

# **£THE GAMBIA**

## **@President abolishes the death penalty**

The Gambia has become the seventh African country to abolish the death penalty and has announced its intention to accede to the Second Optional Protocol of the United Nations International Covenant on Civil and Political Rights, the world's first pact of universal scope aimed at abolishing the death penalty. In a statement presented to the World Conference on Human Rights, held in Vienna in June 1993, President Sir Dawda Jawara declared that his Government had taken the decision with the firm conviction "that the death penalty is increasingly difficult to reconcile with evolving human rights standards, that it is a cruel and inhumane punishment and that it has no value, no useful purpose in relation to crime prevention and control."

The proposal for abolition was made by President Sir Dawda Jawara, and bills removing the penalty were passed overwhelmingly by Parliament in April 1993. Since independence in 1965, 87 people have been sentenced to death, but only one execution has been carried out.

Most of the death sentences were passed following an unsuccessful attempt to overthrow the government of President Sir Dawda Jawara on 30 July 1981, in which many people were killed. A series of trials following the 1981 coup attempt resulted in death sentences being imposed by the Special Division of the Supreme Court. By May 1984, 63 people convicted of treason were under sentence of death, 26 of them convicted in the first four months of 1984. These sentences were commuted by 1985.

After 1984 the number of death sentences imposed decreased. The first death sentences since 1987, when Lamin Darbo, a businessman, was convicted of murder and sentenced to death by the Supreme Court, were imposed in 1992. Two men were sentenced to death by the Supreme Court in January 1992 and a third man was sentenced to death in March 1992. All three had been convicted of murder.

In December 1992 the Appeal Court ruled that two police officers, found guilty of ill-treating a prisoner who died in custody, should have been convicted of murder and sentenced them to death. They and another police officer had been brought to trial before the Supreme Court in October 1991 and charged with assault and murder in connection with the death in custody in August 1991 of Mamadu Jarju, a criminal suspect. In February 1992 the court ruled that Mamadu Jarju had died as a result of torture and convicted two of the three police officers of "assault occasioning bodily harm". Both were sentenced to three years' imprisonment. The third officer was acquitted. Following the judgment, the Director of Public Prosecutions filed an appeal against the acquittal of one officer and the court's failure to convict the other two of murder, a more serious offence punishable by a mandatory death sentence. The acquittal of the

third officer was confirmed on appeal. Prior to the announcement of the appeal verdict, Amnesty International welcomed the prompt investigation into the death in custody and appealed to President Jawara to commute any death sentences handed down.

The last death sentence was passed on 10 February 1993 when Joseph Williams, known as Daddy Joe, was convicted of murder by the Supreme Court in Banjul.

The only execution in Gambia since independence in 1965 was carried out in September 1981, when Mustapha Danso was executed after his conviction in December 1980 for the murder of the Deputy Commander of the Field Force.

President Jawara had stated publicly in September 1985 that he was personally opposed to the death penalty. Amnesty International welcomed this declaration and also the regular practice of granting clemency to people under sentence of death. The organization expressed concern, however, about a 1986 law which provided for a much broader definition of the crime of treason making it a mandatory capital offence, and allowing for people to be convicted on the evidence of only one witness. The organization also urged the Gambian Government to abolish the death penalty. In March 1993 the Secretary General of the Presidency informed Amnesty International that the Government of the Gambia was actively considering abolishing the death penalty.

Amnesty International welcomes the abolition of the death penalty in the Gambia as a clear indication of the country's commitment to human rights.

**KEYWORDS:** DEATH PENALTY / ICCPR / AI AND GOVERNMENTS /