



TRUTH,
RECONCILIATION
AND REPARATIONS
COMMISSION

THE GAMBIA

REPORT

VOLUME 14

INSTITUTIONAL HEARINGS:
THE GAMBIA PRISON SERVICES

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A. BACKGROUND

1. The Gambia Prison Service is one of the three institutions that the Truth, Reconciliation and Reparations Commission (TRRC) investigated to gather information and receive evidence that would inform its recommendations for putting in place appropriate institutional reforms. Identified as an institution that had committed many human rights violations during the period July 1994 to January 2017, the Commission deems it necessary to bring to the public domain violations that took place in the Gambia Prison Service and establish why they happened and to what extent. Recommendations proposed include putting in place measures that ensure that human rights of prisoners are respected and would bring the Gambia Prison Service in line with international standards and systems of correctional services.
2. Prison systems, generally, have four main purposes for seizing the liberty of a person. Firstly, as a form of retributive justice for a crime against society for which a person is made to pay a debt to society by deprivation of his/her liberty for a specified time span. Secondly, as a form of incapacitation which removes an individual who poses a danger to society from the public space, thereby preventing them from causing further harm to society. Thirdly, to serve as a deterrent by signalling to others who may be inclined to commit acts similar to those the imprisoned person committed that the consequences of those actions are dreadful. Fourthly, as a process of rehabilitation where the imprisoned person is afforded the opportunity to reflect and understand the implications of their actions and to be provided with educational opportunities, life skills and counselling in order to reform their behaviour and channel their energies into positive actions for society.
3. Thus, the Basic Principles for the Treatment of Prisoners, adopted and proclaimed by UN General Assembly Resolution 45/111 of 14 December 1990, provides under Article 1 that “*All prisoners shall be treated with the respect due to their inherent dignity and value as human beings*”. Article 5 of the Basic Principles holds further that except for limitations that are made demonstrably necessary by the condition of their imprisonment, all prisoners must be accorded the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR) and other rights found in other United Nations covenants. These covenants, as well as the United Nations Standard Minimum Rules for the Treatment of Prisoners¹ (also known as the Mandela Rules), clearly set out the minimum standards that are essential elements of good principles and practice in the treatment of prisoners and the management of penal institutions.
4. In June 2020, the TRRC started its special institutional hearings on The Gambia’s prison service during the 22-year period from 1994 to 2016. The hearings were intended to look into issues such as the use of the prisons by former **President Yahya Abdul Aziz Jemus Junkung Jammeh (Yahya A.J.J. Jammeh)** as a form of punishment against perceived political opponents, denial of medical care to inmates, tribalism in the prison service, use of the Security Wing at Mile II Central Prison to punish detainees and the general bad conditions of that wing of the prison, poor diet for the prisoners, corruption and theft of rations meant for prisoners, poor conditions of the cells in Mile II Central Prison and other prisons in the country, torture of inmates, harassment, sexual abuse and discrimination against female

¹ OHCHR | Standard Minimum Rules for the Treatment of Prisoners

prison officers, deaths in the prison and, finally, the low calibre of prison officers and heads of the Prison Service.

5. In his traditional opening statement at the start of the Fifteenth Session of the Public Hearings of the TRRC, **Chairman Sise** gave highlights of the Fourteenth Session of the Institutional Hearing on the Prison system, which ended on Thursday 25th June 2020. During the three-week session of public hearings, 21 witnesses – past and present prison officials and staff, current and past prisoners and detainees as well as their family members or relatives – appeared before the Commission to testify. He said what emerged from the testimonies of these witnesses shocked the conscience of many Gambians. These included:

- *lack of proper understanding by prison officials of the Prison Act that governs their institution;*
- *massive overcrowding in the facilities, especially the Remand Wing;*
- *poor quality food which many attributed to the cause of non-communicable diseases, such as beriberi;*
- *theft by prison officers of food rations supplied to feed prison inmates;*
- *unlawful denial of access to and/or inadequate medical services for inmates, with serious consequences and even death of prison inmates;*
- *poor and inhumane conditions of detention in the prison facilities;*
- *inadequate focus on mental health issues for prison inmates;*
- *unavailability of reform and rehabilitation programmes for inmates, with the consequent effect of rendering the prison system a mere warehouse to keep prisoners; and*
- *brutal torture and unlawful confinement practices, including unreasonably long detention of inmates in the Remand Wing*

CHAIRMAN SISE CONCLUDED THAT MANY OF THE ABOVE CHALLENGES HAVE RESULTED IN NEGLECT AND EVEN DEATH OF INMATES.²

6. The public hearings of the TRRC on the Prison Service of The Gambia paint a picture of a prison system that is unfit for its purpose. The prison system was turned into an oppressive institution characterised by human rights abuses and inhumane and degrading treatment of prisoners and, in some cases, prison officers as well. Like all the other state and security institutions, the Gambia’s prisons system was used as a tool to facilitate former President Yahya A.J.J. Jammeh’s authoritarian machinations. He used the prisons as a tool for instilling fear and inflicting punishment on those who opposed him or fell out of favour with him. He effectively wielded the threat of sending people to his “five-star hotel³” (meaning Mile II Central Prison) to discourage perceived opponents. The horrendous conditions of Mile II Central Prison were well known, and no one wanted to be incarcerated there.

² Lamin Sise, Opening Statement at the 15th Session of the Public Hearings of the TRRC

³ Mustapha K. Darboe, THE TRUTH BEHIND THE WALLS OF MILE 2 PRISON, JAMMEH’S “FIVE-STAR HOTEL”: <https://www.justiceinfo.net/en/44653-the-truth-behind-the-walls-of-mile-2-prison-jammeh-s-five-star-hotel.html>

B. LEADERSHIP

7. Leadership plays an important role in the development of any organization, especially the prisons management which requires a high degree of professional skill and awareness. No organization can work efficiently without effective leadership. Without good leadership, there is little chance of creating decent and/or suitable prison environments and operations. It is important therefore that the men and women who work in the prison service should hold the relevant academic qualifications, be competent and knowledgeable in the field of correctional services and demonstrate high standards of professional ethics and ethical behaviour. The difference between good and poor leadership was aptly illustrated by the witnesses who described the different conditions that existed at the prisons under the leadership of **David Colley** as compared to that of **Rose Klu Riley** who served as Commissioner of Prisons for a short period (June 2007- April 2008).
8. To ensure that the prison service served his purposes, former **President Yahya A.J.J. Jammeh** ensured that persons appointed to leadership positions in the prison service had some form of loyalty to him, either through family or ethnic ties. Academic qualifications “did not matter”. What was important to **Yahya A.J.J. Jammeh** was that he would appoint someone who would carry out his unlawful instructions without question. He appointed **David Colley** to the position of Director General in 1997 even though he was unqualified for the position. In his own testimony, **David Colley** claimed that he was a “graduate of Grade 9”⁴, meaning that he had completed three years of the upper basic cycle schooling, even though that grading system did not exist in the examination system of the country in 1972 (the period he claimed to have sat to the examination). Despite the lack of qualification and the fact that he was removed from the position on two occasions and even incarcerated in the same prison that he headed, **David Colley** bounced back and survived to become the longest serving Director General of The Gambia Prison Service. His eligibility for the position was that he hailed from Kanilai (the former president’s home village). They grew up together and were from the same ethnic group. **Lamin Korta**, a retired officer of The Gambia Prison Service, said in his testimony to Commission that he was enrolled in the prison service before the former **DG David Colley** – who was only a barkeeper at the prison at the time – and attributed the promotion of **David Colley** to the relationship between the former President **Yahya A.J.J. Jammeh** and **David Colley** (both natives of Kanilai village)⁵. This ethnic and community relationship was also confirmed by **Ansumanna Manneh**, current Director General of Prison Service, in his testimony to the Commission.
9. This problem of hiring unqualified people had a trickledown effect on the appointment of staff in the prison Service. Between 1994 and beginning of 2017, the selection of prison officers and management was largely based on ethnic considerations, as well as nepotism. Witnesses have testified that during this period, the directors were hand-picked by the former **President Yahya A.J.J. Jammeh**, often without the requisite qualifications. According to the testimony of several witnesses, the staff of the prisons were disproportionately of Jola ethnicity and largely from Kanilai and surrounding villages, with many allegedly related to the former president⁶. In fact, it has been reported by at least two witnesses that some of the staff even referred to themselves as “members of the royal family” in reference to their

⁴ Testimony of David Colley, 25th June 2020, line 109 - 234

⁵ Testimony of Lamin Korta, 9th June 2020, line 161 – 182

⁶ Testimony of David Colley, 25th June 2020, line 1434 – 1500/testimony of Ebrima B. Njie, 24th June 2020, line 477 – 506

relationship to former **President Yahya A.J.J. Jammeh**. According to the witnesses, at that time, anyone that hailed from Kanilai was very proud of that fact and used to claim that they were related to **Yahya A.J.J. Jammeh**.⁷

10. The lack of following proper procedures in the appointment of some prison officers had an impact on the behaviour of other prison officers and demotivated them. Those who were recruited and promoted without due process were more likely to follow unlawful instructions. According to witness testimonies, those who did not come into the prison administration through the right channels were more prone to just follow the instructions of those who brought them in than what the law, regulations, service and training require. Lamin Korta described the former **Director General of Prison David Colley** as a stooge for the former **President Yahya A.J.J. Jammeh**, as he used to implement whatever order the former president assigned him, whether lawful or unlawful.⁸ One of the witnesses told the Commission that **David Colley** recruited his close relatives. His nephew Modou Jarju benefitted from accelerated promotion when he was promoted to the position of the Deputy Director General. The witness also informed the Commission that David Colley's relatives who did his bidding at all times worked in the other administrative departments. These people, mostly from Kanilai and environs, included **James Jarju, Peter Bojang, Ebrima Jammeh, Malang Tamba, Junior Jarju** etc.⁹ This situation was succinctly described by **Ebrima Ismaila Chongan** who stated that appointing "semi-illiterate persons to important positions led to mediocrity within the prison."¹⁰

C. PROCEDURES FOR ADMISSION AND DETENTION

11. As a justice sector institution, the prisons and prison administration are governed by both constitutional and statutory law (the Prisons Act) provisions. These laws provide for the manner of deprivation of the liberty of any person in The Gambia. A prisoner to be admitted, either on remand or on conviction, cannot be legally admitted unless a remand warrant, warrant or order of detention, warrant of conviction or a committal warrant, or order of a Court Martial is presented¹¹.
12. Three witnesses gave testimony on the procedures that were in place to admit prisoners into Mile II Central Prison, These are: Jombo Jallow who had worked in the prison service for thirty years, having joined on 2nd January 1990. After serving at Jeshwang Prison for nine years, he was transferred to Mile II Central Prison in 1999; Ansumanna Manneh who worked in the prison service from 1994 to 2017 and was promoted to Director of Prison in 2015; and Lamin Sowe who joined the prison service in 1997. All three confirmed that there were procedures for admitting someone into prison. Jombo Jallow testified: "When someone is being brought to the prisons, the person has to come along with a warrant. After the court case against the individual, if the person is convicted, that person has to be escorted by the police officers, and it is that warrant which would indicate that this individual is a prisoner. You would look at the warrant. If the warrant is correct and it has no problem, then you

⁷ Testimony of Abdou Anabi Jammeh, 24th June 2020, line 259 – 285

⁸ Testimony of Lamin Korta, 8th June 2020, line 278 – 298

⁹ Testimony of Ansumanna Manneh, 8th June 2020, line 753 – 781

¹⁰ Exhibit 002 (witness statement of Ebrima Ismaila Chongan)

¹¹ Prisons Act, Section 31

should admit the prisoner."¹² Lamin Sowe buttressed this statement in his testimony thus: "Under normal circumstances, the prison should have two categories of prisoners: those who were remanded awaiting the conclusion of their trial or bail application, and prisoners who were already convicted by a court of law. Individuals who have been convicted must have a warrant committing them to prison. The said warrant will be checked to find out if the name belongs to the prisoner, among other necessary procedures, according to the prison regulations."¹³

13. However, the situation changed in 1994. From 1994 to 2017, there were three types of prisoners: those on remand, convicts and detainees. Detainees were brought in on executive orders received from the President's Office or from the NIA. They (detainees) were not usually brought with any warrants signed by the relevant authorities to lawfully commit them to the prison. They were simply brought in and detained at Mile II Central Prison for indefinite periods of time in the Security Wing. Detainees that were brought in based on executive orders/directives from the Office of the President could not be rejected by the prison officers because they would have a problem. The witnesses testified to the Commission that when these detainees were brought in, they were compelled to comply with the executive orders and thus receive and detain them at Mile II Central Prison, as refusing to do so would lead to them being charged and dismissed for refusing orders given by a superior. The witnesses also confirmed that the admission of those prisoners were done in blatant violation of the law, but that *'anyone who dared to question the conditions surrounding such admissions of those prisoners or the manner in which they were treated faced summary arrest or dismissal.'* A case in point is that of **Ebrima Ceesay** who was dismissed following his refusal to re-admit **Lang Tombong Tamba**, former CDS, into the Mile II Central Prison and for requesting that he be first taken to hospital or proper paper work be provided showing that he sustained injuries from outside the prison¹⁴.
14. All the witnesses confirmed that the Director General, **David Colley** would be informed about the detainee and he in turn would notify the commissioners about the arrival of the detainee. These persons were detained indefinitely without the knowledge of their family members and denied visitation and access to a lawyer. They were never arraigned before a court prior to their detention as due process demanded. Detainees were often kept at the Security Wing which was meant for convicted prisoners. This system of detaining people without documentation and keeping them incommunicado extended to Janjanbureh Prison. During the TRRC's visit to Janjanbureh Prison, **Baboucarr Jatta**, Commissioner of the Prison explained that he met two detainees in the Prison in 2013. These two detainees – **Ebrima Marreh** and **Rui Jabbi Gassama** – were eventually released by President Barrow when he took over the government. The two men were not remanded in custody or convicted. They were "just detainees." There were no charges. He himself personally removed the handcuffs of **Rui Jabbi Gassama**. He explained: *"The instruction they gave us was that they should not mingle with others and that they should not get any visitors."*¹⁵ He did not know why they were detained. Two Imams were also incarcerated as detainees during his tenure in office.

