



Freedom on the Net 2016 - Gambia, The

Publisher [Freedom House](#)

Publication Date 14 November 2016

Cite as Freedom House, *Freedom on the Net 2016 - Gambia, The*, 14 November 2016, available at: <http://www.refworld.org/docid/5834009313.html> [accessed 3 May 2017]

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Country:	Gambia, The
Year:	2016
Status:	Not Free
Total Score:	67 (0 = Best, 100 = Worst)
Obstacles to Access:	18 (0 = Best, 25 = Worst)
Limits on Content:	22 (0 = Best, 35 = Worst)
Violations of User Rights:	27 (0 = Best, 40 = Worst)
Population:	1.99 million
Internet Penetration:	17 percent
Social Media/ICT Apps Blocked:	Yes
Political/Social Content Blocked:	Yes
Bloggers/ICT Users Arrested:	Yes
Press Freedom Status:	Not Free

Key Developments, June 2015-May 2016

- Network slowdowns occurred throughout 2015 and early 2016, and an internet shutdown was reported in the Greater Banjul Area during rare anti-government protests in April 2016 (see **Restrictions on Connectivity**).
- In July 2015, a radio journalist was arrested for sending pictures that allegedly incited hatred against the president via Facebook and WhatsApp; in August, a Facebook user was arrested for sharing blasphemous content (see **Prosecutions and Detentions for Online Activities**).
- Numerous activists associated with the April 2016 protests reported hacking and hijacking attacks on their social media accounts (see **Technical Attacks**).

Introduction:

Internet freedom declined in The Gambia due to frequent disruptions in internet and mobile access during protests, as well as growing arrests, violence, and technical attacks against activists and online journalists for their independent reporting.

Under the authoritarian rule of President Yahya Jammeh, who has been in power since overseeing a military coup in 1994, political rights and civil liberties have been severely restricted in The Gambia, with conditions for press freedom and freedom of expression particularly poor, both online and off.

In the past year, as the country geared up for presidential elections set for December 2016, the government ramped up its repression of critical voices, particularly following unprecedented anti-government protests in

April 2016 that were sparked by online activism. In a rare and courageous outburst of dissent, protesters demanded electoral reforms and Jammeh's resignation. The protests were nonetheless met with a brutal crackdown, along with an hours-long internet shutdown impacting users in the Greater Banjul Area where the protesters were based.

Dozens of independent online news and opposition websites remained blocked in the past year, while popular communications platforms such as WhatsApp, Viber, and Skype were reportedly blocked beginning in August 2016. Observers suspected that the blocks may be a part of a larger effort to quash anti-government initiatives and sentiments from proliferating online in the lead up to December elections.

Obstacles to Access:

Service slowdowns plagued Gambian ICT users throughout the coverage period, lasting several hours at a time, while an internet shutdown in the Greater Banjul Area was reported during anti-government protests in April 2016.

Availability and Ease of Access

Access to the internet in The Gambia expanded incrementally in the past year. Internet penetration increased from 16 percent in 2014 to 17 percent in 2015, according to the International Telecommunication Union (ITU).^[1] By contrast, The Gambia has one of the highest mobile phone penetrations in Africa, with a rate of 131 percent in 2015, up from 120 percent in 2014,^[2] and most Gambians access the internet via mobile devices, with less than 1 percent of users subscribing to fixed-broadband services.^[3] Nonetheless, connection speeds are generally very slow, averaging 2.0 Mbps (compared to a global average of 6.3 Mbps as of early 2016^[4]), according to Akamai's *State of the Internet* report.^[5]

Cost remains one of the primary hindrances to internet access in The Gambia, where 48 percent of individuals live in poverty.^[6] The introduction of 3G wireless internet connections via mobile devices has made internet access more accessible, albeit only for a small subset of the population who can afford the data packages. According to 2015 research by the Alliance for an Affordable Internet (A4AI), 500MB of mobile data costs over 10 percent of the country's GNI per capita, which is well above the target of 5 percent or less set by the UN Broadband Commission in 2011 as a goal for broadband affordability.^[7] Nevertheless, A4AI ranked The Gambia fifth among thirty other developing countries for affordability in 2015.^[8]

