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REPORT

OF THE
SPECIAL RAPPORTEUR
ON

**PRISON CONDITIONS AND DETENTION
CENTRES IN AFRICA**

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MISSION TO GAMBIA

JUNE 21 – 26, 1999

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PRISONS IN THE GAMBIA

INTRODUCTION

It seems appropriate to begin with a justification for the selection of The Gambia. Whilst the Special Rapporteur had visited prisons twice in a Francophone West African Country, Mali, no Anglophone country in West Africa had played host to him for a similar purpose.

A high degree of respect for and protection of human rights in The Gambia must, to a large extent, have contributed to the Organisation of African Unity siting the headquarters of the African Commission on Human and Peoples' Rights in Banjul, The Gambia. Africa and, indeed, the whole world continue to expect that the host country of the Commission measures up to the standard of foremost respecter of human rights in Africa. A visit to prisons and detention centres in The Gambia by the Special Rapporteur, followed by the implementation of his recommendations will contribute towards the realisation of the foregoing expectation.

If any pressure were needed to be brought to bear on the government of The Gambia to consent to the visit, the Secretariat of the Commission would find itself well situated to undertake this task, being in the same city as the government. Herein, lie the reasons why prisons in The Gambia were visited between 21-26 June, 1999.

For a visit to a country with which the Special Rapporteur (SR) is so familiar, visiting it about three times a year in recent times, and where the working language is also that of the SR, I did not consider it advisable to fall on that part of assistance which had been extended to me hitherto by PRI in the form of a bilingual French lady for interpretation and secretarial support. The Secretariat of the Commission could be counted upon for administrative and transport assistance as I would require.

It had also been rightly suggested by commentators on the work of the SR that a team of colleagues, experts and assistants in the field of prison work should be identified in all parts of Africa to work with the SR on his country visits. And so it was that the Executive Director of Prisoners Rehabilitation and Welfare Action (PRAWA) based in Nigeria and two members of staff of the Secretariat of the Commission joined me in the work of The Gambia.

As has been the strategy from the beginning of the implementation of the mandate of the SR there was, for the visit to The Gambia, no check list of the provisions of international instruments against which The Gambia would be marked for compliance or violation. Without forgetting the requirements of these instruments, a high measure of cooperation from host countries, and improvement in prison conditions are likely to be attained if broad issues such as congestion, medical care, long remand, torture and assault in particular, and a healthy relationship between guards and inmates in general, adequate food and hygiene were addressed. This stance accords with clause 11.1 of the SR's Mandate:

“Evaluate conditions of detention, highlighting the main problem areas including: prison conditions, health issues, arbitrary or extralegal detention or imprisonment, treatment of people deprived of their liberty and conditions of detention of especially vulnerable groups such as : refugees, persons suffering from physical or mental disabilities, or children. ...”

That is not to say that host countries have not been, or will not be encouraged to bring their laws and regulations on prisons in line with international standards, as he is enjoined to do by clause 3.2 of the Mandate.

ACKNOWLEDGMENT

It was Mr. Germain Baricako, Secretary to the Commission, who gladly assured me that his secretariat would endeavour to get permission from the government of the Gambia for me to visit its prisons; and I took him by his word. Dr. Essombé Edimo Joseph and Mariam, Legal and Administrative Officers respectively of the Commission kept a channel of communication with the relevant authorities as made the visit a reality. I added my voice to the good work of the Secretariat in respect of consent for the visit while I was in the Gambia in February 1999.

The Attorney-General, Mrs. Fatou B. Bensouda and Director of Public Prosecution, Justice Akanbah in diverse ways facilitated my work. Honourable Ousman Badgie, Secretary of State for Interior, Chief Justice Lartey, Justice Yahya, Inspector General of Police, Mr. Z.B. King and other officials were so gracious as to make time out of their busy schedule to have meetings with me.

Mrs. Uju Agomoh, Executive Director of PRAWA, Mrs. Fatoumata Sarr, Public Relations Officer and Mr. Udemé Essien, Legal Officer, both of the Commission, worked with me as a team. Much more ground was covered than if I had worked alone. Mrs. Sarr, whose knowledge of a Gambian language enabled me to hear from more prisoners, proved the point that team work is invaluable. Mr. Fred Agyemang also of the Commission drove me around, in Banjul, from the moment I set foot on Gambian soil until my departure for Accra. Mrs. Zoe Tembo, Executive Director of the African Centre for the Study of Democracy and Human Rights placed at my disposal her Centre's Four Wheel Drive for the long journey (300 kilometers) to Janjangbureh Prison. Without the Centre's driver, Mr. Lamin, we would not have moved from Banjul.

Julia Harrington, Executive Director of Institute for Human Rights and Development, Banjul, supplied me with the governing laws and regulations on Prison in the Gambia. PRI did the same, as it also supplied me with background material on the country.

The Fund for the SR's work raised by PRI, came from the government of Norway through NORAD.

To all the above, and to many more who have not been named, I am extremely grateful.

THE COUNTRY

The Gambia has a land mass of 4,361 sq. miles and a population of about 1.3 million. Agriculture and tourism are the main stay of the economy.

An independent state since 1965, the Republic of The Gambia is geographically embedded in the womb of Senegal. From independence until 1994, when a military coup ousted him from office, Sir Dawda Jawara, at the head of Protectorates People's Party (PPP) ruled the country.

After the required majority of the electorate had so declared, the Gambia became a Republic in 1970, having failed to achieve this status in an earlier referendum in 1965.

Following a coup attempt in 1981, it formed a confederation with Senegal in 1982, but this was dissolved in 1989. On July 22, 1994, the military led by Lt. (as he then was) Yahya Jammeh took over the reins of government.

In a presidential election held in 1996, Col. Yahya Jammeh was returned to power. Parliamentary elections held in January were also won by the President's Alliance for Patriotic Reorientation (APRC).

The Gambia has three prisons : Jeshwang Prison, State Central Prison (Mile 2) and Janjangbureh (formerly Georgetown) Prison. I was able to visit all three of them. A Police Force with many Police Stations maintain Law and Order. I visited as many Police Stations as I could.