¹² Testimony of Jombo Jallow, 17th June 2020, line 278 – 282

¹³ Testimony of Lamin Sowe, 9th June 2020, line 158 – 175

¹⁴ Testimony of Lamin Korta, 9th June 2020, line 643 – 694

¹⁵ Baboucarr Jatta, Commissioner of Janjanbureh Prison, TRRC Visit to Janjanbureh Prison: (486) TRRC VISITS TO JANJANBUREH PRISION 04.04.19 - YouTube, 20:42 – 6/46:16

15. Violations of due process in the prison system started with admission of detainees. Section 31(1) of the Prisons Act provides that *“a prisoner shall not be admitted to a prison unless accompanied by a remand warrant, a warrant or order of detention, a warrant of conviction or of committal or an order of a court-martial”*. Despite the clear legal provisions, the norm in the prisons was to the contrary. It became a habit for prison officers to admit prisoners or detainees into the prison without any documentation that legally authorised their detention. State security institutions, particularly the NIA, the army and the State Guards/Junglers, all sent arrestees to the prison without due process and in contravention of the laws governing the prisons such as laws stipulating the times when arrestee can be interned or removed from the prisons.
16. The prison authorities, the NIA and other state institutions and agents also engaged in a number of gross human rights violations in their handling of prisoners. The NIA and Junglers enjoyed unrestricted access to the detainees in the prison and could inflict any sort of maltreatment on them without interference by the prison authorities under whose control they were supposed to be. **David Colley** testified that despite being Director General of the prisons, he had no choice but to surrender his authority to the NIA and the State Guard who brought detainees in and out of the prisons without seeking his authorisation even though he was sometimes informed. *“They would bring [the prisoners] usually at night when I would be at home,”* argued **Colley**. *“I do not have control over [the Junglers and NIA].”* However, he agreed that he allowed the NIA and the Junglers free access to the prisons, admitting that he did it out of fear. He said: *“The military personnel, they have their own command. They liaise with the State House. I don’t even have the number. They have their communication. Whatever happens in the prisons, the behaviours of my officers, they give a report to the Ministry to the State. They came. They mix with this group, came with different security agents. You have the NIA. You have this thing – sorry, the State Guard – and then you have the army. Three. They have their own telephones. So, all what I draw attention to my officers, please be very careful. Don’t mess up until you lose your life. These people, they don’t care about us because they came with their telephone gadgets and their command. So, this is what we were facing over here. And always, they arrest. Always, they bring people at night. When they receive them, then the following day, I come to the office and they give me a list.”*¹⁶
17. The lack of proper documentation and knowledge about the whereabouts of the detainees was raised by **Ebrima Ismaila Chongan**, one of the security detainees arrested in the aftermath of the 1994 coup d’etat and kept in Security Wing Number 4 of Mile II Central Prison. In his testimony, he regarded the visit of the International Committee of the Red Cross (ICRC) under the auspices of the Gambia Red Cross Society as *“a life saver”*. According to him, the visit most probably saved their lives. *“Since the ICRC has now documented our incarceration, we believed that the military junta couldn’t simply make us disappear¹⁷ or execute us without worrying about a valid explanation to the international community.”*¹⁸ The visit also gave the detainees access to basic toiletries (toothbrushes, toothpaste, towels and slippers). The 2nd visit of the ICRC in December 1994 ensured that they had access to blankets. Visits were stopped after that.¹⁹ Another highlight to the starkness of their detention was the visit of **Bishop Michael Cleary**.²⁰

¹⁶ Testimony of David Colley, 25th June 2020, line 1274 – 1290

¹⁷ Kanyiba Kanyi disappeared after he was picked up from Mile II Central Prison at night and taken away. That was the last time that he was seen.

¹⁸ Exhibit 002 (witness statement of Ebrima Ismaila Chongan, paragraph 10)

¹⁹ Exhibit 002 (witness statement of Ebrima Ismaila Chongan, paragraph 22)

²⁰ Exhibit 002 (witness statement of Ebrima Ismaila Chongan)

18. **Ebrima Yarboe**, a detainee, also acknowledged the role of the Red Cross in making his whereabouts known. According to him, while he was detained at Mile II Central Prison, his family did not know whether he was dead or alive because from the NIA, they were immediately remanded by the court at Mile II Central Prison without anyone informing their families. After three months’ detention, the Red Cross started coming into the prison to enquire about the detainees and when they saw him. They asked him to write a short letter to inform his family about his circumstances.²¹
19. **Ebou Jarju**, a former steward at State House, was detained at Mile II Central Prison in 2011 and held incommunicado. No one knew about his whereabouts until he fell sick and needed medical care outside the prison. With the connivance of the Cuban doctor who was treating him at the Edward Francis Small Teaching Hospital (EFSTH) and knew him from the State House, he was able to have contact with his family. Foroyaa Newspaper picked up the story about his disappearance and published several newspaper articles about his detention without trial and disappearance without trace. After four years of unlawful detention, he was released. He was escorted to the Ministry of Justice, office of the then Solicitor General **Pa Harry Jammeh** who told him *“Ebou, we have received directives from the Office of the President to release you,”*²² indicating that the former president, **Yahya A.J.J. Jammeh**, had ordered his unlawful detention.

D. CONDITIONS OF THE PRISONS

20. The Security Wing was unfit for human beings, according to all the security detainees who testified before the Commission. According to Ebrima Ismail Chongan, *“the cells were 2m x 1.5m with a steel door painted black. They were bare, except for a 1.90m and 40cm wooden plank bed, a chamber pot for toilet and a one litre plastic bottle for water.”*²³ Another witness, Abubacarr Sulayman Jeng who was also incarcerated in Security Wing No. 4, described the situation as despicable. *“We were placed in tiny cells measuring 1x6 metres, slept on a plank of wood without a pillow and blanket, and provided a chamber pot (bucket for the call of nature) and a plastic bottle for drinking water. The cell was fitted with a metal door that had tiny openings atop and a window that provided passage for mosquitoes. The area was infested with mosquitoes and aggressive rats, making sleep impossible.”*²⁴ Security Wing No.1 was no better. It was described as a *“hell hole”* by Chongan who was moved there with two of his colleagues (RSM Baboucar Jeng and Captain Momat Cham) after their mock executions on 6th September 1994. He opined that *“these cells had not been repaired since the prison was built by the British colonialists.”* Like the cells in Security Wing No 4, their *“amenities were a plank of wood, one litre bottle of drinking water and a chamber pot for the call of nature.”*²⁵ And Security Wing No.5 was just as deplorable. Dr. Badara Loum, a former permanent secretary of Agriculture who was detained several years later in 2006, described Security Wing No.5 as a place that was *“not fit for animals and not the type of place that you can keep human beings.”*²⁶ There was no light in his cell,

²¹ TRRC witness statement of Ebrima Yarboe

²² Testimony of Ebou Jarju, 5th March 2020, line 1318 – 1321

²³ Exhibit 002 (witness statement of Ebrima Ismaila Chongan, paragraph 4, page 11/64)

²⁴ Exhibit 007 (witness statement Abubacarr Sulayman Jeng, paragraph 23)

²⁵ Exhibit 002 (witness statement of Ebrima Ismaila Chongan)

²⁶ Testimony of Dr Badara Loum 27th February 2020 line 673 - 679

which measured about 2m by 2.5m. There was a bucket to ease yourself and some bottles of water that you were supposed to use throughout the night. The deliberate poor lighting was confirmed by Ebrima Ismaila Chongan who saw it as an intention to keep them in the dark during the day and the night.

21. **Ansumana Manneh**, the current Director General, attested to the fact that the “*Security Wing was unfit for human beings, and detaining anyone under such conditions was inhumane.*” He confirmed that the prisoners used to sleep on planks, as there were no beds or mattresses. The cells would also leak during the rainy season, and some of the inmates would get pneumonia. According to him, the condition of Mile II Central Prison was so harsh and deplorable that even the staff were not immune to its effect²⁷.
22. The horrid conditions were not limited to the Security Wing at the prison. They extended to the Main Yard and Remand Wings. All the witness testimonies indicate terrible conditions across the board, including in the other two prisons – Jeshwang and Janangbureh. In his testimony, **Jombo Jallow** further explained that the conditions of the Main Yard at Mile II Central Prison were similarly deplorable. He testified that the Main Yard was so overcrowded that some prisoners could not sleep and had to sit up for the entire night, while others spent the nights in the toilets. **Malang Tamba**, a prison officer, confirmed the horrendous situation of the Remand Wing, which was so overcrowded that after opening the doors in the morning the officers would have to stand aside to wait for the stench to blow away.²⁸ The Director General told the Commission that there were 11 cells in the Remand Wing with a holding capacity of five persons per cell but containing 19 inmates due to lack of space. He attributed this to court processes where, one, persons are remanded in the custody of the prison and they, as an institution, cannot reject them and have no option but to take them in. And two, the delays in hearing the cases of persons in remand. Some persons have been in remand for 10 (ten) years without their cases being heard²⁹. A similar situation was found at Janjanbureh Prison where delays in court processes were also highlighted. Court proceedings were frequently postponed for reasons not made known to the prison, or transport problems on the part of the prisons.³⁰ Similar concerns were raised by two prisoners in Jeshwang Prison. They complained that they were scheduled to go to court on the day of the visit but were not taken, and that had been the case for the past two months. Anytime that they were due to appear at the Brikama Magistrates’ Court, they were not taken, apparently because the court was adjourned.³¹
23. This situation of persons languishing in detention without their cases being heard or in some instances without ever being taken before the courts is a gross violation of the right of prisoners to have access to the justice system. In addition, the TRRC noticed that there were many young people in detention or remand for petty crimes that ought not to attract significant custodial sentence. Putting these young people in the same space as hardened criminals without providing rehabilitation services for them exposes many of them to the risk of developing anti-social behaviours.

²⁷ Testimony of Ansumanna Manneh, 8th June 2020, line 626 – 661

²⁸ Testimony of Malang Tamba, 18th June 2020, line 639 – 664

²⁹ (490) TRRC VISITS MILE 2 PRISON 18.01.19 - YouTube Ansumanna Sanneh, Director General, Mile II Central Prison, TRRC Visit to Mile II Central Prison, 37:38-39:14/52.39

³⁰ (490) TRRC VISITS TO JANJANBUREH PRISON 04.04.19 - YouTube: Baboucarr Jatta, Commissioner, Janjanbureh Prison, 13:28/46:16; 17:50-19:01/46:16

³¹ (497) TRRC VISITS JESHWANG PRISON 03.04.19 - YouTube: Prisoner Complaints, 8:39-9:31/35:50

24. Testifying about the Bambadinka cells at Jeshwang Prison where some detainees and convicts were kept, The Bambadinka cell was notorious for its small size which restricted movement and provided poor ventilation. The small windows were covered with iron bars and the floors were made of hard concrete which was damp and cold during the rainy season. Confirming the condition of the Bambadinka cell, **Dr. Amadou Scattred Janneh**, a former state minister who was detained at Mile II Central Prison on treason charges for printing T-shirts with the slogan “Say No to Dictatorship” and was later transferred to the Bambadinka cell described the conditions as “*really deplorable*”. According to him, “*Bambadinka is a very old building with lots of wall geckos because they keep one of the lights on throughout, which attracts insects, and of course wall geckos. And the roof was made up of concrete and metal but much of the concrete had cracks. So you basically, have just metal, largely metal as the roof with large openings, which meant the place was dusty most of the time-----.*” He testified that throughout the rainy season of 2011, he essentially got soaked every day. He complained to the court about the situation but nothing was done about it.
25. The Commission has received evidence that many prisoners, especially in Mile II Central Prison, do not have access to a bed, talk less about beddings. Sometimes, prisoners or detainees would have to sleep in toilets, even in a standing position. In the Remand Wing at Mile II Central Prison, many prisoners have to sleep under the beds in a grave-like hole. The inhumane and pernicious conditions have a significant impact on the health of prisoners and detainees. For prisoners with pre-existing conditions, their ailments deteriorated rapidly. And for those without any, they often developed diseases as a result of the deplorable conditions they were exposed to. The non-existing or rudimentary health facilities exacerbated the health situation of the detainees and prisoners.
26. From the testimonies, it is evident that the conditions of the cells in the Gambian prisons are unfit for human beings, and even more so in Mile II Central Prison. Built by the colonialists in 1920 in a swampy area, the place is susceptible to mosquito and rat infestations and other vermin, which constitutes a serious health hazard to prisoners and staff alike. The dampness on the walls and leaky roofs expose the inmates and staff to infections. Malaria and chest infections are frequent occurrences. The place is overcrowded and is not safe or healthy for the inmates and the prison officers. When the TRRC visited the Mile II Central Prison on the 18th January 2019, the Commissioners were appalled at the unsanitary and inhumane and degrading conditions of Mile II Central Prison, especially the security wings where detainees were kept. Janjanbureh was also built as a hospital during the colonial era and transformed into a prison for the whole rural area. Many of the facilities, including the female wing, are dilapidated and are unsafe for human use. Thus, the only female prisoner at the time of the TRRC visit to Janjanbureh had to be placed in the old chapel.

