



REPUBLIC OF THE GAMBIA



National Assembly, New Assembly Building, Reginald Pye Lane

Banjul, The Gambia

REPORT OF THE STANDING COMMITTEE ON HUMAN RIGHTS AND CONSTITUTIONAL MATTERS VISIT TO DETENTION CENTRES

OCTOBER, 2022

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EXECUTIVE SUMMARY

The Standing Committee on Human Rights and Constitutional Matters, in execution of their oversight mandate, embarked on a tour to examine the conditions of detention centres and Prisons in the country. This tour, marking the first on-field engagement with stakeholders and institutions by the Committee in the Sixth Legislature, followed the first rollout by the previous Committee. It could be recalled that Phase 1 of the tour targeted major detention centres in Banjul, Kanifing Municipality, and the West Coast Region. The second visit covered facilities in the North Bank Region, Central River Region North and South, Upper River Region and some parts of the West Coast Region, targeting detention centres and the only prison centre beyond the Greater Banjul Area (Janjang Bureh Prisons). The Committee observed several anomalies with regards to the abhorrent conditions of the facilities. Most of the Police Stations visited had cells that were inhabitable due to poor ventilation, unhygienic and broken water pipes. Poor ventilation was particularly noted in most of the stations; especially in Farafenni and Basse Police Stations. However, there were few facilities with improved holding cells such as Kaur and Bansang Police Stations.

Furthermore, the absence of prisoner diets in most of the facilities visited was also noted. In these facilities, prison officers contribute to cater for themselves and the feeding of the detainees. Additionally, there was also the violations of prisoners' access to justice rights. In Janjang Bureh and Mile II Prisons, the Committee heard from inmates who complained of going to courts for over six years without verdict.

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HON. MADI M.K CEESAY
CHAIRPERSON OF THE COMMITTEE

Objective

The main objective of the Committee's visit is to enhance the understanding of National Assembly Members with regards to the following issues:

1. conditions of detention facilities
 - a. conditions of cells,
 - b. sustenance (food and water),
 - c. hygiene,
 - d. ventilation and the general environment and
 - e. Medication
2. Population within the detention facilities and the number of persons per cell,
3. Space and capacity of cells,
4. Category of inmates/detainees (women, children and persons living with disabilities);
5. Reason for detention,
6. Period of detention,
7. Covid-19 preventive measures taken in prisons and major detention centres,
8. Government's approach to achieving efficiency across the prisons and detention centres.

METHODOLOGY

- (a) Visit and inspection of Detention Centres and Prisons
- (b) Interaction with the security personnel/officials and detainees and inmates
- (c) Interaction with the Director General of Prisons and team
- (d) Interaction with IGP and team
- (e) Observations

DELEGATION

- | | |
|--------------------------|-------------|
| 1. Hon. Madi MK Ceesay | Chairperson |
| 2. Hon. Suwaibou Touray | Member |
| 3. Hon. Birom J S Sowe | Member |
| 4. Hon. Bakary K Badjie | Member |
| 5. Hon. Muhamed Kante | Member |
| 6. Hon. Abdoulaye Ceesay | Member |

Support Staff of the Committee

- | | |
|----------------------|------------------|
| 1. Isatou Sonko | Committee Clerk |
| 2. Mamadou A.M Bah | Committee Clerk |
| 3. Mary T Mendy | Research Officer |
| 4. Alhagie Omar Cham | IT |
| 5. Mbye Bojang | Driver |

FINDINGS

PHASE II

1.0 BARRA POLICE STATION

This was the first station visited by the Committee in the second rollout. It is the headquarters for Lower North Bank Region Police Division.

1.1 STATUS OF HUMAN RIGHTS COMPLIANCE

The station registered some degree of success in observing certain human rights practices.

However, the Committee learnt that issue of detention more than seventy-two hours without bail still exists. Additionally, poor sanitary facilities are shared by the officers in the station and the detainees.

Moreover, rations are not provided for the feeding for detainees. Presently, officers in the station contribute for their feeding and that of the detainees.

1.2 CHALLENGES

1.2.1 Mobility constraints to conduct patrols, effect arrests and transporting suspects to courts.

1.2.2 Low fuel allocation to facilitate patrols.

1.2.3 Small office space, and absence of protective weapons for patrol around the borders, and the region has the highest crime rate in the country.

