



Dato: 21. november 2011

UPD i Gambia

Det er vanskeligt at finde detaljerede oplysninger om menneskerettighedssituationen i situationen i Gambia – herunder om forholdene for medlemmer af den politiske opposition. Især lokale NGO'er og medier har vanskelige vilkår, når emnet er menneskerettighedssituationen i landet eller forholdene for den politiske opposition til præsident Yahya Jammeh. Jammeh har siddet tungt på magten siden oktober 1996. Det skal bemærkes, at der afholdes præsidentvalg i Gambia den 24. november 2011.

UDP er landets største oppositionsparti, og partiets kandidat er Ousainou Darboe. Darboe støttes af flere mindre oppositionspartier. En koalition bestående af fire oppositionspartier, United Front, opstiller ligeledes en kandidat, Hamat Bah, til præsidentvalgt.

Rapportering

World Organisation Against Torture oplyser i en fact finding rapport fra juli 2011 følgende om menneskerettighedsrapporteringen fra Gambia:

“There is barely any organised and functioning civil society group working on human rights in The Gambia. The few that operate focus on non-sensitive issues and do not carry out monitoring activities. This is mainly due to the stifling environment in which they operate, as well as the lack of credible public institutions that offer them effective protection and the obstacles imposed through the registration process. [...] As a result, NGOs choose to focus on issues which are deemed not sensitive and on which the government is making progress such as women and children's rights in order to avoid reprisals from State authorities. In this context no NGO can carry out any monitoring of human rights violations. But NGOs working on issues which are not deemed “politically sensitive” do nonetheless face acts of harassment if the authorities feel threatened by their activities.” [...] In the absence of NGOs carrying out human rights monitoring activities or denouncing human rights violations, the press has become the only institution reporting, documenting and denouncing human rights violations. In The Gambia, all journalists have to affiliate to the Gambia Press Union (GPU), which has been able to preserve its independence and for this reason regularly suffers from attacks and intimidation by the authorities. According to information given to the Observatory, 700 journalists would be affiliated to the GPU. Despite the restrictive environment for freedom of expression in The Gambia and some hurdles to registration¹², several independent newspapers, like *Foroyaa*, *the Daily News*, *The Point*, *The Voice*, *Today*, *Daily Express* and *The Standard* operate and the media environment maintains a certain vibrancy and diversity of voices.

However and despite Section 25 of 1997 Constitution, which guarantees freedom of expression, journalists who are critical of the regime have been threatened, harassed, arbitrarily arrested, detained and sometimes tortured by the National Intelligence Agency (NIA). A number of journalists have



fled the country as a result of fear for their lives. Independent journalists who denounce human rights violations, fight for freedoms of expression and the media and retain free editorial have been subjected to various acts of intimidation, ranging from assassination to arrest and prosecution on spurious charges.

This has created a general atmosphere of fear among media practitioners still operating in The Gambia and is often resulting in self-censorship and a number of self-imposed exiles. [...] The delegation was also informed that while many journalists had to flee The Gambia following acts of intimidation, threats, arbitrary arrest or judicial harassment, many also stopped publishing human rights related articles out of fear.”

UDP

Freedom House oplyser i sin maj 2010 årsrapport følgende om UDP:

“Jammeh won a new five-year term in the September 2006 presidential election, taking 67.3 percent of the vote. Darboe, running as the candidate of the United Democratic Party (UDP), received 26.6 percent, while another opposition leader, Halifa Sallah, captured the remaining share. The preelection period was marred by government repression of the media and the opposition, and Darboe rejected the results as a “sham.” [...] “The opposition UDP, led by Ousainou Darboe, holds four National Assembly seats, and the National Alliance for Democracy and Development (NADD), led by Halifa Sallah, holds one. One other seat is held by an independent. However, the president and the ruling APRC are in clear control, and the system’s pluralism is largely symbolic.”

Partiet har en webside, hvor man blandt andet kan læse partiprogrammet og se videoer fra forskellige offentlige møder (<http://www.udpgambia.com/homepage.php>).

