

UNIVERSAL PERIODIC  
REVIEW: GAMBIA  
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Submission on the right  
to health of deportees

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The International Human Rights Clinic of the University of Washington is part of the Clinical Law Program at the School of Law, training law students in the use of international human rights mechanisms, working with human rights victims, partnering with international, national and local human rights organizations. This submission is a collaborative effort with the local grassroots undocumented lead organization called La Resistencia, under the project Profit over dignity. Students - under close faculty supervision- have been visiting immigrants from all over detained at the Northwest Detention Center in Tacoma, Washington, United States. We toured the facilities, sent letters and documented the human rights situation in Tacoma. We made submissions before the United Nations Special Procedures, [succeeding in obtaining a communication to the US Government](#), and worked with the Inter-American Commission on Human Rights on the situation of migrants, [human rights defenders of migrants](#). We presented the report [Surveil, Target and Deport: defenders under attack](#) in the US. Current students Kenzie Legg, Lily Ramseier and Chehalis Dorman interviewed ShaCorrie Tunkara to address the situation of the protection of the right to health of deportees from the perspective of Gambia.

### **1. Gambia, the UPR previous recommendations on the right to health, and the situation of people returning from immigration**

Gambia has the obligation to respect and protect the right to the highest attainable standard of health. In past UPR review Gambia received several recommendations regarding the need to address shortfalls of the health care system. Furthermore the UN Committee on Social and Economic Rights in its most recent concluding observations regarding Gambia, expressed concern that there is no universal health-care coverage, there is a low number of qualified health care professionals and a shortage of equipment and supplies.

In that context, Gambia is receiving an increased number of deportees from different countries, specially most recently from Germany and the United States. Many of them come unprepared to survive and with no means to thrive, as they are also facing family separation.

It is well recognized now that the United States increased recently the number of deportation of people with deep roots in the Country. It is also documented that the US deports people gravely ill, without any preparation from the receiving country to provide with adequate and immediate treatment. The government deliberately implements inhuman and discriminatory immigration

policies and practices<sup>1</sup>. It uses torture, cruel, inhuman and degrading treatment in detention centers, criminalizes immigration, and exploits workers detained<sup>2</sup>, separates families and attacks children thus placing the lives of persons in need of protection at greater risk. These policies are arbitrary and unlawful<sup>3</sup>. The US generated a climate of fear and uncertainty, fomenting panic<sup>4</sup>, targeting people of color, inflicting trauma on immigrant communities and our society at large. Moreover, the government has created an industry of immigrant incarceration, profiting over human dignity<sup>5</sup>. No judicial oversight could stop the irreparable harm being caused to immigrant communities and to the rule of law in the United States.

In that context, unfair deportation of people suffering health problems to countries they haven't lived for years, creates obligations to receiving countries to protect and respect the rights of returnees, and address the situation with humanity. Particularly, Gambia has the obligation to provide support for to deportees to overcome individual challenges, and answer to specific needs, addressing vulnerabilities and protecting and respecting their human rights.

One of the cases that can illustrate the problem clearly is the one Tunkara family is living through. Gambian Saja Tunkara situation reached public notoriety in the United States when- as an immigrant detained without health care- he complained about his and others medical neglect in the US at a detention center in Tacoma, WA, [talked to the press](#), and ended up deported as retaliation for speaking up. The Inter-American Commission of Human Rights recently hold a public hearing on the situation of human rights defender of migrants being retaliated for their work speaking out against the inhumanity of the immigration system in the US, featuring his case. ShaCorrie Tunkara, Saja's US Citizen wife and mother of their 2 children testified, expressing her fear that Saja will end up dying in Gambia. ShaCorrie provided with consent to send all this information to the UN and make it publicly available.

Saja was born in Sierra Leone but grew up in Gambia and is a Gambian citizen. Upon arrival in the United States Saja applied for asylum, which was ultimately denied. After his marriage to ShaCorrie in 2010, the couple began the process of applying for a Green Card. After multiple attempts, all of which were denied, Saja was sent a final deportation notice requiring him to leave the country within a certain period of time. Saja chose not to leave as his family had financial issues and he was the sole support for his wife, ShaCorrie.

