



Briefing Notes Summary

Group 62 – Information Centre for Asylum and Migration

The Gambia – January to June 2023

30 June 2023

02 January 2023

Alleged plans for coup foiled, UDP campaign manager detained, police violence

According to the government, plans for a coup d'état orchestrated by some military personnel of various troop units in complicity with civilians at home and abroad against the government of President Adama Barrow were foiled on 20.12.22, claiming the situation is under control. There are no independent agency or press reports available to confirm the statements issued by the government. The situation in the capital, Banjul, has been described as calm in by and large unanimous reports to date. However, eyewitnesses have reported the presence of military personnel around the presidential palace in Banjul on the evening of 20.12.22. According to government sources, seven military personnel, mostly non-commissioned officers of low rank, including the alleged mastermind and leader of the planned coup attempt, Sanna Fadera, have been arrested so far. They say no charges have been officially announced and that two other wanted suspects are on the run. The government officially established a controversial commission of inquiry on 27.12.22 to carry out a full investigation of the alleged coup plot. It is not known if there is any connection with exiled former President Yahya Jammeh, as was said to be the case with the coup plot by several soldiers in 2017. It was not until 17.12.22 that Yahya Jammeh addressed his supporters, announcing that he would be returning to the country as the head of state, according to media reports.

Police arrested Momodou Sabally, former Minister of Presidential Affairs under Jammeh as well as current campaign manager for the main opposition United Democratic Party (UDP), on 21.12.22. A police statement cited as grounds for the arrest that Sabally had stated in a brief TikTok video that President Adama Barrow would be overthrown before the upcoming local elections in 2023. Several UDP members who participated in the video were reportedly interrogated. According to media reports, Sabally had been detained without charge up to and including 30.12.22 and reportedly, at times, did not have access to his lawyer. His release came as a surprise and apparently at the intervention of the quasi-governmental Supreme Islamic Council, as on 23.12.22 a court had granted a request by the Prosecutor General's Office to extend Sabally's detention beyond the 72-hour period allowed by law without granting him a legal hearing up to and including 05.01.23. Sabally's prolonged arrest and detention without formal proceedings has reaped strong criticism from civil society and opposition circles who say it was politically motivated and an attack on the freedom of expression. The UDP said that the briefly edited video did not accurately reflect Sabally's position and that Sabally neither stated nor implied that an unconstitutional change of government was being sought. Police forces cracked down on a peaceful protest march involving around 30 people calling for Sabally's release by using tear gas and violence on 26.12.22. According to media reports, one person was arrested, and one activist was injured by police officers.

09 January 2023

New details on foiled coup attempts, further arrests and initial charges

According to the government, two civilians and a police sub-inspector were charged with "conspiracy to commit a crime" and "failure to report treason" and have been remanded in custody in connection with plans for a coup d'état allegedly foiled on 20.12.23 (cf. BN of 02.01.23). The defendants face life imprisonment under Article 36 of the Gambian Criminal Code (CC) if convicted of "failure to report treason," an offence that does not qualify for release on bail. According to the government, seven soldiers being held in pre-trial detention and one soldier who remains on the run have been charged with high treason under Article 35 of the Criminal Code. This offence is not eligible for bail. The investigation launched by the prosecution against Momodou Sabally, current campaign manager of the main opposition United Democratic Party (UDP), has been suspended in the meantime. Sabally was detained for nearly two weeks under controversial circumstances and without charge (cf. BN of 02.01.23), and rumours have been circulating in the media that he will be charged with sedition in connection with the alleged coup plans. The government recently shared more details about the coup plans that were allegedly foiled, including that the suspected coup plotters were planning to take senior government officials and cabinet members hostage in a bid to prevent foreign intervention.

