

PUBLIC

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UA 07/03

Incommunicado detention/ Fear of torture or ill-treatment

09 January 2003

GAMBIA

"Mubarak" (m), Moroccan national

Amnesty International is concerned for the safety of a Moroccan national, known as "Mubarak". He was arrested on 30 December 2002 in Farafenni, Gambia, as he reportedly arrived in the country. There are fears that he may be subjected to intimidation, ill-treatment or other cruel inhuman or degrading treatment

On his arrest, Mubarak was found to be in possession of a false Gambian passport. He is being held at the Gambian National Intelligence Agency (NIA) headquarters in Banjul, where he is reportedly being questioned by agents of the NIA and by United States investigators present in Gambia on any links he may have with al-Qa'ida. There is a well-established pattern of incommunicado detention and ill-treatment at the NIA.

If Mubarak is accused of being an al-Qa'ida suspect, he may be at risk of transfer to the US Naval Base at Guantanamo Bay in Cuba, where hundreds of alleged members of al-Qa'ida or of the former Taleban authorities in Afghanistan are held indefinitely without access to the courts, lawyers or relatives, in conditions which may amount to cruel, inhuman and degrading treatment. Detainees have little if any prospect of being able to challenge the basis or the legality of their detention. Other sources within Banjul have stated that he may be deported to Morocco.

BACKGROUND INFORMATION

Gambia has close ties with the United States government and in October 2002, signed an impunity agreement with the USA, agreeing not to surrender US nationals accused of genocide, crimes against humanity and war crimes to the International Criminal Court. In December, anti-terrorism legislation was passed by the National Assembly although it is yet to come into force.

Since 11 September 2001, Amnesty International has expressed concern on numerous occasions at the arbitrary arrest and unlawful detention of people suspected of links, often arbitrarily on the basis of nationality or religion, with al-Qa'ida.

Amnesty International is currently investigating reports that two men, arrested on their arrival in Gambia in early November 2002, and detained on suspicion of links with al-Qa'ida, were transferred to Guantanamo Bay in early January 2003. They were held for nearly two months in incommunicado detention by the NIA in Gambia during which they were reportedly subjected to intimidation and possible ill-treatment by US investigators. Further information on the November arrests is contained in UA 359/02 (AFR 27/006/2002, 11 December 2002).

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing concern at the incommunicado detention of Mubarak in Banjul by the NIA following his arrest on or around 30 December 2002;
- seeking guarantees that he will be protected from all forms of ill-treatment and intimidation by both Gambian and US investigators;
- requesting clarification of the reason behind his arrest and his continued detention at NIA Headquarters;
- asking that if his detention is to continue, he is given immediate access to medical care, legal counsel and human rights groups;
- urging that he be released if he is not to be promptly charged with a recognizably criminal offence for which there is substantiating evidence.

APPEALS TO:

President and Minister of Defence

Captain (retd.) Alhaji Yahya A. J. J. Jammeh
Office of the President
State House, Banjul
Republic of the Gambia

Telegrams: **President Jammeh, Banjul, Gambia**

Faxes: **+ 220 227034**

Salutation: **Your Excellency**

USA Ambassador to Gambia

Jackson McDonald
Banjul
Republic of the Gambia

Telegrams: **Ambassador, US Embassy, Banjul, Gambia**

Faxes: **+ 220 392475**

Email: **ambanjul@gamtel.gm**

Salutation: **Dear Sir**

Director of the NIA

NIA Headquarters
Banjul,
Republic of the Gambia

Telegrams: **Director of the NIA, Banjul, Republic of the Gambia**

Faxes: **+ 220 225 562**

Salutation: **Dear Sir**

Secretary of State for Foreign Affairs

Honourable Baboucar Blaise Jagne
Department of State for Foreign Affairs
4 Marina Parade, Banjul
Gambia

Telegrams: **Secretary of State, Foreign Affairs, Banjul, Republic of the Gambia**

Faxes: **+ 220 223 578**

Salutation: **Dear Secretary of State**

COPIES TO:

Attorney General and Secretary of State for Justice

Joseph Joof
Department of State for Justice and Attorney General's Chambers
Marina Parade
Banjul
Republic of the Gambia

Faxes: **+ 220 225 352**

and to diplomatic representatives of USA and Gambia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 20 February 2003.