

5th March 2024



JUDICIARY OF THE GAMBIA

REJOINDER TO CONCERNS OF HIGH COURT JUDGE'S RULING ON ALLEGED CHILD OFFENDER BAIL

It has come to our attention that there have been concerns raised regarding the recent decision of Hon. Justice Isatou Janneh to grant bail to an Alleged Child Offender (ACO) in a case involving the tragic murder of Ajaratou Binta Gassama. The Judiciary of The Gambia, feel compelled to provide clarity on the matter to address any misunderstandings.

Firstly, it is important to note that the decision to grant bail to the Alleged Child Offender was not made lightly. Hon. Justice I. Janneh meticulously considered various legal provisions, including those outlined in the Criminal Procedure Code and the Children's Act, before arriving at her decision.

Contrary to some assertions, the granting of bail was not a disregard for the seriousness of the charges against the ACO. Rather, it was a careful application of the law, particularly Section 231(2) of the Children's Act, which appropriately takes into account the age and circumstances of the child involved. The Children's Act provides specific provisions for the treatment of minors within the justice system, emphasizing their protection and rehabilitation.

Furthermore, it is crucial to highlight that the decision to grant bail was not arbitrary. Justice Janneh considered Section 211 of the Children's Act, which encourages the inquiry into cases involving children and permits bail unless

there is serious danger involved. Additionally, the prolonged remand of the ACO, contrary to Section 212(7) of the Children's Act, further underscored the necessity to consider bail.

The conditions imposed for bail were also carefully crafted to ensure the safety of the community and the proper administration of justice. These conditions include substantial bail amount, sureties with stringent requirements, regular reporting to the police, and mandatory court appearances.

In conclusion, it is imperative to recognize that Justice Janneh's decision was made in accordance with the law and with due consideration for the best interests of the child and of justice. The Judiciary of The Gambia remains committed to upholding principles of impartiality, independence, integrity and transparency in all its proceedings. We appreciate the public's concerns and assure them that every decision made by the Judiciary is rooted in the pursuit of justice and fairness for all parties involved.