30 January 2023

Several communities in Eastern Gambia reject FGM and various forms of forced marriage

According to media reports, 35 communities in the Sami and Niani districts of the eastern Central River Region (CRR) will henceforth voluntarily reject harmful traditional and cultural practices such as female genital mutilation (FGM), child, early and forced marriages and other forms of gender-based discrimination. The communities had participated in a three-year community-based empowerment programme run by the NGO Tostan in cooperation with the Gambian government. Locally based traditional circumcisers have reportedly also agreed to abandon the practice. It was not until the end of 2022 that a media report revealed how the NGO Tostan had managed to bring about such a change in awareness among 25 communities in Fulladu District/CRR. In recent years, the NGO Tostan has managed to convince more than 200 communities in the Eastern Upper River Region to abandon harmful traditional and cultural practices by raising awareness and implementing educational campaigns. FGM and the various forms of forced marriages are still widespread, according to more recent information sources in spite of the gradual change in awareness and increasing rejection (cf. BN of 20.06.22).

Abdullah Fatty, former Imam at the State House mosque under former President Yahya Jammeh who allegedly continues to be a particularly influential Muslim scholar in the country, defended the FGM practice on 06.01.23, citing religious and hygienic reasons. Fatty has urged the population of the largely Muslim country to maintain the practice of circumcision.

Several criminal proceedings suspended in connection with allegedly foiled coup plots

According to media reports, the trial judge discharged two civilians and three soldiers, some of whom were charged with treason, in connection with allegedly foiled coup plots (cf. BN of 02.01.23 and 09.01.23) on 25.01.23. Those previously remanded in custody are all to be released owing to a lack of new charges and without objection from the Attorney General's Office. Meanwhile, the Attorney General's Office had filed an amended bill of indictment at Banjul High Court against five accused soldiers, including the alleged mastermind and ringleader of the foiled coup plot, Sergeant Sanna Fadera, and a police officer.

06 February 2023

Eastern Gambia: investigation into genital mutilation

According to a press release, the NGO Gambia Committee against Traditional Practices (GAMCOTRAP) uncovered several cases of genital mutilation that were either about to happen or had already been carried out, on a total of eight children between four months and 12 months of age in the village of Bakadagi-Mandika in the Niani district of the eastern Central River Region (CRR). No information was provided on the gender or ethnicity of the children. GAMCOTRAP learned about the incidents undertaken at a traditional circumciser's property when it received a tip-off from a local community member who reported the genital mutilations, which are illegal in The Gambia, to the

police authority in Kuntaur. The police investigation is said to be closely coordinated with the state child protection unit as well as GAMCOTRAP. Three circumcised children were taken to hospital for medical treatment and crime detection. The suspect, who is the defendant in the proceedings, had also carried out the genital mutilations in violation of an oath she had taken in 2013 in spite of the fact that she had been given a bakery as an alternative means of a livelihood and source of income in exchange for ceasing work as a circumciser. Before these cases came to light, several dozen communities in CRR, inter alia in Niani district, including traditional circumcisers based there, had announced that they would voluntarily abandon the practice of circumcision (cf. BN of 30.01.23). While criminal investigations and prosecutions for FGM have attracted public attention in the past, there have been no reports of criminal convictions for FGM to date, according to a largely unanimous body of information.

06 March 2023

Conviction for human trafficking offences

According to media reports, the criminal trial of a teacher accused of human trafficking in relation to a schoolgirl, which has been underway since February 2020, ended on 27.02.23 when he was sentenced to 15 years' imprisonment and was fined GMD 100,000 (approx. EUR 1,543, as of 03.03.22). The victim had been abducted to Mauritania under false pretences, kept there where she was exploited as a sex slave for five months until her successful escape attempt. She became pregnant as a result of the sexual abuse. According to the judge at the sentencing, human trafficking is widespread in The Gambia. Prosecutor Rahey Duanda reiterated that the government has a zero-tolerance policy towards all forms of human trafficking, especially trafficking in women and children, and affirmed the Government's continued commitment to prevention, protection, and prosecution of all cases related to trafficking in persons. In mid-2022, the National Human Rights Commission pointed out various challenges in the fight against human trafficking - since 2021, several cases of investigation and prosecution as well as some convictions have come to light (cf. BN of 18.07.22).