Præsidentvalget 24. november 2011

Den uafhængige avis Foroyaa skrev i en leder den 18. november 2011 følgende om det forestående valg og det aktuelle politiske klima i landet:

“Foroyaa is already aware that observer teams are beginning to descend on Banjul to monitor the 2011 Presidential elections.

All political parties are on the campaign trail. They are moving about in the country.

A week is left before D Day. Foroyaa has been following the activities of all the political parties. All of them have a crowded agenda. They have to break into teams in order to carry out their campaign. The general public appears to be taking interest in the politics of the country. Unlike 2006 Foroyaa does not hear many comments being forwarded that gives the impression that there will be voter apathy; on the contrary, there is uncertainty regarding the outcome.



So far the campaigns appear to be continuing rather smoothly without any report of violent confrontations between parties. What is rather strange is that the APRC candidate has departed from the tradition of issuing threats and insults against the opposition and has become a preacher of peace while a rejuvenated opposition is leaving no stone unturned in exposing the human rights violations and poverty of the Gambian people.

The masses themselves are protesting that the campaign period is very short. They appear to enjoy the sudden air of freedom which has dawned upon the country with political parties moving with convoys and conducting lively processions. Youths take the platforms to speak their mind without any fear of arrests.

Those who feared a long campaign period should now hide their heads in shame. A month campaign period would have enabled the political parties to sensitise the people, organise training sessions for their polling agents, conduct voter education on the colour and emblem of the candidates and facilitate a freer and fairer election.

The foreign observers should monitor the national radio and TV to determine whether they are giving equal and fair coverage to all candidates."

Arrestation af UDP-medlemmer og sympatisører

Det Canadiske Immigration and Refugee Board oplyste i marts 2010 følgende om forholdene for UDP medlemmer og sympatisører i perioden fra 2006 til marts 2010:

"In 13 March 2010 correspondence with the Research Directorate, a senior staff reporter with the Daily News, based out of Serrekunda in The Gambia, stated that the authorities view opposition party members as "unpatriotic citizens of the country." A 2008 Amnesty International (AI) report indicates that opposition politicians and supporters in The Gambia may be at risk of "enforced disappearance" if they are viewed as having "too much power" (11 Nov. 2008, 17).

A September 2009 article in Afrik.com reports that the President of The Gambia, Yahya Jammeh, issued a "death threat" to opposition leaders and human rights workers on state-owned television (25 Sept. 2009). Sources indicate that the President stated that he would "kill anyone who wants to destabilize this country" (Afrik.com 25 Sept. 2009; AI 25 Sept. 2009). A British Broadcasting Corporation (BBC) "Country Profile" indicates that political opponents in The Gambia have been detained without charge under the President's "iron-fisted" rule (3 Feb. 2010).

Several sources reported on the disappearance of Kanyiba Kanyi, a United Democratic Party (UDP) supporter (AI 11 Nov. 2008, 18; US 11 Mar. 2010, Sec. 1e; Senegambia News 26 Nov. 2009), who was arrested without charge prior to the 2006 elections and remained in detention at the end of 2009 (US 11 Mar. 2010, Sec. 1e). On 26 November 2009, Senegambia News published a statement by Ousainou Darboe, Secretary General and Party Leader of the



UDP, which indicated that Kanyiba Kanyi had not been seen since his arrest on 18 October 2006. The Senior Staff Reporter similarly indicated that Kanyi's whereabouts are unknown (13 Mar. 2010). Darboe's statement indicates that Kanyi was "abducted by security agents of the Government" (Senegambia News 26 Nov. 2009). Country Reports on Human Rights Practices for 2009 states that the government has not allowed international humanitarian organizations or Kanyi's lawyer to meet with him (US 11 Mar. 2010, Sec. 1e).