PRELIMINARY MEETINGS

Before embarking on visits to prisons and places of detention, I met officials whose responsibility for the area of my inquiry, or whose work has an important bearing on the same. An account of these meetings is summarised below. I have generally retained the style of basically stating what I am told and, unless the context indicates otherwise, reserving my comments to the end.

i) Secretary of State for Interior, Honourable Ousman Badgie

Present at the meeting with the above Minister on Monday 21 June, 1999 were Mrs. Therese Drammey, Permanent Secretary in this Ministry and her deputy, Sarajang Mic Jobarteh.

Prison population has reduced over the years. With a view to preventing long remand, the High Court moved to the prisons. The President of the Republic also pardoned some prisoners.

The Police, Immigration, Fire and Ambulance Service as well as Prisons Department are under the Ministry of Interior.

As it was very topical in The Gambia, on my arrival, I could not help raising the case of Shyngle Nyassi with the Minister. I had read from newspapers that Nyassi could not be traced by his family after some men had come for him from his house. It was alleged that

he was being detained by a wing of the Security Services, but such detention was disputed in the High Court. The Secretary of State for the Interior informed me that as soon as he learnt of the case, he inquired from the Inspector General of Police (IGP) if the Police were holding him. The IGP answered in the negative.

There is no political prisoner in The Gambia, the Minister stated.

The Constitution of the country limits detention without trial to 72 hours. Within three hours of an arrest, the police are expected to explain to the arrested person why he is under arrest. He should be given access to his lawyer. For the purpose of calculating the 72 hours, week-ends count.

Prisoners on long remand, usually on drug offences, are found at "Mile 2 Prison". When the High Court moved to the prisons, some of them were released. Doctors visit Mile 2 with specialists going on specified days of the week.

The Ministry of Interior was not facing any problem as regards prisons. Prisoners have frequent medical visits. Previously there was no Juvenile Centre, but a juvenile wing was under construction. A former building of the Public Works Department was being sought to be used as a Juvenile Rehabilitation Centre. At the moment, Child Welfare Officers take juvenile offenders home. It is encouraging that the British Volunteer Service Organisation has indicated its willingness to provide one volunteer for juvenile work, and assist with the building of a classroom as well as the provision of equipment for games.

Each week, the Secretary of State is provided with a roll of prisoners. I was shown that for 14 June, and subsequently I received the names of all convicts in prison in The Gambia.

Reforms which had been undertaken were outlined to me:

- a) Prisoners now sleep on mattresses.
- b) Each prisoner is now given 2 blankets.
- c) Prisoners are supplied with uniforms.
- d) Beds with slabs have been made flat.
- e) Prisoners are medically examined before admission to prevent the spread of communicable diseases.

These reforms were undertaken in July, 1998.

Refugees

Apart from Sierra Leoneans living with relations, the Gambia is host to 5010 refugees. The country works closely with UNHCR.

ii) Attorney-General, Mrs. Fatou B. Bensouda.

Prison guards are trained. Detention without trial should not exceed 72 hours. Female prisoners are kept separately, and they are guarded and cared for by female warders.

As regards remand, a different regime from that of convicts applies to them. The period of remand is generally one year, but a few inmates have been in custody for 5 years. In the latter cases, one of them had a mental problem.

The Gambia does not have any political prisoner.

* **Problem**

The only major problem facing the prisons is transport. Difficulties are encountered in conveying prisoners to court.

* **Common Offences**

Stealing, burglary and sexual offences are the common crimes. Ten to fifteen rapes occur in a year. Life imprisonment is the punishment for rape while 14 years is that for defilement. Murder used to be a serious problem, but it has gone down as a result of the introduction of the death sentence although it has not been applied yet.

* **Death penalty**

The death sentence was rarely carried out; the one instance which comes to mind is the murder of a former Commissioner of Prisons. The Gambia is a peaceful country.

* **Final Court of Appeal**

18 months after the coming into force of the new Constitution, the Privy Council ceased to be the final Court of Appeal for The Gambia.

Happy to relate, news of the discovery or appearance of Shyngle Nyassi reached me in the Office of the Attorney-General .

iii) Justice Yahya

A High Court Judge, Shyngle Nyassi's case was before him. At the time of the visit, he was also a member of the Prisons Committee.

He considered the Prison Committee one of the most successful Committees he had served on or known. The Committee meets once a month, and it has been functioning for about one year. The Prison Committee is concerned about the welfare of prisoners. Any member of the Committee can walk into any prison at any time to taste the food of the inmates.

Everyday a doctor goes to the 2 prisons in Banjul. A dietitian from the department of Health draws up a balanced diet for the prisoners. Prisoners are involved in the supervision of the preparation of their meals. 3 meals are provided each day for the prisoners.

Prisoners used to have 3 hours in the open each day, but this has been increased to about 5 hours. A prisoner also used to be entitled to a visit once a month but it has been reduced to once in two weeks. Equally, a whole family may now visit once in a fortnight. It used to be one person per visit. Prisoners are also supplied with soap.

On remand, Justice Yahya liased with the Chief Justice, who set up a Committee headed by the latter. The Director of Public Prosecution, the Judicial Secretary and a Senior member of the Police Force were members of the Committee. The Committee moved to

the Prisons. It called for a list of all prisoners. The file of each prisoner was studied. About 150 prisoners were released while others had their sentences reduced drastically. To illustrate, where there were three convictions to be served consecutively, for a first offender, they were to be served concurrently.

It was noted that it was the Prison Service Council which prompted the Committee to undertake the review exercise.

Justice Yahya emphasised the point that the work of the Prison Committee in the review of sentences was a judicial exercise. This accounted for the involvement of the Director of Public Prosecution.

TUESDAY, 22 JUNE, 1999.

- i) I met the **Inspector General of Police**, Mr. Z.B. King on the above date. With him at the meeting were Commissioner Baboucarr Sowe and Superintendent Ebrima M. Camara.

The Police Force in the Gambia is divided into 9 divisions. I was given permission to visit any cell of my choice. A Police Station is attached to the divisional headquarters.

- ii) I took advantage of my presence at the Police headquarters to visit cells of the **Police station** attached to the headquarters.

Cell 1

The Police Officer in charge of the station informed me that it had 12 suspects, and that the Police respect the 72 hours constitutional limit for detention without trial.

