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THE GAMBIA: THE GOVERNMENT MUST PROTECT HUMAN RIGHTS DURING THE FORTHCOMING PARLIAMENTARY ELECTIONS.

The Gambian Government should ensure that the human rights violations which took place in the recent presidential election are not repeated during the parliamentary elections to be held on 2 January, Amnesty International said today.

“The intimidation, harassment and violence directed at political opponents by the armed forces and the security police -- the National Intelligence Agency (NIA) -- which took place in the days leading up to the presidential election in September 1996 must not happen again,” the organization said. “Gambian citizens should be able to express their opinions freely without fear of reprisal.”

Amnesty International has already received news that Ebrima Cessay, the news editor of the *Daily Observer*, has left the Gambia in fear of arrest. The organization also fears that the recent clashes provoked by government supporters against opposition supporters in Talinding, Serrakunda, on 16 December may re-occur. During the clashes the government brought in a special squad and violence ensued.

Some of the worst violations took place in the run-up to the presidential elections. On the evening of 22 September, four days before the election, supporters of the main opposition party, the United Democratic party (UDP), were stopped on the Denton Bridge in the capital, Banjul, by armed soldiers under the personal command of Captain Yankuba Touray, the campaign manager for the political party established by the ruling Armed Forces Provisional Ruling Council (AFPRC) and also the Minister for Local Government. Gun-shots were fired and opposition supporters were ordered out of their cars and to take off their party T-shirts.

More than one hundred UDP supporters were then subjected to a systematic assault. They were beaten with sticks, truncheons and gun butts and forced to lie on the ground face down. At least 33 people were seriously injured; some had to be admitted to hospital. Dozens of people were arrested and detained without charge just before the presidential elections.

There has been no investigation into these events. Amnesty International is demanding that an independent inquiry be urgently undertaken in order to bring those responsible for the human rights violations to justice and that measures be taken to ensure that such violations are not repeated.

The safety of opposition politicians who feared or had reasons to fear for their lives during the presidential election, such as the UDP leader, Ousainou Darboe, must be guaranteed.

“We are concerned that criminal charges are being used against political opponents as a way of justifying their continued detention,” Amnesty International said.

Detainees have been held for long periods without charge. In some cases, they have subsequently been charged with offences specified in new decrees which are applied retrospectively. This practice contravenes the principles of the rule of law and the Gambia’s obligations under international human rights law.

Amnesty International also urges the government to end short-term arrest without charge of journalists. Foreign journalists have been threatened with deportation.

“The government should ensure that all Gambian citizens are able to exercise their right to vote without fear of arrest, detention and ill-treatment,” Amnesty International said.

“Equally, all the candidates for the forthcoming parliamentary election should spell out clearly their commitments to human rights -- only then may there be a chance of respecting human rights in the Gambia in the future.”

BACKGROUND

President Yaya Jammeh seized power in a military coup in July 1994. Under sustained domestic and international pressure, the AFPRC was forced to adopt a two-year program for transition to civilian rule, to be completed by 1996.

On 8 August this year, a new constitution was approved in a referendum. Amnesty International raised serious concerns about the new constitution (see *The Gambia: A new constitution - revised draft still threatens human rights*, AI Index: AFR 27/07/96, 7 August 1996).

On 26 September the presidential election was held after a ban on political parties was lifted. A decree was passed which disqualified former President Sir Dawda Kairaba Jawara, the former Vice-President and all former ministers of the People’s Progressive Party (PPP) from contesting any political office. The other main political parties in the Gambia before the coup, the National Convention Party (NCP), and the Gambia People’s Party (GPP), were also banned from participating in the election. The penalty for contravening this decree is life imprisonment or a fine of one million *dalasis* (approximately US\$100,000).

A separate decree gave the Minister of the Interior and the security forces wide powers of arrest and detention, in some instances for 90 days, without any right of legal challenge by the detainee. Opposition political party supporters were harassed and intimidated and opposition party leaders were not given equal access to the state-run media. The Provisional Independent Electoral Commission (PIEC) complained about unequal access to the media but no measures were taken to rectify the situation. President Jammeh was elected as president.

In light of these and other factors, the Commonwealth Ministerial Action Group (CMAG) described the whole presidential electoral process as flawed. The European Union also concluded that the presidential election viewed in an overall context were not free and fair.

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