



# Amnesty International Annual Report 2013 - Gambia

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Head of state and government: **Yahya Jammeh**

**For the first time in nearly 30 years the death penalty was carried out, as nine death row inmates were executed without prior notification. The inmates had not exhausted all of their appeals. The authorities also repressed dissent through harassment and intimidation. Security forces routinely made arbitrary arrests and subjected people to arbitrary detention. Prison conditions were appalling.**

## Death penalty

In August, nine death row prisoners – seven Gambian men, one Senegalese man and one Senegalese woman – were executed by firing squad, a week after President Jammeh had announced plans to carry out all existing death sentences. No prior notification was given to the individual prisoners, their families, their lawyers or the Senegalese authorities. The authorities did not confirm the executions – which caused an international outcry – until several days afterwards. Three of those executed, Malang Sonko, Tabara Samba and Buba Yarboe, were killed without exhaustion of their legal appeals, in violation of international fair trial standards. Another executed man, Dawda Bojang, had been sentenced in 2007 to life imprisonment for murder. When he appealed his conviction at the High Court in 2010, his sentence was changed to death. He had not exhausted his appeal to the Supreme Court when he was executed. The Constitution states that all those sentenced to death must be guaranteed the right of appeal to the Supreme Court.

In September, the President announced a moratorium on executions conditional on the crime rate, thus making the lives of those on death row dependent on external factors.

In October, the Supreme Court upheld the convictions for treason of seven men sentenced to death in June 2010 for plotting to overthrow the government. International observers were barred from the courtroom.

At the end of the year at least 36 people remained on death row.

## Arbitrary arrests and detentions

The National Intelligence Agency (NIA) and police routinely carried out arbitrary arrests. Individuals were often held without charge and beyond the 72-hour time limit within which a suspect must be brought before a court, in violation of the Constitution.

- In April, 18 men and two women who were or were perceived to be lesbian, gay, bisexual or transgender, were arrested during a raid on a nightclub. They were charged with attempting to commit "unnatural acts" and "conspiracy to commit felony". The charges were dropped for lack of evidence in August.
- In October, the media and family members reported that former government Minister Mambury Njie was arrested and detained by the NIA. His detention exceeded the maximum 72 hours and his family was not informed of the reason for arrest. He was released on bail a few days later and re-arrested in December, after reporting to the police in line with his bail conditions. He was taken to court and charged with economic crimes and abuse of office, with no further details, before being remanded in custody at Mile II Prison. In court, Mambury Njie did not have legal representation and he was not informed of his right to a lawyer. He remained in detention at the end of the year. It was reported in the media that while serving as Minister of Foreign Affairs in August, Mambury Njie was opposed to orders to execute death row inmates.

## Repression of dissent

- In January, the former Minister of Information and Communication, Dr Amadou Scattred Janneh, was sentenced to life imprisonment with hard labour after being convicted of treason. Modou Keita, Ebrima Jallow and Michael Uche Thomas were each sentenced to three years with hard labour for sedition. The four were arrested in June 2011 for being in possession of T-shirts which featured the slogan "End Dictatorship Now". Michael Uche Thomas died in prison in July due to illness and reported lack of medical care. In September, Dr Janneh was granted presidential pardon and expelled from the country. A month later, Modou Keita was also released. Ebrima Jallow remained in prison.
- In September, two journalists, Baboucarr Ceesay and Abubacarr Saidykhan, were arbitrarily arrested after applying to the police for a permit to demonstrate peacefully against the August executions of nine death row inmates. Both men were arbitrarily detained, charged with sedition and released on bail. In October, the charges were dropped on the orders of the President. A few days later the journalists received death threats, which the police said they would investigate, but no progress had been made by the end of the year.

## Freedom of expression

In January, an independent radio station, Teranga FM, was closed down without explanation. In August, a few months after its reopening, Teranga FM was ordered to shut down again by NIA officers. The station had previously been briefly closed in 2011.

In September, plain-clothed men, suspected to be NIA officers, entered the offices of The Standard and Daily News newspapers and ordered them to suspend their activities. No court order or document was issued and the editors were not given any explanation. The papers remained closed at the end of the year.

The same month a BBC journalist, a French national, was held for more than five hours at Banjul airport. He was told to leave the country within 48 hours without any explanation and despite the fact that he had obtained previous authorization to report from the Gambia. He had come to report on the August executions.

## Enforced disappearances

In May the Inspector General of Police stated that, according to information received by Interpol, Ebrima Manneh, a journalist who disappeared while in police custody in 2006, had been seen in the USA. This information was not confirmed by Interpol and Ebrima Manneh remained listed as a missing person on Interpol's website. The reported sighting was strongly denied by his family.

- On 3 December, two NIA officers arrested Imam Baba Leigh, a prominent Muslim cleric and human rights activist. Imam Leigh publicly condemned the execution of nine inmates at Mile II prison in August when he called the executions "un-Islamic" and urged the government to return the bodies to the families for proper burial. Subsequently, Imam Leigh was not brought before a court, his detention was not acknowledged by the NIA, and his family and lawyer remained unaware of his fate and whereabouts. As such, he was subjected to enforced disappearance and was at risk of torture and other ill-treatment. At the end of the year, Amnesty International believed he was held by state agents and considered him a prisoner of conscience.

## Prison conditions

Poor sanitation, illness, lack of medical care, overcrowding, extreme heat and malnutrition plagued Gambia's prisons. External monitors were not allowed access. Lack of equipment such as fire extinguishers put prisoners' safety at risk.

Prisoners on death row were not allowed visits by family or friends. Food in prisons was of poor quality but only remand prisoners were allowed food from outside. Rehabilitation programmes were non-existent.

In October, it was reported that four inmates had died from illness, including two death row prisoners, Abba Hydera and Guinea-Bissau national Sulayman Ceesay; further information was not available. According to sources, inmate Amadou Faal, known as Njagga, was severely beaten in October by a prison officer. He suffered the loss of his eye but was denied medical care for several days. The prison officer was not disciplined or charged.

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