

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

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

**Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions**

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

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

REFERENCE: UA G/SO 214 (33-27)  
GMB 1/2012

28 August 2012

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolution 17/5.

In this connection, I would like to draw the attention of your Excellency's Government to information I have received indicating that on 26 August 2012 nine persons were executed at the Mile Two Central Prison and that the execution of 39 individuals on death row may be eminent.

According to the information received:

Between 1985 and August 2012, a de facto moratorium on the implementation of the death penalty was in place in the Gambia.

On 19 and 20 August 2012, the Gambian President Yahya Jammeh announced on television that executions would resume and that by mid-September the execution of death row prisoners would be "carried out to the letter".

On 26 August 2012, Messrs. Lamin Bo Darboe, Alieu Bah, Lamin Jarjou, Dawda Bojang, Buba Yarboe, Malang Sonko, Lamin F. Jammeh, Mr. Gebe Bah and Ms. Tabara Samba were executed at the Mile Two Central Prison as confirmed by the Ministry of Interior in its statement issued on 27 August 2012. Allegedly, the families of the aforementioned individuals have not been contacted.

There are currently a further reported 39 individuals on death row, who may be at imminent risk of execution. It is alleged that the majority of them may have been convicted on charges of treason and for their political convictions. It is further reported that they were sentenced to death following trials which did not scrupulously observe their fair trial guarantees.

With the moratorium on the death penalty for 27 years and the abolition, in April 2011, of capital punishment for drug offences, introduced by the Drug Control Amendment Act of 2010 (A/HRC/18/20, para. 13), the Gambia was at the forefront of worldwide efforts to abolish in law and practice the death penalty.

In light of the information received, I would like to draw your Excellency's Government's attention to the resolution adopted by the General Assembly A/RES/65/206 which affirms that that a moratorium on the use of the death penalty contributes to respect for human dignity and to the enhancement and progressive development of human rights, and considering that there is no conclusive evidence of the deterrent value of the death penalty. Furthermore, the resolution called on States "to progressively restrict the use of the death penalty and to reduce the number of offences for which it may be imposed" and "to establish a moratorium on executions with a view to abolishing the death penalty." I would also like to draw the attention of your Excellency's Government to the fact that the resolution mentioned calls upon States which have abolished the death penalty not to reintroduce it.

Moreover, I would like to mention that the death penalty has long been regarded as an extreme exception to the fundamental right to life. Article 6(2) of the International Covenant on Civil and Political Rights, acceded to on 22 March 1979, which provides that countries which have not abolished may only impose it for the most serious crimes. This provision has consistently been interpreted by the Human Rights Committee to mean that the death sentence may only be imposed in respect of offences that result in the intentional loss of life. Treason which does not have such a consequence, does not qualify.

In relation to the allegation according to which the persons mentioned were sentenced to death following trials which did not scrupulously observe their fair trial guarantees, I wish to underline Article 5 of the United Nations Safeguards Protecting the Rights of those Facing the Death Penalty which provides that "Capital punishment may only be carried out pursuant to a final judgement rendered by a competent court after a legal process which gives all possible safeguards to ensure a fair trial, at least equal to those contained in article 14 of the International Covenant on Civil and Political Rights (ICCPR), including the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings." Without full respect for due process guarantees capital punishment constitutes summary or arbitrary execution.

Furthermore, with respect to the alleged fact that the families of the executed individuals were not contacted, I would like to bring to your Excellency attention that the Human Rights Committee has concluded that failing to be transparent about the fate of an individual, including by withholding information from families about imminent executions, could itself constitute a human rights violation. Human Rights Committee, *Bondarenko v. Belarus*, CCPR/C/77/D/886/1999 and *Lyashkevich v. Belarus*, CCPR/C/77/D/887/1999.

Moreover, I urge your Excellency's Government to take all necessary measures to prevent the execution of the 39 persons that are under threat of imminent

executions. On the facts available to me, their executions at this time may constitute a violation of applicable international human rights standards.

While waiting for your response, I urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned persons 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. I also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

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

Christof Heyns  
Special Rapporteur on extrajudicial, summary or arbitrary executions

## **Annexe 1**

Gambian Nationals:

1. Mr. Lang Tombong Tamba

2. Mr. Kawsu Camara (Bombardier)
3. Mr. Abdoulie (Laye) Joof
4. Mr. Modou Gaye
5. Mr. Omar B. Mbye
6. Mr. Gibril Ngorr Secka
7. Mr. Lamin B. Darboe
8. Mr. Ngang Njie
9. Mr. Bakary Kanyi
10. Mr. Baba Galleh Jallow
11. Mr. Samba Dorro Bah
12. Mr. Nfali Colley
13. Mr. Suleyman Ceesay
14. Mr. Lamin Ceesay
15. Mr. Batch Faye
16. Mr. Essa Jawo
17. Mr. Tapha Gaye
18. Mr. Musa Bah
19. Mr. Lamin Faye
20. Mr. Sherrifo Manneh
21. Mr. Dodou Gai
22. Mr. Almamy Sawaneh
23. Mr. Kalilu Conteh
24. Mr. Morro Demba
25. Mr. Abubacarr Tunkara
26. Mr. Yusupha Conteh
27. Mr. Abba Hydera
28. Mr. Alieu Mboob
29. Mr. Modou Colley
30. Mr. Bakary Demba
31. Mr. Yaya Mballoh
32. Mr. Dodou Janneh
33. Mr. Bakary Daffeh

Foreign Nationals:

34. Mr. Salieu Nyang (Senegalese)
35. Mr. Jawo Jallow (G. Bissau)
36. Mr. Amadou Diarra (Mali)
37. Mr. Sunkara Kanteh (Mali)
38. Mr. Micheal Ifunanya (Nigerian)
39. Mr. Stanley Agbaeze (Nigerian)