At first there was objection to my speaking to the suspects, but it was resolved with my being able to do so.

One of the suspects informed me that he had been in custody for three weeks without trial. Another let me know that he had been in detention without trial for 90 days. A third's detention without trial was 59 days. One suspect calculated his detention without trial as one month plus 29 days. There was also the story of one suspect that he had given money to the police on the understanding that he would be released, but this had not taken place. All the other suspects had been in custody without trial beyond 72 hours:

Suspect	7 days
“	1 month 6 days
“	16 days
“	1 month.

I was also informed by the inmates that in the early hours of the day of my visit, the total number of suspects in the cell was 39. About 26 of them were taken away. It is noted that

12, the number in custody at the time of my visit plus 26 equals to 38, which is not far from the claim made of the total number of suspects.

Concerning food, they were served once at about 7pm. They were not given soap. Neither were they visited by a doctor nor given any medicine. They were allowed visits from friends and relatives. None of them had been assaulted by the police. They slept on the floor without any blanket.

Cell 2

There was only one suspect in the cell. He, however, informed me that there were 35 suspects in the cell earlier in the day of my visit. One of them had been in custody without trial for 6 months.

Food was served to them once a day. They had no medical attention.

Cell 3

The only inmate I found in the cell informed me that there were 3 of them in the cell earlier in the day; but 2 were discharged prior to my visit. He himself had been in custody for 6 days without being sent for trial.

Cell 4

One suspect I met in this cell had been there for 8 months without trial. He was given food once a day at about 6pm. No doctor had been to see him. Mosquitoes were a menace to him.

iii) Kanify Division (Police)

In addition to being the divisional police headquarters, it also serves as Kairaba Police Station.

Superintendent, Abou Njai, Officer in charge of the station informed me that he had been at the division for only three weeks. He added that the most common crimes in the area are stealing and assault. About 6 people were brought to the station each day.

He had ordered his men not to keep suspects beyond 72 hours without sending them for trial.

*** Female**

Occasionally women were brought to the station. No woman had been kept overnight since his assumption of office. Women who had to be detained overnight were sent to Mile 2.

*** Food**

Those in custody were fed twice a day, lunch and dinner.

* **Discipline**

On discipline, he and his men have had no difficulty with suspects. Prisoners were generally law-abiding while in custody.

* **Health**

A boy with gonorrhoea who was taken into custody was referred to his father who sent him to the hospital, after he had been granted bail.

Other prisoners requiring medical attention were taken to a health centre for treatment by a constable.

Charge Office

At the Charge Office, Corporal Omar Tamba dealt with me. He had been at the station for 4 years.

I saw 2 suspects, who had been in custody for less than 48 hours, they informed me. One of them, with bloodshot eye, told me that the slap of a police officer was responsible for the state of his eye.

Of the 3 cells at the station, two were in use.

Cell 1

5 of the 8 inmates were out of the precincts of the station. One of the remaining 3 informed me that he had been beaten by the police. He was accused of stealing. Another suspect informed me that some of the suspects had been in custody for two weeks without being taken to court. Speaking about himself, a suspect said he had been in custody for 5 days without being taken to court.

* **Food**

They were given food by the police twice a day. But they had not been given soap; and they had not had a bath. Their toilet was also full.

Cell 2

Water logged, there was nobody in this cell.

iv) Kotu Police Station

Present at the station on my arrival was Assistant Station Officer, Modu Cham. Suspects were generally kept for 48 hours. He admitted that investigations sometimes went on beyond 48 hours, but he could not say for how long suspects in such cases were kept.

* **Female**

A woman suspect had been kept overnight because although she was granted bail, she could not satisfy the bail conditions. Also at the station was a nursing mother with a second child who found herself in custody over a conflict with her husband.

Cell

The 3 inmates had not eaten anything by the time of my visit in the afternoon. One of them was brought food by his brother the previous day, but they got no food from the Police.

v) **Bundung Police Station**

Corporal Chermo Gebba was in charge of the station. There was only one person in custody. As he was Mandinka-speaking with no knowledge of the English language, I was forced to turn to the Corporal in communicating with the suspect. He had been taken into custody earlier in the day, and did not have any complaint to make.

Corporal Gebba stated that the most notorious cases brought to the station were assault with bodily harm, and the suspects were dealt with speedily. 3 suspects had been taken to court that day, and these had been remanded at Mile 2.

Criminal Investigation Department (C.I.D.) of the station.

The officer here proclaimed that suspects were not beaten. This was confirmed by two suspects who were in custody.

Wednesday 23 June, 1999

JESHWANG PRISON

Mr. Udeme Essiem, Legal Officer and Mrs. Sarr, Information Officer, both of the Secretariat of the Commission joined me at this stage of the work.

Superintendent, Agnes Rose Klu, the Officer in charge of Jeshwang Prison, welcomed me heartily to The Gambia generally and to her prison in particular. The capacity of the prison was given as 200 although it had 119 inmates at the time of the visit. All of them were males. Female prisoners are kept at Mile 2. First and second offenders with short sentences are sent to this prison. It is a sort of a camp, which was established during wartime. It was being kept neat and tidy.

* **Food**

The inmates were served meals three times a day. Breakfast consists of porridge with milk from Monday to Saturday; and tea, bread and butter on Sunday. Rice is served for lunch everyday, and cherreh (maize meal) with stew for dinner each day. Jollof rice and fish were being prepared for lunch on the day of the visit.

The inmates also helped themselves liberally to mangoes which were in abundant supply from the many trees on the very big compound of the prison. So plentiful were the mangoes that parcels of them were kept in the cells by the inmates; and school children were allowed to collect some. Oranges, pawpaw and sweet potatoes were also to be found on the compound.

* **Discipline**

Discipline in prisons in the Gambia is governed by the Prisons Act (Cap. 20.01). It applies to both inmates and guards. Subsidiary legislation having a bearing on discipline are:

Prison Rules (Rules 2/1953, L. Ns 16/ 1963, 27/1963, 84/1964;

Prison (Criminal Appellants) Regulations (Reg. 7/1936); and

Prison (Capital Cases) Regulations (Reg. 16/1937).