Limited access to telecommunications services in The Gambia is also compounded by a significant urban-rural divide. In general, rural areas suffer from poor or virtually nonexistent infrastructure, a lack of affordable electricity, and frequent power cuts.^[9] In addition, network coverage of rural areas has not been an investment priority for most service providers,^[10] making rural provinces in The Gambia some of the most disconnected regions of the world.^[11] Radio remains the principal mass medium through which most Gambians stay informed.

Restrictions on Connectivity

The Gambian government's control over the country's telecommunications infrastructure enables it to restrict access to the internet and mobile phone services with little to no oversight or transparency. Network slowdowns ensued throughout 2015 and early 2016, leading to strong suspicions of government throttling.

In April 2016, the internet was reportedly shutdown for several hours during unprecedented anti-government protests, affecting users in the Greater Banjul Area where the protesters were based.^[12] Activists suspected that the government may have ordered internet services providers (ISPs) to shutdown internet services in an attempt to disrupt the demonstrations, particularly since they received technical support from Gambian activists based abroad.^[13]

The state-owned telecom company, Gambia Telecommunications Company Limited (Gamtel), owns the fiber-optic cable that runs across the country and controls the country's connection to the international internet via the ACE (Africa Coast to Europe) submarine cable system, allowing private telecoms to lease

access to the gateway for data services.^[14] In a positive step, the government began liberalizing gateway services in May 2013 by granting international data transmission licenses to private telecom operators.^[15] Details are vague as to how many new licenses had been issued by the end of 2015, but sources said no more than five.^[16] The government also launched the country's first internet exchange point (IXP) in July 2014 to boost speed, security, and affordability of internet services across the country.^[17] As of mid-2016, no issues of government control over the new IXP have been reported. Fixed-line voice communications, on the other hand, remain purely state-owned and controlled, seen mostly as part of the government's effort to protect Gamtel's monopoly.

ICT Market

The Gambia's ICT market is relatively small, with four ISPs – state-owned Gamtel and privately-owned QuantumNet, Netpage, and Airtip^[18] – and four mobile phone providers, Gamtel's subsidiary Gamcel, and privately-owned Qcell, Africell, and Comium.^[19] All mobile providers offer 2G/3G data service.

The telecommunications sector is not well regulated, and like many other sectors, businesses must contend with inefficient bureaucracies coupled with nepotistic and preferential practices conducted by government officials. Top regime officials often have working relationships with business entities and investors "across all sectors of the economy," according to local observers.^[20] Registration for internet and mobile phone service providers is an onerous and expensive process with numerous requirements to fulfill. In addition, corruption among the authorities is rife.^[21]

Internet cafe operators must also contend with regulatory obstacles. For example, under an April 2013 directive, cybercafe owners are required to register with the regulatory agency for an operating license (in addition to a requisite business license) through an application that requires details of the ISP, the number of computers installed, and services provided.^[22] Cybercafes must renew their licenses every year and pay annual renewal fees of USD 20 to the regulatory body or face closure.^[23] In September 2013, the regulator issued further guidelines that dictated specific requirements on the physical layout of cybercafes and the signs that must be displayed.^[24] Since the regulations came into effect, dozens of cafes have closed down, likely as a result of the economic obstacles imposed by the strict regulations as well as increasing mobile broadband access.^[25]

Regulatory Bodies

The telecommunications sector is regulated under the Public Utilities Regulatory Authority Act 2001, which established the Public Utilities Regulatory Authority (PURA) in 2004 to regulate the activities of telecom service providers and other public utilities.^[26] Consumer activists have described PURA as an ineffective regulator that seems more concerned about its image than the interests of consumers.^[27] As it stands in 2016, PURA lacks the expertise, equipment, and enforcement power to carry out its mandate.^[28] Furthermore, PURA is not independent, at least in its composition. The president appoints the governing board on the recommendation of the Minister of Finance and Economic Affairs.^[29]

