



## **Twelve Soldiers Arraigned Before a Court Martial in The Gambia: A Litmus-test to Restore Public Confidence in the Credibility of the Country's Justice System**

### **Demographic Analysis**

- The Gambia is in West Africa, bordering the North Atlantic Ocean and Senegal. It has a total population of 1.9 million (2013 Census).
- The Gambia had a multi party democracy from independence in 1965, until a military coup in 1994, led by Retired Colonel Yahya Jammeh.
- A new constitution was drawn up by a Constitutional Review Commission and endorsed by a referendum in August 1996.
- The first presidential election under the new constitution was held in September 1996 with Yahya Jammeh elected as President and served for 22 years (1994-2016).
- Ex-President Jammeh was forced into exile after he lost the December 1, 2016 elections to President Adama Barrow and attempted to cling to power. Following his exit, 4,000 ECOWAS troops were deployed to The Gambia to stabilise the political transition and consolidate the country's peace and democracy.

### **INCIDENT PROFILE**

12 soldiers of the Gambia Armed Forces (GAF) arrested between July to November, 2017 have appeared before a Court Martial, at the 1 Infantry Battalion in Yundum Barracks of West Coast Region on Friday, November 17<sup>th</sup>, 2017. The accused officers are charged with nine counts of treason, concealment of treason, mutiny and defamation among others. They were alleged to be part of a group using WhatsApp social media platform to spread audio recordings to incite violence against the current government in contravention of Gambia Armed Forces Act<sup>1</sup> (1984). The accused officers include Captain Yaya Jammeh, an aide to former President Yahya Jammeh, Lieutenant Abdoulie Jarju, Lieutenant Yahya Jammeh, Sergeant Malick Bojang, Sergeant Baboucarr Sanneh, Corporal Sulayman Sanyang, Corporal Lamin Gibba, Corporal Ebrima Jallow, Lance Corporal Sambujang Bojang, Lance Corporal Abba Badjie, Private Mbemba Camara and Private Alieu Sanneh. The 12 men were held in various military installations across the country. The Court Martial panel consists of five military officers and a judge advocate.

<sup>1</sup> Source: The Point Newspaper at: <http://www.thepoint.gm> (Accessed 23<sup>rd</sup> November 2017).



## ANALYSIS

The Gambia Armed Forces have announced that a total of 23 soldiers are in detention for various acts related to offences against the State. Some are suspected to be members of former President Jammeh's secret militia group called the 'jungulars', whilst others include the 12 officers on trial who were detained at various military detention centres without recourse to proper legal access for defence which contravenes provisions of the country's constitution<sup>2</sup>. The Government through the Minister of Information, Demba Jawo confirmed the arrest and detention of the officers but maintained that they were still under investigations and nothing was illegal in their prolonged detention since they are governed by both civil and military laws. His statement sparked public debate on the constitutional rights of the accused officers to fair trial. Given the structure and operating system in the military, there have been wide public concerns that delay of access to and delivery of justice has the potential of undermining the peace and security of the nation.

Following the first appearance of the officers before a panel of judges, it is therefore expedient that the court grants them access to appoint and retain both military and civilian legal representations as well as ensure that their rights to their families is respected. It has been suggested that the trial will serve as a litmus test for the consolidation of the new government and also build public confidence in the credibility of the country's justice system.

## MECHANISM FOR INTERVENTION

The Court-Martial has been set up with judges, the prosecution and defence teams. The judge advocate in charge is Sainabou Ceesay Wadda and the initial hearings have commenced. National and International Human Rights Organisations have deployed personnel and representative to monitor and report on the proceedings of the Court Martial.

## RECOMMENDATIONS

- The Court Martial should expedite the trial while observing and respecting due processes in line with the laws of The Gambia;
- The Government through the Judiciary, the Ministries of Defence and the Interior should ensure that the accused officers are given access to adequate legal representation and ensure that the rights to their families are protected;
- The Government through the relevant Ministries, Departments and Agencies as well as development partners should embark on comprehensive security sector reforms;
- Civil Society Organisations including faith-based institutions should step up advocacy for transparency and fairness of the trial and ensure the public is adequately informed about the court proceedings.

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<sup>2</sup> Allfrica.com (Accessed 23<sup>rd</sup> November 2017)