

Amnesty International

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PUBLIC STATEMENT

Gambia: Amnesty International calls for the reopening of *The Independent* and the release of Chief Manneh

A year ago today marks the closure of *The Independent* and the arbitrary arrest and illegal detention of three members of its staff. The suppression of the media and other perceived opponents of the government have been characteristic of the Jammeh government since, 1994 and in the last year alone at least 15 journalists or staff of media institutions have been detained without charge, some held for long periods unlawfully, and some of whom have suffered ill-treatment. Amnesty International fears that the curtailment of the right to freedom of expression, including the right to seek, receive and impart information, is in violation of provisions in the Gambian constitution as well as obligations under international human rights treaties to which Gambia is a party, including the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights.

Amnesty International calls for the immediate reopening of *The Independent*, and the immediate unconditional release of Chief Manneh, a reporter of the *Daily Observer*, whom Amnesty International considers a prisoner of conscience, who has been held in incommunicado detention without charge or trial for close to 9 months since he was taken into police custody.

It has been a year since *The Independent*, one of the country's leading newspapers, was closed down by security agents because the government felt the newspaper was publishing stories critical of the government. Its editor Musa Saidykhan and general manager, Madi Cesay, also the president of the Gambia Press Union, were detained while in detention reportedly ill-treated and finally released three weeks later without charge. The newspaper's reporter Lamin Fatty, was held in the NIA headquarters for over two months without access to a lawyer during his detention. On 14 May he was charged with publishing false information but not brought to court. On 12 June he was released on bail and is currently facing trial before the magistrate's court. The newspaper still remains closed today.

On 11 July 2006, Chief Ebrima Manneh, reporter of the *Daily Observer*, a pro-government newspaper was arrested by NIA agents. Since his arrest Chief Manneh has never been charged. Family members have not seen him and inquiries to the police have been denials that he is in their custody. Amnesty International fears that Chief Manneh's case may be one of enforced disappearance. Amnesty International sources believe he is being held incommunicado outside of Banjul by the NIA. Amnesty International is extremely concerned about his safety and considers Chief Manneh to be a prisoner of conscience who should be released immediately and unconditionally.

In 2004, the Human Rights Committee in its concluding observations on the Gambia highlighted with concern that numerous members of the political opposition, independent journalists and human rights defenders have been subjected to arbitrary arrest and periods of detention of varying lengths without charges. The Committee found that this practice largely carried out by the National Intelligence Agency was done so by decrees issued by the AFPRC that legitimize the practice of detention without trial or by legislation passed in May 2002, creating a National Media Commission with power to order the detention of journalists and to impose heavy fines. These decrees and legislation are incompatible with various articles of the ICCPR which the Gambia is party to relating to the freedom of expression. Both Article 9 and 19 guarantee that the state party should ensure that all those arrested and detained are either properly charged and brought to trial without delay or released. They also guarantee that those subjected to measures of arbitrary arrest and detention are afforded an appropriate judicial remedy, including compensation

Amnesty International is calling on the Gambian authorities:

- to immediately and unconditionally release Chief Ebrima Manneh and any other individual detained solely for peacefully exercising their rights to freedom of expression;
- to ensure that all persons detained have access to their lawyers, families and doctors, that they are promptly charged with a recognizable criminal offence and are brought before a court to determine the legality of their detention;
- to ensure that detainees are held only in publicly recognized places of detention;
- to investigate reports of torture or other ill-treatment of detainees and to bring to justice the perpetrators;
- to respect and protect the right to freedom of expression in accordance with its obligations under international human rights treaties;
- to invite the Special Representative of the Secretary-General on Human Rights Defenders, the Special Rapporteur on Freedom of Expression and the African Commission Special Rapporteurs on Freedom of Expression and on Human Rights Defenders to visit Gambia.

Background

Along with the crackdown on the media, Amnesty International has seen an overall deterioration of the human rights situation in the Gambia in the last year, following the alleged coup plot in late March 2006, when more than 70 people were arrested and unlawfully detained without been brought before a judge to review the legality of their detention for longer than the 72 hours provided by Gambian law. Along with journalists and editors, prisoners of conscience, lawyers, civilians, members of government and the military were rounded up, detained, at least 12 allegedly tortured, and at least 21 remain in detention still today. On 4 April the former NIA Director General, Daba Maremma and four other soldiers Ebou Lowe, Alieu Cessay, Alpha Bah, and Malafi Corr, who were being detained “allegedly” escaped on 4 April 2006. Amnesty International fears that they have been extrajudicially executed or become victims of enforced disappearances. There has not been any independent investigation initiated as to their whereabouts.