Limits on Content:

Dozens of independent online news and opposition websites remained blocked in The Gambia, while popular communications platforms such as WhatsApp, Viber, and Skype were reportedly blocked beginning in August 2016. Observers believe the blocks may be a part of a larger effort to quash anti-government initiatives and sentiments from proliferating online in the lead up to December 2016 elections.

Blocking and Filtering

Over 20 webpages remained blocked in The Gambia during this report's coverage period,^[30] many of which are news and opposition websites known for their criticism of the government,^[31] such as *Gambia Echo*, *Hello Gambia*, *Jollof News*, *Gainako*, and *Freedom Newspaper*.^[32] Most of the blocked outlets are based abroad and operated by exiled Gambian activists and journalists.

YouTube, Facebook, Twitter and international blog-hosting platforms were not restricted in late 2015 or early 2016. But communications platforms met with restrictions beginning in August 2016, outside of this report's coverage period. On August 17, WhatsApp was reportedly inaccessible for approximately 12 hours,^[33] which local observers attributed to a message disseminated anonymously on the platform that warned of an imminent attack against the president. Activists also speculated that the block was a trial run for further restrictions as the government prepared for the elections period scheduled for December.^[34] Later in August, users reported WhatsApp was inaccessible again along with several other communications apps, including Viber, IMO, and Skype.^[35] Local users said the platforms were only available via cloud virtual private networks (VPNs) and other proxy servers used by tech-savvy Gambians to access blocked content from within the country.^[36]

Internet tools and content are blocked without transparency or recourse in The Gambia. The government denies any involvement in the blocking of critical news websites; however, state control over the country's dominant telecommunications provider, Gamtel, gives the authorities the ability to restrict access to internet content. Experts believe that the country blocks specific internet protocol (IP) addresses and domain names at the level of the internet gateway.

Content Removal

The government requires websites to take down certain content, though the extent of content affected is not known. Progovernment and state-owned news outlets often receive directives to depict the government in a positive light.

Observers note a disconcerting trend of online content "disappearances," based on accounts from journalists and editors based in the country. A former reporter speaking anonymously said that he often received orders from government officials to take down select content from news websites, particularly "politically sensitive" content.^[37] Editors have reported receiving threatening phone calls for their online content, while others have experienced "visits" from officials at their offices or homes.^[38] In general, stories that risk catching the attention of security officials are likely to be removed, either through self-imposed post-publication censorship, or as a result of unofficial takedown orders from government officials. Consequently, online journalists often express frustration at the level of restrictions on what they can and cannot publish.^[39]

Content that is removed from a platform is sometimes accompanied by an apology or rejoinder that appears to be the result of pressure behind the scenes.^[40] In April 2016, for example, a Facebook post by Ibrahim Ceesay, then-director of the National Youth Council, called on young people to take part in a peaceful protest. The post was removed, then replaced with another that condemned the initial appeal and admonished "young people to be law abiding and calm."^[41] Ceesay was subsequently removed as director of the council. He later reported receiving death threats and fled the country.

Media, Diversity, and Content Manipulation

Most critical news outlets are operated by exiled dissidents based abroad and blocked within the country. Economic sustainability for independent online media outlets is a challenge, since many businesses avoid advertising with critical outlets out of fear of government reprisals.^[42] As a result, the online news and information landscape does not represent a diversity of political and social viewpoints, and newer initiatives to infuse diversity are failing due to a lack of financial sustainability.