AI and Country Reports 2006 indicate that Tamba Fofana, a UDP supporter, was detained in September 2006 "on accusations of 'anti-state' activities" (AI 11 Nov. 2008, 17; US 6 Mar. 2007, Sec. 1b). Sources indicate that Fofana, the headmaster of a school, was detained for hosting a UDP rally on school property (Senior Staff Reporter 13 Mar. 2010; The Gambia Echo 15 Oct. 2007). He was released in October 2007, without charge (AI 11 Nov. 2008, 17; Senior Staff Reporter 13 Mar. 2010).

The 2008 AI report indicates that UDP supporter Ousman Jatta, also referred to as Rambo, was detained on 25 September 2006 and released in October 2007 (11 Nov. 2008, 17). Sources indicate that he was arrested after reporting 2006 presidential election "irregularities" (AI 11 Nov. 2008, 17; The Gambia Echo 27 Sept. 2007). AI also reports that he alleged he was denied food, water and medical treatment during detention (11 Nov. 2008, 17).

The Senior Staff Reporter indicated that a UDP supporter was attacked in 2007 by authorities, who set him on fire, leading to his hospitalization for three months at the Royal Victoria Teaching Hospital (13 Mar. 2010). Corroborating information could not be found among the sources consulted by the Research Directorate.

A 24 September 2009 BBC article indicates that the UDP is "banned from holding public rallies." Country Reports 2009 indicates that the UDP reported that they were unable to obtain police permits for two meetings in 2009 (US 11 Mar. 2010, Sec. 2b). Femi Peters, the UDP campaign manager, was arrested on 24 October 2009 after the UDP held a rally in Serrekunda without a police permit (ibid.). A 22 February 2010 Foroyaa Online article reports that Peters is on trial for two criminal counts under the Public Order Act: "'control of procession and control of use of loud speakers'." Information on the results of the trial could not be found among the sources consulted by the Research Directorate.

The Senior Staff Reporter noted that "if the authorities intend to block any political party from conducting activities, they can, using existing laws" (13 Mar. 2010). He went on to state that "certain criticism against the authorities, and the President Yahya Jammeh can be considered a crime under Criminal Code Amendment Act 2004/2005, which criminalizes sedition, defamation, libel, false information, among others" (Senior Staff Reporter 13 Mar. 2010). Country Reports 2009 states that though "the constitution and law provide for freedom of speech..., the government limited these rights by intimidation, detention and restrictive legislation" (US 11 Mar. 2010, Sec. 2a). Country Re-



ports 2009 also states that despite these limitations, "opposition views regularly appeared in the independent press, and there was frequent criticism of the government in the private media" (ibid.)."

Det amerikanske Udenrigsministerium oplyser i menneskerettighedsrapporten for 2008 (udgivet februar 2009) følgende:

"UDP candidate in the National Assembly election Nfamara Bojang, who was arrested in January 2007, was acquitted on March 18 because of the prosecution's repeated failure to bring forward any witnesses."

I menneskerettighedsrapporten for 2009 (udgivet marts 2010) oplyser det amerikanske Udenrigsministerium følgende:

"On October 24, Femi Peters, the UDP campaign manager, was arrested after his party held a rally in Serrekunda without a police permit. On October 26, Peters appeared in court on charges of "control of procession and control of loudspeakers." Peters refused to make a plea in the absence of his lawyer, and the case was ongoing at year's end."

Af det amerikanske Udenrigsministeriums menneskerettighedsrapport for 2010 (udgivet april 2011) fremgår det, at:

"For example, on April 1, leading opposition activist Femi Peters was sentenced to one year in prison and fined 10,000 dalasi (\$360) for organizing a political rally and using a loudspeaker without a police permit as required under the Public Order Act. Peters, who was the campaign manager of the UDP, was arrested in October 2009 after the UDP held a rally in Serrekunda without prior police authorization. The opposition said the police were using the issue of a permit to stifle their legitimate right to hold meetings. Peters appealed his conviction; it was dismissed by the court of appeal on August 5."

[...]

"During the year there were credible reports that the government held civilians based on their political views or associations, and some were held incommunicado for prolonged periods. There were about 20 political prisoners in detention at year's end.

