

## Gambian Court Denies Nigerian Rights Worker Bail

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A magistrate's court in Banjul has denied the Nigerian human rights worker, Edwin Nebolisa Nwakaeme, who was arrested and taken into custody last Monday on false information charges.

Making a ruling on the bail application by defense counsel Assan Martin on Wednesday, senior magistrate Hilary Ubeke, said allegations of providing 'false information' to the office of the president was such a 'sensitive' matter of public interest that his court could not grant the accused bail until completion of the trial, which begins on March 22, 2010. The accused was therefore remanded in custody.

Earlier, defense counsel Mr Assan Martin argued that the offense allegedly committed was a misdemeanor, which carries a penalty of D500 fine or a 6 month imprisonment. "It's a bailable offense, and pursuant to section 195 of the 1997 Constitution, all accused persons must be entitled to bail for any offense of misdemeanor", he pleaded with the magistrate. And although Martin attempted assuring the magistrate that the accused would comply with all bail conditions, and be willing to provide sureties who would comply with court orders, his client was sent behind bars.

The prosecution team, lead by police inspector Badjie, did not object to defense counsel Martin's bail application, but applied for an amendment under section 169 of the Criminal Procedure Code, of the particulars of offense, which reads: "seeks nomination of Ms Mariam Jammeh, daughter of the President of the Republic of The Gambia as ADG's General Ambassador to the World Day [SIC] Celebrations 2009."

Inspector Badjie said the statement substituting the particulars of offense reads as follows: "Edwin Nebolisa Nwakaeme, sometimes in the month of March, 2010, in the City of Banjul, Republic of the Gambia, gave false information to the office of the President that [African Democracy Organisation and Good Governance](#) [was] a non-governmental organization, which [he] knew or had reasons to believe to be false."

Defense counsel Martin raised no objection to the amendment, but applied for a review of the bail conditions, saying the question of 'false information' had no effect of causing any harm, or changing any work pertaining to the public service. "It is just a question of what purpose does the organization itself stand for. He said it did not matter "whether it is a governmental, charitable or non-governmental organization."

Magistrate Ubeke however brushed off Martin's argument, saying the matter was not about a question, but about giving 'false information', and concluded that the bail conditions shall remain the same. Mr. Edwin Nebolisa Nwakaeme was thereafter remanded in custody until March 22 and 24, when the trial begins in earnest.

The prosecution told the court they have three witnesses to call.

Mr. Nwakaeme was first arrested on Monday, February 22, by three secret policemen from Serekunda police station. He was later transferred to New Jeshwang Immigration Post, where he was detained until Thursday, February 25.

Again, on Monday March 1, Mr. Nwakaeme was called by the Police Serious Crimes personnel to report to the headquarters, where he was put under arrest until Monday, March 8, 2010, when he first appeared in court, charged with giving 'false information to a public official'.

Police sources have indicated that authorities intend to seize the operating license of ADG. and deport its

founder, Edwin, to Nigeria.

Mr. Nwakaeme's passport has been seized. According to police sources, while in detention, Edwin was escorted to the American Embassy, where he had applied for a visa to attend an international conference. The passport was retrieved from the US embassy and handed over to the police.