E. TREATMENT OF PRISONERS AND DETAINEES

27. The Gambia’s prison system has been known for the ill-treatment of prisoners and detainees, which showcases massive human rights violations and abuses against prisoners and detainees with utter disregard for basic standards of human decency. Such violations include excessive shackling, torture, poor diet and general unhygienic conditions. The Commission herein below examines each of these issues:

i. Lockdown and Shackling

28. Life in Mile II Central Prison is made even more unbearable by the harsh treatment meted out to the prisoners, especially the detainees. The political prisoners, who were also mainly detained in the security wings in Mile II Central Prison, often had 23 hours confinement with limited interaction with the general prison population. The 1994 security detainees were twice subjected to complete lockdowns. The first lockdown was for a week and took place immediately after their detention, and the second was for a month after the night of the mock executions which took place on 6th September 1994. They were locked up for 24 hours a day throughout the period of lockdown with no access to bathing, sanitation or change of clothes,³² according to **Ebrima Ismaila Chongan**. In relation to the treatment of the legally convicted prisoners and those on remand, the prison administration testimonies have shown that the prison officers were grossly neglectful of the condition of prisoners, contrary to general modern standards for the treatment of prisoners.
29. Several witnesses – **Soriba Conde**, **Samba Doro Bah**, **Lamin Jah**, amongst others – who testified before the Commission indicated that some of the prisoners were subject to solitary confinement for extremely long periods in addition to being shackled and handcuffed for up to two years in some cases.³³ In such cases, the extreme punitive measure of restricting the movement of the prisoners resulted in paralysis for some such as **Malang Sonko** who was removed from his cell and beaten by the prison officers. He was chained and thrown into a confinement cell where he was not allowed to leave. **Ballo Kanteh** and **Omar Joof Dampha** who were detained for attacking the Farafenni Barracks also testified that they were kept in solitary confinement in Security Wing Number One of Mile II Central Prison, and both their hands and feet were shackled for one year.³⁴ One member of their group, **Yahya Drammeh**, became sick due to long period of being in shackles. He died soon after he was unshackled and removed from confinement.
30. **Samba Doro Bah** told the Commission that this inhumane practice of leaving inmates in chains for years caused paralysis among some prisoners. This was a common occurrence at Mile II Central Prison, and sometimes prisoners who were subjected to this treatment died shortly after being released from confinement. The witness cited the names of other prisoners such as **Mamadi Sawaneh**, **Kebba Jeng** and **Lamin Ceesay** who died in 2015 from similar circumstances.³⁵ Witness **Soriba Conde** confirmed the incidents of prisoners being kept in confinement and in shackles for long periods of time. These include:
- *Ebrima Sanyang, an inmate with the tendency of violent outbursts. He was kept in confinement for two years after attacking a prison officer and slicing his throat with a razor blade. Throughout his detention in confinement, Ebrima Sanyang was left in cuffs, both on his wrists and ankles. By the time the cuffs were to be removed, they had gotten so old and rusty that they could not be unlocked.*
 - *Former soldiers including BK Sanyang, Momodou Njie, Sarjo Jarju, and Captain Jobe were also kept in confinement for two years and kept in cuffs throughout the period.*³⁶

32 Exhibit 002 (witness statement of Ebrima Ismaila Chongan, paragraph 10 – 19)

33 Testimonies of Soriba Conde, Samba Doro Bah and Lamin Jah

34 Testimony of Ballo Kanteh 9th December 2020, line 1175 – 1175

35 Testimony of Soriba Condeh, 11th June 2020, paragraph 637 – 735

36 Soriba Condeh, 11th June 2020, page 22 – 23, paragraphs 464 – 490.

31. **Soriba Conde** also told the Commission that some officers were sympathetic to the plight of the prisoners that were kept in such conditions but that there were very serious consequences when they tried to intervene. He recalled a time when a prison officer **Manga**, ordered handcuffs to be removed from a prisoner. According to him, it did not only cost **Manga** his job. He was detained at Mile II Central Prison for two months before his transfer to the NIA. In essence, the witness explained that any officer who dared to question the treatment of the prisoners landed in trouble at the expense of their freedom and jobs. The punitive measures taken against prison officers who tried to help detainees or prisoners were also recounted by **Ebrima Ismaila Chongan** in his statement. He stated: *“After one week in complete lockdown, we were given 10 minutes’ shower break. A senior prison officer furtively supplied us slippers, towel, toothpaste and brush the Red Cross had brought for us, the detainees. This was the most humane prison officer we had encountered up to that time. His name was **Modou Jobarteh**. His courageous and sympathetic actions towards us dearly cost him already.”*³⁷
32. The UN Special Rapporteur on Torture, Juan E. Méndez has decried “the practice of prolonged or indefinite solitary confinement, as it inflicts pain and suffering of a psychological nature, which is strictly prohibited by the Convention against Torture.”³⁸ Such treatment is clearly inhumane and degrading treatment of convicted prisoners. According to the UN basic principles, Rule 3, “Imprisonment and other measures that result in cutting off persons from the outside world are afflictive by the very fact of taking from these persons the right of self-determination by depriving them of their liberty. Therefore, the prison system shall not, except as incidental to justifiable separation or the maintenance of discipline, aggravate the suffering inherent in such a situation.”

ii. Torture

33. According to the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), “All prisoners shall be treated with the respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhumane or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification. The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times.”³⁹
34. The evidence before the Commission shows that prisoners and detainees were beaten and tortured inside and outside the confines of the prison. Several prisoners, including Lamin Jah, Soriba Conde and Baba Galleh Jallow⁴⁰ told the Commission that a group of senior officers at the prison, in particular Operations Commander Ebrima Jammeh (alias Chief Torturer), Yaya Jarju, Muhammed Jabbi and Saikouba Jarju meted out these tortures to prisoners. Malang Tamba, a prison officer confessed to participating in the torture of at least three prisoners, including Lamin Jah and Soriba Conde.⁴¹

37 Exhibit 003 (witness statement of Chongan, Ebrima Ismaila, paragraph 10)

38 UN Human Rights Experts (Again) Push for Access to U.S. Prisons, Call for Solitary Reform | Solitary Watch

39 United Nations Office on Drugs and Crime: https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf

40 Testimony of Soriba Conde, 11th June 2020, line 759 – 773

41 Testimony of Malang Tamba 18th June 2020 line 126-485

35. **Baba Galleh** narrated that he himself, **Sunkaru Jarjue**, **Omar Sey** and **Ballo Kanteh** were subjected to severe beatings and torture by these individuals on many occasions. On one occasion, they were caught with tobacco wraps. They were severely beaten and placed in confinement for two weeks. On the second occasion, the witness was beaten for resisting authority and, on the third occasion, he and other prisoners were beaten for resisting a search by the prison officers. He described the following incident in 2016 when they were subjected to torture. *“In 2016, there were some people who were taken behind **David Colley’s** place. They placed a table. **Chefla (Yahya Jarju)** was seated. **Ebrima Jammeh** was seated, and the recruits were standing. Whomsoever they bring in, they used to hand-cuff your hands and then shackle your feet. When they lay you on top of the table, those that are at the front of you, they will hold your handcuffs and they will push it down. Those standing by your feet will do the same thing. And then, they will come stand and face you and beat you until when they are satisfied. Then, they will bring you down. That also happened in my presence...”*⁴²
36. **Fallou Ceesay**, a prisoner, who was also serving as a tailor in the tailoring section of the prison was beaten for talking to a female prison officer. **Fanta Sanneh**, the prison medic, narrated the incident to the Commission and told them that the incident happened when she closed from work. She only knew about it when **Fallou** himself narrated the incident to her and showed her the medication that he had received for his injuries from the RVTH where he had been taken for treatment after the beatings. She informed the Commission, however, that beatings were a common occurrence in Mile II Central Prison. From time to time, the prison officers would beat the prisoners.⁴³
37. Although section 65 of the Prisons Act (1953) makes provision for corporal punishment of prisoners, it does so only in relation to specific crimes: mutiny, incitement to mutiny, assault of an aggravated nature in certain circumstances. This section also makes provision for the presence of a medical officer where a prisoner is to undergo corporal punishment. It should be noted the Prisons Act of The Gambia was passed in 1953 when human rights norms were not widely promulgated. The only amendment to the Act occurred in 1963 and subsequent amendments were made in 2005 and in 2008. The amendments did not remove the provisions for corporal punishment which are used as a basis (albeit wrongly) for torturing prisoners. The torturing of prisoners took place in breach of most, if not all, of the conditions set out in the Act for corporal punishment. As such, there is no legal justification that can excuse this treatment of prisoners at the hands of these officers. Furthermore, these officers operated with a sense of impunity for their actions, as they felt protected by being “members of the royal family” (related to the former **President Yahya A.J.J. Jammeh**).
38. Several witnesses testified to witnessing incidents where prisoners died as a result of the severe beatings they received. Prisoners who died as a result of the beatings they received include **Sunkaru Conteh**, **Macodou Jakiteh**, **Ebrima Joof** and **Mamadi Manneh**. The beatings were carried out by **Ebrima Jammeh (Chief Torturer)**, **PO Jabbi**, **Chief Tamba**, and **Yaya Jarju (alias Chefla)** and took place at the back of the office of **DG David Colley** who did nothing to stop them. **Baba Galleh Jallow** told the Commission: *“If **David Colley** is not aware of it, no one will dare do it. Because that took place right behind, under his window.”* The witness also narrated an incident when he was standing under the palm tree: *“I was looking at him. He was peeping and laughing. There were some female officers who*

42 Baba Galleh Jallow, 15th June 2020, page 33, paragraph 780 – 789, 792 – 797

43 Fanta Sanneh, 10th June 2020, page 37 – 38, paragraph 801 – 836

*were there who used their mobile phones to record what was happening. He said vision 2020 is either you speak the truth or they beat you to death. The pickaxes and the spades are there. Anyone who does not tell the truth, when you die, you lose. It is minus one.”*⁴⁴

39. In the case of **Mamadi Manneh**, the Commission was informed that the prisoner had beriberi and was suffering so much that he had to be taken to hospital. According to **Soriba Conde**, he never made it to the hospital because as he walked towards the waiting transport, he fell down due to fatigue (a symptom of beriberi). The officers in charge mistakenly believed that he fell to the ground to pick a stone and to attack them. He was severely beaten and thrown into a confinement cell where he spent the entire night in agony. He died shortly afterwards in his cell. The witness believes that his death was a result of the beriberi compounded by the injuries he sustained from the beatings he received at the hands of the prison officers⁴⁵.
40. **Samba Doro Bah** told the Commission that one prisoner, **Macodou Jakiteh**, was beaten so severely by **Ebrima Jammeh**, **PO Jabbi**, **Chief Tamba**, and **Yahya Jarju (alias Chefla)**, and he died later as result of the beatings. The death of **Sunkaru Conteh** as a result of beatings was corroborated by **Anabi Jammeh**, a prison officer at the time. He told the Commission that when he arrived, he found eight prisoners being beaten and **Ebrima Jammeh** was giving the orders. He also indicated that **David Colley’s** window was open and he was watching as they took the prisoners one after the other, put them on the table and beat them up. He testified that the beatings occurred just behind **David Colley’s** office and that he (**David Colley**) did not do anything to stop it.⁴⁶
41. **Ansumanna Manneh**, Current Director General of Prison Service, testified that **Ebrima Joof**, died after a prison officer stamped on him on his ribs. He was denied medical attention. The witness further informed the Commission that these unlawful acts were not reported but were concealed by the prison administration of **David Colley**. The witness further stated that there had been instances where records were discarded to cover up the crimes of the prison officers, or any evidence of brutalisation on part of the prison officers.⁴⁷ Witness testimonies reveal a system of torture meted to prisoners by some prison officers resulting in their permanent injury, as happened in the case of **Malang Sonko**. The prisoner, **Malang Sonko**, was removed from his cell and beaten by the prison officers. He was chained and thrown into a confinement cell where he was not allowed to leave. The said **Malang Sonko** sustained long-term injuries from the beatings which left him paralysed.
42. **Thombong Ceesay**, a former District Chief of Foni Bintang Karanai, narrated his ordeal to the Commission while he was unlawfully detained at Mile II Central Prison.⁴⁸ He explained that on the third day of detention, he was taken out of his cell at night by masked men. As soon as he stepped out, he was grabbed and taken behind the building. One of the men was interrogating him while another kicked his legs from behind, causing him to fall. They also used rubber truncheons to beat him and slap him across his face. He did not suffer any visible injuries but still feels pain in his waist and joints whenever he sits for too long. After the third night at Mile II Central Prison, he was released on the instructions of the President.⁴⁹

