

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**Mandates of the Working Group on Arbitrary Detention; the Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on freedom of religion or belief; and the Special Rapporteur on the situation of human rights defenders**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

REFERENCE: UA G/SO 218/2 G/SO 217/1 G/SO 214 (67-17) G/SO 214 (56-23) G/SO 214 (107-9)  
GMB 2/2012

18 December 2012

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on freedom of religion or belief; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 15/18, 16/16, 16/4, 14/11, and 16/5.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the alleged arrest and continued detention of **Imam Baba Leigh**, prominent Imam and human rights defender in Gambia. Imam Baba Leigh is also the co-founder of the Gambia Committee on Traditional Practices Affecting the Health of Women and Children (GAMCOTRAP).

GAMCOTRAP staff members Dr. Isatou Touray and Ms. Amie Bojang-Sissouh were the subjects of an allegation letter sent to your Excellency's Government on 2 November 2010 by the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on violence against women, its causes and consequences. We regret that to date no response has been received from your Excellency's Government to this communication.

According to the information received:

In October 2012, Imam Baba Leigh delivered a number of sermons at Kanifing East Mosque in Banjul Division, during which he expressed concern at the state execution of nine prisoners in August 2012. According to reports, Imam Baba Leigh denounced the executions, describing them as being at odds with the values of Islamic faith and suggested alternative means of punishment for offenders

including fines and other forms of compensation. Imam Baba Leigh also reportedly referred to the right of freedom of movement, and expressed concern at alleged arrests of Gambians seeking to travel to other countries in order to seek employment opportunities.

During the evening of 3 December 2012, Imam Baba Leigh delivered a sermon at Kanifing East Mosque during which he again expressed concern at the above mentioned state executions, as well as reported killings in the country. At approximately 10:00 p.m. that same evening, two civilian clothed men, who reportedly identified themselves as officers of the National Intelligence Agency (NIA), allegedly arrested Imam Baba Leigh in an open field close to his home and to Kanifing East Mosque. The officers reportedly informed Imam Baba Leigh that he was being taken to NIA headquarters for questioning, without providing additional information.

According to the information received, the family of Imam Baba Leigh have visited the NIA and police headquarters but both NIA and the police denied detaining Imam Baba Leigh in their premises. Sources report that Imam Baba Leigh is being detained in an unknown location by the NIA. It is reported that no charges have yet been presented, while access to legal representation and to family members has not been provided. At the time of current communication, the fate and whereabouts of Imam Baba Leigh remained unknown.

Concern is expressed at the alleged arrest and detention of Imam Baba Leigh and at the allegation that these actions are related to his activities as a human rights defender, including his legitimate exercise of the right to freedom of opinion and expression as well as the right to discuss and advocate new human rights principles. Concern is further expressed at the allegation that Imam Baba Leigh is being detained in an unknown location, without access to legal representation or to family members.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of Imam Baba Leigh is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee his right not to be deprived arbitrarily of his liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights (UDHR) and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR).

In this connection, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the

legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice”.

Furthermore, we would like to bring to the attention of your Excellency’s Government the following provisions of the Declaration:

- article 6 points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.
- article 7 which states that "Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance."
- article 12 paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We would also like to appeal to your Excellency's Government to ensure the right to freedom of religion or belief in accordance with the principles set forth in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief and article 18 of the UDHR as well as of the ICCPR.

We would further like to appeal to your Excellency’s Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the ICCPR, which provides that “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

In relation to the allegations, according to which the fate and whereabouts of Imam Baba Leigh are currently unknown, we would like to bring to your Excellency’s

Government's attention the United Nations Declaration on the Protection of All Persons from Enforced Disappearance which sets out necessary protection by the State, and in particular:

- article 9 (right to a prompt and effective judicial remedy and the right to access of competent national authorities to all places of detention);

- article 10 (any person deprived of liberty shall be held in an officially recognized place of detention, in conformity with national law and to be brought before a judicial authority promptly after detention, the accurate information on the detention of persons and their place of detention being made available to their family, counsel or other persons with a legitimate interest);

- article 12 (each State shall establish rules under its national law indicating those officials authorized to order deprivation of liberty, establishing the conditions under which such orders may be given, and stipulating penalties for officials who, without legal justification, refuse to provide information on any detention; each State shall likewise ensure strict supervision, including a clear chain of command, of all law enforcement officials responsible for apprehensions, arrests, detentions, custody, transfers and imprisonment, and of other officials authorized by law to use force and firearms.)

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Imam Baba Leigh in compliance with the above international instruments.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of the case accurate?
2. Please provide information on the fate and whereabouts of Imam Baba Leigh in this communication. If his fate and whereabouts are unknown, please provide the details on any investigation or other queries which may have been carried out. If no queries have taken place, or if they have been inconclusive, please explain why.
3. Please provide the legal basis for the reported arrest and continued detention of Imam Baba Leigh.
4. Please confirm whether legal representation and access to family members has been provided, in accordance with international human rights standards related to due process.
5. Please provide details of measures taken to ensure that human rights defenders in Gambia are allowed to carry out their legitimate and peaceful activities without fear of restrictions and acts of reprisal, in particular the exercise of the right to freedom of opinion and expression.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

We would like to bring to the attention of your Excellency's Government that should sources submit the allegations of enforced disappearance mentioned in this communication a case to the Working Group on Enforced or Involuntary Disappearances, they will be considered by the Working Group according to its methods of work, in which case your Excellency's Government will be informed by a separate correspondence.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Imam Baba Leigh are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

El Hadji Malick Sow  
Chair-Rapporteur of the Working Group on Arbitrary Detention

Olivier de Frouville  
Chair-Rapporteur of the Working Group on Enforced or Involuntary  
Disappearances

Frank La Rue  
Special Rapporteur on the promotion and protection of the right to freedom of  
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Heiner Bielefeldt  
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Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders