



Freedom in the World 2013 - Gambia, The

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2013 Scores

Status: Not Free
Freedom Rating: 6.0
Civil Liberties: 6
Political Rights: 6

Ratings Change

The Gambia's civil liberties rating declined from 5 to 6 due to the absence of due process for defendants, as exhibited by the execution of nine prisoners – two of whom were Senegalese nationals – without access to a lawyer or a fair trial and without notification of their families.

Overview

President Yaya Jammeh's ruling party secured a landslide victory in the March 2012 legislative elections after the majority of opposition parties boycotted the vote. In August, Jammeh ordered the execution of nine of the 47 inmates on death row, without giving them access to a fair trial, attorney, or their families. The government continued to intimidate and persecute journalists, the political opposition, sexual minorities, and members of civil society throughout the year.

After gaining independence from Britain in 1965, The Gambia enjoyed nearly 30 years of civilian rule before a 1981 coup by leftist soldiers, which was reversed by intervention from Senegal. The two countries formed the Confederation of Senegambia a year later, but it was dissolved in 1989. Lieutenant Yahya Jammeh led a 1994 military coup. A new constitution adopted in a closely controlled 1996 referendum allowed Jammeh to transform his military dictatorship into a nominally civilian administration.

Jammeh defeated human rights lawyer Ousainou Darboe in the 2001 presidential election, and the ruling Alliance for Patriotic Reorientation and Construction (APRC) dominated the 2002 legislative elections. Jammeh secured a new five-year term in the 2006 presidential election, and the APRC captured all but six elected seats in the 2007 legislative poll; both elections were marred by government repression of the media and the opposition.

In March 2006, the government announced that it had foiled an attempted coup, leading to the arrest of dozens of people, including several prominent journalists and senior intelligence and defense personnel. Ten military officers were sentenced to lengthy prison terms in 2007. Eight individuals, most of whom belonged to the military, were arrested in late 2009 on suspicion of planning another coup to overthrow Jammeh and were subsequently found guilty of treason and conspiracy and received death sentences.

In the run-up to the November 2011 presidential poll, the government-controlled Independent Electoral Commission (IEC) installed a new biometric voter registration system, though it stated that 1,897 voters had nonetheless registered at least twice. The IEC failed to share the electoral register with opposition parties, significantly shortened the campaign period, and hampered the ability of opposition parties to campaign. Clashes between opposition supporters and the APRC during the campaign resulted in three deaths. Jammeh secured his fourth term as president with 72 percent of the vote; opposition parties rejected the results as fraudulent. In response, Jammeh told his critics to "go to hell." The Economic Community of West African States (ECOWAS) refused to send election observers, citing the repressive electoral environment.

After the denial of an opposition request to postpone the March 29, 2012 legislative elections to ensure a level playing field, six of the seven opposition parties boycotted the vote. Facing no opposition for over half of the available seats, the APRC won 43 seats, the National Reconciliation Party captured 1 seat, and independent candidates took the remaining 4 seats. Observers from the African Union (AU) noted irregularities including a "gross imbalance" between the resources of the APRC and other parties and the presence of security personnel and traditional chiefs in polling stations; ECOWAS again refused to send observers.

In August, Jammeh announced his intention to execute – for the first time in 27 years – all 47 inmates on death row by mid-September. Many of the inmates are political prisoners, including former government officials and military officers jailed by Jammeh. Nine inmates, including two Senegalese nationals, were executed by firing squad in late August without benefit of a fair trial or access to an attorney. Following international condemnation from the AU, the European Union, and the office of the United Nations High Commissioner for Human Rights, Jammeh on September 15 announced an indefinite suspension of all executions, which would be lifted if the country's murder rate increased.

Jammeh has drawn criticism for his erratic statements, including insisting that he could personally cure HIV/AIDS and infertility in women and threatening decapitation of homosexuals. He threatened to withhold government services to voters who failed to support him in the 2011 presidential election, while declaring that he could not be removed from power because he had been installed by God. In May 2012, Jammeh ordered "Operation Bulldozer," an anticrime operation targeting murderers and drug traffickers, as well as homosexuals.

As the country continued to suffer from years of severe droughts and crop failures, an increase in the number of Gambians requiring immediate food aid led to the declaration of a state of emergency in 2010 and an influx of food assistance from international donors in 2012.

Political Rights and Civil Liberties

The Gambia is not an electoral democracy. The president is elected by popular vote for unlimited five-year terms. Of the 53 members of the unicameral National Assembly, 48 are elected by popular vote, with the remainder appointed by the president; members serve five-year terms.

Official corruption remains a serious problem. However, President Yahya Jammeh's recent focus on economic development has led to increased anticorruption efforts, including the establishment of an Anti-Corruption Commission and the sentencing of several high-ranking security officials on

drug and corruption charges in 2012. Gambia was ranked 105 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index.