For example, United Democratic Party (UDP) supporter Kanyiba Kanyi, who was arrested by men believed to be state security agents and held without charge shortly before the 2006 presidential elections, remained in prison at year's end. The government has not permitted access to Kanyi by international humanitarian organizations or his lawyer. In 2008 Kanyi's lawyer, who maintained Kanyi was being held by the NIA, filed an application to force the state to comply with the 2006 high court rulings to free him. In July 2009 the judge presiding over the case returned the case file to the Office of the Chief Justice in an apparent attempt to recuse himself from the trial; the judge provided no explanation for the return of the case file. Kanyi reportedly was sighted by a relative in March 2008 at the Royal



Victoria Hospital, where he was being escorted by wardens from Mile 2 Central Prison.”

De seneste to års menneskerettighedsrapporter fra det amerikanske Udenrigsministerium oplyser samstemmende, at: “There were no reports of politically motivated disappearances; however, the government was complicit in the abduction of citizens suspected of witchcraft.” [...] “There were no reports that the government or its agents committed arbitrary or unlawful killings.”

Politiets og sikkerhedstjenestens behandling af oppositionelle

Det amerikanske Udenrigsministerium oplyser i sin seneste menneskerettighedsrapport for 2010 (udgivet april 2011) følgende:

“The constitution and law prohibit such practices; however, there were reports that security forces tortured, beat, and mistreated persons in custody.

On August 5, former inspector general of police Ensa Badjie and former commander of the military police unit of the army Lieutenant-Colonel Mam Matarr Secka, who were on trial for corruption, abuse of office, and drug-related offenses, told their lawyer state security agents severely tortured them.

There were no developments in the following 2008 cases of torture and abuse by security forces: the March stabbing of Amadou Sanyang by members of the police intervention unit; the June torture and beating of five residents of Lamin Daranka during their arrest and transfer to Yundum Police Station; and the torture of Abdoulie Faye over an 18-day period in September by members of the police criminal investigation division.

In April 2009 former National Assembly member Musa Suso, while being tried on charges of giving false information to a public officer, alleged that while serving an earlier prison sentence (from 2000 to 2007) he was denied food and was tied and beaten for three days after a telephone calling card was discovered in his cell. In December 2009 Suso was acquitted of some of the charges against him, but he was convicted of others and sentenced to 18 months in prison.

On June 3, former editor in chief of the Independent newspaper, Musa Saidykhan, testified before the ECOWAS Community Court of Justice in Abuja in his case against the government of the Gambia for his illegal detention and torture in 2006. The case was filed on Saidykhan's behalf by the MFWA in 2007. Saidykhan, who lives abroad in self-imposed exile, claimed that security forces applied electric shocks to his naked body during his 22-day detention; Saidykhan subsequently was released without charge. In June 2009 the court's three-member panel rejected the government's claim that plaintiffs first had to exhaust legal remedies at the national level before appealing to ECOWAS. On December 16, the court ruled that Saidykhan was indeed tortured by state security agents while in



detention in 2006. The three-member panel awarded him damages of 5.4 million dalasi (\$200,000).

The indemnity act continued to prevent victims from seeking redress in torture cases related to official actions taken by military personnel during military rule from 1994-96. The army requires victims to file formal complaints with the courts regarding alleged torture that occurred at other times. However, during the year there were no known prosecutions in civil or military courts of security force members accused of mistreating individuals.”

[...]

“The law requires that authorities obtain a warrant before arresting a person; however, in practice individuals often were arrested without a warrant. Periods of detention generally ranged from a few to 72 hours, the legal limit after which detainees must be charged or released; however, there were numerous instances of detention surpassing the 72-hour limit. Detainees generally were not informed promptly of charges against them. There was a functioning bail system; however, the courts occasionally released accused offenders on bail only to have police or other law enforcement personnel rearrest them as they were leaving the court. Detainees were not allowed prompt access to a lawyer or family members; convicted prisoners were generally permitted to meet privately with their attorneys. Indigent persons accused of murder or manslaughter were provided a lawyer at public expense.

