

URGENT APPEAL - THE OBSERVATORY

New information
GMB 002 / 0911 / OBS 113.1
Release / Judicial harassment
The Gambia
October 19, 2011

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), has received new information and requests your intervention in the following situation in The Gambia.

New information :

The Observatory has been informed about the release of Mr. **Moses Richards**, a lawyer and former High Court Judge at the Special Criminal Division, who is known for defending victims of human rights abuses in politically sensitive cases.

According to the information received, on October 14, 2011, Mr. Moses Richards was released following a presidential pardon issued the same day.

The Observatory welcomes the release of Mr. Moses Richards and thanks all the persons, institutions and organisations who intervened in his favour.

However, the Observatory deplores that another lawyer, Mr. **Lamin K. Mboge**, a senior member of The Gambia Bar Association (GBA), a former magistrate, and who is also the leading counsel in a case involving two women human rights defenders, has been prosecuted since January 2011 under the same pattern on charges "making false documents without authority", coupled with "false swearing" and "uttering false documents". The next hearing was set for October 27, 2011.

The Observatory believes that the criminal case against Mr. Richards, as well as that against Mr. Mboge, were fabricated in order to silence the Gambian civil society who stand up for the defence of human rights, in particular lawyers, all the more so in the context of the upcoming presidential elections to be held on November 24. The Observatory takes note with appreciation of the release of Mr. Richards but fears that other human rights defenders, in particular in the legal community, may continue to face judicial harassment.

Background information:

On September 19, 2011, Mr. Moses Richards was convicted and sentenced to two years imprisonment with hard labour by Principal Magistrate Taiwo Ade Alagbe of the Banjul Magistrates' Court on charges of "giving false information" and "sedition" to a public officer in relation to acts ordinarily performed by lawyers acting on behalf of their clients. He was immediately arrested and jailed in Mile Two prison.

Actions requested:

The Observatory urges the authorities of The Gambia to:

- i. Guarantee in all circumstances the physical and psychological integrity of Messrs. Moses Richards and Lamin K. Mboge, as well as that all human rights defenders in The Gambia;

ii. Put an end to any kind of harassment - including at the judicial level - against Mr. Lamin K. Mboge, as well as against all human rights defenders in The Gambia;

iii. Comply with all the provisions of the United Nations Declaration on Human Rights Defenders, in particular with :

- Article 1, which provides that “everyone has the right, individually and 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”,
- as well as with Article 12.2 which provides 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 present Declaration”.

iv. More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with in accordance with the Universal Declaration of Human Rights and with international and regional human rights instruments ratified by The Gambia.

Addresses:

- Captain (retd.) Alhaji Yahya A. J. J. Jammeh, President and Minister of Defence, Office of the President, State House, Banjul, Republic of The Gambia. Fax: +220 4227 034. mail: info@statehouse.gm.
- Ms. Edward Tony Gomiz, Attorney General and Minister of Justice, Department of State for Justice, Marina Parade, Banjul, Republic of The Gambia. Fax: +220 4225 352
- Mr. Ousman Sonko, Secretary of State for the Interior, Office of the President, State House, Banjul, Republic of The Gambia. Fax: +220 4223 718
- Ambassador Mr. Moses Benjamin Jallow, Permanent Mission of The Gambia to the United Nations in Geneva, c/o Embassy of the Republic of the Gambia, 117, rue Saint Lazare, 75008 Paris, France. Fax: +33 1 53 04 05 99. Email: ambgambia_france117@hotmail.com

Please also write to the diplomatic mission or embassy of The Gambia in your respective country.

Paris-Geneva, October 19, 2011

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory, a FIDH and OMCT venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need.

To contact the Observatory, call the emergency line:

- E-mail: Appeals@fidh-omct.org
- Tel and fax FIDH + 33 1 43 55 25 18 / +33 1 43 55 18 80
- Tel and fax OMCT + 41 22 809 49 39 / + 41 22 809 49 29