

URGENT APPEAL - THE OBSERVATORY

GMB 002 / 0911 / OBS 113

Judicial harassment

The Gambia

September 9, 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), requests your urgent intervention in the following situation in **The Gambia**.

Description of the situation:

The Observatory has been informed by reliable sources of the judicial harassment faced by lawyer **Moses Richards**, former High Court Judge at the Special Criminal Division, who, in the course of his activities both as a judge and a lawyer, has been defending victims of human rights abuses in politically sensitive cases.

According to the information received on September 12, 2011, the Banjul Lower Court will issue its verdict in the criminal case against lawyer Moses Richards.

Acting as a legal counsel and following expressed instructions and information of his client, Mr. Richards addressed a letter to the Honourable Sheriff of The Gambia dated December 6, 2010, which content was acknowledged by the Sheriff himself on the same day. However, on December 15, 2010, the Sheriff wrote to Mr. Richards copying the office of the President, among others, and accused him of blackmail, showing disrespect to the office of the President, and giving false information to a public servant. On December 30, 2010, lawyer Moses Richards was arrested and detained at the National Intelligence Agency (NIA) headquarters in Banjul. On the next day, he was charged with "giving false information" and "sedition" to public officer. On December 31, 2010, Mr. Richards, who refuted both charges, was denied bail and returned to police custody. During the night of January 2, 2011, he was taken to the Mile 2 central prison without any court order. On January 3, 2011, Banjul Lower Court released him on a bail of 500 dalasis (about 13 euros) and also asked to deposit his travel documents to the Registrar of the Court following a three-day strike organised by the Gambian Bar Association. The trial proceeded until August 22, 2011.

The Observatory denounces the judicial harassment faced by Mr. Moses Richards, which seems to only aim at sanctioning him for his human rights activities and calls upon the Gambian authorities to conform in all circumstances with the International Covenant on Civil and Political Rights and the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998 (UN Declaration on Human Rights Defenders).

Furthermore, the Observatory expresses its concern about the intimidation and repression of dissenting voices in The Gambia, notably those of stand up for human rights and denounce human rights abuses.

Actions requested:

The Observatory urges the authorities of The Gambia to:

- i. Guarantee in all circumstances the physical and psychological integrity of Mr. Moses Richards, as well as all human rights defenders, including lawyers, in The Gambia;

ii. Dismiss the charges against Mr. Moses Richards and put an end to any kind of harassment – including at the judicial level – against him, 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, September 9, 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:

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