

Accountability for the 2019 Fire Incident at the Ministry of Fisheries and Water Resources

Introduction

This paper contains our position on the fire incident that occurred at the Ministry of Fisheries and Water Resources in Banjul on December 2, 2019. We call for accountability for the incident which we conclude happened as a result of negligence by officials of the Ministry.

Background

On October 14, 2024, we submitted a letter of request for information to the Ministry of Fisheries and Water Resources regarding the fire incident that engulfed the office building. Our request was for the Ministry to provide the Full Report of the fire incident at the Ministry of Fisheries on December 2, 2019.

Our request was in exercise of our rights stipulated in the Access to Information Act 2021 which also binds the Ministry, as a public body, to respond to a requester within 21 days. The Ministry responded to our request on January 25, 2025, i.e., four months after our request was received by them. This constitutes a violation of the Access to Information Act 2021.

Overview of the Investigative Report by the Gambia Police Force

The investigation came as a directive from the Office of the President on December 16, 2019, ordering a probe to determine the cause and assess criminal liability for the incident. An investigation panel was constituted under the Gambia Police Force (GPF) with contributions from multiple agencies whose members served in a panel. The report was authored by the investigation panel. The members are as follows:

1. Gambia Police Force (GPF) (lead investigators)
2. State Intelligence Services (SIS)¹
3. Fire and Rescue Services (FRS)
4. Department of Physical Planning (DPP)
5. Ministry of Transport, Works, and Infrastructure (MTWI)

Key Objectives

The key objectives of the investigation are to:

1. Determine the cause
2. Assess negligence
3. Recommend preventive measures

¹ EFSCRJ does not recognize 'State Intelligence Service (SIS)' as the name for the National Intelligence Agency (NIA). The Constitution under Section 191 created the NIA. The name has not been changed through any constitutional amendment hence it is unconstitutional to give another name to NIA.

Methodology of the Investigative Panel

The investigation followed a structured, multi-agency approach to determine the cause, assess liability, and recommend preventive measures. The following methods were employed:

1. Data Collection

- A. Scene Examination through site visit
- B. Witness Interviews of key personnel
 - Minister James F. Gomes
 - DPS Omar SM Gibba
 - DPS Malang Darboe
 - Permanent Secretary Dr. Bamba Banja
 - Staff members including directors, procurement officers, secretaries, electricians and cleaners among others
- C. Expert Consultations with,
 - National Water & Electricity Company (NAWEC):
 - Fire and Rescue Services

2. Evidence Analysis

- Physical Evidence
- Documentary Evidence

3. Legal Review by the Attorney General's Chambers

4. Conclusion & Recommendations

- Findings:
- Recommendations:

List of Items Lost in the Blaze

1. Office Equipment & Furniture

- Computers & IT Devices:
 - Desktop computers
 - Printers
 - Photocopiers
 - UPS (Uninterruptible Power Supply) units
 - IFMIS (Integrated Financial Management Information System) computer
- Furniture:
 - Executive desks and chairs
 - Conference tables and chairs
 - Visitor chairs
 - Filing cabinets
 - Cupboards
 - Coffee tables
- Appliances:
 - Refrigerators
 - Air conditioners

- Electric kettles
- Flat-screen TVs

2. Documents & Files

- Confidential Government Files (216 files lost):
 - Fisheries Agreements:
 - Sustainable Fisheries Partnership Agreement (SFPA) with the European Union (EU)
 - Project proposals for fishing companies
 - Banjul Fisheries Jetty documents
 - Cabinet Memoranda:
 - Fisheries policies
 - Water Bill drafts
 - Operational Records:
 - Inspection and patrol logs
 - Memoranda of Understanding (MoUs) with private firms
- Personnel & Administrative Files:
 - Staff records
 - Salary payment documents (including a GMD 31,200 cheque for salaries)

3. Personal Belongings

- Mobile phones
- iPads/laptops (left behind during evacuation)
- Personal files (e.g., bank booklets, research reports)
- Atlas fuel coupons (worth GMD 25,000)
- Ferry crossing coupons (worth GMD 1,400)

4. Structural Damage

- Minister's Office: Entirely burnt, including the attached toilet/store.
- Director of Water Resources' Office: Completely destroyed.
- Confidential Secretary's Office: Severe damage to files and equipment.
- Electrical Infrastructure: Wiring, sockets, and AC piping (chewed by rats).