Inmates who fought used to be confined to a punishment cell. This cell has not, however, been used as such for a long time, and it now serves as a store. Inmates involved in serious offences such as drugs and fighting are charged before the courts. Other offences may lead to loss of remission.

Although authorised by law, food is not withheld as punishment. Labour in the garden in the prison compound is another punishment which may be imposed on an offending inmate.

With regard to escapes, an inmate jumped over the fence about a month ago, but he was apprehended the same day. Previously, lashes was the punishment for escaping or attempting to escape. But a Presidential Committee for the welfare of prisoners suggested that another punishment should be imposed.

Generally, the prison staff have not had too many problems with the inmates: they are a fairly well-behaved lot.

* **Visits**

Once in three months an inmate is entitled to a visit, but the above Committee recommended one visit per month for those of good behaviour and others with long sentences. The shorter visits are recommended by the Superintendent in charge and approved by the Commissioner of Prisons.

* **Correspondence**

Inmates are allowed to write and receive letters. But these are censored. The frequency of writing range from quarterly to monthly, depending on the status of an inmate, eg. remand, convict, good behaviour, and need or urgency of the matter.

* **Health**

There are three trained dispensers who are also prison officers. One of them comes weekly to attend to the inmates. Serious cases are referred to the hospital. Doctors, including specialists also come from Royal Victoria Hospital, when necessary.

* **Remand**

Inmates sometimes spend more than one year in remand custody. But they cannot be kept up to 9 months without a warrant. Remand was increasingly becoming a problem in the prison.

* **Pardon**

Pardons are usually granted on feasts or independence days.

* **Hygiene**

Soap is supplied every two weeks. Uniforms are also supplied by the State. Tap water is available, both within and outside the cells.

* **Recreation**

The inmates play games as well as football.

* **Rehabilitation**

Financial constraints resulting in lack of equipment and tools have prevented the establishment of workshops for the inmates. The Superintendent in charge has, however, commendably marshalled resources from within the prison, including the staff to set up a poultry farm manned by some of the inmates. Of the 500 birds, they had lost 75. The enterprise started from tailoring; and an account had now been opened for it.

* **Juvenile**

No section of the prison is for juveniles. An uncompleted building, said to have been constructed by the inmates, was pointed out as intended to house juveniles.

* **Problem**

Lack of vehicle was a serious problem for the prison.

Visit to cells and private meeting with inmate

Some cells had mosquito nets while other were yet to have them. Many inmates did not have mattresses; and quite a number of them did not sleep on boards. Not all inmates had uniforms; and some of those who had were in tatters. They corroborated what Superintendent Klu said on food (number of times fed and kind of food served); soap (supplied fortnightly); and health (doctors visit the prison). But they also had complaints.

The families of some of the inmates were not aware of their imprisonment. Convicts have better facilities than those on remand. The latter are not allowed into the open although they may play football occasionally. Cigarettes confiscated from remand prisoners are given to convicts. The punishment cell was in use; and one inmate spent a month there without blanket and a single bath. He was made to roll on the ground and then dumped into the punishment cell. Remand prisoners caught with cigarettes are severely beaten.

STATE CENTRAL PRISON (MILE 2)

This prison was visited twice, 23 and 25 June, 1999. Mrs. Uju Agomah joined the team on the latter date.

Mile 2 is the headquarters of Prisons in the Gambia and it is under the command of Commissioner David Charles Colley. Before briefing us about the penal regime in the Gambia, Mr. Colley introduced to us some of his senior officers.

The prison has a capacity of 500 inmates. At the time of the visit, there were 324 inmates made up of the following:

222 convicts
82 remand
14 detainees (political prisoners)
6 females

A break-down of the nationality of the convicts is as follows:

Gambians	130
Senegalese	56
Guineans (Conakry)	11
Guineans (Bissau)	8
Nigerians	6
Maliens	6
Mauritanians	2
Sierra Leoneans	2
German	1

As regards remand, the break-down is as follows:

Gambians	44
Senegalese	19
Guineans (Conakry)	15
Nigerians	3
Maliens	1

Mile 2 had 130 prison officers. For the 3 prisons in The Gambia 244 warders served them. The total prison population in the Gambia was 507 at the time of the visit. Georgetown (Janjanbureh) had 64 prisoners.

* **Food**

Prisoners are fed three times a day.

Breakfast: Bread, tea and milk;

Lunch: Benachin;

Dinner: Maize, bananas, oranges etc.

On Thursday and Sunday, meat is served to the prisoners. Part of the food is supplied from the prison farm at Yundum Beans, groundnuts, cherreh and maize are grown by prisoners.

* **Health**

A doctor comes to Mile 2 four times a week. Throughout the day trained nurses attend to the medical needs of the inmates. Serious cases are referred to the hospital.

* **Discipline**

Inmates may be confined to punishment cells for up to 3 days. Serious offences, such as fighting and possession of drugs attract this punishment. Very rarely are offences in prison brought to the attention of the courts. Food is not withheld from those in punishment cell.

* **Visits/Correspondence**

Once in two months an inmate may receive a visit, but officers may allow additional visits if necessary. They are also allowed to write, on request, and receive letters.

* **Recreation/ Leisure**

Prisoners are allowed outside their cells 3 hours daily. Games such as ludo, table tennis, basket ball, volley ball and draughts are played by the inmates.

Meeting with the Prisoners

Cell 1

Everybody now has a foam mattress and two blankets. Lunch and dinner are served together.

Doctors come to the prison irregularly:

Once a month sometimes; and once a week for other periods. Daily visits do not occur. The cell is infested with bed bugs and lice. Soap is supplied once in two weeks.

Cell 2

Those with life sentences are entitled to one visit in a month, and the rest once in 3 months. On the day of the visit it was proposed that it would be once in 2 months.

The radio in the cell had not worked for 8 months. When it was functional, they were restricted to enjoying music, and could not listen to news.

Doctors do not spend much time with them.

Teargas was used during a riot in 1997. They pleaded for (i) remission of sentences to be applied to them and (ii) the setting up of workshops so that they would be usefully occupied.