13 March 2023

UDP protest permitted for the first time proceeds without incident

Following a call for a protest by the youth wing of the main opposition United Democratic Party (UDP), hundreds of people in Banjul officially took part in a protest against the widespread corruption in the country which, according to Transparency International's 2022 Corruption Perceptions Index, has risen again. The protest went off peacefully and without intervention by the security forces. The police authorities had allowed the demonstration on 06.03.23, but had imposed conditions, which the organisation had announced would be adhered to, but which were criticised as interference in the freedom of demonstration. According to party leader Ousainou Darboe, the UDP has been granted permission to demonstrate for the first time since the party was founded in 1996. Freedom of demonstration in The Gambia is subject to official permission under Article 5(2) of the Public Order Act of 1961.

20 March 2023

Human rights situation for women and girls, FGM prevalence and practice

UN News reported on 11.03.23 that women and girls in The Gambia are highly affected by female genital mutilation (FGM), domestic violence and period poverty. According to Ndeye Rose Sarr, a representative of the UN Population Fund in The Gambia (UNFPA), problems usually start for Gambian girls when they begin menstruating. From the age of 10, girls are seen as potential brides for older men. Girls who have not undergone FGM risk facing social pressure to undergo FGM in their local community. According to Sarr, about 76 % of all girls and women between 14 and 49 years of age and every second girl up to the age of 14 in The Gambia have undergone female genital mutilation. Women are the ones practising FGM, usually the grandmother, the keeper of the tradition in the family. Gambians living abroad will even bring back their children to undergo FGM. And men say that this is a "women's thing". Sarr has called, among other things, for the enforcement of the ban on FGM in criminal law, which has been in place since 2015, adding that so far only two FGM cases have been brought to court, each of which ended without a conviction (cf. BN of 06.03.23).

17 April 2023

NHRC: Complaints about human rights violations by security forces

The Chairman of the National Human Rights Commission (NHRC), Immanuel D. Joof, has informed that less than a quarter (21.15 percent) of all complaints received in 2022 alleging human rights violations were against the national security forces such as the police, the army, and the narcotics and immigration authorities. Several Gambian media outlets, citing the NHRC's 2022 Activity Report published on 12.04.23, reported that of the 104 complaints received, 87 cases were successfully investigated and resolved. The media reports do not elaborate on what is meant by 'resolved', in particular whether those responsible for human rights violations within the security apparatus have been held criminally accountable.

Attacks on Christian minority by non-state actors

An attack on a church in Bakau by non-state actors as well as clashes between Muslim and Christian religious groups in Tallinding during the Christian Easter holidays resulted in injuries and the arrest of suspected perpetrators, according to media reports. Police stated on 12.04.23 that criminal investigations have been launched. On 13.04.23, President Barrow and his government condemned the incidents, pointing to the government's strong religious tolerance and the traditional peaceful coexistence of different religious communities in the country. The Gambia was not an Islamic state, but a pluralist secular democracy where the right to freedom of religion and belief is guaranteed, the president said.

24 April 2023

Calls for disbanding of Anti-Crime Unit, security sector reform

The president of the Gambia Bar Association, Salieu Taal, has called for the disbandment of the dreaded Anti-Crime Unit (ACU), which has a history of police repression. He said that the ACU police unit, being aggressive towards civilians, was a remnant of the Jammeh era, continuing the police state methods of the previous government. Maintaining law and order was not 'a licence to abuse the law', and the ACU police force had no place in a democratic constitutional system and should therefore be replaced, Taal said. He also called for readdressing the stalled security sector reform, including in the police. Taal addressed the public after witnessing an incident involving intimidated underage schoolgirls and heavily armed ACU officers. He said he was subjected to intimidation himself when he intervened to help the girls.

In mid-2022, former ACU commander Gorgi Mboob was suspended. He is accused of crimes committed during the Jammeh era and is therefore facing prosecution (cf. BN of 20.06.22).

Inadequate legislation on freedom of association and assembly

In its 2022 Annual Report, the National Human Rights Commission (NHRC) calls for an amendment to Article 5 of the current Public Order Act 1961 (POA), which restricts the fundamental rights to freedom of association and assembly. Under this provision, the freedom to demonstrate is subject to the legal requirement of an official permit which, according to the NHRC, is continually denied to opposition and civil society groups. In addition, police forces continue to respond with excessive force against demonstrators (cf. BN of 14.03.23). The NHRC reminded the government of its commitment to review the relevant national legislation to bring it into line with international standards. The NHRC also called for measures to be taken to promote freedom of assembly and association, and to improve the capacity, training on methods and education of security forces in the area of crowd control.