44 Baba Galleh Jallow, 15th June 2020, page 33, paragraph 780 – 789, 792 – 797.

45 Soriba Conde, 11th June 2020, page 24 – 26, paragraph 520 – 553.

46 Testimony of Anabi Jammeh, 24th June 2020, paragraph 303 – 313; 329 – 335

47 Testimony of Ansumana Manneh, 8th June 2020, paragraph 1106 – 1193

48 Testimony of Tombong Ceesay, 4th March 2020, paragraph 273 – 327

49 Testimony of Tombong Ceesay, 4th March 2020, paragraph 475 – 498

43. The prison authorities turned a blind eye to or participated in the activities of the junta members and NIA in Mile II Central Prison. These include the mock executions of the security detainees on 6th September 1994. The torture of **Sanna Sabally** and **Sadibou Hydara** on 29th January 1995. According to the testimony of **Ebrima Ismaila Chongan**, “*Warrant Officer 2, Alagie Martin of the State Guards and some members of the National Intelligence Agency in Civilian clothes conducted the torture.*” He further informed the Commission that **Alagie Martin** was seen wielding a big steel hammer as they the torturers left Security Wing No. 1 where the tortures took place. “*The two captains were severely wounded after the torture. They were bound in foot chains and handcuffs during the torture.*”⁵⁰ The torture of **Captains Sanna Sabally and Sadibou Hydara** and **RSM Sanyang** on 5th February 1995 by **Warrant Officer 2 Alagie Martin**, supported by **Director General of Prisons David Colley**, **Assistant Prison Officer Faye** and **Thomas Jarue**, was clearly a contravention of prison rules. In the words of **Ebrima Ismaila Chongan**, “*a dangerous precedent had been established. I deplored in my sad heart now that senseless torture had been incorporated into the country’s prison system.*”⁵¹ Other examples include the removal of prisoners such as **Pierre Mendy** and some detainees to the NIA for torture sessions. Prison officers such as **Bakary Tamba** were also taken to the NIA to be tortured.⁵² He was handed over to the NIA by **Lamin Sowe** who was then a commissioner, over allegations of giving a phone to an inmate.
44. Detainees were also taken from the prison for torture sessions at the NIA. **Ali Ceesay** informed the Commission that detainees including – **Omar Cham**, **Lamin Darboe** and **Pierre Mendy** – were victims of this practice. According to the witness, “*...Pierre himself narrated his problems to me that when they are taken away, they are mercilessly tortured and returned. Somebody like Pierre Mendy, he said, ‘sometimes, they use electric wires on their bodies’ and if you look at his back ---I was the person who was called for people to bring in warm water so that I can massage his back for him.*”⁵³ This was corroborated by **Lamin Sowe** who told the Commission that the Director General of Prisons at the time, **David Colley**, allowed NIA officials and the Junglers to enter the prisons after 7pm and remove detainees from their cells to torture them. The witness also added that whenever the NIA were coming to take a prisoner away, he (**David Colley**) would be informed and he in turn would inform the other wardens to make sure they did not interfere with their operations – no doubt orchestrated by **Yahya A.J.J. Jammeh**. The witness told the commission that he believed that refusing to comply with the NIA “*could possibly get your head blown.*”⁵⁴ **Jumbo Jallow** also attested to this malpractice when NIA officers and Junglers would come into Mile II Central Prison late at night and take away a detainee to the NIA headquarters where they would be tortured and returned in the morning. He gave examples of **Wassa Camara**, **Bunja Darboe** and **Yaya Darboe** as victims of these operations. **Bunja Darboe** and **Wassa Camara** themselves narrated their own experiences of being taken out of their prison cells for torture sessions at the NIA.
45. The torture meted out to prisoners were not only physical beatings but also involved some psychological torture designed to humiliate and degrade some of the inmates. This kind of

50 Exhibit 002 (witness statement of Ebrima Ismaila Chongan, paragraph 29)
 51 Exhibit 002 (witness statement of Ebrima Ismaila Chongan, paragraph 32)
 52 Testimony of Bakary Tamba, 25th June 2020, line 162 – 512
 53 Ali Ceesay, 23rd June 2020, page 18, paragraph 371 – 375
 54 Lamin Sowe, 9th June 2020, page 14 – 15, paragraph 228 – 235; 240 – 250

treatment was very commonly meted out to political prisoners. In his testimony, **Amadou Scattred Janneh** told the commission that when he was transferred to Jeshwang Prison, upon his arrival at the Bambadinka cell, he was forced to remove his clothing completely, to which he complied. He stated that he undressed down to his boxers but was ordered by **Jombo Jallow** (Prison Officer), to undress completely. When he did not comply, a junior prison officer removed the underwear on the orders of **Jombo Jallow**. **Scattred Janneh** narrated: “*...I took everything off, except my underwear, and Jombo insisted that the underwear had to be taken off as well and ordered one of his juniors to do that.*”⁵⁵

46. He was later put in the *Bambadinka* cell with his clothes on, despite being asked to remove them completely earlier. The witness told the Commission that he believed the purpose of him undressing was to humiliate and cause him distress. The abuse of prisoners was not random but systemic and was done with the approval of, and in some cases, under the authority of senior officers.

F. FOOD

47. Witness testimony also indicated that the prisoners’ diet was terrible and, in most cases, not fit for human consumption. Sometimes, prisoners have to go without food due to insufficient quantities. The food at Janjanbureh Prison was supposedly better (perhaps due to the smaller size of the prison population) than at Mile II Central Prison. The Commission received evidence about the food preparation and the handling of food. Breakfast and dinner were generally pap (coos porridge) or *chere* (a coos-based cereal). The pap was prepared the evening before, thus making it possible for it to be contaminated. **Witnesses testified** that, they had pap in the morning and in the evening the *chereh* which they were offered was “dry or wet”, meaning with sauce or without sauce. Many of the prisoners preferred the dry, as they could wash off the unclean particles of the husk and add water and sugar to the *chere*. All of the prisoners who testified described the diet as “not fit for human consumption” and attributed the incidents of beriberi (Vitamin B-1 deficiency also called Thiamine deficiency)⁵⁶ to the pap. Long-term inmates tried as much as possible to avoid taking it, but new inmates who had no choice ate it to their detriment.
48. **Amadou Scattred Janneh** testified that during his period of detention, beriberi was the leading cause of morbidity and mortality at Mile II Central Prison. He attributed this to the quality of food that was so poor that prisoners would throw it away. According to him, “*...In fact, there was one that they prepared, and I did not know the rational of preparing it knowing that the prisoners were going to throw it away – the infamous pap.*”⁵⁷ This was corroborated by **Malang Tamba**, a prison officer who told the Commission that a medical doctor at the hospital in Banjul referred to beriberi as Oedema. He said that when prisoners were taken to hospital with the condition, the doctors would hospitalise the prisoner. According to him, “*most of those prisoners escorted will not come back alive...I can remember sometime around 2006 that many died...maybe around 30 in that year.*”⁵⁸

55 Amadou Scattred Janneh, 16th June 2020, page 32, paragraph 349
 56 <https://medical-dictionary.thefreedictionary.com/beriberi>
 57 Amadou Scattred Janneh, 16th June 2020, page 34, paragraph 369
 58 Testimony of Malang Tamba, 18th June 2020, paragraph 510 – 542

49. **Babagalleh Jallow**, another prisoner witness, also told the Commission that the quality and taste of the food served at Mile II Central Prison were so poor that it was almost impossible to eat. He described it as “unfit for human consumption” due to little or no nutritional value. The witness disclosed that in the mornings, the prisoners were served *pap* that was cooked and left overnight before it was served to the prisoners. For lunch, the prisoners were served rice, couscous or *cherreh*. These meals were often prepared so poorly that some prisoners would leave it untouched, while others only managed to consume a little of it. He further testified that the poor nutritional value of the food led to *beriberi* (which he himself suffered from at some point) and consequently claimed the lives of some prisoners. **Dr. Badara Loum** also informed the Commission about the cases of *beriberi* in the prisons.⁵⁹ He said that the inmates recognised the symptoms and were able to alert the patient to the dangers of the disease. **Samba Doro Bah** testified that when he suffered from *beriberi* a fellow prisoner, **Lamin Darbo** (former death row prisoner), diagnosed his ailment and gave him medication for it.⁶⁰
50. **Dr. Badara Loum** testified that the issue of malnutrition and ancient diseases like *beriberi* were rampant and you could see the signs on inmates.⁶¹ According to the witness, there was a group from Casamance referred to as “the rebels” who were being fed a starvation diet, almost empty white rice. As a result, most of them developed *beriberi*. He indicated that it was easy to diagnose the clinical symptoms of *beriberi*. He explained that at times, the rice was laced with diesel, and he asked the cook who told him: “*Ah! Oh, yes! You know when we ask the driver to go and pick up the rice, unfortunately, he also picks up diesel for our generator and some of it of course contaminated the rice. But it is not a problem.*”
51. Prison officials, including **Fanta Sanneh** (a member of the Medical Unit), admitted that the diet given to prisoners was lacking in necessary nutrients, resulting in conditions of severe malnutrition and the condition known as *beriberi*. This condition led to the death of a large number of prisoners.⁶² According to the current Director General of Prison, **Ansumana Manneh**, the prison diet is approved by the National Nutrition Agency (NaNA). According to him, the NaNA Act specifies the types and quantities of food that should be prepared for prisoners to ensure that they have a wholesome diet. However, the witness admitted to the Commission that from 1994 to 2017, the quality of the food served at the prisons deteriorated and in quality and the low nutritional content of the food caused ailments like *beriberi*. Despite the overwhelming evidence from witnesses confirming that *beriberi* was widely known to have been a result of the poor diet, **David Colley** denied having had any such information in spite of the high death rate at the prison due to *beriberi*. Furthermore, he also denied knowing that the food was deficient.⁶³
52. Food safety and handling was also reported by several witnesses. In the prison, the meal is prepared and served by the prisoners themselves. The food is prepared ahead of time and in bulk with strict portions per prisoner. **Baba Galleh Jallow** described the process as follows: “*The pap, they used to cook it by 5 o’clock, and they will place it outside. They will open the lid, and that’s where it spends the night until the following morning. When day breaks, they will take the cooking pot and bring it inside the yard. After they have brought it inside, the*

59 Testimony of Dr. Badara Loum, 2nd March 2020, paragraph 137 – 196

60 Testimony of Samba Doro Bah, 16th June 2020, line 135 – 160

61 Testimony of Dr. Badara Loum, 2nd March 2020, paragraph 70 – 98

62 Testimony of Fanta Sanneh, 10th June 2020, line 388 – 460

63 Testimony of David Colley, 25th June 2020, line 539 – 694

*pap on top is usually dry. So, they will remove that hard top cover and put it aside so that they could reduce some of the pap inside the cooking pot and put it in some other cooking pots, and then they will add water. They have sticks which they use to stir. When they are done, they will take the butter buckets – these small ones. That’s what they used to scoop from and put into the buckets and then distribute this to the cells. Each cell has a bucket. The mess-boy will come and take one of the plastic cups, just as the ones used to drink tea. Each one brings your cup or your little bowls. And when he scoops and fills it, he puts it into your bowl or your pot.”*⁶⁴

53. **Soriba Conde** further surmised that many of the health complications of prisoners could be attributed to the food preparation and handling: “*...after cooking that pap, they would not cover it completely. They would cover it partially, and that is how they would leave it overnight. And it is possible that geckos and other small insects might go inside. The hairs from the cats all those things can go inside that food-----*”⁶⁵
54. The food is prepared under very difficult conditions by the prisoners with long sentences. Firewood is the sole source of fuel. The prisoners fetch the firewood under the watch of the prison officers. The Commissioners were able to see for themselves the rudimentary facilities that serve as a kitchen at Mile II Central Prison. The cooking is done by the prisoners themselves using primitive cooking stoves on open fires fuelled by wood. The wood is collected by the prisoners under the supervision of the prison officers. At the Mile II Central Prison, it was observed that everything in the kitchen was black. The pots were black. The air was black, and the shed was black. It was evident that there was air pollution from the smoke and the particles that were being released into the air. When inhaled on a regular basis, this can lead to respiratory tract infections and other ailments. The prisoner cooks spend many hours each day under such circumstances. Thus, they are at risk of contracting diseases which they may in turn pass on to the other prisoners. Without adequate care to proper medical care, it places them in a precarious health situation. Aside from the health risks, there are also environmental factors that need to be taken into consideration.
55. Prison food is also impacted by the culture of the institution and may be used by prisoners to negotiate power and relationships. **Ali Ceesay** testified that doctors sometimes recommended a high protein diet for prisoners. This diet was preferred, as it was much better than the general diet and the prisoners (not only the sick ones but also some of the other prisoners) would usually negotiate to stay on or be put on the high protein diet. According to the witness, prior to the system of putting prisoners on a high protein diet, the food rations supplied for the prisoners used to be adequate. However, after the special “high protein diet” started, the food would hardly be enough for all prisoners to benefit from a balanced diet. According to the witness, this was due to the fact that the high protein diet had to be derived from the general diet meant for every prisoner.⁶⁶
56. Witnesses also testified that in addition to the inadequate diet, they were sometimes served with spoiled food. It was not uncommon that the meat or fish was rotten due to poor preparation or storage. The Commission heard testimony about the infamous dead cow incident. According to the witnesses, **David Colley** instructed some of his staff to collect

64 Baba Galleh Jallow, 15th June 2020, page 27, paragraph 631 – 642.

65 Soriba Condeh, 11th June 2020, page 17 – 18, paragraph 361 – 369; 371 – 372; 374 – 375; 379 – 384.

66 Testimony of Ali Ceesay, 23rd June 2020, line 118 – 183

the carrion of a dead cow and bring it back to the prison to be fed to the prisoners, resulting in severe ill-health and, reportedly, some deaths. Apart from the serious health implications, this also seriously violated the rights of Muslim inmates who are not allowed to eat the meat of an animal that is not properly slaughtered. This points to gross negligence by **David Colley** for the welfare of the prisoners under his charge.