1.2.4 Non-allocation of rations for the feeding of the detainees.

1.2.4 They have only one Magistrate for the whole North Bank Region and that hinders the quick disposal of cases

1.2.5 No Uniform supplied to the officers

1.3 COMMITTEE'S OBSERVATION

In a post-meeting tour of facilities, the Committee noted some crucial issues such as;

1.3.1 Small-sized detention centre and cells.

1.3.2 Poor and limited sanitary facilities for detainees and the officers.

1.3.3 No drainage system within the station and during rainy season it is difficult to access certain offices within the premises

1.3.4 No responsibility allowance is provided to officers

2.0 AMDALAI POLICE STATION

Situated in the Lower Nuimi District, this station is at the border of the Gambia, which is the first stop when entering the Gambia.

2.1 STATUS OF HUMAN RIGHTS COMPLIANCE

The station registered a some degree of success in observing certain human rights practices with regards to the handling offenders under their care and the way they handle the cases of non-Gambians.

2.2 CHALLENGES

2.2.1 Mobility and fuel constraints.

2.2.2 Situation of commercial centres between the station and the border, making it impossible for police to smoothly check movements at entry points.

2.2.3 The dire need for a back-up security to protect the lives of the officers in the station and during operations.

2.2.4 Lack of prisoners' diet.

2.2.5 No computer and internet access at the station

2.2.6 Porous borders

2.3 COMMITTEE'S OBSERVATION

The Committee noted the existence of detention cells, including one for juveniles, and that the joint-border patrol should be strengthened. The station is also situated in the middle of the business centre, which might be a threat to the security personnel.

3.0 FARAFENNI POLICE STATION

3.1 Status of Human Rights compliance

There is overcrowding of detention cells, due to backlog of cases at the courts. Equally, the Committee was informed that it is a challenge to grant bail to detainees from other countries (especially 'Almudos'), without Gambian sureties, leading to their detention exceeding seventy-two hours. They have that cordial relationship with the Farafenni General Hospital management for the treatment of the inmates when they are sick.

3.2 CHALLENGES

3.2.1 Mobility and fuel constraints.

3.2.2 No rations for feeding of detainees

3.2.3 Limited and small-sized cells with very poor ventilation to accommodate the increasing number of detainees. This has warranted the transfer of adult detainees to the small-sized juvenile cell, and female detainees kept behind the counter, instead of a secured cell.

3.2.4 Only one travelling Magistrate for the whole north bank region, which leads to piling up of cases and the congestion of the cells.

3.2.5 Transportation of detainees to the courts from the prisons

3.2.6 No provision of uniform to officers

3.2.7 Insufficient personnel at the station as they have only 15 on general duties.

3.3 COMMITTEE'S OBSERVATION

During the tour of facilities, the Committee witnessed horrendous conditions of the detention cells: poor ventilation, overcrowded and small spaced, making it

exceedingly unfit to detain and remand detainees. Furthermore, the Committee observed that the ration for the feeding of the detainees is not forthcoming.

4.0 NGAYEN SANJAL POLICE STATION

4.1 Status of human rights compliance

With the small detention cells, it was observed that the station lacks the space and proper ventilation for detainees and officers. There is also the absence of a juvenile detention centre.

4.2 CHALLENGES

4.2.1 Small-sized station

4.2.2 Insufficient human resource as the station is overseeing 56 communities but has only 9 officers.

4.2.3 Small detention Cells

4.2.4 No water and electricity supply for the station

4.2.5 Lack of mobility for the whole division.

5.0 KAUR POLICE STATION

5.1 Status of human rights compliance

The station has limited but well-ventilated detention facilities. However, there are no designated juvenile detention cells. Crimes involving juveniles are reportedly not prevalent. Thus, such cases are treated in a separate room, instead of detaining them in cells.

5.2 CHALLENGES

5.2.1 Limited capacity building training on human rights issues and compliance procedures.

5.2.2 Slow promotion for officers

5.2.3 Mobility constrains and low allocation of fuel for effective patrol

5.3 COMMITTEE'S OBSERVATIONS

The new station facility and detention cell could be a model for other stations. However, despite the presence of Child Welfare Officers, cells for juveniles are absent in the station.