Cell 3

Foreign visitors were not allowed to see their relations who were in prison, some complained. Foreigners serving more than 2 years term of imprisonment were not entitled to licence or remission. One toilet served 28 inmates. Mosquitoes, bed bugs and lice made life more intolerable for the inmates. They asked to be allowed to have radios brought to them from home.

Cell 4

The need for a workshop was made. They worked on the farm from 8am - 4pm everyday while others pounded cherreh, they complained. Congestion in the cell was another complaint; and they would also like those serving long sentences to be considered for pardon.

Inmates straddling across a number of cells complained about physical attacks on them by Superintendent, Janju Sunkaro, and he was also accused of arbitrarily confining them in the punishment cell.

Cell 5

they appealed for ceiling fans to reduce the excruciating heat they experienced. They found the food intolerable, and begged to be allowed to receive food from home. There was also an appeal for political prisoners to be treated differently.

Female Wing

A spacious wing of the prison housed only 6 female prisoners. Their cell was clean and tidy. A functional radio added to a better environment. They had no complaint: most of the time, they were outside their cell; they were supervised by female guards; and they also found the food satisfactory.

Second Visit To Mile 2 Friday 25 June, 1999

As neither the Remand Section nor the Security Wing of this prison were covered on the first visit, I prevailed upon the prison authorities to permit a second visit for the unfinished work; and it took place on the above date. We were escorted to the Security Wing of the Prison.

Some of the information given by the prison officers:

The Security Wing is where the high security prisoners (including political prisoners) are kept. According to the officers the following type of prisoners are kept in the security Wing:

Convicted prisoners: Both term convicts & Condemned Convicts (Those on death row).

Remand Prisoners

Detainees

The wing is also used as punishment where some prisoners from the main prison who are serving their sentences can be sent.

Inspection of the Security Wing

Physical Condition of the Cells

All the cells with the exception of Cell No. 7 had single rooms accommodating one prisoner each. The Cells also differed with respect to their capacity and rooms. Some can accommodate more than 80 persons (e.g. Cell No. 5) while others could barely take up to 30 persons (eg. Cells 7 & 1).

The rooms in the Cells were very damp and none of them was painted. Most of the Cells had elevated platform on which the bed can be placed while some did not have these and their occupant had to place their bed on the bare floors.

Discussions with the Prisoners

The Special Rapporteur had private discussions with the prisoners in all the 4 cells within the Security Wing of the Central Prison. During the discussions with the prisoners, they highlighted the following general complaints:

Some General Complaints:

- a) Torture by the prison officers: There was information regarding beating by an officer, torture scars on some of the prisoners and handcuffing of some prisoners who were subsequently locked up for 6 months in the cells without coming outside their cells.
- b) Quantity and quality of food is bad and no special diet is adhered to.
- c) Lack of appropriate legal representation in their trial.

- d) Mixture of prisoners with infectious and serious ailments. For instance in Cell 5, four of the prisoners have mental illness, two are Tuberculosis patients and one is a leper.
- e) Inadequate visit from their families/ Lack of contact with their families.
- f) Lack of access to radio and newspapers.
- g) Too many mosquitoes as many of the mosquito nets are torn.
- h) Limited lock out time allowed for some of the prisoners (especially those in Cell 1).

The prisoners also explained to the Special Rapporteur that each of the cells has different duration of 'rest' (lock out time) allowed to the prisoners. For instance, prisoners in Cell 1 are allowed one and half-hours daily (excluding Saturdays, Sundays and Public Holidays when they are not opened out at all); Cell 5 allows prisoners 4 hours open out time.

Some of the Special Cases:

a. Mr. B .S. Darboe:

Mr. Darboe was charged for Murder in 1984 and sentenced to death on December 3, 1986. He appealed and his case was reviewed in 1991 and commuted to Life sentence in October 1991. However, the prisoner explained that following the prison riot of 1995 where he acted as a spokesperson for the prisoners, his life sentence was revoked and a death sentence was imposed on him.

B.S Darboe said that he had an ulcer operation in 1995 and was moved from his hospital to the Security Wing. He said that he was the very first prisoner sent to the Wing (which as at then was still uncompleted). He informed the Special Rapporteur that he has never been allowed to visit the hospital and all his applications for this have been refused. His last visit to the hospital was in 1995 and the recommended special diet by the doctor was never adhered to. However, sometimes, the prison officers do give him some drugs to take but this is without any medical examination or doctor's prescription.

Also, B.S. Darboe showed the Special Rapporteur the left hand side of his chest where he said that a stray bullet hit him during the 1995 riot but up to date this bullet has not been removed.

Darboe informed the Special Rapporteur that two months ago he was informed that his wife had died but he has been refused access to his family. He is very worried about his 5 children.

b. Usman Njie (Aged 22):

Usman Njie was charged for Drug Trafficking and sentenced to 2 years. He informed the Special Rapporteur that he is an asthmatic patient but has never been allowed to go to the hospital. Also, he complained that he is usually asked to pound 'Kous kous' and this affects his asthmatic condition.

c. Yamadu Sillah:

Without being arraigned before a court, he had been to prison on three occasions concerning a problem with his chief.

d. Swandi Kamara and others:

Swandi Kamara, Ansua Walli, Bamba Drammeh, Jibril Jallow and Abdulraman Baldeh all complained of being held incommunicado, not allowed leisure and recreation during public holidays and weekends, and also not being allowed to listen to news.

Immediate Action:

The Special Rapporteur raised the issue of keeping some prisoners in cells with no elevated platform which results in their placing their sleeping foams on the bare floor. He explained to the officers that since there are many empty cells, these prisoners could be transferred to those cells with elevated platform for placing the sleeping foams.

Comments from the Officer:

The officer explained to the Special Rapporteur that:

- Some of the facilities of the Security Wing are yet to be fully installed and that this is why some of the cells did not have the elevated platform.
- Some of the prisoners do prefer to place their sleeping foams on the bare floor.

THE REMAND WING OF THE CENTRAL PRISON

MILE II

The Special Rapporteur also visited the Remand Wing of the Central Prison.