G. HEALTH AND SAFETY

57. Prisoners, like all human beings, are entitled to good health and safety conditions. The UN Basic Principles for the Treatment of Prisoners, Article 9, states that “Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation.”⁶⁷ The Gambia’s prison system, during the period of Yahya A.J.J. Jammeh’s regime, operated against this rule in all matters relating to prisoners. Most of the witnesses who testified – including some of the prison officers and Ansumanna Manneh, the current Director General of Prisons – admitted that some prisoners and in particular detainees and those in confinement were blatantly denied access to medical treatment. And even on occasions where they were referred for hospital treatment by the medical team, the senior administration (David Colley in particular) would strike off their names from the list and prohibit them from going to hospital. It appears that access to medical treatment was a privilege and not a right.
58. **Fatou Sanneh**, the prisons medic, gave the example of **Seedy Jaiteh**, who was unlawfully detained at Mile II Central Prison for political reasons. He was denied medical attention due to the fact that no one knew he had been detained at Mile II Central Prison, and there was a keen desire to keep that knowledge from the public. According to her, she was told: “...He has just come into the prison and most of the people did not know his whereabouts and also, he is a public figure so.”⁶⁸ In the same vein, **Abdoulie Kujabi** was also denied emergency medical attention after being brought back from a torture session, according to witness **Ali Ceesay**.⁶⁹ He corroborated the statement that detainees were only allowed to receive medical attention from the hospital with the permission of **Yahya A.J.J. Jammeh**.
59. **Lamin Sowe** confirmed the difficulties that detainees encountered when they happened to fall sick. According to him, the prison medics provided only very minimum basic care, as they were afraid that they would “get themselves into trouble.” So, they only provided them with the basic drugs and avoided doing too much, to save themselves from getting into trouble. However, the situation became more complex when the detainee had to be referred for proper medical attention outside the prison. In the event that this occurred, clearance would have to be sought from the Office of the President. In most cases, the detainees preferred to be treated internally “than going to the hospital, as they feared what would happen to them if they went to the hospital.”
60. From the evidence of **Samba Dora Bah**,⁷⁰ denying prisoners access to proper medical attention resulted in the deaths of some prisoners such as **Gumaneh Touray**,⁷¹

67 OHCHR: <https://www.ohchr.org/Documents/ProfessionalInterest/basicprinciples.pdf>

68 Fanta Sanneh, 10th June 2020, page 13, paragraph 273 – 274

69 Ali Ceesay, 23rd June 2020, page 18, paragraph 371 – 375

70 Testimony of Samba Doro Bah, 16th June 2020, line 210 – 234

71 Gumaneh Touray was under seal and was suffering from beriberi. He was neglected by the prison authorities and when they

Abdoulie Jallow (a Guinean national) and **Buba Ceesay**. Other prisoners were in fact reportedly neglected despite demanding medical intervention, while others were beaten in addition to being denied access to proper medical attention. **Soriba Conde** (a prisoner), in his testimony to the Commission, also narrated the following incidents which he witnessed where prisoners who needed urgent medical attention were ignored by the prisons officers as a result of which they died. These were:

- (i) **Mbemba Gassama**, a prisoner who complained of stomach ache: *The officer on duty accused him of lying and ignored his complaint. Mbemba Gassama passed away less than an hour after making the complaint.*
- (ii) **Modou Njie**, a prisoner who suffered an asthma attack and passed out: *The officer in charge disregarded the medical emergency, saying, “Ah, this person is telling lies. He is pretending.”*⁷² **Modou Njie** did not recover from the attack, and also died.
- (iii) **Alfusainey Bah**, a prisoner who suffered stomach ache, was under “confinement” at the time and for that reason was not allowed to leave this cell. *Instead, a prison medic was sent to attend to him. He treated him with Fansidar (an anti-malarial agent) and Paracetamol (a drug used to treat mild to moderate pain and to reduce fever, pain). The drugs did not help. And even though Alfusainey repeatedly begged to be taken to hospital, he was ignored by the prison officers. He subsequently died in the confinement cell as a result of having been neglected.*⁷³
- (iv) **Dennis** (non-Gambian), a prisoner, collapsed in his cell but could not receive help as the prison officer in charge had left the facility with the cell key. *By the time the officer could be traced to come and open the cell, it was too late, and Dennis died without receiving emergency medical attention. According to the witness, Dennis’s body was removed from the cell that evening. As far as he knew, no post-mortem was carried out to investigate the cause of death.*

The witness concluded that in his opinion, the prison officers did not care much if the prisoners died because to them, it would just mean “minus one” – meaning that the smaller the number of prisoners, the better it would be for the prisons. The lack of respect for human life is implicit in the statement made by the current Director General to the Commission during the TRRC’s visit to Mile II Central Prison: “There would never be a week when you would not find a corpse in our morgue.”⁷⁴

61. In addition to the lack of access to proper medical care by prisoners, especially for those in confinement and detainees, the Commission also heard testimony about the health risks that prisoners faced. Prisoners were exposed to communicable diseases such as tuberculosis. In his testimony to the Commission, **Dr. Badara Loum** narrated that he saw persons with advanced stages of tuberculosis. These prisoners were not quarantined but they mingled with other inmates and used the same toilet facilities and ate from the same utensils with them, thereby putting them at risk of being infected.⁷⁵ This statement was corroborated by

decided to talk him for treatment it was too late.

72 Soriba Condeh, 11th June 2020, Page 20, Paragraphs 433 – 434

73 Soriba Condeh, 11th June 2020, Page 26-29, Paragraphs 566- 626.

74 Ansumana Manneh, Director General: TRRC Visit to Mile II Central Prison <https://www.youtube.com/watch?v=do1PJAOU0NU> 5.30/52.39

75 Testimony of Badara Loum, 2nd March 2020, paragraph 115 – 136

Amadou Scattred Janneh who testified as follows: *“The number of prisoners contracting diseases such as diabetes, hypertension, pneumonia and tuberculosis was on the increase. My co-defendant Michael Uche Thomas contracted both pneumonia and tuberculosis in March 2012 and died four months later.”*⁷⁶

62. The Commission also heard testimony relating to mental health issues amongst prisoners. Being in prison can affect an individual’s mental health. Regarding prisoners, pre-existing mental health conditions may be worsen by their incarceration and lack of access to proper care. Others prisoners may develop mental health problems once they are in prison. In Janjanbureh, prisoners with mental health issues are separated from other prisoners. They are then referred to the hospital for specialist care. And based on the assessment given, the prisoner is either transferred to the Tanka Tanka Psychiatric Centre in the West Coast Region using the proper procedures for transfer or maintained in the “Separate Cell” to serve their prison term. This separation did not exist in Mile II Central Prison, however.
63. Testimony was received about one **Abdourahman Bah** or **Baldeh** who was arrested in connection to the Farafenni attack, detained for almost nine years without any due process or charged with any crime, and later developed mental health problems while in prison. **Samba Doro Bah**, in his testimony, described how **Buba Ceesay** – a person with mental health issues – slit his throat and they delayed in taking him to the hospital until it was too late.⁷⁷ **Ous Nicol** became mentally ill from the treatment that he received from the prison officers. The witness explained how this case happened. He said: *“Ous Nicol was caught with a cigarette... At the court, somebody gave him money. So, on the way back, he was able to purchase some cigarettes. So, when he came with those cigarettes, they caught him smoking. Chief Tamba caught him and said, ‘let them bring him.’”* When **Ous Nicol** was brought, he was beaten until he went insane immediately.” According to the witness **Ebrima Jammeh (Chief Torturer)**, **PO Jabbi**, **Chief Tamba**, and **Yaya Jarju** were members of a group who were notorious for beating prisoners mercilessly.⁷⁸
64. There was no viable medical facility within the prison, and the limited medical staff was untrained, inexperienced and ill-equipped. Just a handful of patients were referred to the hospital in Banjul (**Badara Loum**). **Fatou Sanneh**, one of the medics at Mile II Central Prison, explained to the Commission that she and some of her colleagues had undergone a basic nursing training course at RVTH hospital (now Edward Frances Small Teaching Hospital), which lasted for about six (6) months. The witness told the commission that after their training, they were posted to Medical Unit at Mile II Central Prison. She told the Commission that the Medical Unit consisted of nine personnel, all of whom were not certified trained doctors or nurses. It had an infirmary with wards for treatment and admissions of patients. She admitted that the infirmary was almost always short of medication. In fact, the only drug available was paracetamol. The witness further explained that in circumstances where a prisoner needed other types of medicine or a prescribed drug, they would have to contact their family members to buy it for them from outside and bring it to them at the prisons. The witness explained that often times, she would be the one to personally contact the family members of the prisoners concerned for their medication.

⁷⁶ Testimony of Amadou Scattred Janneh, paragraph 5 – 6

⁷⁷ Testimony of Samba Doro Bah, 16th June 2020, line 218 – 238

⁷⁸ Testimony of Samba Doro Bah, 16th June 2020, paragraph 328 – 410

65. While there was no expert care and medicines were inadequate, the efforts of **Fanta Sanneh** and **Corporal Buba Jatta** were singled out for praise. **Samba Doro Bah** described **Fanta Sanneh** as a caring person who would use her own money to buy prescribed drugs for a prisoner when it was not available in the clinic. **Ebrima Ismaila Chongan** said of **Buba Jatta**: *“We only had relief when Corporal Buba Jatta visited us for the treatment sessions. We had taken to humorously referring to the prison medic as Mr. G.V. Paint for applying only this medication to our wounds. Corporal Jatta appeared very humane and sympathetic to our ordeal. Only God knows how our lives would have been had he not been there to administer these necessary treatments.”* In the midst of darkness, there were acts of kindness from the likes of **Fanta Sanneh** and **Buba Jatta** who were rare breeds at Mile II Central Prison.

H. CORRUPTION IN PRISON SERVICE

66. Corruption was fuelled by the very low salaries of the prison officials and the willingness of family members to bribe officials to alleviate the sufferings of their loved ones. According to the testimony of **Ebrima Ismaila Chongan**, prison staff *“exploited their families over their detention without remorse. When our families entrusted them with foodstuffs, clothes or mosquito repellants, they would keep a share or all of it for their own use.”* He went further to inform the Commission that *“the practice of collecting pay-offs made the prison system a sad place.”*
67. Dealing in contraband by prison officers was pervasive at Mile II Central Prison. Prisoners were known to have access to cannabis, unauthorised medicines, mobile phones and other materials. These happened mainly through the assistance of prison officers who were ready to traffic in these materials for a fee or profit. The Commission received evidence from a witness who suggested that she could smuggle literally anything into Mile II Central Prison.
68. **Tida Baba Jobe**, wife of the late **Baba Jobe** who was detained at Mile II Central Prison, informed the Commission that a family friend provided fuel for the vehicle of the Director General, **David Colley** so that she would be allowed access to her husband. This statement has been corroborated by the person who provided fuel to the Director General. She also said that she had to bribe **Colley** with a generator and a television set in order to ensure that her husband would get good care and have access to home cooked meals. She indicated that she bribed **David Colley**. **David** would call **Ebrima Jobe** (Baba Jobe’s brother) asking for money. For this reason, **Ebrima Jobe** was able to occasionally visit **Baba Jobe** in **David Colley’s** office. Apart from **David Colley**, she had about five prison officers on her payroll, one of whom was **Ismalia Colley**.⁷⁹ **Colley** admitted receiving a television but wouldn’t consider it a bribe.
69. **Mr. Badara Loum** accused the wardens of taking food from the prisoners. According to him, the prison officers would normally go around on Thursdays looking for plastic bags. *“This is because a bull is usually slaughtered for the inmates every Thursday and prison officers would share the meat among themselves, leaving the inmates with the intestines and other bits and pieces.”* He stated that anytime he wanted to protest about the food, other

⁷⁹ Testimony of Tida Jaiteh, 22nd June 2020, line 433 – 586

inmates would stop him saying, “please, please don’t even make noise. If you make any noise here, we will be in big trouble.”