6.0 NJAU POLICE STATION

6.1 Status of Human Rights Compliance

This is a small station with dilapidated facilities. All juvenile cases are referred to Kaur Police station as there are no child welfare officers.

6.2 CHALLENGES

- 6.2.1 Dilapidated structures, including a leaking roof that needs massive renovation.
- 6.2.2 Absence of capacity building for officers, especially on basic human rights issues
- 6.2.3 Limited personnel.

6.3 COMMITTEE'S OBSERVATIONS

The Committee conducted a tour of facilities and observed that the station is in dire need of renovation. It is also observed that they do not have a security back-up

7.0 JANJANG BUREH PRISONS

One of the three main prisons in the country, this centre is the only prison outside the Greater Banjul Area.

7.1 Status of human rights compliance

The station has 71 inmates: 41 convicts and 30 on remand. There is a marked improvement on human rights compliance such as proper ventilation and living rooms for inmates. However, convicts and remand inmates are all crammed in the same rooms and cells. Moreover, some inmates on remand are going to court for more than five years without any judgement.

It was highlighted that there is a challenge in processing juvenile suspects, noting a rise in the number of such category of offenders. It was also stated that the challenge with dealing with minors is that they cannot be interviewed or bailed without a guardian. Furthermore, the unit has registered challenges in contracting a reliable medical practitioner tasked with ascertaining the age of suspects when doubt arises or when the minor is without identification.

7.2 CHALLENGES

- 7.2.1 Poor accommodation for officers
- 7.2.2 Poor condition of sanitary facilities
- 7.2.3 Mobility and fuel constraints to transport inmates to court.

7.3 COMMITTEE'S OBSERVATIONS

- 7.3.1 The officers also lamented the fact that their opinions are not usually sought on the executive pardoning of inmates. It is understood that this results to pardoning offenders who would cause further crimes after being released.
- 7.3.2 Poor accommodation facilities for officers
- 7.3.3 The Committee further observed that there is the presence of some certain skills training opportunities, such as electrical installation. However, this was observed to be grossly inadequate.

8.0 SARE NGAI POLICE STATION

8.1 *Status of human rights compliance*

As a small station, this centre serves the communities of Wuli West and East. This is a region prone to crimes like animal rustling, cross-border crimes and cases involving juveniles. Presently, there exist one small detention cell, which is poorly ventilated. Additionally, juvenile detainees (who are normally referred to the Basse station) are detained in the same cell with adult detainees.

8.2 CHALLENGES

- 8.2.1 The station is grappled with mobility constraints, with no vehicle allocated. In fact, periodic patrols are conducted with motorcycles.
- 8.2.2 Absence of food ration for detainees. Officers in the station contribute to offer
- 8.2.3 The need for capacity building for officers on basic human rights issues.

8.3 Committee's Observations

In a post-discussion tour of facilities, the Committee noted serious issues affecting the observance of basic human rights standards such as;

- 8.3.1 Small station building, housing an office, charge room and an extremely small detention cell
- 8.3.2 The cell lacks proper ventilation, with just a small breathing space created on the door

9.0 BASSE POLICE STATION

9.1 Status of human rights compliance

As the headquarters of the URR Police Division, the Committee is concerned about the size and state of the poorly ventilated station. The cells are very much uncondusive for human habitation, due to poor ventilation and small size. Additionally, despite the presence of Child Welfare Officers who handle cases involving juveniles, there is no designated detention cell for Juveniles.

9.2 CHALLENGES

- 9.2.1 The whole region has two Child Welfare Officers, making it difficult to deal with child welfare matters.
- 9.2.2 Small office space and poor ventilation.
- 9.2.3 Limited ration for food for the detainees. For the five police stations in URR combined, the Committee was informed that ten thousand Dalasi is provided monthly. However, no ration was issued since June 2022.
- 9.2.4 Absence of a designated juvenile detention cell.
- 9.2.5 Mobility constraints and low allocation of fuel hindering regular patrols.

9.3 COMMITTEE'S OBSERVATIONS

- 9.3.1 Small detention cells, which are poorly ventilated and the absence of a designated cell for juveniles.

10.0 BANSANG POLICE STATION

10.1 Status of human rights compliance

With the proper detention cell, the station to a large extent complies with basic human rights standards for detainees. However, there are still some challenges that need to be addressed such as the ineffective handling of juvenile detainees.