The highly restrictive environment for bloggers and internet users also undermines the diversity of online content, as the small number of locally-based independent journalists and netizens working to push the boundaries of free expression from within the country is shrinking. The once-popular news blogs, *Front Page International* (FPI) and *Gambia Affairs*, were less active in 2016 compared to previous years.^[43]

Furthermore, a climate of fear due to pressure from the authorities in the form of arbitrary arrests, extralegal harassment, and threats has led to a severe degree of self-censorship among journalists, both online and offline.^[44] Bloggers and online journalists based in the country typically post content anonymously, while

many local activists either avoid posting critical content or remove it after posting to evade potential repercussions.

Comments by trolls in many online forums disproportionately distort the news and information landscape, though there is no concrete evidence that the authorities employ progovernment commentators to manipulate online content. In a new trend, the government has increased its efforts to coopt prominent anti-Jammeh activists, incentivizing them to support the regime through handsome gifts from the president himself.^[45] Some activists in the diaspora have been offered the opportunity to return home after decades-long exile in exchange for progovernment support. In the past year, at least two former anti-Jammeh activists aligned themselves with the government, ostensibly after being offered high level government positions such as minister of foreign affairs,^[46] or deputy representative to the United Nations.^[47]

Digital Activism

Digital activism is emerging in The Gambia, though efforts are usually small and unsuccessful, mainly due to heavy-handed government repression against criticism and dissent. Most efforts are led by a growing diaspora community who are increasingly frustrated with Jammeh's repressive regime. In April 2016, unprecedented protests were inspired by the trending #GambiaRising and #JammehFact hashtags, which focused on human rights abuses committed since Jammeh took power in 1994.^[48] Although the protests were quickly quashed by security personnel, the hashtags remained active through 2016.

Violations of User Rights:

In July 2015, a radio journalist was detained for several months for allegedly sending pictures that incited hatred against the president via Facebook and WhatsApp, before escaping in April 2016; he was separately abducted and subject to torture prior to his arrest. A Facebook user was arrested for allegedly wounding religious feeling in August 2015, and numerous activists associated with the April 2016 protests reported hacking and hijacking attacks on their social media accounts.

Legal Environment

The 1997 constitution guarantees freedom of speech and press freedom, though fundamental freedoms are severely restricted in practice. President Jammeh is known for his utter disregard for constitutional rights, stating publicly in March 2011 that he would "not compromise or sacrifice the peace, security, stability, dignity, and the well-being of Gambians for the sake of freedom of expression."^[49]

A number of draconian laws further undermine freedom of expression, and in recent years, the government has successfully amended existing legislation to increase penalties for certain offenses. The criminal code, which already criminalizes defamation with a minimum prison sentence of one year plus heavy fines, was amended in April 2013 to penalize individuals for "giving false information to public servants" with up to five years in prison, up from six months.^[50] Observers believe the increased penalty was an effort to intimidate journalists and whistleblowers from seeking legal recourse for the physical abuse they often experience at the hands of the authorities.^[51]

Harsh legislation specifically targeting ICTs was passed in July 2013 in the form of amendments to the 2009 Information and Communication Act (ICA). Under the new amendments, using the internet to criticize, impersonate, or spread false news about public officials is punishable by up to 15 years in prison, fines of up to GMD 3 million (about US\$100,000), or both.^[52] The government introduced the law in response to online activism and the growing influence of critical news outlets, particularly those overseas, according to the blocked news outlet *Gainako*.^[53]

Prosecutions and Detentions for Online Activities

Arrests and prosecutions of online journalists and ICT users for their online activities are common in The Gambia, and users are often prosecuted on "false information" charges under the ICA 2009 as amended in 2013. As Gambians head to the polls in December 2016, observers worry that the government will be more

aggressive on its clampdown on citizens who use social media and communications platforms to mobilize and criticize the government.