70. Stealing was normalised at the prisons and, according to **Lamin Korta**, prison officers did not see taking the prisoners food as stealing. According to his testimony, “they see that as DG’s right. If there is meat, half of it has to go to the DG. That was what we found there.” Another former prison officer, **Ebrima Njie**, also corroborated this claim and stated that although there was a prison farm where officers were sent to do the farming, when the produce was harvested, it was put in vehicles and sent straight to **David Colley’s** house. He also testified thus: “Sometimes, when a bull or a cow is slaughtered at the kitchen, they will also take out his share and say this belongs to **David Colley**.”⁸⁰
71. **Baba Galleh Jallow** confirmed this statement and informed the Commission that it was a common practice of the prison officers, primarily **David Colley**, to take the food rations meant for the prisoners, for their own personal use. According to him, “**Ousainou Colley** was at Operations. At the same time, he was the storekeeper. Whatever **David Colley** needed at the stores, that was what they gave him by force. Nobody could say anything contrary. Because at that time, if people hear that **David Colley** is coming, it is as if an angel is coming to them. So, whatever **David Colley** wanted at the prison, that was what they did for him. There was no one who will say anything on that. There was a time he was called ‘Mansa Colley’ All **David’s (Colley)** sustenance in his home comes from the stores.”⁸¹
72. **Amadou Scattred Janneh** also told the Commission that there were instances where food rations were collected by the prison officers and kept personally for themselves. The witness mentioned **Yahya Jarju (alias ‘Chefler’)** in particular, whom he recalled loading food supplies meant for the feeding and upkeep of the prisoners into his car after official hours and taking it away. He stated: “..... I had also seen cases where ration meant for prisoners was collected by prison officers and taken away.....There was one that I particularly noted. I think September 2011, **Deputy Director Yahya Jarju’s** vehicle, which I think was GPS 2. And I think one of his junior staff took the vehicle to a part of the prison where rations were kept, loaded it and went away with it.....”⁸²
73. **Soriba Conde** informed the Commission that gifts meant for prisoners were either completely taken by the prison officers and the prisoners would never see any of it, or they were shared between them. The prison officers would sometimes give some to the prisoners but keep some of it. He further testified that food rations were also stolen by the prison officers, especially meat. Even though government provided meat rations for the prisoners, they were only served with the intestines and bones. However, they were served meat on special occasions such as *Tobaski*, *Koriteh* and Christmas. He testified: “-----for the prisoners, anytime we see meat and eat meat, that is *Tobaski Prayers* or the *Koriteh Prayers* or Christmas. Just like this *Koriteh Prayers*, *Kanifing Mosque* would cook something very good for the prisoners and bring it. And really, it is something good that day. Also, for the *Tobaski*, the same thing happened. They would cook something very good and bring it. But even that, do not think everything would reach the prisoners. They would steal part of it.”⁸³

80 Testimony of Ebrima Njie, 24th June 2020, paragraph 147 – 172; 765 – 766
81 Baba Galleh Jallow, 15th June 2020, page 30-31, paragraph 710 – 716; 723 – 724.
82 Amadou Scattred Janneh, 16th June 2020, page 36, paragraph 385 – 387; 391
83 Soriba Condeh, 11th June 2020, page 10, paragraph 188 – 194

I. WOMEN IN GAMBIAN PRISONS

74. The female population in Gambian prisons is low. The Commission, under its mandate, visited Mile II Central Prison on 18th January 2019. There were only nine (9) – three (3) on remand and six (6) convicted – female prisoners in the prison out of a total prison population of 525 prisoners.⁸⁴ This represents 1.71% of the total prison population. The Commission further visited Janjanbureh prison where there was only one (1) female prisoner out of a total prison population of 31 prisoners.⁸⁵ This represents 3% of the total prison population. At Jeshwang, there was one female prisoner on remand, out of a total population of 13 remanded prisoners. She was sent to the SOS, as the facilities did not exist for her custody.
75. Being a single female prisoner in a world of men can be a lonely and frightening experience. These emotions were demonstrated by the sole female prisoner the Commission met at Janjanbureh Prison. She wept bitterly when she saw the Commissioners. She was very young, incarcerated for five (5) years. The young female prisoner did not know what the outcome of her case would be, which created more uncertainty. Her case was being addressed by the Female Lawyers Association of The Gambia (FLAG). The female prison officers tried to make her feel less lonely by allowing her to be with them during the day. However, during the night, she was left on her own in the dis-used chapel, as there was no cell for her.⁸⁶ This environment was not conducive, especially for a young female offender.
76. In Mile II Central Prison, Ansumana Manneh, the Director General decried the lack of space for female prisoners. He explained that the area was so tight that there was no space to expand. There are no recreational facilities at the Women’s Wing. So, the female prisoners can only take walks or sit in their cells. Most of the female prisoners were convicted for capital crimes, leaving them with death sentences. This makes Mile II Central Prison their permanent home, meaning they would have to live under such unconducive conditions for a very long time.
77. From July 1994 to January 2017, many women were arbitrarily arrested and detained in prison for exercising their civil and political rights and, in particular, their rights to freedom of expression and assembly. These include Lawyer Mariam Denton, Isatou Touray, Amie Bojang and the late Satang Jobarteh (CSO leaders); Sarata Jabbi Dibba (journalist); the UDP supporters – Nokoi Njie, Fatoumatta Jawara, Fatou Camara, Jukuna Suso) Binta Kuyateh, Kassamanding Keita, Fanta Darboe Jawara (a US citizen), and Ramzia Diab, former National Assembly member. There was a huge outcry from within The Gambia and in the international community from human rights defenders. U.S. senators and representatives of the United Democratic Party described Fanta Darboe Jawara’s conviction and sentencing “as a mockery of civil rights guaranteed by the Gambian Constitution.”⁸⁷

84 Ansumana Manneh, Director General: TRRC Visit to Mile II Central Prison <https://www.youtube.com/watch?v=do1PJAOU0NU> 4.35/52.39

85 Commissioner Bubacarr Jatta, Commissioner Janjanbureh Prison, 1:46/46:16, TRRC Visit to Janjanbureh Prison, 4th April 2019

86 Including three executive members of the Gambian Press Union

87 Marin Independent Journal. US woman gets 3 years in Gambia; US officials ‘outraged’ – Marin Independent Journal (marinij.com), By the Associated Press, PUBLISHED: 21st July 2016 at 11:50 a.m. | UPDATED: 27th July 2018 at 10:08 a.m.

78. **Ms. Sarata Jabbi Dibba, one of the six Gambian journalists involved in the same case, was convicted on six counts of sedition and defamation in 2009. She testified before the Commission about her experiences at Mile II Central Prison. During her remand in 2009, Sarata Jabbi Dibba, a breast-feeding mother, spent one night in the Remand Wing with her baby in a cell on her own. After her conviction and sentencing, Sarata spent two nights with her baby in a cell of the main Female Wing. She described the cell as very small for the number of people that were there. Testifying via video link from the U.K., Sarata narrated her first night's experience at Mile II Central Prison. She said: “It was a very horrible night because the mattress was only for one person. It was a single mattress. So, I spent the night with my baby on that mattress. It was just a thin mattress and the bed net was not in a very good condition. It got some holes and it was not big enough to prevent the mosquitoes coming in. So, I did not sleep the whole of the night. I was fanning my baby. He did not sleep either because he was kind of moaning and I try to breastfeed him and I was very hungry.”**
79. **On the third day, the suckling baby was taken away from her by the Child Welfare Services of the Social Welfare Department. Her baby was taken to the orphanage even though she had a family who could take care of the baby. This was emotionally traumatic and, in her words, she stated that she felt devastated. “I felt helpless. I could not help him as the mum.” The baby was kept in the orphanage for three days. Then, he was brought to her for breast feeding. Sarata stated that she was heartbroken and in pain, as she was denied the right to breastfeed her baby for three days, and the baby denied the right to breastfeed on demand. The baby was eventually released to the family but had to be brought twice a day from their home to the prison to be breastfed. The situation persisted until she was given a presidential pardon some time into her two-year prison term. Freedom of expression is a fundamental human right enshrined in Article 19 of the Universal Declaration of Human Rights. Yet, Sarata Jabbi Dibba was intimidated and detained for exercising that right to seek, receive and disseminate information.**
80. **Binta Kuyateh was arrested at a political rally in 2012 and sent to Janjanbureh Prison by Ganyi Touray, Governor of the Central River Region. Ganyi threatened Binta and said “she would not see the sun for a very long time.”⁸⁸ Upon arrival at Janjanbureh, Binta was put in a maggot infested, stinking cell. The maggots were coming from a bucket in the corner of the cell filled with human excreta. The bucket was in the room throughout her incarceration and the worms were climbing over her.⁸⁹ After five days when she could not bear the stench of the cell and the malodorous smell of her body, she asked the prison officer if she could be allowed to bathe. A young female prison officer opened the cell door where the tap was located but would not move aside to give Binta the privacy she needed to undress so that she could bathe. Binta opted not to have the shower to maintain her dignity. Binta was denied the chance to clean herself or take a proper shower for the duration of the twenty-three days that she was unlawfully detained at Janjanbureh Prison. Even though she was given food, she could not eat because her hands were contaminated and she was nauseated by the putrid smells. The lack of food and poor conditions of the cell made her sick and she had to be taken to a health facility for treatment. Binta could not take the medication because the prison officers did not give her water to drink it.**

88 (488) TRRC BINTA KUYATEH DAY 54 Pt3 17.06.19 - YouTube 21:23-24:06/1:17:33

89 (488) TRRC BINTA KUYATEH DAY 54 Pt3 17.06.19 - YouTube 27:28-55:1:17:33

81. **Kassamanding Keita** was remanded into custody at Janjanbureh Prison three days after she was arraigned before the Mansakonko Magistrates' Court and after spending three nights at Mansakonko Police Station. **Kassamanding** testified to the Commission that early in the morning of the day that she was transferred to Janjanbureh Prisons, she overheard a telephone conversation between the Station Officer and another person who gave instructions that she should be transferred to MacCarthy (Janjanbureh) Prison. **Kassamanding** told the Commission that she did not know the caller but she heard the Station Officer addressing the interlocutor as “Yes Sir, Chief.”⁹⁰ Immediately after the call, **Kassamanding** was taken to Janjanbureh Prison. Upon arrival, they took her name and surname only and placed her in a bare cell in the Remand Wing. The bed was a concrete slab with no beddings and no mosquito net. She used her wrapper as a bed sheet. A prison officer used to buy her “moon tiger” (a mosquito repellent) and provide her with food (she was unable to eat the prison food, as it had particles). She was in the cell on her own until the fourth day when another prisoner joined her. She was detained for one month ten days (her husband was allowed to visit her only once) and she did not have access to a lawyer. After one month ten days, she was fined D2000 (two thousand Dalasis) and released.
82. **Tabara Samba** was the only female among the nine death row inmates that were executed in August 2012. The executions were carried out to make good the threat made by the former **President Yahya A.J.J. Jammeh** to Muslim elders during the traditional visit to State House to mark the feast of *Eid El Fitr*. **Yahya A.J.J. Jammeh** had stated: “All punishments prescribed by law will be maintained in the country to ensure that criminals get what they deserve – that is, those who kill are killed.” **Tabara Samba**, a Senegalese woman, was taken out of her cell at Mile II Central Prison late at night of the 23rd August 2012 and killed by suffocation by the Junglers.⁹¹ This was contrary to the government announcement that they were killed by firing squad. Considering the gravity of taking one's life, there are clear set procedures for carrying out the death sentence. The manner in which the executions were carried out goes against the provisions of section 250 to 253 of the Criminal Procedure Code. Even though **Tabara Samba** was convicted for a capital offence – the murder of her husband, she had an appeal pending in the Court of the Appeal of The Gambia. **Sarata Jabbi Dibba**, during the testimony before the Commission, showed a caring side of the late **Tabara Samba** with whom she shared a cell during the period of her imprisonment at Mile II Central Prison. According to **Sarata**, **Tabara** helped her to nurse her baby and encouraged her to eat when she refused to do so. The last official execution in The Gambia took place in 1985, and The Gambia carried it out as per the procedures set out in law.
83. Even though the Commission received feedback that women prisoners are protected from abuse, this was not the case during the **Yahya A.J.J. Jammeh** dictatorship. **Women detainees were not spared the punitive measures that were meted out to anyone who former President Yahya A.J.J. Jammeh saw as a threat to him entrenching himself in power.** The women were treated inhumanely both at Mile II Central Prison and Janjanbureh. And in the case of Mile II Central Prison, they were subjected to torture – taken from their prison cells by the Junglers and taken to the NIA for interrogation and torture. Some of these women told the Commission how they would hold each other and pray together when they hear the noise of the gates of Mile II Central Prison being opened late at night. They would hear footsteps hoping and praying that they would pass their cell. Sometimes, they would be lucky, as the footsteps would

90 TRRC KASAMANDING KEITA DAY 58 PT1 24.06.19 - Bing video 36:32-50:23/1:30:56

91 See volume 9 TRRC report on jungler for details on the execution of nine death row inmates, including Tabara Samba

pass their cell. But there were times that their cells were opened and they were taken away to the NIA headquarters. There, the women reported being beaten, had cold water poured on them and sexually harassed. A female prisoner reported being raped while in custody. It is believed that she is not the only one, though the women involved did not wish to disclose such abuses. Many women were sexually abused, and we heard that from protected witnesses FB17 and DA62.