10.2 Challenges

10.2.1 Mobility constraints and low allocation of fuel

10.2.2 No allocation of rations for feeding of detainees but officers contribute to cater for their feeding.

10.2.3 Limited personnel

10.2.4 Due to the low situation of the roof, the stations lack proper ventilation.

10.3 COMMITTEE'S OBSERVATIONS

10.3.1 A standard constructed detention facility. .

10.3.2 However, the building walls, and roofs are in dire need of renovation.

10.3.3 The station is also at serious risk with the presence of confiscated barrels of fuel at the station backyard

11.0 JARENG POLICE STATION

11.1 Status of human rights compliance

At this station, Child Welfare Officers are designated to handle cases involving juveniles. The station has two detention facilities, but only one is in use and the other utilized as a store. There is a small space for proper ventilation, making it uncondusive for holding detainees. Rations are not issued as well. Like other stations, feeding for detainees is facilitated by the contribution from officers.

The Committee was informed that community policing is effective through sensitization.

11.2 CHALLENGES

11.2.1 No allocation of ration for feeding

11.2.2 Mobility constraints for patrol and utilities

11.2.3 No presence of PIU officers, making the station insecure

11.2.4 Limited personnel, with only fourteen officers in the station.

11.2.5 Small office space

11.3 COMMITTEE'S OBSERVATIONS

During the tour of facilities, the committee observed that the station is small, making it difficult to create bigger holding cells. Additionally, the offices need renovation, and

the cells need increased space for ventilation through the creation of iron bars on the doors. The cells were also found to be unhygienic for human habitation.

12.0 MANSAKONKO POLICE DIVISION

Mansa Konko serves as the headquarters for the LRR Police Division. This division comprises 8 Police stations and posts. The Committee therefore paid a courtesy call on the officials there, and received various success stories and challenges:

12.1 ACHIEVEMENTS

- 12.1.1 A juvenile court is launched in Mansa Konko which is vibrant
- 12.1.2 Effective community policing with partnership with and support from traditional rulers.
- 12.1.3 Capacity building through training opportunities.

12.2 CHALLENGES

- 12.2.1 Low allocation of ration for feeding detainees. The Committee was informed that six thousand dalasi is allocated monthly for all the stations under the division.
- 12.2.2 Mobility constraints: the Committee was informed that only three vehicles are allocated for the entire police division.
- 12.2.3 Low fuel allocation

13.0 Kwinella Police Station

13.1 *Status of human rights compliance*

This station, situated in Kiang Central, has relatively good and conducive detention facilities. Additionally, all cases involving juveniles are handled by the Child Welfare Officers. There is an effective community policing, as reported by the officers.

13.2 *Challenges*

- 13.2.1 No ration for feeding of detainees. In fact, officials of the station informed the Committee that they were not aware of the existence of allocated ration for feeding of detainees.
- 13.2.2 Mobility constraints and low allocation of fuel. In fact, officers patrol their Area of Responsibility using bicycle.
- 13.2.3 No police communication devices other than mobile phones.

14.0 Kalagi Police Station

14.1 *Challenges and Committee's Observation*

Like most of the stations visited, the cells lack proper ventilation. The Committee was also informed of numerous challenges such as:

14.1.1 Mobility constraints

14.1.2 Poor accommodation facilities

14.1.3 Absence of prisoner diet

15.0 SIBANOR POLICE STATION

At Sibanor Police Station, the Officer Commanding is in charge from Bullock to Kalagi.

15.1 Status of Human Rights compliance

The station has no cell for Juvenile cases. Any such case is referred to the nearest station under the OC. However, all Juvenile cases relating to drug are transferred to Banjulinding Police Station.

15.2 Challenges

15.2.1 No Vehicle for the whole Sibanor Division

15.2.2 No arms for the DLEAG officers which is a threat to their safety during operation

15.2.3 Officers and detainees board commercial vehicles to the prosecution office at Brikama and Banjulinding.

15.2.4 Payment of rent for the Immigration Office (documentation centre) at Sibanor is owed for over a year.

15.2.5 Lack of capacity building training for the officers on human rights and related issues

15.2.6 The amount provided as prisoner diet and the way it is disbursed is a very big challenge which is received every three months.

15.3 Committee's Observation

The Committee observed that the conditions of the detention cells are poorly ventilated and small which makes it very unfit for detainees.

