



2015 Report on International Religious Freedom - The Gambia

Publisher [United States Department of State](#)

Publication Date 10 August 2016

Cite as United States Department of State, *2015 Report on International Religious Freedom - The Gambia*, 10 August 2016, available at: <http://www.refworld.org/docid/57add81dc.html> [accessed 14 October 2016]

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Executive Summary

The constitution provides every person the right to practice any religion, as long as doing so does not impinge on the rights of others or on the national interest. The constitution prohibits religious discrimination, the establishment of a state religion, and religiously-based political parties. President Yahya Jammeh declared the country an Islamic state on December 10, stating the lives of Christians would not be affected. Opposition parties condemned the declaration of an Islamic state. The government arrested and detained three imams without trial or explanation; all three imams were in custody at the end of the year. Police arrested a blogger for posting a caricature of the Prophet Muhammed with a little girl sitting on his lap. The accused – who said police forced his confession – was released on bail, and his case was subsequently dismissed. The Supreme Islamic Council (SIC), closely allied with the government, declared the Ahmadiyya Muslim community a "non-Muslim Community" and banned the burial of Ahmadi Muslims in Muslim cemeteries. Ahmadis were denied access to state media to publicize their religious activities.

In Tallinding village, Sunni Muslims banned Ahmadi Muslims from burying their dead at Muslim cemeteries and demanded the excavation of an Ahmadi body. The Ahmadiyya leadership issued a statement reacting to the SIC's statement and said the issue had the potential to create civil strife. The Interfaith Group for Dialogue and Peace, composed of representatives from the Muslim, Christian, and Bahai communities, met regularly to discuss matters of mutual concern, such as religious freedom and the need for peaceful coexistence.

The U.S. embassy hosted a series of iftars with government and local officials and religious leaders, during which participants emphasized a message of religious freedom and tolerance.

Section I. Religious Demography

The U.S. government estimates the total population at 1.9 million (July 2015 estimate). According to religious leaders, an estimated 90 percent of the population is Muslim, most of whom are Sunni. Other Islamic groups include Malikite, Qadiriyyah, and Sufism/Tijaniyyah. There are also small numbers of Ahmadi and Ndigal Muslims.

The Christian community, situated mostly in the west and south of the country, is 9 percent of the population (U.S. government estimate). It is predominantly Roman Catholic, but there are also several Protestant groups including Anglicans, Methodists, Baptists, Seventh-day Adventists, and various evangelical denominations. Approximately 1 percent of the population practices indigenous animist religious beliefs, although many Muslims and Christians maintain some traditional practices. Other groups include Bahais, a small community of Hindus among South Asian immigrants and business persons, and a small community of Eckankar members.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution states that "every person shall have the freedom to practice any religion and to manifest such practice," as long as doing so does not impinge on the rights of others or on the national interest. The constitution prohibits religious discrimination, the establishment of a state religion, and religiously-based political parties. President Yahya Jammeh declared the country an Islamic state on December 10, with sharia prevailing.

The constitution establishes *qadi* courts, with Muslim judges trained in the Islamic legal tradition. The *qadi* courts are located in each of the country's seven regions and apply sharia law. Their jurisdiction applies only to marriage, divorce, custody over children, and inheritance questions for Muslims. Sharia also applies to interfaith couples where there is one Muslim spouse. Non-*qadi* district tribunals, which deal with issues under customary and traditional law, apply sharia, if relevant, when presiding over cases involving Muslims. A five-member *qadi* panel has purview over appeals regarding decisions of the *qadi* courts and non-*qadi* district tribunals relating to sharia. Muslims also have access to civil courts. Non-Muslims are not subject to *qadi* courts.

There are no formal guidelines for registration of religious groups, but faith-based groups that operate as nongovernmental organizations (NGOs) must meet the same eligibility criteria as other NGOs. All NGOs are required to register with the NGO Affairs Agency according to the law, and must register as charities at the Attorney General's chambers under the Companies Act. They are required to have governing boards of directors of at least seven members responsible for policy and major administrative decisions, including internal control. The NGO Decree requires all NGOs to submit to the NGO Affairs Agency a detailed annual work program and budget, a detailed annual report highlighting progress on activities undertaken during the year, work plans for the following year, and financial statements audited by NGO Affairs Agency-approved auditors. The government has stated the submissions help the NGO Affairs Agency monitor the activities of the respective NGOs.

The law requires all public and private schools throughout the country to include basic Muslim or Christian instruction in their curricula. Students cannot opt out of these classes. The government provides religious education teachers to schools that cannot recruit such teachers.

The constitution bans political parties organized on a religious basis.