Information gathered from the officers:

A total of 76 persons were remanded in custody at the Remand Section of the Central prison. The remand section serves the following magistrate courts:

- Banjul
- Kanify
- Brikam
- Barra

The prisoners are opened out daily for a total of 4 hours and these are:

From 8.00am – 11.30am, and

From 2.00pm – 3.30pm

Inspection of the remand section:

A tour of the remand section showed that there are six cells within the Remand section. During the inspection the following problems were observed:

* **Overcrowding:**

The number of persons in each of the cells seemed too much as the cells looked congested.

* **Insufficient number of beds:**

Some of the inmates had no beds to sleep on. For instance, in Cell No.2, there were 7 Prisoners and only 4 had beds and in Cell No.6 out of 7 persons staying in the cell, Only 5 had beds.

* **Use of Buckets as toilets inside the cells:**

Buckets were used to defecate inside the cells. This happens during lock up period as The guards cannot allow the inmates to come out to use the toilets located within the Yard.

The cells were dirty and there were too many flies. Prisoners were also found to wash Plates inside the cells and this made it dirtier.

Discussions with the remand prisoners:

The Special Rapporteur provided opportunity for discussions with the remand prisoners. The Special Rapporteur also utilised the opportunity to introduce to the prisoners the work of the African Commission on Human & Peoples' Rights and the purpose of the present mission. During the discussion the remand prisoners complained about some general problems and these include:

- Food: The remand prisoners complained that the food is too small, repetitive and has no taste.
- The bucket toilet arrangement for the cells is filthy and dehumanising.
- Lack of adequate communication with families (including letter writing).
- Lack of speedy trial.

The Special Rapporteur promised to take note of the problems they highlighted.

June 24, 1999

JANJANGBUREH (FORMERLY GEORGETOWN) PRISON **CENTRAL RIVER DIVISION (CRD)**

We arrived at the prison by 9.45am. The officer in charge of the prison – Mr. Momodou I. Jarra (Ag. Deputy Commissioner of Prison welcomed the team). At the prison, the Special Rapporteur had discussions with the officer in charge of the prison, inspected the facilities at the prison and also had discussions with prisoners.

Information collected from the officer in charge of Janjangbureh prison

The Officer in Charge of the prison gave information to the Special Rapporteur on the following:

* **Location of the Prison:**

The Janjangbureh prison is approximately 300 kilometers away from Banjul. Janjangbureh is 283km upstream and its is accessible to some small craft¹.

Janjangbureh prison is a rural prison and it is under the Central River Division (CRD).

* **The Prison Population:**

The Capacity of the Janjangbureh Prison is 80 but as at June 24, 1999 there were 64 inmates (52 convicted prisoners and 12 remand prisoners).

* **Divisions utilising the Prison:**

The prison receives suspects/prisoners from the following Divisions:

- North Bank Division
- Lower River Division
- Upper River Division
- Central River Division
- Kalabi Division

* **The Nature of the Prison:**

The prison serves as a camp to hold prisoners waiting to be transferred to Banjul. It does not hold prisoners with high sentences. Political prisoners, lifers and those with Death Penalties are also not kept in this prison.

¹ See R.J Harrison Church "The Gambia: Physical and Social Geography", pp. 473

* **Women/Juveniles:**

There is no special cell for women and juveniles in Janjangbureh prison. Whenever it receives women and juveniles they are transferred to the headquarters (Mile II prison) within 24 hours.

* **Common Crimes/charges:**

The Common crimes/charges recorded amongst the prisoners are:

- Cattle Theft
- House Breaking
- Stealing

Offences such as Affray and Murder are rarely recorded.

* **Feeding:**

The Officer in Charge stated that the prisoners are fed thrice daily.

- Breakfast is usually Pap (Porridge) served with sugar and milk
- Lunch is usually rice but this he said is usually served in various ways – Stew, ‘Yassa’, Jollof etc.
- Dinner is usually ‘Kous kous’ or “cherreh”

* **Health:**

Next to the prison is a Health Centre, which the officer in charge said is open to the prisoners 24 hours daily. He also said that there is a hospital at Bansa (about 40 kilometers away from the prison). He added that the hospital at Bansa has a laboratory and other equipment to deal with serious ailments and that prisoners with serious health conditions that can not be managed at the health centre are sent to this hospital.

* **Discipline/and Punishment:**

The officer in charge explained that upon admission, all prisoners are given the rules and regulations of the prison. They are informed that fighting and stealing are prohibited.

When there is a violation of any of the rules and regulations by any prisoner, the prisoner usually faces some punishment. The punishment may include any of the following:

- Sending to solitary cell with low diet.
- Sending to police if a capital offence was committed.
- Taking away the prisoner’s remission.
- Taking away the prisoner’s earning

* **Visits and Communication:**

The Officer in charge said that the prisoners are allowed monthly visits and in some cases emergency visits can be granted. He said that the duration allowed for monthly visits for

families and friends is 30 minutes maximum while emergency visits last 15 minutes maximum.

He stated that every prisoner is allowed to write and receive letters but the prisoners must make applications for this and the letter will be checked (censored). He explained that a prisoner might be allowed to write one letter per month.

* **Prison Labour / Prisoners' Earnings for Labour:**

There is a farm where the prisoners work. The officer in charge explained that because some of the prisoners are sentenced to imprisonment with hard labour, the prisoners have to work in the fields. The prison has a rice and 'kous kous' farm. According to the officer in charge, the prisoners work and the produce contribute to the prison food ration and cut down government's expenditure on prisoners' food.

According to the officer in charge, prior to the 1994 coup, prisoners were paid 3 Dalasis (about 25 American cents) per month for prison labour. However, this was suspended after the coup because some prisoners destroyed the Central Prison during a riot. The government stated that the money paid for prison labour will be diverted to repair damage caused during the riot.

At present, the officer explained that the Social Welfare Department is helping the prisoners towards resettlement upon release.

Inspection of the prison premises:

The team inspected all the cells in Janjangbureh prison. These include the four cells for the convicted prisoners and the one cell for remand prisoners. The prisoners had water, 2 blankets each and foams placed on an elevated platform to form a bed. He also observed that the roof of one of the cells was leaking. The prison floors were well scrubbed and clean.

Discussions with the prisoners:

The Special Rapporteur had meeting with all the prisoners in Janjangbureh prison. He explained to them the work of the African Commission on Human and Peoples' Rights and the purpose of his mission.