16.0 JIBORO POLICE POST

The police post is situated at the border which is one of the first stops for people entering the country by land. The post has all the sister security forces except the Armed Forces.

16.1 Status of Human Rights compliance

Juvenile cases are referred to Brusubi Police Station. When a child offender is brought in, the parent or guardian is invited, and the statement is taken in their presence before the referral.

16.2 Challenges

- 16.2.1 The location of the police post is a threat to their job and the security of the border
- 16.2.2 The shops and the garage are located in front of the police post, blocking visibility
- 16.2.3 Mobility constraints
- 16.2.4 Lack of water and electricity provision
- 16.2.5 The amount given as the prisoner diet is insufficient

17.0 MANDINABA POLICE STATION

17.1 Status of Human Rights Compliance

The cells are in a very poor condition. The holes for the ventilation are very small, and blocked by the offices of the DLEAG, making it inconducive for human detention.

17.2 Challenges

- 17.2.1 Not enough space for the expansion of the prisons facility
- 17.2.2 Very poor cell condition
- 17.2.3 Mobility constraints
- 17.2.4 The amount provided as prisoner diet is as low as D2.50 for a person per meal, and is given monthly

18.0 SECOND LEG VISIT TO MILE II STATE CENTRAL PRISON

The Committee conducted its second visit to the State Central Prison to gather more formation on conditions of the inmates and the officers posted at the Prisons facility. It ranges from there living conditions, health, detention procedures, ruling procedures etc. At the time of the visit, there were 536 inmates. The team was welcomed by the Director General of the prison and his team.

18.1 Remarks from the Director General.

In his remarks, the DG- Prisons service informed the Committee that:

- 18.1.1 The prison act that is in use currently is old and needs reviewing
- 18.1.2 The GPS secured mattresses for the inmates through support from partners and donors.
- 18.1.3 The clinic has improved with the help of UNDP in the prison.
- 18.1.4 There is acute shortage of prison cells, leading to the transfer of convicted inmates to the Jeshwang prisons and others to the remand wing.
- 18.1.5 The remand wing is presently at a very bad condition for human habitation.
- 18.1.6 There is one Juvenile centre in the Gambia located in Jeshwang and all inmates underage are kept there.

18.2 Trainings conducted at the prisons for inmates

- 18.2.1 Information technology
- 18.2.2 Tailoring

18.2.3 Plumbing

18.3 Challenges

18.3.1 No fumigation of the premises and these is not safe for the inmates.

18.3.2 No special place for pregnant inmates and nursing mothers.

18.3.3 Premises allocated for prisoners are horrible for human habitation.

18.3.4 There is stagnant water all over the place, which could attract more mosquitos.

18.3.5 Prison officers felt that they are being left out in the exercise of the President's prerogative of mercy.

18.3.6 Transportation of inmates on trial to court is affected by the low allocation of fuel

18.3.6 Acute shortage of uniforms for officers and convict

18.3.7 Separate facility for sick people

18.3.8 No established office for human rights, in the prison and only few officers are schooled with human rights acts.

18.3.9 Slow justice dispensation and this made some inmates that has been there for several years and only appears in court once. For example, the Committee encountered a female inmate at the remand wing who has been detained for fourteen years.

18.3.10 The Inmates also complained that lunch is served very late

18.3.11 Dire need for legal aid by the inmates.

19.0 Conclusion

Proper, effective, and efficient care for detention facilities is a fundamental requirement for the respect of human rights and dignity of detainees. Prisons and detention centres cannot and should not be envisaged as punishment centres but correction facilities. It is thus important to promulgate rules and practices to make prisons and detention facilities fit for purpose, as per domestic and international rules and standards.

Recommendations

1. Adequate resources to be provided to stations especially those at the borders
2. Provision of motor-vehicle for all the stations visited.
3. All detention centres be improved on with enough space and ventilation
4. All stations should be provided with PIU back-up security, especially those around the borders.
5. Remand prisoners, detained for up to one year, should have their cases reviewed.
6. Similarly, a prisoner who is remanded for more than fourteen years should have his/her case reviewed and concluded within six months.

7. In the exercise of the President's Prerogative of Mercy, the Director of Prisons, and the Commissioners of the three major prisons should be included in the advisory panel.