Military decrees enacted prior to the adoption of the constitution give the NIA and the interior minister broad powers to detain individuals indefinitely without charge "in the interest of national security." These detention decrees were inconsistent with the constitution, but have not been subject to judicial challenge. The government claimed it no longer enforced the decrees; however, there were numerous detentions during the year that exceeded the 72-hour limit.”

AI rapporterede i juni 2011:

“Torture is used routinely in Gambia to force confessions and to punish detainees. Significant evidence has emerged in trials in recent years suggesting that people were tortured to extract confessions, raising concerns about the admissibility of the evidence.”

AI, Freedom House og andre kilder rapporterer at tilbageholdte personer/varetægtsfængslede oplyser at have været udsat for tortur. Konkrete og mere kvalificerede oplysninger om politiets og sikkerhedstjenestens behandling af tilbageholdte politiske oppositionelle er få og i de fleste tilfælde holdt i generelle vendinger. AI oplyser således i juni 2011, at et større antal tidligere regeringsansatte i henholdsvis marts 2010 og november 2009 blev tilbageholdt under mistanke for ”treason” eller ”attempts to destabilize the government” i relation til et på-



stået kupforsøg. Disse personer blev ifølge AI “held in conditions so harsh that they amounted to cruel, inhuman and degrading treatment.”

Udover oplysningerne fra det amerikanske Udenrigsministerium rapporterede AI i 2008 følgende:

”However in Gambia, special units within the NIA (sometimes known as green boys, ninjas or drug boys), as well as the President’s personal protection officers, who are under the direct control of the President, members of the army and, at times, the police, are alleged to have tortured detainees. In Gambia torture is used to obtain information, as punishment and to extract confessions that can be used as evidence in a court of law.

According to Amnesty International’s sources, during interrogation, detainees have reportedly had their heads covered with plastic bags and their heads put under water for long periods, simulating suffocation. Others have been exposed to electric shocks, including shocks to the genitals, cigarette burns, stabbing with a knife, tying up with ropes and whipping with chains and leather belts. Former detainee Demba Dem, on trial for treason and later acquitted, told Amnesty International:

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.

Psychological torture has also been reported. Victims of torture told Amnesty International that they were threatened and shown photographs of mutilated bodies, or actually witnessed people being tortured or killed while being threatened that they would suffer the same fate. Some victims described having to dig their own graves with the understanding that they would be buried alive in them. Editor of The Independent Musa Saidykhan told Amnesty International:

During one of the torture sessions, they threatened to bury me alive in the area behind the NIA. They told me all other detainees accused of involvement in the coup had already been killed and buried long since. This later turned out to be a trick to extract information from me.”

[...]

“Abdoulie Kujabi, former director of the NIA, was originally arrested on 6 April 2006 in connection with the March 2006 foiled coup, along with four other former NIA members and the late Colonel Vincent Jatta. He reportedly suffered torture while in detention, including being burned with cigarettes and severely beaten. In April 2006 Kujabi was brought to RVTH in a critical physical condition. He reportedly lost an eye as a result of the torture he received in detention. Upon his release in 2007, he left the country.”



[...]

“Others who Amnesty International spoke to received no medical assistance and are now suffering the physical, psychological and social consequences of torture. As one victim recounted his experience of being tortured, he showed Amnesty International the scars on his back, legs, and arms.¹⁷ Another former victim of torture told Amnesty International:

I was woken up at 2am and for four days was left at the mercy of an eight-member torture squad led by the personal protection officer to the President. Wearing masks, they directed and participated in our three nights of physical, mental and systematic torture session. One was also instrumental in inflicting torture with the use of derogatory language. I should have died as I was tortured into a coma after live electric shocks were administered all over my body, including my genitals. Before this, I was asked to disclose the number of children that I have. I said two. I was told the electric shocks were meant to make me impotent. I have since malfunctioned sexually and now my immune system is down and I am always getting a cold. Handcuffed and stripped naked, bayonets sliced several parts of my body including my left jaw. I still have physical scars on my back, legs, arms and my right hand that was disjointed three times. My jaw and hand were sliced and disjointed to bar me from working. I feel pain all over my body and hardly sleep at night. I am in need of medical attention. Since October 2006 I have been working full time, but due to my deteriorating health condition, I cannot work full time. I am only working part time at the moment because I am in so much pain.”