The government does not respect freedom of the press. Laws on sedition give the authorities great discretion in silencing dissent, and independent media outlets and journalists are subject to harassment, arrest, and violence. In July 2012, Abdulhamid Adiamoh, the managing editor of the newspaper *Today*, was convicted of contempt of court in connection with an opinion piece in which he criticized a defense lawyer in the trial of a former university lecturer; he was released after paying a fine of \$3,100. In August, authorities shut down independent radio station Teranga FM after the station had been told to stop airing newspaper reports translated into local languages; it remained closed at year's end. In September, two independent papers, the *Daily News* and *The Standard*, were ordered by security officials to cease publication, though no official explanation was provided; both papers have reported on sensitive political issues, including the 2012 execution of nine death-row prisoners. In September, Jammeh announced that he would allow the United Nations to investigate the 2004 killing of Deyda Hydara and the disappearance of Ebrima Manneh, both prominent journalists, though the process was stalled at year's end. The government runs Radio Gambia, as well as the sole television channel and the *Gambia Daily* newspaper. There are several private radio stations and newspapers, and foreign broadcasts are available. While the state generally does not restrict internet usage, some websites, including that of the U.S.-based newspaper *Gambia Echo*, have been blocked.

Freedom of religion is legally guaranteed and generally upheld by the government. However, in 2009, state forces led mass hunts for those accused of witchcraft. Nearly 1,000 people were kidnapped, with many brought to secret government detention centers, beaten, and forced to drink hallucinogenic substances, resulting in two deaths. Open and free private discussion is limited by fears of government surveillance and retaliation.

Freedoms of assembly and association are legally protected but constrained by state intimidation in practice. In September 2012, Babucarr Ceesay, first vice president of the Gambia Press Union, and Abubacarr Saidykhan, a freelance journalist who frequently reports on cases of human rights violations, were charged with conspiracy to commit a felony after asking for government permission to organize a peaceful protest against the September executions; the charges against them were subsequently dropped, though they received death threats in October. Workers, except for civil servants and members of the security forces, have the right to form unions, strike, and bargain for wages, though a climate of fear generated by the state dissuades workers from taking action.

Although the constitution provides for an independent judiciary, Jammeh has the authority to select and dismiss judges. The judicial system recognizes customary law and Sharia (Islamic law), primarily with regard to personal status and family matters. Impunity for the country's security forces, particularly the NIA, is a problem. A 1995 decree allows the NIA to search, arrest, or seize any person or property without a warrant in the name of state security. Prisons are overcrowded and unsanitary, and inmates suffer from inadequate nutrition and lack of medical attention. Torture of prisoners has been reported as routine.

Former minister of information and communication Amadou Scattered Jannet was convicted of treason and sentenced to life in prison in 2011 for printing and distributing t-shirts with antigovernment slogans. Another former government official, Tamsir Jasseh, was convicted of treason in 2007 for his alleged role in the 2006 abortive coup attempt and sentenced to 20 years in prison. Jasseh maintained that he had been tortured while in custody and had confessed under duress. In September 2012, Jannet and Jasseh – both of whom are Gambian-Americans – were pardoned and released into the custody of Reverend Jesse Jackson following a personal appeal to President Jammeh.

In 2012, a number of high-profile individuals were arrested arbitrarily or held without charge for longer than the 72 hours permitted; at least nine such documented cases occurred in December alone. Former foreign affairs minister Mamury Njie – who had reportedly advised against the executions of prisoners on death row – was arrested on October 31 and held in detention without charge until November 5. On December 14, he was charged with financial crimes and abuse of office and remained in detention at year's end. Imam Baba Leigh, who had publicly condemned the August executions, was arrested on December 3; he was reportedly being held at NIA headquarters at year's end.

The Gambia's various ethnic groups coexist in relative harmony, though critics have accused Jammeh of giving preferential treatment to members of his Jola ethnic group in the military and government.

Women enjoy fewer opportunities for higher education and employment than men. While the vice president and several cabinet ministers are women, there are only 4 women in the 53-seat National Assembly. Sharia provisions regarding family law and inheritance restrict women's rights. Rape and domestic violence are common. Female genital mutilation (FGM) remains legal and widely practiced. Local groups working to combat FGM reported being harassed in 2012 by judicial authorities. The Gambia is a source, destination, and transit country for the trafficking of women and children for prostitution and forced labor. In April 2012, 18 men and women were arrested for alleged same-sex sexual conduct at a dance ceremony for tourists; the dance reportedly involved men dressing as women. After having been detained for two weeks, they were released on approximately \$3,000 bail, and eventually the charges against them were dropped for lack of evidence.

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