights standards as stipulated in the International Covenant on Civil and Political Rights, to which the Gambia is a state party and urging the restoration of human rights guarantees under the existing Constitution which have been suspended.

APPEALS TO:

His Excellency
 Captain Yahya Jammeh
 Chairman of the Armed Forces Provisional Ruling Council and Head of State
 Office of the President
 State House

Banjul

Republic of Gambia

Telegrams: Captain Jammeh, State House, Banjul, Gambia

Faxes: +220 227 034

Telexes: 2204

Salutation: Dear Captain Jammeh

Captain Lamin Bajo
 Minister of the Interior
 Ministry of the Interior
 71 Dobson Street

Banjul

Republic of Gambia

Telegrams: Captain Bajo, Interior Ministry, Banjul, Gambia

Salutation: Dear Captain Lamin Bajo

Mr Musa Bittaye
 Minister of Justice and Attorney General
 Ministry of Justice and Attorney General's Chambers
 Marina Parade

Banjul, Republic of Gambia

Telegrams: Justice Minister Marong, Banjul, Gambia

Salutation: Dear Minister

COPIES TO:

The Editor, The Daily Observer, PMB 131, Banjul, Gambia

The Editor, The Gambia Daily, 14 Hagan Street, Banjul, Gambia

The Editor, The Point, 1A Hagan Street, Banjul, Gambia

The Editor, The Nation, People's Press, 3 Boxbar Road, POB 334, Banjul, Gambia

and to diplomatic representatives of GAMBIA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 20 March 1996.