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Gambia: Alleged coup plot must not be used as excuse to violate citizens' human rights

At least 25 military and civilians, including a lawyer, several politicians and three journalists from the *Independent* newspaper remain unlawfully detained in connection with a suspected coup attempt in the Gambia. They have been held in incommunicado detention since their arrests several weeks ago and have not been brought before a judge. Amnesty International is seriously concerned that they may be subjected to torture or ill-treatment while in detention. Several of those previously arrested have reportedly escaped. However, the circumstances of their escape remain unclear and Amnesty International is concerned about their fate.

Since the first of a series of arrests on 21 March 2006, five detainees have reportedly escaped. Former NIA Director General Daba Marena, Lt Ebou Lowe, 2nd Lt Alieu Cessay, Regimental Sergeant Major Alpha Bah and Staff Sergeant Malafi Corr were last known to be in the custody of police and security forces on 4 April and since their alleged escape have not been heard or seen of by anyone. The organization fears for their fate. Amnesty International urges the Gambian authorities to open immediately an independent and impartial inquiry into the alleged escape of some detainees. The report of such inquiry should be made public.

According to reports, some of the 25 detainees are detained in solitary confinement in Mile 2 central prison, and have not been granted access to families, lawyers or doctors. They have not been brought before a judge. Amnesty International fears that those being held could be at risk of torture or ill-treatment. On 6 April Abdoulie Kujabi, former National Intelligence Agency (NIA) Director, arrested on 27 March, was admitted to the hospital and is said to be in "critical physical condition". Amnesty International fears that he may have been tortured in detention. Torture and ill-treatment are most frequently practised during incommunicado detention. Any reports of torture or ill-treatment should be promptly, impartially and effectively investigated and those suspected should be brought to justice.

Among the civilians being detained incommunicado are Chief Editor Musa Saydikhan, Managing Director Madi Ceesay and reporter Lamin Fatty of the bi-weekly newspaper, the *Independent*, being held at the NIA headquarters. The newspaper which is known to be critical of the government, was also closed down on 28 March. These detentions are the latest episode of the long documented history of repression of journalists in the Gambia and, in particular, the government's of intimidation of the *Independent*. Amnesty International considers these journalists to be prisoners of conscience and calls on the Government to immediately release them.

The right to liberty, freedom from torture and ill-treatment and the right to fair trial are recognized under international human rights treaties to which the Gambia is a party, including the African Charter on Human

and Peoples' Rights. These grave reports of human rights violations are taking place less than a month before the African Commission on Human and Peoples' Rights (ACHPR), the body of independent experts established to monitor compliance with the African Charter, is due to hold its session in Banjul.

Amnesty International calls on the Government of Gambia to ensure that those detained are brought immediately before a judge and have access without delay to legal counsel, family and a doctor. Furthermore, Amnesty International demands that those who are believed to be held solely for their political or consciously held belief who have not used or advocated violence including the journalists, lawyer and politicians, are immediately and unconditionally released.

Background

On 22 March the Gambian authorities announced that "a group of army officers led by Colonel Ndure Cham, former chief of Defence Staff were at an advanced stage in their plot to overthrow the constituted government of the Republic of Gambia". Three days later, President Alhaji Yahya Jammeh declared on national radio and television that "any attempts to unconstitutionally overthrow this government will be crushed without mercy," and that he "will set an example that would put an end to ... treachery and sabotage."

Since President Alhaji Yahya Jammeh took power by a bloodless coup in 1994, several alleged coup attempts have been foiled. Amnesty International has documented serious human rights violations that have taken place in the context of these alleged attempted coups.

In November 1994 for instance, just four months after the military had seized power, several soldiers were killed and others arrested following an alleged attempted coup. The circumstances in which 13 of the soldiers died remained unclear and have not been independently investigated. It seems they may have been extrajudicially executed.

Civilians and members of the military arrested on suspicion of plotting a coup have been held incommunicado for long periods without being charged, some were reportedly ill-treated or died in custody.

The ACHPR will hold its 39th Ordinary Session from 11 to 25 May in Banjul. Gambia is also meant to host the next African Union summit in July 2006.