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# amnesty international

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## Gambia

### Fear Rules: Summary report

Summary

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*“People do whatever they can to avoid getting arrested because once you are arrested you are out of the protection of the law and are subject to all kinds of human rights violations from the police, the army, and the National Intelligence Agency.”*

Human rights defender

In the 14 years that President Yahya Jammeh has been in power, there have been six foiled coup attempts. Three days after the most recent coup attempt in March 2006, the President declared on national radio and television that “any attempt to unconstitutionally overthrow the government would be crushed without mercy” and that he would “set an example that would put an end to the treachery and sabotage”. At least 63 and possibly many more civilians and soldiers were unlawfully arrested over the following months and detained for varying periods.

Many were tortured and held in harsh, and even life-threatening, conditions; some were convicted in unfair trials, while others were victims of enforced disappearance or extrajudicial execution.

Since then, against a backdrop of arbitrary unlawful arrests, detentions and other human rights violations, all public protests have ceased in Gambia. Lawyers are reluctant to take on human rights cases for fear of reprisals, and families of the victims are afraid to speak out. The media, for the most part, censors itself in the face of arrests, fines, threats and physical attacks that have been meted out to those accused of criticizing the government.

Some of those arrested in 2006 were suspected coup plotters while others, according to human rights observers, were arrested because they were thought to be opponents of the government. This group included two lawyers and six journalists, several of whom were prisoners of conscience.

The suspected coup plotters were officials in the government and security forces including six Members of Parliament from the President’s own party. At least four

relatives of Ndure Cham, the former Chief of Defence accused of masterminding the coup plot, including his wife, were arrested.

Only 21 of the 63-plus people arrested were ever charged in connection with the foiled coup and only 15 cases went to trial.

### **Musa Saidykhan**

Musa Saidykhan was unlawfully arrested, detained and tortured.

On 27 March 2006 all the staff of *The Independent* newspaper were arrested and the newspaper was closed down. After several hours, the staff were released, apart from the managing editor, Madi Ceesay and the editor-in-chief, Musa Saidykhan. These two were detained initially by the NIA and then spent more than three weeks in police custody. They were then taken to the NIA headquarters where they were held until their release on 22 April 2006. Both men were tortured while in detention.

It is believed that Musa Saidykhan's unlawful arrest, detention and torture had less to do with his being suspected of plotting a coup than with the government grasping the opportunity to silence its critics. In 2005 Musa Saidykhan attended the African Editors Forum in Johannesburg, where he described briefly how the government was breaching press freedom, including through arbitrary arrests, detentions, deportations, kidnapping and arson attacks. In November 2007 the Media Foundation for West Africa filed a second lawsuit at the ECOWAS Community Court of Justice against the Gambian government, over the illegal detention and torture of Musa Saidykhan in March 2006. In the lawsuit there are claims that electric shocks were administered to his naked body, including his genitals, during his 22-day detention. A date is yet to be fixed for the trial.

### **Demba Dem**

Demba Dem was unlawfully arrested, tortured and a witness to an unfair trial

Demba Dem, former Minister of Parliament, was arrested in March 2006 and was one of the four defendants in the treason trial taking place at the High Court. In August 2007 he was the only one of the four who was acquitted. During the first several weeks of his detention in Mile 2 he was not granted access to his family or lawyers. He was forced to sign a written statement. Demba Dem told Amnesty International about his experience:

*You cannot call these trials fair. There was absolutely no tangible evidence in the trial. It was all based on our written statements that were not actually even written by any of the people accused. In my case the head of the major crimes unit actually wrote out my statement and then forced me to sign it by threatening me with a knife. I was so scared I signed it. This statement was used in the court as evidence. This is what they were doing with everyone.*

Throughout the course of the treason trial which lasted one year and half, Demba Dem was held in solitary confinement in Mile 2 prison. He was frequently in the hospital seeking treatment for injuries that he received while in detention. He told Amnesty International about his experience in Mile 2:

*I was there for over a year and half and because I was so badly beaten I left the cell often for treatment due to my poor health condition from all the torture. Throughout my detention I was electrocuted, cut with a knife, and constantly beaten. They always brought me to the NIA headquarters when they wanted to electrocute me – they did not do that in Mile 2.*

### **Chief Ebrima Manneh**

Chief Ebrima Manneh has been a victim of enforced disappearance since July 2006.