[...]

“The harsh conditions of detention in Mile 2 – overcrowding, poor sanitary conditions and foul food – can in themselves be considered a form of cruel, inhumane and degrading treatment. The conditions in the maximum security cell at Mile 2 were considered particularly harsh.

Demba Dem [*anklaget for “treason”*], who was in solitary confinement described the conditions as follows:

Each person is confined to one cell, and the cells are very small with one small window – just big enough to lie in but not really move around. Most people are not allowed to leave their cell for the whole day and so are never exposed to sunlight.

Victims have also provided testimonies of food being withheld, being kept in solitary confinement for long periods without access to daylight, food or exercise, and being subjected to inhumane conditions including mosquito-infested areas where they were exposed to the risk of malaria, and were subsequently refused medical treatment. A former detainee, Musa, 21, who was in Mile 2 for four years told Amnesty International:



Over the period that I was in detention I was often on the verge of death; it was partly due to the torture but also that I contracted cerebral malaria and was denied medical treatment. At one point, when I was on the verge of death, a Cuban doctor treated me and told the guards that I was already dead and that there was no way that I would survive much longer. During the four-year period that I was there, at least 10-20 people died due to the poor conditions that we were all living under.

Amnesty International is aware of at least 19 people 18 who have died while in prison in Mile 2 since 2005. The appalling conditions are believed to have contributed to the large numbers of deaths reported there. In another testimony, a former detainee in Mile 2, Sheriff, 34, told Amnesty International:

The conditions in Mile 2 are unbearable. So many people are dying as a result. In the year and half that I was there, over 50 people died. People are dying every day. It is due to the food mostly. They serve us expired rice and other food that is rotten. So many people are getting beriberi 19 and dying."

Gambia har tiltrådt FN's Torturkonvention (1985). FN's Human Rights Council oplyste i november 2009 at regeringen i Gambia i 2007 afviste et besøg af FN's Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

Fair trial

Af det amerikanske Udenrigsministeriums menneskerettighedsrapport for 2010 (udgivet april 2011) fremgår følgende:

"The law requires that authorities obtain a warrant before arresting a person; however, in practice individuals often were arrested without a warrant. Periods of detention generally ranged from a few to 72 hours, the legal limit after which detainees must be charged or released; however, there were numerous instances of detention surpassing the 72-hour limit. Detainees generally were not informed promptly of charges against them. There was a functioning bail system; however, the courts occasionally released accused offenders on bail only to have police or other law enforcement personnel rearrest them as they were leaving the court. Detainees were not allowed prompt access to a lawyer or family members; convicted prisoners were generally permitted to meet privately with their attorneys. Indigent persons accused of murder or manslaughter were provided a lawyer at public expense."

[...]

"The constitution and law provide for an independent judiciary; however, the courts, particularly at the lower levels, were corrupt and subject to executive pressure. AI noted that the presidential power to remove a judge, nominally in consultation with the Judicial Service Commission (JSC),



impeded judicial independence. During the year the president removed two high court judges without consulting the JSC.”

[...]

“The constitution and law provide for a fair and public trial, and the judiciary generally enforced this right, although frequent delays and missing or unavailable witnesses, judges, and lawyers often impeded the process. Many cases also were delayed because of adjournments designed to allow the police or NIA time to continue their investigations.

