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Freedom in the World 2012 - Gambia, The

Overview

President Yayha Jammeh secured an extension of his 17-year rule by winning his fourth term in office in the November 2011 election. The Economic Community of Western Africa States criticized the electoral environment as not conducive to free and fair elections and refused to send observers. The government continued to intimidate and persecute journalists, the political opposition, and civil society groups throughout the year.

After gaining independence from Britain in 1965, The Gambia functioned for almost 30 years as an electoral democracy under President Dawda Jawara and his People's Progressive Party. A 1981 coup by leftist soldiers 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 deposed Jawara in a 1994 military coup. The junior officers who led the coup quickly issued draconian decrees curtailing civil and political rights. 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) won all but three seats in the 2002 National Assembly elections, thanks to a widespread boycott by opposition parties.

Jammeh secured a new five-year term in the September 2006 presidential election, which was marred by serious government repression of the media and the opposition. During the 2007 legislative elections, in which the APRC captured 42 of 48 seats, there were reports of intimidation of the opposition by security forces; restrictions on the media; and accusations of unfair voting procedures, including with voter registration and ballot counting.

The government announced in March 2006 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 April 2007. Eight individuals, most of whom belonged to the military, were arrested in late 2009 on suspicion of planning another coup to overthrow Jammeh. In July 2010, all of the accused were found guilty of treason and conspiracy and received death sentences.

Jammeh has drawn criticism for his erratic statements and behavior. Between 2007 and 2009 he claimed that he could personally cure HIV/AIDS using traditional herbs, threatened decapitation for any homosexuals who remained in the country, and warned against causing instability through human rights activism. Jammeh threatened to withhold government services to voters who failed to support him in the 2011 presidential election, while declaring that neither coups nor elections could remove him from power as he had been installed by God.

In the run-up to the November 24 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, shortened the campaign period from four weeks to eleven days, and barred opposition parties from campaigning via national media or holding political assemblies. Meanwhile, clashes between supporters of the opposition and the APRC during the campaign period 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 a landmark move, the 15-member state Economic Community of West African States (ECOWAS) refused to send election observers, citing the lack of an environment conducive to holding free and fair elections, including government intimidation of voters and the opposition.

The Gambia has increasingly become a transit point for drug shipments from South and Central America. In 2010, the National Assembly voted to introduce the death penalty for possession of more than 250 grams of cocaine or heroin; however, the law was repealed in April 2011, since the constitution forbids the death penalty for crimes other than aggravated or premeditated murder. In 2011, eight foreign nationals were sentenced to 50 years in prison for trafficking narcotics, and the EU began talks with The Gambia on conducting joint operations to combat drug trafficking.

Political Rights and Civil Liberties

The Gambia is not an electoral democracy. The 2011 presidential election was marred by voter intimidation and government control of the media. 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, although President Yahya Jammeh's recent focus on economic development policies led to increased anticorruption efforts, including the establishment of an Anti-Corruption Commission. In March 2010, the government prosecuted and dismissed several high ranking security officials for corruption and drug-related charges. In 2011, a former inspector general of police was convicted of corruption and sentenced to life in prison. During the year, lower-level government officials were also accused of corruption, often in the form of soliciting bribes. Gambia was ranked 77 out of 183 countries surveyed in Transparency International's 2011 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 arrests, harassment, and violence. The 2004 assassination of journalist and press freedom activist Deyda Hydara has not been solved, and the whereabouts of *Daily Observer* journalist, Ebrima Manneh, remain unknown since his 2006 arrest for publishing a report critical of Jammeh. 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. In July 2011, former president of the Gambia Press Union, N'dey Tapha Sosseh, was charged with conspiracy. In June, former communication minister Amadou Scattered Janneh and six of his colleagues were put on trial for treason for distributing antigovernment t-shirts; the trial continued at year's end. In the run-up to the 2011 election, journalists practiced self-censorship, and the National Intelligence Agency (NIA) shut down community and independent radio stations. Notably, in August, it ordered Teranga FM, the only

independent radio station in the country that had continued to broadcast news, off the air.

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, forced to drink hallucinogenic substances, and beaten; two people were reported to have died from the substances. Limitations on freedom of speech are thought to encourage self-censorship among scholars. Open and free private discussion is limited by fears of government surveillance and arrest by the NIA.

Freedoms of assembly and association are legally protected but constrained by state intimidation in practice. Gambians, except for civil servants and members of the security forces, have the right to form unions, strike, and bargain for wages. However, the climate of fear generated by the state and the NIA dissuades workers from taking action.

The constitution provides for an independent judiciary; however Jammeh has the authority to, and does, hand-pick and dismiss members. Courts are hampered by corruption and executive influence. The judicial system recognizes customary law and Sharia (Islamic law), primarily with regard to personal status and family matters. In the run up to the 2011 election, local government leaders were pressured to campaign for Jammeh or face dismissal from office.

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. In 2011, individuals continued to be arrested without warrants and held incommunicado. Torture of prisoners, including political prisoners, has been reported. Prisons are overcrowded and unsanitary, and inmates suffer from inadequate nutrition and lack of medical attention.

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

The government has encouraged female education by waiving primary school fees for girls, but 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. Rape and domestic violence are common. Sharia provisions regarding family law and inheritance restrict women's rights, and female genital mutilation remains legal and widely practiced. The Gambia does not fully comply with the minimum standards for the elimination of trafficking, and it is a source, destination, and transit country for the trafficking of women and children.

Ratings Change

The Gambia's political rights rating declined from 5 to 6 and its status from Partly Free to Not Free due to President Yayha Jammeh's severe suppression of the opposition, media, and civil society in the run-up to the November presidential election, which was boycotted by ECOWAS monitors because the electoral and political environment was not conducive to free or fair polls.

2012 Scores

Status: Not Free
Freedom Rating: 5.5
Civil Liberties: 5
Political Rights: 6

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