On 11 July 2006 witnesses saw Chief Ebrima Manneh, a reporter at the government-owned *Daily Observer*, being arrested by members of the NIA at the newspaper's offices. It is believed that his arrest was in connection with him downloading a BBC article that was critical of the Gambian government. On 21 February 2007, after pressure from lawyers and family members, the government published a press release denying any involvement in his arrest and subsequent disappearance, and claiming that they had no knowledge of his whereabouts. However, in July 2007, he was seen in hospital [is this right?] in the custody of Gambian police, apparently receiving treatment for high blood pressure.

On 19 June 2007 the Media Foundation for West Africa filed an application in Gambia on behalf of Chief Ebrima Manneh. The application, before the Economic Community of West African States (ECOWAS) Community Court of Justice, summoned the government to answer charges over his disappearance. Despite the international attention focused on Ebrima Manneh's detention, in July 2008 the government continued to deny that it knew his whereabouts or had any knowledge of him at all. The National Assembly rejected Amnesty International's suggestion that a committee be set up to investigate the matter. Chief Manneh's family and friends continue to wait for news of their loved one.

### **Yahya Dampha**

Yahya Dampha, a journalist, who was the victim of an attempted kidnapping by NIA agents.

On 6 October 2007, journalist Yahya Dampha was arrested along with two non-Gambian Amnesty International staff with whom he was travelling during a field visit. The three were initially detained by the NIA in an undisclosed location for several hours and then turned over to the police. They spent two days in detention at the police station and were then released on condition that they report back to the police on a daily basis, until they were all unconditionally released on 12 October 2007. None of them was charged.

As soon as the two Amnesty International staff had left Gambia, Yahya Dampha went into hiding. That same day, on 13 October 2006, Yahya Dampha's family was visited by NIA agents. The following day Yahya Dampha left the country for Senegal, fearful of what might happen to him if the NIA found him at home. Still at risk in Senegal after an attempted kidnapping by Gambian NIA agents, Yahya Dampha sought protection from UNHCR and the Senegalese authorities. He was granted asylum in Sweden and in July 2008 he was resettled with his family.

Amnesty International is concerned about the dozens of people who remain in detention without charge or trial. Many do not have access to their families or lawyers and are exposed to poor conditions of detention in Mile 2 prison where countless numbers remain.

In Gambia today, fear rules, and arbitrary unlawful arrests, detentions and human rights violations translate into a culture of silence. All public protests have ceased. Self-censorship of the media is the rule rather than the exception, and individuals remain silent when their human rights are violated. There are few options for Gambians wishing to exercise their human rights.

## **Recommendations**

### **To the government of Gambia:**

- Release all those currently being unlawfully detained or charge them with a recognizable crime. Release all prisoners of conscience and victims of enforced disappearances.
- Investigate all allegations of torture and ill-treatment, unlawful arrest and detention and extrajudicial executions. Bring those responsible to justice.
- Ensure that prompt, thorough and impartial investigations are conducted into all human rights violations, including those committed against people associated with the March 2006 coup plot, journalists, human rights defenders and others who have been unlawfully detained, and bring to justice suspected perpetrators. The victims and their relatives should be provided full reparation. The results of such investigations should be made public.
- Immediately cease human rights violations by the police, army and the National Intelligence Agency, and ensure that police officers abide by the highest standards of professionalism and respect for human rights. The government of Gambia must stop using the army, National Intelligence Agency and police for political purposes such as unlawfully arresting and detaining perceived opponents of the government and human rights defenders.

### **To the international community, ECOWAS and the African Union:**

- Publicly condemn instances of human rights violations, including arbitrary arrests, torture, extrajudicial executions and enforced disappearances which come to their attention and address such concerns to Gambian authorities.
- Put pressure on Gambian authorities to ensure, respect and protect at all times the internationally recognized human rights of all Gambians.
- Establish a joint independent Commission of Inquiry into the complex human rights crisis in Gambia.
- Discuss the human rights situation in Gambia at the next Council of Heads of State and consider how to enforce the ECOWAS Community Court of Justice judgement on Chief Ebrima Manneh against the Gambian government.

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