Legal Opinion and Conclusion of the Fire Incident Report

The Solicitor General and Legal Secretary's office reviewed the evidence and concluded:

1. No Evidence of Arson

- Fire did not meet the criteria for arson under Section 305 of the Criminal Code, which requires proof of wilful and unlawful setting of fire.
- No suspects or malicious intent were identified.

2. Probable Cause: Electrical Short Circuit

- Investigators attributed the fire to faulty wiring, exacerbated by:
 - Rat-chewed cables and AC pipes.
 - Lack of circuit breakers/fuse boxes (per NAWEC's report).
 - History of electrical faults (e.g., UPS explosions).

3. No Criminal Liability

- The Minister (James F. Gomes) and staff were cleared of wrongdoing.
- The fire was deemed accidental, with no negligence rising to criminal levels.

Final Conclusion of the Police Investigative Panel

The Gambia Police Force (GPF) panel concurred with the legal opinion and added these as key findings:

- Fire originated in the toilet/store area due to electrical faults.
- No foul play by ministry staff or outsiders.
- Safety failures (no fire alarms, extinguishers) worsened damage.

Recommendations of the Investigative Panel

1. Fire Safety Upgrades
 - Install smoke detectors, alarms, and extinguishers in all government buildings.
 - Conduct fire drills and designate evacuation points.
2. Electrical System Reform
 - Replace outdated wiring; add circuit breakers
 - Use rodent-proof materials for cables.
3. Digital Backup Policy
 - Migrate files to cloud storage to prevent future losses.

Our Position

Following our review of the investigative report as highlighted above, we have reached the conclusion that the fire outbreak at the Ministry of Fisheries and Water Resources was caused by negligence. We disagree with the conclusion of the investigative panel and the legal opinion of the Attorney General's Chambers that the fire was accidental.

For that matter, we hereby call on the President to hold accountable officials at the Ministry who had leadership, management and operational responsibility for the office premises at the time. By their acts of omission or commission, the fire outbreak occurred which has caused financial and economic loss to the country.

Basis of Our Position

It has been established in the investigation that the fire was caused by poor wiring with interconnected cables, rodent damage, and lack of circuit breakers/fuse boxes. The investigation discovered the following:

1. A history of short circuits damaging equipment (e.g., UPS explosions).
2. Safety deficiencies
 - No fire alarms, smoke detectors, or strategically placed extinguishers.
 - Inadequate emergency preparedness (e.g., no assembly points).
3. Document Management
 - Critical files were stored physically without digital backups, leading to irreversible losses.

These actions highlight negligence and lack of duty of care leading to the fire outbreak thereby causing financial and economic loss for the country.

Key Implications

The key implications of their negligence hence the fire outbreak are:

- **Loss of Critical Data:** No digital backups existed for many files, disrupting operations.
- **Financial Impact:** Replacement costs for equipment, furniture and documents were significant.
- **Safety Failures:** Absence of fire alarms/extinguishers worsened damage.

Public officials have a legal duty of care to ensure that office structures, premises, equipment and materials including documents and information are secured. The Access to Information Act 2021 provides under Section 6, that,

“Every public body shall create, keep, organize and maintain its information in a manner which facilitates access to information, as provided in this Act.”

This provision automatically imposes a duty on public institutions and officials to ensure that they create safe and secure office spaces and tools in fulfilment of their obligations. We hold that the fire was avoidable, and where it occurred there should have been adequate safety precautions in place to limit impact and effectively contain it without causing such huge damage. These systemic failures in infrastructure and safety protocols therefore exacerbated the fire.

Necessity of Holding Officials Accountable for the Fire Incident

The investigation concluded that the fire was accidental, caused by electrical faults, with no criminal liability assigned. However, the question of administrative or institutional accountability remains critical. We hold that officials should be held accountable, which, if not, could have severe implications in future.

