

PUBLIC

AI Index: AFR 27/001/2008

04 March 2008

UA 60/08 Torture/Medical concern

GAMBIA Yahya Bajinka (m)

Former National Intelligence Agency officer Yahya Bajinka has been detained in secret since the 15 April 2007. He is now known to have been tortured, and is being denied medical attention in an attempt to keep his detention secret. His health has deteriorated so badly that without treatment he is likely to die.

Yahya Bajinka's brother, former presidential bodyguard Major Khalipha Bajinka, was accused of involvement in a March 2006 alleged coup plot, and fled the country in July 2006 after an attempt to kill him. The rest of his family were arrested shortly afterwards. Yahya was held incommunicado for two weeks. Three more of his brothers fled the country after they were released.

In April 2007 Yahya Bajinka was arrested without a warrant at his home in the town of Brikama and taken to Mile Two Central Prisons. Since then the authorities have repeatedly denied all knowledge that he had ever been arrested, and gave no reason for his imprisonment. Besides his relationship to alleged coup plotter Khalipha Bajinka, he is thought to have been overheard criticising President Jammeh's style of government.

He was seen for the first time on 22 September 2007, when journalists from the twice-weekly newspaper *Foroyaa* found him receiving medical attention at the Royal Victoria Teaching Hospital in the capital, Banjul. He was seen at the same hospital a second time by journalists from the same newspaper on 19 February, being escorted by prison wardens and a soldier. The journalists noted that his health had worsened dramatically, and believe he had been severely tortured.

BACKGROUND INFORMATION

President Yahya Jammeh came to power in a military coup in 1994, and was elected President in 1996. In March 2006 his government claimed it had uncovered and foiled a coup plot involving several key military allies of the President, led by Colonel N'dure Cham. Some of those accused were tried in a civilian court that ruled at the end of 2007, sentencing some to 20 years' imprisonment. Many of the defendants claimed they had been tortured into giving evidence against others. The authorities acknowledged that testimonies had been extracted under torture but were admitted into evidence. The Gambia is a state party to the International Covenant on Civil and Political Rights, of which Article 7 expressly prohibits the use of torture, and to the African Convention on Human and Peoples' Rights, which makes the same prohibition.

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

- urging the authorities to allow Yahya Bajinka any medical attention he may require, and expressing concern at reports that his health has suffered so badly in custody that he is close to death;
- expressing concern that Yahya Bajinka has been detained in secret since April 2007, and has been tortured;
- urging the authorities to release him immediately, unless he is to be charged with a recognizably criminal offence;
- while he is in custody, urging the authorities to give Yahya Bajinka regular access to his family and legal counsel of his own choosing.

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
Fax: +220 4227 034
Salutation: Your Excellency

Attorney General and Secretary of State for Justice
Mrs Marie Saine Firdaus
Department of State for Justice
Marina Parade
Banjul
Republic of the Gambia
Fax: +220 4225 352
Salutation: Dear Secretary of State

Secretary of State for the Interior
Mr Ousman Sonko
Office of the President
State House
Banjul
Republic of the Gambia
Fax: +220 4223 718
Salutation: Dear Secretary of State

COPIES 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 15 April 2008.