During the discussion, the prisoners confirmed that they eat thrice daily and the diet which was earlier described by the officer in charge. They also confirmed that they are given half piece of toilet soap every two weeks.

The prisoners complained of the following general problems:

- Hot cells
- Rats (which sometimes climb on top of them while sleeping)
- Too many mosquitoes

- Leaking roofs
- Inadequate soap

Some Special Cases

1. Danda Jallow:

Danda Jallow had chronic scabies and he complained that the drugs being given to him at the health clinic was not having any positive effect. He explained that he has been in Janjangbureh prison for 2 months and some days but that he stayed for 5 months at the Faraphinye police cell. At the Faraphinye police cell, Mr. Jallow said that he was never given bathing soap and he did not have his bath for the 5 months he stayed at the police cell. As a result of this, he developed chronic scabies at the police cell.

Action:

The Special Rapporteur decided to raise this case with the officer in charge with the aim of encouraging the authorities to facilitate the provision of adequate medical assistance for Mr. Jallow.

2. Sikunda Jarra West and 10 others:

These 11 persons were seen sitting down in the corridor around the convict area. Sikurunda Jarra West who spoke on behalf of his Casemates explained that they came from Lower River Division. They informed the Special Rapporteur that they have not committed any crime but were brought to the prison by their Chief. The Chief wanted them to pay the tax for their minority head of village after about 4,000 (out of about 5,000) persons had paid tax to their majority head of village. They were brought into the prison on Sunday June 20, 1999. They argued that they were unjustly treated and that they did not have any proper trial.

Remand prisoners:

We also visited the remand section, inspected the premises and had discussions with the 12 persons remanded in custody in the prison.

General Complaints of the remand prisoners include the following:

- No soap (for bathing or washing clothes) for the past 15 days.
- Quantity of soap given is usually very small and does not last up to the 2 weeks for which it is provided for.
- Lack of space for movement and recreation.
- Overcrowding. Some times up to 25 persons will be locked up in the small remand cell.
- Very minimal open out time.
- The time spent on remand is not usually added on to the sentence.

Action:

SR decided to discuss with the officer in charge the plight of the remand prisoners and to encourage the authority to open them up for more time and seek alternatives to reduce this problem.

SR decided to have a final discussion with the officer in charge before leaving the prison. This also afforded him the opportunity to seek for immediate redress of some of the problems that are within the purview of the officer in charge. In addition, it provided an avenue to get feed backs and comments from the authority regarding the issues raised.

SR decided to bring two issues to the attention of the officer in charge. These were:

1. The case of Danda Jallow (the prisoner who had scabies). For this case, the Special Rapporteur pleaded for adequate medical attention to be given.

Comments from the authority:

The officer in charge explained that:

- a. Scabies is difficult to treat.
- b. The prisoner referred to was already receiving treatment.
- c. He does not want the medical officers at the health clinic to think that he was implying that they do not know their work.

Aftermath:

The Officer in Charge later promised to do his best to facilitate the adequate treatment of the said prisoner. He said that he would explain to the medical officers that this was the recommendation of the SR. This he believed will make them pay particular attention to the case.

2. The problem of lack of adequate space for movement and very limited open out time.

The Special Rapporteur raised this issue with the officer in charge and pleaded with him to find appropriate solutions to this problem without compromising the security of the prison.

Comments from the authority:

The officer in charge said that there is a plan to extend the front wall of the gate of the prison. This restructuring when completed, he explained, would give more room in front of the remand cell for both recreation and exercise.

Janjangbureh Police Station

*** Location:**

The Janjangbureh Police Station is few meters away from Janjangbureh Prison.

At Janjangbureh Police Station, we met with Ebou Njie (Assistant Superintendent of Police). Mr. Njie is the officer in charge of Janjangbureh police station.

SR introduced his team. He also gave background information on the work of the African Commission on Human and Peoples' Rights and on the purpose of his mission.

Information collected from the officer in charge of the police station:

Mr. Njie informed the SR that there are nine police stations within the Central River Division (CRD). He explained that some of these police stations have no cells because they are newly created.

The officer in charge explained that 72 hours is the maximum duration a suspect is detained in the police cell. After the 72 hours the suspect may either be granted bail or sent to the magistrate courts in order to be remanded in prison.

The officer also explained that they record criminal cases mainly during the trade season and that at present the predominant cases that are reported to them are land dispute cases.

*** Women:**

The officer in charge explained that since there is only one cell in the place, women are usually kept behind the counter when they are remanded in the police station.

Police cell:

The officer in charge informed the Special Rapporteur that there is only one cell in the station and that there is no inmate at present in the cell. Upon inspection, the Special Rapporteur noted that the cells had no beds, they were poorly ventilated and smelly. There were also no toilets attached to the cell. Suspects detained in the station are usually escorted by the guards to the yard behind the station to use the toilet if they wish to do so.

There was no inmate found in the cell at the Janjangbureh police station.

Mansankonko Police Station (Divisional Headquarters)

At Mansankonko Police Station, we did not meet the officer in charge of Mansankonko police station. We met the 2i/c the second in command were not aware of my visit.

The Special Rapporteur informed the 2i/c about the work of the African Commission on Human and Peoples' Rights and the purpose of his visit.

The 2i/c informed the Special Rapporteur that Mansankonko is a Divisional Headquarters.

Inspection of the police station:

We inspected the reception room and cell.

Upon inspection, the Special Rapporteur observed that the ceilings were in need of repair, the cells were smelly, poorly ventilated and with no beds.

There were originally 3 cells but only one is at present utilised as a cell. The 2i/c explained to the Special Rapporteur that the other 2 cells are being utilised as exhibit stores.

No suspect was found in Mansankonko police station.

Saturday June 26, 1999

MEETING WITH NON GOVERNMENTAL ORGANISATIONS

The Special Rapporteur had a meeting with some non-governmental organisations (NGOs) to explain his mission and how they can facilitate his work.

The Special Rapporteur also gave background information on the work of the African Commission on Human & Peoples' Rights. He also described some of the successes recorded since his appointment. He highlighted some of the cases where he could not make much impact. He emphasised the importance of timely and accurate communication from NGOs and advised them to send in their communications (preferably in English) and to provide addresses of the authorities where he should send his appeal in every given case.