1. Systemic Negligence

We have found the incidence of failure to address known hazards. Staff members such as electricians and cleaners had reported recurring electrical issues to no avail. No action was taken to upgrade wiring or install circuit breakers, despite prior incidents. Furthermore, there have been no fire safety measures. For example, no fire extinguishers, smoke detectors, or evacuation protocols were in place.

2. Accountability Failure

Officials ignored preventable risks, violating duty of care.

3. Poor Record-Keeping and Data Loss

There are no digital backups. The loss of 216 confidential files relating to fisheries agreements and cabinet memos were destroyed, thereby disrupting government operations.

This is evidence of negligent storage in which critical documents were stored in a non-fireproof area near electrical hazards. This highlights accountability failure, hence a violation of public records management policies and best practices.

4. Legal and Ethical Responsibility

The fire incident also highlights the issue of public trust. Taxpayers fund government operations hence officials must ensure there is infrastructure safety. For that matter, the fire incident constitutes a breach of fiduciary and legal duties. Officials have a duty to put in place and enforce occupational safety and health regulations to safe life and public property.

The Implications IF No One Is Held Accountable

An unfortunate precedence will be set if no one is held accountable. It could mean recurring disasters since there will be no incentive to fix electrical systems hence making future fires highly likely. This means other ministries, departments and agencies may neglect maintenance, assuming no consequences will result in case of disasters.

There is also the possibility of erosion of public trust as citizens may perceive the incident as government incompetence or corruption, hence the fire was a cover up. In this regard, donors and international partners could also lose confidence in the willingness and ability of public institutions to secure data in which agreements and partnerships are contained.

Finally, failure to hold anyone accountable means imposing unfair burden on taxpayers in replacement of costs. Several equipment, materials and documents including fuel coupons, cash and other materials were lost which need to be replaced. Taxpayers should not bear the cost of replacement. Rather, officials who were in charge should take responsibility for these costs since the fire was due to their negligence and lack of care.

Recommendations

Considering the above, we hereby recommend the following to the President and responsible officials.

1. **Prosecution:** Investigate and prosecute officials for negligence causing financial and economic loss to the country.
2. **Administrative Sanctions:** Impose reprimands, suspensions, dismissals, or mandatory training for negligent officials.
3. **Policy Reforms:** Create or update safety protocols including mandatory annual fire and electrical audits of all ministries and public offices
4. **Policy Enforcement:** Regular fire safety audits by the Fire and Rescue Services and provide training for staff on emergency protocols.
5. **Infrastructure Upgrades:** Install distribution boxes, replace outdated wiring, conduct regular electrical inspections, and use rodent-proof materials for cables and pipes.
6. **Fire Safety Measures:** Mandate smoke detectors, alarms, and extinguishers in all government buildings, and conduct fire drills and designate evacuation assembly points.

7. **Digital Transformation:** Migrate files to cloud-based systems and enforce digital backups for critical files to prevent data loss.
8. **Legal Review:** Clarify accountability for maintenance lapses to prevent future incidents.

Conclusion

While the investigation concluded that the fire was not arson, we hold that accountability is still necessary to prevent future incidents, restore public trust and ensure effective management. Ignoring negligence sets a dangerous precedent, risking lives and state resources. We hold that there should be both criminal charges and administrative sanctions.

It is critical that the Investigative Panel's recommendations are fully implemented to modernize electrical systems, enhance fire preparedness, and digitize records. These are critical to mitigating future risks. We demand that there is follow up on these recommendations and a progress report is produced to indicate implementation or otherwise.

EFSCRJ considers this fire incident a transparency and accountability issue which goes to the heart of governance and sustainable development of this country. The Ministry of Fisheries and Water Resources is a key national institution overseeing resources that are fundamental issues and rights of Gambians. The functions of the Ministry of Fisheries and Water Resources and the information contained in its offices are critical in managing the marine resources for the Gambia which are vital national assets. The preservation and protection of information and other tools relating to our marine resources go to the heart of the development of this country hence concern the human rights of citizens

We call on the President and the relevant authorities to consider this position paper with the importance it deserves and act on its recommendations accordingly.

2025: THE YEAR OF TRANSPARENCY AND ACCOUNTABILITY