84. The Commission received an NGO testimony by Trail International – SV Mapping submission of the TRRC. The report included a testimony of a rape of a female detainee at Mile II Central Prison. The victim, referred to as Victim G, was sentenced to 12 years for drug trafficking. Victim G alleged that the prison Director, as well as some male prison officers, took advantage of the vulnerable situation of female detainees and forced some women to have sexual relations with them. She stated: *“One day, I was stripped naked and one male prison officer tried to rape me but I resisted. Sometimes, girls would be called to the director’s office. Often, the girls came back crying. It happened to me as well but I refused. Afterwards, as a punishment, the food we were served became even worse than before.”*⁹²
85. The imprisonment of a woman can have significant consequences on her and her family. The feelings of fear, guilt, helplessness, hopelessness, loneliness and shame are exacerbated by the fact that in The Gambia, women are the primary care givers in the family. In the sexual division of labour, women have primary responsibility for management of the household and caring for children, the sick and the elderly. Their absence can create a gap in these responsibilities that are difficult to fill. Some of the women narrated their experiences which were not only traumatic for the women prisoners but also for their children and spouses. **Sarata Jabbi Dibba** narrated how her three-year-old daughter who came to the prison in the company of her grandmother for her son’s breastfeeding session was so traumatised by the experience that when she went home, the little girl asked a cousin if they could swap mums. When asked why, she replied: *“Because my mum is in prison. She might not come out because she could be killed.”*⁹³ **Kassamanding Keita** explained how her seven-year-old adopted son was so disturbed by her imprisonment that people were advised not to mention her name in his presence. Her husband divorced her because he could not stand the embarrassment of her imprisonment. **Binta Kuyateh** told the Commission that her husband went into shock on seeing her state when he visited her in Janjanbureh Prison and never recovered his health until he died. These are just some of the examples of the negative impacts of the damage to family ties caused by imprisonment, which is particularly harsh on young children. Studies show that lack of adequate contact with children and family members is a key source of anxiety for female prisoners.

J. SEXUAL AND GENDER BASED VIOLENCE IN MILE II CENTRAL PRISON⁹⁴

86. The Commission examined the issue of Sexual and Gender Based Violence (SGBV) in the Mile II Central Prison in a **private session**. **The Commission was informed that in January 2007, David Colley, former Director General of the Gambia Prison Service, took along with him five female officers of the prison Service on a familiarisation tour with the then**

⁹² Interview conducted by TRIAL International with former detainee, September 2017

⁹³ Testimony of Sarata Jabbi Dibba, 18th July 2020, line 419 – 225

⁹⁴ See also Mapping of incidents of sexual and gender-based violence in The Gambia from 1994 to 2017 Working document TRIAL International, page 17

newly appointed Interior Minister Mr. Ousman Sonko. The trip was to help acquaint Mr. Sonko with security installations across the country. The tour members included the then Director General of the National Drug Law Enforcement Agency and other senior officials from other security outfits under the purview of the Ministry of Interior.

87. **The trip was ostensibly a familiarisation tour for the minister but David Colley had an ulterior motive, which was to provide sex services for his superior – the minister and his colleagues. He handpicked five female prison officers from Mile II Central Prison and Janjanbureh Prison whom he thought would be compliant. The female officers went on the trip at a very short notice without being briefed and were not given any Daily Substance Allowances (DSA).** One of the witnesses – a protected witness (PW) – testified that upon arrival at Farafenni from Janjanbureh, **David Colley** assigned each of the woman to spend the night in the same rooms as three high-level officials, including **Ousman Sonko** and **David Colley** himself. Narrating her own personal experience, PW told the Commission that she was taken by **David Colley** to the room of one the men *“for a chat”*. She recounted: *“When I entered the room, he locked the door and asked me to undress but I told him I did not come on the trip to have sex with any man, and I am a married woman.”* He let her out of the room, and she sat outside crying. When the watchman of the guesthouse saw her in this state, he gave her a room to sleep in. In the morning, when **David Colley** realised that his plan had not worked, she (PW) became a target of abuse and was victimised throughout the trip for three days.
88. From the testimonies, the evidence suggests that none of the female prison officers actually had sex with any of the men. They served as support to each other. One of them was to get married and was given permission to go home to prepare for her wedding. One of them who was already married got divorced after the trip, as her husband could not bear the rumours. On orders from **David Colley** on 10th January 2007, they were charged and had their salaries deducted and immediately transferred from their respective posts. One of them, who continued to serve under **David**, continued to be marginalised and was even demoted. They were denied leave and other privileges.
89. In June 2008, then newly appointed Director General of Prisons, **Rose Klu**, upon hearing about this incident, took the female officers to Kanilai so that they could lodge an official complaint to the former **President Yahya A.J.J. Jammeh** about the sexual harassment of the former Director General during the familiarisation tour. The meeting did not hold. She lodged a complaint to the then Inspector General of Police (IGP) **Benedict Jammeh** about the allegations against **David Colley, Ousman Sonko** and **Bun Sanneh** by female prison officers. **IGP Jammeh** immediately ordered for an investigation into the matter. Unfortunately, the investigation could not continue due to the sudden demise of **Rose Klu**.⁹⁵

K. PRISON SUPPORT SYSTEMS

90. The provision of rehabilitation and reintegration programmes for prisoners are inconsistent. Where punitive approaches are pursued and resources are scarce, there are few opportunities to maintain a comprehensive rehabilitation programme. Such programmes require the participation of many stakeholders. At Mile II Central Prison, the Commissioners were informed

⁹⁵ Testimony of protected witnesses, TA32 24th June 2020, TC53 , 23rd June 2020, TD25, 25th June 2020

about the basic vocational training programme for young prisoners designed to help them reintegrate back into society. Skills training is provided in electrical engineering, plumbing, sewing, welding and fabrication, as well as lessons in mathematics and English. According to the director, the inmates aged between 20 (twenty) and 40 (forty) years are provided with the competencies and skills that they can use to earn a living after prison life. **Ansumanna Manneh**, the Director General told the Commissioners, “*You cannot keep someone here – an individual here, after staying longer here, he goes without nothing.*” Graduates of the programme are awarded a National Certificate by the NAQAA. Insight Training Centre were providing the support for the skills training programme.⁹⁶

91. At Jeshwang Prison, the Commissioners were informed that the Ministry of Basic and Secondary Education sends teachers (an English and a Quranic teacher) to provide lessons for the prisoners. One of the prison officers who is also a teacher provides additional classes to the prisoners. While these classes are important in providing the prisoners with the knowledge and skills to become self-reliant, they do not provide specific support for reintegrating the released prisoner back to the community. People generally have a mindset about ex-convicts. And if concerted efforts are not made to provide support and care for young people after release from detention, there is the likelihood that they may resort to committing further offences for their survival. Lessons can be learnt from other countries such as Mali that has set up a Committee for Monitoring and Reintegration of Children in Contact with the Law (COSURE) that have been released from detention.
92. Organisations like Prison Fellowship, the Christian Council, Insight Training, the Nigerian High Commission, the Ministry of Basic and Secondary Education, the Ministry of Social Welfare, Pipeline Mosque, the Red Cross and other institutions provide different types of support to the prison service. It is evident that government cannot do it alone and that the prison service needs all the support it can get to make the prisons a humane and accountable institution. In addition to material and financial support, the psycho-social support that is given by organisations like the Prison Fellowship and the Red Cross is acknowledged by the prison authorities and the prison officers themselves. The Prison Fellowship has provided ceiling fans, television sets and other amenities and also promoted reconciliation activities between the prisoner and the victim. **Ebrima Ismaila Chongan** states: “*The best thing that happened to us in our two years of incarceration was a visit from the Red Cross-----We couldn’t thank Mr. Senghore of The Gambia Red Cross enough for arranging the timely, if not prompt visit from the delegation of the Geneva based ICRC to account for us in detention. The visit most probably saved our lives. Since the ICRC has now documented our incarceration, we believed that the military junta could simply make us disappear or execute us without worrying about valid explanation to the international community.*”⁹⁷ The detainees also appreciated the visit of **Bishop Michael Cleary**, of the Roman Catholic Mission.
93. Bodies like the Prisons Visiting Committee – which includes representatives of several government agencies – the International Red Cross, the Special Rapporteurs of the African Commission on Human and People’s Rights and the **UN Special Rapporteurs** on extrajudicial, summary or arbitrary executions, are important oversight committees that monitor prison conditions. During the period under review, however, they experienced great difficulties in carrying out their work in The Gambia. In 2006, the International Red Cross was denied access to the prisons. In 2011, the then Minister of Interior, **Ousman Sonko**, informed the

⁹⁶ (502) TRRC VISITS MILE 2 PRISON 18.01.19 - YouTube 30:46-36:44/52:39
⁹⁷ Exhibit 002 (witness statement of Ebrima Ismaila Chongan, paragraph 9, page 14/64)

United States Department of State that the Prison Visiting Committee visited the prison weekly and submitted reports on substandard conditions. In the Country Reports on Human Rights Practices for 2011, it was indicated that “*claims of weekly committee visits could not be verified.*”⁹⁸ In 2014, the United Nations Rapporteurs on torture and other cruel and degrading treatment or punishment, **Christof Heyns and Juan Méndez**, visited the country from 3rd to 7th November 2014 at the invitation of the government. The UN Rapporteurs who were on their first-ever visit to The Gambia to conduct a fact-finding mission under the UN Human Rights Council Special Procedures were prevented from completing their investigations in The Gambia, as they were not allowed into prison cells with their mobile phones, tablets, recorders or cameras. Unfortunately, and despite a written agreement accepting the terms of reference of the two mandates, once the investigators arrived, the government denied them access to certain sections of the first prison the two mandate holders attempted to visit. The UN Special Rapporteurs saw the denial of access to the Security Wing of Mile II Central Prison to visit those handed down lengthy sentences and those sentenced to death, as a cover-up. They inferred that there was something important to hide. They had to suspend visits to all places of detention. Consequently, they were not able to assess independently the conditions in any of the prisons or police stations, though they were able to meet with people who had been detained or served their sentences in these prisons. The importance of these oversight bodies cannot be over-emphasized. Therefore, the government must do everything to ensure that they have unrestricted access to prisons and other detention centres to enable them to carry out their work according to their mandates.

94. **The Prerogative of Mercy:** There is a committee on the prerogative of mercy chaired by the Attorney General and Minister of Justice. The committee includes the Ministry of Interior, the Inspector General of Police, the Ministry of Social Welfare, the Director and Deputy Director of Prisons, a representative of the Gambia Christian Council and a representative of the Supreme Islamic Council. The prison department prepares a list of convicts who have put on reputable behaviour during their term as inmates, to be recommended for the prerogative of mercy of the President, which is implemented on Eid al-Fitr (Koriteh) and Christmas. A comprehensive data of all the convicts – including date of conviction, type of offence, term of conviction, court, nationality, sex, age, those that are to be deported and to which country – is compiled. This information is discussed, and those whose recommendation does not convince the committee are struck off the list and the amended list is submitted to the President by the chairperson of the committee. So far, the President has been honouring the recommendations of the committee.

L. CONCLUSION

95. In carrying out the institutional hearings, the TRRC considered all the evidence that would enable it to make informed decisions about institutional reforms. Considering all of the evidence that is presented above, it is evident that the Gambia Prison Service does not meet the standards of a modern prison system. Located in mosquito and vermin infested, swampy area in the outskirts of Banjul, Gambia’s capital city, Mile II Central Prison – the main prison – does not lend itself easily to rehabilitation works, due to its poor location and age of the structures. The other two prisons have less structural issues and thus have the potential to be

⁹⁸ Country Reports on Human Rights Practices for 2011, United States Department of State; Bureau of Democracy, Human Rights and Labour, The Gambia

rehabilitated or expanded. Cognisant of the huge deficiencies in the Mile II Central Prison, the former President **Yahya A.J.J. Jammeh** took ownership of it, describing it as his “*five-star hotel*” where he would send perceived opponents and any person he saw as a threat to his government.