The following organisations participated in the meeting:

- Institute for Human Rights and Development
- Amnesty International (Gambia Chapter)
- African Centre for Democracy & Human Rights Studies (ACDHRS)
- Foundation for Research on Women's Health, Productivity and Environment

- African Society of International and Comparative Law
- Prisoners Rehabilitation and Welfare Action (PRAWA).

The African Commission on Human & Peoples' Rights was also represented by two of its staff (The Press & Information officer and the Legal Officer Responsible for Protective Activities).

Questions & Issues Raised by the NGOs to the Special Rapporteur

The following were some of the questions and issues addressed by the participating NGOs:

- i) The situation of juveniles and the need to have proper juvenile institution to deal with their cases in The Gambia.
- ii) The peculiar problems of women and babies in prison
- iii) The problems of those imprisoned for lack of debt payment
- iv) Issues of torture, cruel, inhuman and degrading treatment meted out to prisoners and suspects.
- v) Problems of proper health and medical facilities in prison.

The Special Rapporteur addressed all the issues raised and encouraged the NGOs to get involved in prison and penal reform activities in their respective organisations and to encourage religious bodies to also get involved in this very important work.

The representative of Prisoners Rehabilitation and Welfare Action (PRAWA), Nigeria described some of the projects the NGOs and religious groups in The Gambia can get involved in.

The Special Rapporteur thanked the NGOs for participating in the meeting and expressed his desire to see closer collaboration between them and the African Commission on Human & Peoples' Rights and the work of the Special Rapporteur on Prison Conditions and Detention Centres in Africa.

A VERY SPECIAL CASE

The mandate of the Special Rapporteur seeks the best interest of Prisoners. On this basis, the case of a once Second-in-Command to the Head of State of the Gambia who was serving a term of imprisonment will be brought to the attention of the appropriate authorities in the Gambia.

FINDINGS

1. The Gambia lived up to expectation as a co-operative State Party to the Charter, allowing the Special Rapporteur access to all its prisons and as many police cells as he wanted to visit.
2. Trained officers, warders and wardens man the prisons.
3. Consistent with the trend in prison visited so far under his mandate, the Gambia recorded a very low number of female prisoners. These were commodious and neat cells and surroundings.
4. Generally inmates acknowledged the existence of good relationship between themselves and the guards.
5. Welcome reforms have started in the prison regime.
6. There was credible evidence of assault of suspects by the police.
7. Torture, with torture scars, and cruel and degrading treatment complained of by some inmates of the Security Wing at the State Central Prison (Mile 2) were credible enough to cause serious concern for members of the team.
8. Congestion is a serious problem at the Remand Wing of Mile; and it may account for the spiriting may of some inmates at cells at the Police Headquarters Station, shortly before my visit here.
9. The constitutional limit of 72 hours detention without trial seems to be known by all officials who have anything to do with detention. But not all of them comply with this basic rule. Evidence of this rife at the Police Headquarters Station. The unlawful detention period ranged from 90 days to 7 days at the just mentioned station.
10. Complaints about the neglect of medical needs of inmates were many enough to warrant their inclusion among the Findings, even as note was taken of official briefings of frequent visits to prisons by doctors, including specialists.
11. That prisoners will like visitors to know how unjust and insensitive it is for them to be in prison is an all too familiar experience to the Special Rapporteur has come to expect. But that the incarceration of Sikunda Jarra West and 10 others at Jajanbureh Prison evokes the sympathy of third parties is undoubted. 4000 out of a population of 5000 in their area had paid their taxes to the "chief", and their refusal to pay similar (double) taxes to a claimant to the chieftainship to their ended them in prison shows how not to use prison.

Recommendations

To Government

1. Government should take steps to ensure that the prohibition of detention without trial beyond 72 hours is honored in practice.
2. A reminder to police and prison officials that suspects and prisoners are neither to be assaulted nor tortured should be issued. Offenders should be prosecuted to deter the commission of this crime.
3. Congestion at the remand section of Mile 2 is so serious that measures should be adopted to ease the situation. Early trial will not only contribute in solving this problem but will also address the problem of long remand.
4. Prisoners with communicable diseases such as leprosy and tuberculosis should be isolated from the others.
5. The long holding of prisoners in communicado should be discouraged and stopped.
6. Medical attention should not be denied as a form of punishment.
7. The traditional method of soap-making should be resorted to for more than one reason. It will contribute to improve sanitation, satisfy the needs of prisoners for soap, and cut down government expenditure, or channel the saved resources into critical areas in the prison regime.
8. Imprisonment should not be resorted to in cases such as Sikunda Jarra West and the 10 other inmates at Jajanbureh Prison.
9. Foreigners who come to visit their relations in prisons in the Gambia should be allowed to do so.
10. While commending government for the provision of radios for some cells in Mile 2, especially efforts should be made to keep them functional.
11. The need for medical attention will be reduced and cost in providing medical attention is likely to be reduced if government continues with its practice of providing mosquito netting for prisons. Government is encouraged to extend this practice to cells and detention centres.
12. It was encouraging to note the involvement of dietetician in the planning of the menu of prisoners. With a view to improving the quality of food in all prisons, the dietetician should extend her role to all prisons.
13. The preferential treatment of convicts over remand prisoners at Jeschwang Prison should be stopped.
14. Time spent on remand should be taken into account in calculating custodial sentences.
15. The menace of rodents in Janjanbureh Prison should be addressed seriously.
16. Until the planned wall is constructed at Janjanbureh Prison, remand prisoners should be let out in smaller groups into the open air to address their constant stay in cell.
17. The reform in visits as to the frequency should be put into effect.
18. The establishment of workshops for the prisoners should be pursued.

To civil society

Civil society, especially non-governmental organisations should be more involved in prison reform by way of prison visits and contributing materially to supplement Government efforts.

To international community

Although relatively a small prison population, the view should not be taken that the government of the Gambia does not need any international assistance in its prison regime. Donation(s) of vehicles will ease the transportation problems currently being experienced in Government's efforts to have a human penal regime.

The Special Rapporteur appeals for such donation(s), as he appeals for support in the establishment of workshops for the prisons of the Gambia.