In July 2015, popular radio journalist Alagie Abdoulie Ceesay was arrested and charged with sedition for sending a picture that allegedly incited hatred against the president through private messages on Facebook and WhatsApp. Immediately prior to his arrest, he had been abducted for eleven days (see Intimidation and Violence). Ceesay, the managing director of independent radio station Taranga FM, spent over six months in state custody.^[54] In April 2016, news reports said that Ceesay had escaped custody while receiving medical treatment at the country's main referral hospital in Banjul and was seeking exile in Senegal.^[55] The authorities said that his case will proceed without him.^[56]

Citizens were also subject to harsh penalties for violating the country's strict laws prohibiting blasphemy. In August 2015, Facebook user Alhagie Mam Seye was arrested for sharing a picture of the Prophet Mohamed on Facebook.^[57] He was subsequently charged with "uttering words with intent to wound religious feelings" and released on bail after his lawyer said he was mentally unstable.^[58]

Surveillance, Privacy, and Anonymity

Unchecked surveillance of ICTs is a grave concern in The Gambia. Article 138 of the 2009 Information and Communications Act gives sweeping powers to national security agencies and investigative authorities to monitor, intercept, and store communications in unspecified circumstances while also giving the regulator, PURA, the authority to "intrude [sic] communication for surveillance purposes," all without judicial oversight.^[59] In addition, the law requires service providers to "implement the capability to allow authorized interception of communications." Article 141 also imposes onerous data retention requirements, obliging service providers to retain metadata for three years.

The government also places restrictions on anonymous communication through SIM card and local domain name registration requirements.^[60] The latter is managed by the regulatory authority.^[61] Africell, one of the largest GSM companies, recently introduced mobile payment services for users with registered SIM cards.^[62]

Observers believe the government proactively monitors and intercepts citizens' communications, particularly the communications of activists and independent journalists whom the government perceives as a threat to national security.^[63] Intercepted phone and email communications are often used as evidence in trials against government critics. However, the scope of the government's technical surveillance capabilities remains unknown.

In December 2015, the government unveiled plans to set up a new National Cyber Security Strategy that aims to establish a Computer Incidence Reporting Team to monitor cyber threats.^[64] Details of the proposed strategy remain unclear, but preliminary documents indicate that it will regulate personal data protection, electronic transactions, electronic records and signatures, and computer misuse and cybercrime,^[65] all of which are currently regulated by Information Communication Act 2009 and provisions in the Criminal Procedure Act. Observers worry that the increased "securitization" of the internet will have negative repercussions on freedom of expression online.

Intimidation and Violence

Gambian journalists face a high degree of violence for independent and critical reporting and increasingly, for their online activities. Before radio journalist Alagie Abdoulie Ceesay was arrested in July 2015, he was abducted for 11 days and reportedly tortured, for unknown reasons at the time. He was arrested four days after his release in relation to content shared privately on WhatsApp and Facebook (see Prosecutions and Detentions for Online Activities).^[66] In a separate incident, online journalist Ebrima Janko Ceesay was among those arrested during the April 2016 protests. Ceesay (no relation to Abdoulie Ceesay) was reportedly beaten and lost two teeth while in detention.^[67]

As a result of the unsafe environment for media workers, bloggers and online journalists continued to seek exile alongside their traditional media counterparts in the past year.

Technical Attacks

There were no reports of opposition websites or critical online news outlets experiencing debilitating technical attacks during the coverage period, though numerous online journalists, bloggers, activists and users reported that their social media accounts had been hacked. Activists suspect that the government initiated the hackings as part of its effort to counter growing anti-government sentiment online.^[68] At least one protest leader, Ibrahim Ceesay, said that his social media accounts and mobile phone numbers were compromised during the April 2016 protest. Ceesay said that hackers accessed his WhatsApp account and sent messages on his behalf.

Notes:

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- ³ International Telecommunication Union, "Fixed (Wired)-Broadband Subscriptions, 2000-2015," <http://bit.ly/1cblxxY>.
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[43](#) Interviews with Editors by Freedom House, February 2016. Front Page International, website, <https://frontpageinternational.wordpress.com/>; Gambia Affairs, website, <http://gambiaaffairs.com/>

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