96. To ensure that he got what he wanted, he appointed persons from his ethnic group or close community and group of associates that he believed would be loyal to him, to hold leadership positions in the prison service. The educational qualification or competence of the person did not matter. All he wanted was someone to carry out his instructions. He got this in the person of **David Colley** who helped him (**Yahya A.J.J. Jammeh**) make the prison service of The Gambia, and in particular Mile II Central Prison, a place of severe punishment and untold hardship. Staff recruitment and promotions were mostly based on ethnicity and nepotism. Furthermore, **David Colley** recruited and promoted to key positions only people close to him through blood ties and ethnicity or were from Kanilai. These officers were allowed to operate with impunity, perpetrating gross violations of the rights of prisoners through both physical and psychological torture (beatings and stripping of prisoners naked, as well as over-intrusive anal searches).
97. Many innocent victims – including security officers, politicians, businesspersons, journalists and advocates – were detained at Mile II Central Prison without due process. They were subjected to inhumane and degrading treatment, tortured, and some died in the process. The Standard Minimum Rules for the Treatment of Prisoners developed by the United Nations Commission on Crime Prevention that contain provisions protecting the human rights and personal liberties of detainees were not applied. Other instruments guiding the treatment of prisoners were ignored as well.
98. Even though corporal punishment is allowed under the Prisons Act, such form of punishment is contrary to the Mandela Rules and has no place in a modern democracy. The deprivation of food, water, clothing and health care are serious causes for concern, as are the violations of the right to the minimum of space, hygiene, privacy and security necessary for a humane and dignified existence. Hundreds of detainees were boxed up in security wings with no basic amenities. The Remand Wing of the main prison was overcrowded, leading to some people sleeping underground with no ventilation, with some sleeping in toilets. The smell, as described, was unbearable and constituted a health hazard even for the prison guards working there. The fact that a prisoner slit his throat to get attention for medical assistance or developed mental health problems due to ill-treatment is totally unacceptable.
99. The practice of sealing and shackling prisoners in dark cells for months without access to family or lawyers can only be described as inhumane.
100. The corrupt practices in the prisons were in part fuelled by the low wages of the prison staff and the need for the prisoners and detainees to have contact with their loved ones or family members and friends wanting to communicate with them. In both cases, some of the prison officers exploited the situation.
101. The COVID-19 pandemic has exposed the prison systems to the increased health risks from the virus due to poor conditions of the prisons such as over-crowding that does not allow for physical distancing, unhygienic conditions and inadequate health systems. This is an issue that the prison service has to address for the safety and protection of the staff.

M. FINDINGS

Considering all the evidence that is presented above and the participatory observation by the Commissioners during the site visits to all the three prisons in The Gambia, the Commission finds that:

1. During the period July 1994 – January 2017, The Gambia Prison Service gained notoriety for the cruel, inhumane and degrading treatment meted out to prisoners and detainees.
2. Former **President Yahya A.J.J. Jammeh** used the prison system to punish his opponents (perceived or real) and sent them to his “*five star hotel*”, the notorious Mile II Central Prison which he knew to be a dirty, damp, and mosquito and vermin infested place. Such conditions are equivalent to inhumane and degrading treatment and a violation of the rights of prisoners.
3. To ensure that the prisons were under his control, **Yahya A.J.J. Jammeh** appointed a Director General with no qualifications, who would thus beholden to him and obligated to carry out his illegal orders. Prison officers were recruited with little or no educational qualification, which made them prone to manipulation. The eligibility criteria was based on ethnic and community considerations, and nepotism and ethnicity informed the recruitment and promotion of persons in the prison service.
4. The prison service was used as a tool for oppression and formed part of the tentacles of state control over every aspect of life of Gambians. Detainees were incarcerated at Mile II Central Prison without due process, and they were not allowed family visits or access to their lawyers.
5. From 1994 to 2016, a special category of prisoners not recognised by law under the classification “detainees” were kept at the Security Wing of Mile II Central Prison pursuant to executive directives and on orders of the former **President Yahya A.J.J. Jammeh**. They were subjected to all forms of ill-treatment and abuse, and stripped of all their fundamental human rights.
6. Detainees were deprived of food, water, clothing, basic sanitation and health care, and this violated their right to the minimum of space, hygiene, religious worship, privacy and security necessary for a humane and dignified existence.
7. The ill-treatment, abuse and torture of prisoners and detainees through a range of methods was prevalent and was carried out by non-prison officers such as the junta members, the Junglers and the State Guards, and by prison officers. These included mock executions, torture and corporal punishment.
8. On the night of 6th September 1994, the junta members consisting of **Lt. Sanna Sabally (Vice-Chairman)**, **Lt. Edward Singhatey (Defence Minister)**, **Lt. Saidibou Hydara (Minister of Interior)**, **Lt. Yankuba Touray**, **Second Lt. Peter Singhatey**, **Private Batch**

Samba Jallow, Private Babucarr Njie (Ponkal) and Warrant Officer 2 Ebrima Bah, escorted by **Antou Saidy** (Deputy Commissioner of Prison), carried out mock executions on **Ebrima Ismaila Chongan, Captain Mamat O. Cham** and **RSM Babucarr Jeng**. The three officers were severely tortured, wounded and secretly moved to a different wing in the prison to give the impression that they were executed, and left there unattended to.

9. **Warrant Officer 2 Alagie Martin** of the State Guards and some members of the National Intelligence Agency in civilian clothes conducted the torture of **Captain Sanna Sabally** and **Sadibou Hydara** in the premises of Mile II Central Prison on the 29th January 1995.
10. **Warrant Officer 2 Alagie Martin**, supported by **Director General of Prison David Colley, Assistant Prison Officer Faye** and **Thomas Jarjue**, tortured **Captains Sanna Sabally** and **Sadibou Hydara**, and **RSM Sanyang** on the prison premises on the 5th February 1995, in contravention of prison rules.
11. The 1995 Farafenni attackers and the 2014 suspected December coupists were kept in shackles for lengthy periods under the instructions of former **President Yahya A.J.J. Jammeh**, resulting to paralysis in some cases, and one reported case of amputation. The Commission is aware of a letter written by the first president of the country, **Alhagie Sir Dawda Kairaba Jawara**, issued directives outlining the inhumane nature of the use of shackles and outlawing their use.
12. The NIA would come in at night and remove prisoners or detainees from the prison and take them to the NIA headquarters to be tortured by the Junglers and returned to Mile II Central Prison after the torture sessions. The Junglers were mostly implicated in the rights abuses at the prison and are alleged to have carried out the most grievous crimes.
13. Prisoners **Lamin Jah, Soriba Conde, Babagalleh Jallow** and **Fallou Ceesay** were tortured by the following prison officers: **Ebrima Jammeh (Chief Torturer), Yahya Jarju, Saikouba Jarju, Muhammed Jabbi** and **Malang Tamba**.
14. Prisoners **Macodou Jakiteh, Sunkaru Conteh, Ebrima Joof** and **Mamadi Manneh** were tortured to death by the following prison officers: **Ebrima Jammeh (Chief Torturer), Yahya Jarju, Saikouba Jarju, Muhammed Jabbi** and **Malang Tamba**.
15. Prisoner **Ous Nicol** was tortured until he became mad. The torture was conducted by **Ebrima Jammeh (Chief Torturer), Yahya Jarju, Saikouba Jarju, Muhammed Jabbi** and **Malang Tamba**.
16. **David Colley** knew about these tortures, as they took place outside his office, but did nothing to stop them.
17. The group of torturers – **Ebrima Jammeh (Chief Torturer), Yahya Jarju, Saikouba Jarju, Muhammed Jabbi** and **Malang Tamba** – were referred to as the “royal family”, due to their connection with former **President Yahya A.J.J. Jammeh**. They acted with impunity and in total disregard of the Prisons Act.

18. From 1994 to 2016, prisoners were often denied medical treatment, which often led to several deaths in prison. Many people died of neglect, including **Gumaneh Touray, Abdoulie Jallow** (a Guinean National) and **Buba Ceesay**.
19. The prison has rudimentary health facilities with no provision for mental health issues.
20. The food at the prisons was unfit for human consumption and lacked the nutrients necessary for a healthy life, resulting in malnutrition and diseases such as beriberi, which gives rise to high morbidity and mortality in the prisons. It is estimated that 36 people died of beriberi at Mile II Central Prison. The prison management had knowledge of this but did not take any steps to change the diet of the prisoners from 1994 to 2016 or to provide the necessary medication.
21. Overcrowding is a major problem in the prison system in The Gambia. The Commission notes that it is particularly horrendous to require prisoners to sleep in toilets, sometimes in standing position. And where they are lucky to have beds, they are packed therein like sardines.
22. The Commission notes that the prison had so many young persons who were incarcerated for petty crimes such as stealing mobile phones or possession of small quantities of cannabis.
23. The absence of corrective and rehabilitation programmes is quite apparent in all the prisons.
24. In 2006, the **Director General David Colley** brought dead bull to feed the prisoners, resulting in sickness of many who ate the meat.
25. **David Colley** and prison staff were reported to have been stealing the rations of prisoners, which contributed to the inadequate and poor standard of food being fed to prisoners.
26. Corruption is rampant in the prison system. Prison officers regularly take bribes and peddle contrabands, leading to unequal treatment of prisoners.
27. Several female prison officers suffered significant sexual harassment from **David Colley** and other senior government officials. When they refused to comply with his demands, they were punished by withholding their promotions and other privileges.

N. RECOMMENDATIONS

129. Appointments to all positions in the prison service, in particular leadership positions, should be based on merit and appropriate academic qualifications. An approved scheme of service should be developed for the prison service detailing the minimum qualifications for each position and providing all categories of staff equal opportunity to grow in the service without any form of discrimination.
130. The existing archaic prison laws should be repealed and replaced with modern and progressive laws that meet the requirements of a modern democratic society and the United Nations Standard Minimum Rules for the Treatment of Prisoners.

131. The housing facilities in Mile II Central Prison are substandard, degrading and not fit for human habitation. Considering the cost and complications of rehabilitating the facilities, the Commission deems it imperative to build new facilities that are suitable for prisoners in a modern democratic society.
132. It is inhumane and cruel to have prisoners sleep in toilets or be jampacked like sardines. The government should provide enough facilities to cater for the requirements of the prison population.
133. The Jeshwang Prison for young offenders should be geared towards rehabilitating rather than punishing and should be resourced with recreational, educational and counselling facilities.
134. Janjanbureh Prisons is also in need of rehabilitation. The female prison population is small. Hence, a proper cell needs to be provided for the female inmates.
135. Long periods of pre-trial detention have been a major problem in all the prisons in the country. The government should put in place a system that will ensure that pre-trial detainees are tried within a reasonable period of time and in a manner respecting all their rights.
136. Adequate resources should be provided for food and medication. The prison diet should be reviewed and improved to a sufficient standard of adequate wholesome food, such that prisoners are provided with three balanced meals a day.
137. All cooks and food handlers who work in the prison should always be given the appropriate training necessary to be able to discharge their responsibilities effectively and efficiently. The government should put in place a system to provide regular medical check-ups for cooks and food handlers in order to ensure that they are healthy and do not transmit communicable diseases.
138. All prisons should be equipped with modern cooking facilities.
139. The prison service should enter into a Memorandum of Understanding with the Ministry of Health to attach qualified health personnel in the various prison clinics and provide adequate/ appropriate training for prison staff attached to the clinics.
140. All prisons should be provided with adequate quarantine cells to contain infectious diseases. Alternatively, persons suffering from such diseases should be removed from prison and placed under adequate care until they recover to continue their prison term. This is even more critical now in view of the COVID-19 Pandemic.
141. The government should ensure inspection of prison facilities by competent persons at regular intervals to ensure that the facilities are clean, hygienic, safe and fit for human habitation.
142. Each prison should be provided with an ambulance for quick and easy referrals to the nearest health facility.
143. Justice sector personnel should conduct capacity-building training for their staff to fast-track remand and appeal cases so as to ensure that persons in remand do not spend more time than is necessary in jail, thereby reducing overcrowding in the prisons.
144. Existing sentencing guidelines should be reviewed and revised in order to avoid imposing long custodial sentences for misdemeanours and other petty offences – especially those committed by young persons.

145. The state should develop alternative systems of imprisonment – such as probation and community service – to ease overcrowding in prison.
146. The prison service should provide skills, literacy training and microfinance with a view to creating sustainable livelihoods and decent jobs, rehabilitating prisoners and creating behavioural change to prevent prisoners from going back to prison. These measures can go a long way in reducing crime rate.
147. **David Colley, Ebrima Jammeh (Chief Torturer), Yahya Jarju, Saikouba Jarju and Muhammed Jabbi** should be prosecuted for tortures meted out to prisoners, and **Malang Tamba** should be reprimanded for participating in the tortures.
148. The female prison officers who refused to submit to sexual violations by senior government officials during their trip to upcountry should be promoted to the levels of their colleagues who were not subjected to any form of harassment or unfair treatment by **David Colley**. In essence, they should not suffer any disadvantage by reason of their refusal to submit to the unlawful orders and demands of **David Colley**.
149. No one should be given access to the prisons/prisoners, except in accordance with the law.
150. The military personnel stationed at the Security Wing of Mile II Central Prison should be removed from the prison and returned to the barracks.
151. The NIA or any other security institution should not be given direct administrative responsibility over a prison or any part of it, except administrative oversight thereof.
152. The government should provide adequate subvention to the prison service in order to improve the food, maintenance and general hygiene of the prison.
153. The government should put in place rules in order to ensure that the prison service is not used as an institution for torture.
154. The salaries and emoluments of prison officers are too low, which encourages corruption and trafficking by prison officers. The government should augment these salaries, at least to the same level as the salaries of police/military officers.
155. **Fanta Sanneh** and **Buba Jatta** should be recognised for the good services rendered.

156. WOMEN PRISONERS:

- *There should be a remand wing for the female prisoners isolated from the Female Wing where convicts are held.*
- *Female prisoners should be held in the least restrictive environment possible.*
- *Mother and children's units should be developed and expanded.*
- *A proper cell needs to be provided for the female inmates in Janjanbureh Prison.*
- *Skills learning facilities should be provided for the female prisoners.*