Defendants are presumed innocent. Both civilian trials and courts-martial are held in public, but occasionally closed-court sessions are held to protect the identity of a witness. No juries are used in the civilian courts, but court-martial proceedings are presided over by a judge advocate assisted by a panel of senior military officers. Defendants can consult with an attorney and have the right to confront witnesses and evidence against them, present witnesses and evidence on their own behalf, and appeal judgment to a higher court. Indigent defendants charged with murder or manslaughter have the right to attorneys provided at public expense. The law extends the above rights to all citizens, and no groups were denied these rights during the year; however, detainees were rarely informed of their rights or the reasons for their arrest or detention, according to AI.

The judicial system suffered from inefficiency at all levels. Cases continued to be delayed because the court system was overburdened. To alleviate the backlog, the government continued to recruit judges and magistrates from other commonwealth countries that have similar legal systems. The attorney general oversees the hiring of foreign judges on contract. The government reserves the right not to renew a judge's contract.”

World Organisation Against Torture oplyser i fact finding rapporten fra juli 2011 følgende:

“There is extensive political interference in the Judiciary and judges face intimidation from the President. There is indeed a sizeable number of foreign judges on the bench who are single-handedly hired by President Jammeh. The judges are hired on contract basis, and the contracts are only renewable at the discretion of the President. This has consequently undermined public trust in the legal system. Moreover, at his 2009 address to the National Assembly, President Jammeh warned the Judiciary in those terms : “Let me tell you the Judiciary that you are not human rights defenders”.

On several occasions, the President has illegally removed judges whom he perceived as dissenting voices. For instance, in April 2010, Justice **Moses Richards** was removed as a High Court judge. He was known for his ruling in favour of the rights of victims and his independence in delivering judgments. Mr. **Lamin Mboge** faced the same situation in 1998, when his position as magistrate was terminated after four years of practice after he refused to take a bribe from the authorities.



Human rights defenders in The Gambia have often questioned the independence of the “contract” judges, particularly in criminal matters. For example, it is widely believed that Mr. Femi Peters, Campaign Manager of the opposition United Democratic Party (UDP), received an unfair ruling on April 1, 2010 because the judge was under pressure from the President. Mr. Peters, charged with two counts of “control of procession” and “use of loud speaker” under section 6 of the Public Order Act, for having allegedly held a political rally at Serrekunda without a permit from the Inspector General of Police, was sentenced to one-year imprisonment and a fine of ten thousand dalasis. There is also a general climate of threat and intimidation of lawyers who provide legal services to human rights defenders (see Section III 3.a).”

Fængselsforhold i Gambia:

Det amerikanske Udenrigsministerium oplyser i menneskerettighedsrapporten for 2010 (udgivet april 2011) følgende om fængselsforholdene i Gambia:

“Prison conditions were poor, and cells were overcrowded, damp, and poorly ventilated. Inmates complained of poor sanitation and food. Unlike in previous years, there were no reports that guards were reluctant to intervene in fights between prisoners. Local prisons were overcrowded, and inmates occasionally slept on the floor. Prior to conviction, detainees were allowed to receive food from outside, but not after conviction. Medical facilities in prisons were poor; inmates who fell ill often were taken to the Royal Victoria Teaching Hospital in Banjul or nearby health centers for examination and treatment. Water supply was adequate but lighting in some cells was poor. During the summer months temperatures are extremely high and there were no ceiling fans to reduce the heat.

Unlike during the prior year, no prisoners at the Mile 2 Central Prison died during the year as a result of poor food or inadequate medical care. In March 2009 Benedict Jammeh, former police inspector general and current director at the National Drug Enforcement Agency (NDEA), testified at Musa Suso's trial that inmates at Mile 2 Central Prison were fed tainted meat that resulted in the deaths of several prisoners; a committee of senior police officers subsequently confirmed the report. In May 2009 David Colley, the director general of prison services, testified in the same trial that 23 inmates in 2006 and 40 in 2007 died in prison, primarily as a result of chronic anemia, abdominal infection, and food poisoning.

Pretrial detainees occasionally were held with convicted prisoners. At year's end, there were more than 800 inmates in the country's prisons. Women and men were held in separate wings, as were juveniles and adults.