Government Practices

The National Intelligence Agency (NIA) arrested and detained three imams without charge or trial. Sheikh Omar Colley, Imam of Jabang, was arrested on October 15; Alhagie Ousman Sawaneh, Imam of Kanifing South, was arrested on October 18; and Cherno Gassama, Imam of Dasilami Mosque in the Lower Fulladu West District, Central River Region was arrested on November 2. Authorities provided no explanation for their arrests and detention. Residents of the region stated the imams were members of a new rice farmers association that was not supportive

of the ruling party. The Muslim clerics were still in detention at the end of the year. The constitution states that no accused should be held without charge in excess of 72 hours.

Police arrested Alagie Mam Sey on May 11 for posting a caricature of the Prophet Muhammed on social media with a little girl sitting on his lap. He was arraigned before the Brikama Magistrate Court on August 4, and charged with "uttering words with intent to hurt religious feeling." The prosecution reported that the accused admitted guilt. His lawyer said Mam Sey had been threatened with death and requested his client be released on bail on the grounds he might be mentally unstable and needed to undergo a medical examination. The judge granted bail in the amount of 10,000 dalasi (\$250). The court dismissed the case in December.

When declaring the country an Islamic state, President Jammeh said becoming an Islamic state would not affect the lives of Christians and their way of worship. He urged citizens to respect their Christian brothers and sisters; Christians would continue to celebrate Christmas. He said no one had the right to interfere with the relationship between Muslims and people of other faiths.

The main opposition political parties condemned the president's declaration of an Islamic state. The leaders of the United Democratic Party and the People's Democratic Organization for Independence and Socialism issued public statements condemning the declaration, and labeled it unconstitutional. *The Standard* (owned by the minister of communications) and *The Observer* (government-owned) normally supportive of the ruling party, reported the president's declaration of an Islamic state but did not comment.

Both Muslims and Christians called for the president's impeachment following his declaration of an Islamic state, and some called the move unconstitutional. *The Voice*, an independent newspaper, reported that the leader of the National Reconciliation Party called the declaration "a joke." Christian leaders said they were concerned and confused because it was unclear to them what "Islamic state" meant.

The SIC, a faith-based NGO with close ties to the government, declared on January 23 that the religious group of Ahmadi Muslims, the Ahmadiyya Muslim Jama'at, was not Muslim, and called for the organization's exclusion from consultations on Islamic matters. On September 5, the SIC banned the Ahmadiyya Muslim Jama'at from burial rights at Islamic cemeteries. Additionally, the SIC banned the Ahmadiyya community from airing religious programs on the government-owned Gambia Radio and TV Station and on all public and private radio stations.

Section III. Status of Societal Respect for Religious Freedom

The local press reported that on August 30, the Sunni Muslim community in Tallinding village, in Kanifing Municipality, threatened to exhume an Ahmadi Muslim who had been buried at the village cemetery. According to Sunnis in Tallinding, Ahmadis buried the individual at the cemetery without the knowledge of the imam, village head, or village elders. The Sunni community demanded that the Ahmadis exhume their dead from the cemetery "even when the body is decomposed," and threatened to do it themselves. The Third Deputy Amir of the Jama'at, Alhagie Ebrahima Mbowe, said the Ahmadis would not exhume the individual under any circumstances. The police, the mayor of Kanifing Municipality, and the SIC intervened and urged the "elders and the youths of Tallinding not to exhume the dead in order to prevent violence and turmoil within the society."

On September 9, the Ahmadiyya leadership issued a public statement reacting to the SIC's statement declaring the Jama'at a "non-Muslim community." The Ahmadiyya leadership said "the statement is absolutely false and baseless and has the potential to create civil strife in The Gambia."

The Catholic Mission introduced the inclusion of basic Muslim and Christian instruction in school curricula. The mission oversaw approximately 64 schools at various levels including nursery, lower basic, and upper basic. The Catholic Mission said a majority of its students enrolled in its schools were from the Muslim community.

The Catholic Mission expressed concern that Christians were underrepresented in the government, noting there was only one Christian, Benjamin A. Roberts, the Minister of Tourism and Culture, in the 23-member cabinet.

The Interfaith Group for Dialogue and Peace, comprising representatives from the Muslim, Christian, and Bahai communities, met regularly to discuss matters of mutual concern, such as religious freedom and the need to live together in harmony. The Christian component of the interfaith group was represented by the Gambia Christian Council, which included three Christian denominations: Anglican, Catholic, and Methodist.

Intermarriage between Muslims and Christians was common. According to the Roman Catholic Bishop of Banjul, there was anecdotal evidence from Christian minorities that Muslims converting to Christianity through marriage sometimes experienced hostility from Muslim neighbors and family members.

Section IV. U.S. Government Policy

The U.S. embassy hosted two iftars in Banjul at the Ambassador's residence in June, and two other iftars with the governors of the North Bank and West Coast Regions. At each of the dinners, the Charge d'Affaires and the governors cited the importance of religious freedom.

The Ambassador met with senior officials of the Catholic Mission and Diocese of Banjul, and discussed religious tolerance and the reaction of the Christian community after the declaration of the country as an Islamic state.

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