In October 2017, the couple learned of a tumor that had grown on the right side of Saja's neck. He was scheduled for surgery in mid-January of 2018, however, on January 9th 2018 Saja was

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<sup>1</sup> IACHR Expresses Concern over Recent Migration and Asylum Policies and Measures in the United States, June 18, 2018.

<sup>2</sup> Washington State Attorney General lawsuit against GEO, see [https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Another/News/Press\\_Releases/State%20v%20GEO%20Complaint.pdf](https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Another/News/Press_Releases/State%20v%20GEO%20Complaint.pdf)

<sup>3</sup> UN High Commissioner for Human Rights, June 18, 2018.

<sup>4</sup> ACLU, *Put Ice Back on Its Leash*, [https://action.aclu.org/secure/put-ice-back-leash?ms=web\\_180130\\_immigrantrights\\_freespeech\\_ICEactivists](https://action.aclu.org/secure/put-ice-back-leash?ms=web_180130_immigrantrights_freespeech_ICEactivists)

<sup>5</sup> Detention Watch Network (DWN). ICE Lies. Public Deception, Private Profit, [https://www.detentionwatchnetwork.org/sites/default/files/reports/IceLies\\_NIJC\\_DWN.pdf](https://www.detentionwatchnetwork.org/sites/default/files/reports/IceLies_NIJC_DWN.pdf)

detained by Immigration and Customs Enforcement (ICE) and sent to the NWDC. The detention centre was made aware of his condition and ShaCorrie requested that they get Saja's medical records and that he get the surgery necessary to remove the tumor and prevent cancer from developing. The surgery was significantly delayed, but on April 27th 2018 Saja underwent the surgery without ShaCorrie's knowledge of where he was or how he was doing. Post-surgery ShaCorrie found out, through ICE medical records sent to her by Saja, that he suffers from acute asthma, has trouble swallowing food due to pain, and suffered from head pain and impaired vision as well as impaired mobility to his right arm. ShaCorrie was told that he needed surgery or could face losing vision in both of his eyes. Delayed treatment and lack of sympathy for Saja and his case put not only his vision at risk, but also his life. ShaCorrie as a US citizen wishes for her husband's return to his family and the implementation of a policy where anybody detained suffering from severe medical conditions are to be released and provided with medical care instead of sending them to their death. ShaCorrie claims that Saja experienced retaliation from ICE for an interview Saja gave with Seattle Weekly in October 2018 regarding the conditions in NWDC as well as the handling of his medical condition and the failures of the staff to appropriately care for him in a timely fashion. The day after the interview was published, ShaCorrie was told by an ICE officer to prepare a suitcase of Saja's belongings in the event that he was deported. On October 30th 2018, 20 days after the interview with Seattle Weekly was published, ShaCorrie was informed that her husband was being deported that day and that she had one hour to bring his belongings and money to a U.S. Citizenship and Immigration Services facility in Tukwila, Washington State. As a result of the abrupt deportation ShaCorrie and the couple's two children were unable to say goodbye to Saja. Despite ICE's declaration that her husband was not a scapegoat targeted for whistleblowing, ShaCorrie has requested that the office of U.S. Representative for Washington's 9th Congressional District, Adam Smith, further investigate the matter. She ultimately hopes that Saja will be able to return to the U.S. so he can access proper medical treatment for his decreased eyesight and impaired arm mobility caused by the neck tumor. Saja was first sent to Sierra Leone where he was born, but now is in Gambia. ShaCorrie is still fighting for Saja to get appropriate medical care, which cannot be accessed in The Gambia. She is hoping that the Gambian government will assist and facilitates Saja in accessing the treatment he needs and can be provided in the UK. She will continue fighting to his return to the US and for him to be able to remain with his family.

## **1. Recommendations for Gambia**

1. Intensify its efforts to improve health services, including through allocating increased resources to the health sector, and ensure that particular attention is paid to the training of health extension workers and to the provision of adequate medical equipment and supplies to health facilities
2. Take urgent steps to address the situation of returning people from immigration. Particularly, Gambia needs to design a system to provide easy access support for deportees to overcome individual challenges, and answer to specific needs, addressing vulnerabilities and protecting and respecting their human rights, particularly access to adequate mental and physical healthcare.
3. Take urgent steps in the case of Saja Tunkara, and work in Geneva with the United Kingdom government, to provide assistance and facilities for Saja to travel to London to access the medical treatment that will save his life.