There were occasional reports of lawyers' and family members being denied access to detainees at Mile 2 Central Prison, but generally all prisoners had access to visitors. Prisoners were free to observe any religion. Prisoners and detainees who had complaints could transmit them through their



lawyers or relatives, who could take up the complaints with judicial authorities.

Authorities sometimes investigated credible allegations of inhumane conditions, as was the case in the reports of prisoners in Mile 2 being fed tainted beef in 2006. A Prisons Visiting Committee, which comprises several government agencies, is empowered to monitor detention center conditions, but it was thought to be inactive during the year.

The Office of the Ombudsman can investigate all reports brought before it, including bail conditions, pretrial detention, and confinement of juvenile offenders. However, it is not involved in negotiating alternatives for suspects facing the law. The Office of the Ombudsman did not publish findings of any investigations it conducted during the year.

The government permitted limited independent monitoring of prison conditions by some local and international human rights groups and diplomatic missions; however, neither the media nor the International Committee of the Red Cross (ICRC) was granted access to detainees or prisoners during the year.”

Man kan læse følgende om forholdene i det centrale fængsel i Banjul, Mile 2, i den regionale internetavis, Jollofnews den 15. april 2010:

“Despite constant reference to it on a daily basis, the State Central Prison in Gambia, Mile 2, has more to it than is often highlighted. No one is more aware of this than those confined within the cells of the monstrous colonial era-built detention facility whose conditions in terms of treatment of inmates have deteriorated over the years. These prisoners are the forgotten part of our society.

Sources close to the prisons have described the situation in there as often “psychologically depressing and mentally torturing” for the prisoners, who spend 17 (seventeen) hours each day in solitary confinement, struggling to put up with extremely poor ventilation in their cells.

According to a source who spoke to Jollof News, it is extremely difficult for sick prisoners to access medical attention as they are the subject of utter disregard by prison authorities. As a result, the source added, this has often caused medical complications in the cases of some sick prisoners.

“Most often prisoners have to send medical prescriptions to family members to buy relevant medicines for their treatment,” the source said. “Some prisoners die largely due to lack of prompt and proper medical treatment.”

Our impeccable sources also said that the prison is over congested with cells accommodating twice their normal capacity. Cells with about a maximum capacity of 30 prisoners are said to be accommodating 60 prisoners or more. A number of illnesses have been linked to poor and inadequate meals.



“The meals are of poor and low quality and so insufficient, yet prisoners are not allowed to receive supplementary food from their relatives,” a source noted.

Our sources also disclosed that convicted prisoners are allowed to see families or loved ones once a month for only 30 minutes and only three people are allowed to visit a prisoner.

There have been reports of late of people kept in remand for years without either being charged or taken to court. Just recently, this was the subject of heated debate between prison authorities and a certain human rights lawyer who described the situation as unacceptable. This, our source said, has been a routine with accused taken to prison without any hope of getting out after serving lengthy jail terms. Some of these people are said to be political prisoners, many of whom are subjected to an array of physical tortures.

Complicated conditions for prisoners

Many prisoners are reported to be losing their sights, some suffering from paralysis as a result of complicated prison conditions.

Lamin Darboe, 59, has been within the walls of Mile 2 since 1986. Darboe reportedly had his life sentence commuted to death penalty in 1995 by the then AFPRC military junta for allegedly been the ring leader of a hunger strike campaign by prisoners who felt their condition was unbearable.

Prison insiders said in addition to a trauma that resulted from numerous surgical operations he underwent, Darboe has lost his mother, wife and sister, the last of his closest kin looking after his children. The prisoner is said to have undergone several surgical operations, including on his duodenum, eye, piles and he is also hypertensive. Our source said Darboe sees his continual stay in prison not only as a source of personal trauma but also those of his children, whom he believes are all been psychologically affected.

According to the source many prisoners in Mile 2 have undergone various surgical operations due to complications that resulted from their long stay there. Many prisoners are steadily losing their sight and some suffering from paralysis.

All efforts to reach the relevant prison authorities for comment on these allegations proved futile.”

Kilder

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