Deteriorating socio-economic and humanitarian situation

In its 2022 Annual Report, the NHRC called on the government to address the continuing rise in living costs and to provide social safety nets for the most vulnerable, especially for those living below the poverty line. In the post COVID-19 pandemic period, the cost of living is still high, and the prices of basic necessities, fuel and transport have steadily been on the increase. The consequences of the pandemic also include an increase in poverty and unemployment rates (cf. BN of 27.09.22 and 15.11.22). Recently, there have been reports of growing food insecurity and of the worst famines in the country for a decade, for which there are several causes (cf. BN of 12.09.22 and 21.11.22).

08 May 2023

NHRC updates on suspension of accused public officials

According to the National Human Rights Commission (NHRC), a total of 22 people accused of crimes committed under the previous government of President Yahya Jammeh have been suspended so far (cf. BN of 13.06.22 and 30.05.22). In September 2022, JusticeInfo had criticised the lack of progress in the procedures announced by the state for the suspension, dismissal and disqualification from office of persons with criminal records who continue to work in the public service, particularly in the security sector (cf. BN of 12.09.22).

RSF certifies The Gambia significant progress in press freedom; safety of media professionals

The NGO Reporters Without Borders (RSF) has ranked The Gambia in 46th position out of 180 countries surveyed in its 2023 Press Freedom Index, with a score of 71.06/100. This is an improvement of four places compared to the previous year (50th position with a score of 69.25/100). In retrospect, the Gambia has thus improved by almost 100 places since the change of government from long-time President Jammeh to President Adama Barrow at the end of 2016/ beginning of 2017 respectively (Press Freedom Index 2017: 143rd position with a score of 53.3/100).

RSF notes that since the transition, a freer, more diverse, and pluralistic media environment has emerged. In some cases, a better legal framework has been created for media professionals. In addition, media workers are now less exposed to attacks and threats; during the Jammeh era, they had been regularly subjected to arbitrary arrest, detention, forced disappearance and other reprisals. There have also been no known cases of detention of media workers since 2017.

However, the repressive media laws, which have not yet been reformed and some of which are still in force, encourage self-censorship, according to RSF. In addition, the authorities sometimes exert pressure on the media. In particular, the issue of protection and security of media professionals needs to be addressed. For the reporting year 2022, RSF notes that security forces continue to frequently treat media workers 'brutally'. No further details were provided on this issue.

The Gambia Press Union (GPU) has taken the publication of the Press Freedom Index 2023 as an opportunity to point out once more to the ongoing problem of impunity in cases of violent attacks on media workers, saying that cases of this kind are mainly the responsibility of police forces and political party supporters. Since Barrow's inauguration, more than 15 unpunished attacks on media workers have been documented (cf. BN of 07.11.22). The GPU also criticised verbal attacks on media representatives by political figures, including President Barrow.

15 May 2023

Charges against presidential adviser; Barrow alliance wins 2023 council elections

President Adama Barrow's adviser and key mobiliser for the National People's Party (NPP), Dou Sannoh, has been charged with common assault and wilful damage to property, according to a police source. Apparently, he was released on bail. A member of the opposition Gambia Democratic Congress (GDC) had reported Sannoh to the police for an incident on 06.04.23. He was accused of starting a scuffle with members of the GDC during the campaign for the council elections on 15.04.23.

The council elections, which were described as largely peaceful, confirmed the dominance of Barrow and his alliance. According to the official final results, Barrow's NPP emerged as the largest force with 52 of the 120 seats, ahead of the main opposition United Democratic Party (UDP), which secured 46 seats.

Convictions for trafficking and smuggling; authorities under-resourced

According to a media report, the Banjul High Court sentenced a Nigerian woman to 15 years imprisonment on two counts of trafficking for sexual exploitation and 'smuggling of persons'. She was also fined 50,000 GMD (approx. 766 EUR, as of 12.05.23) on each count.

In its Annual Report 2022, the National Human Rights Commission (NHRC) once again called on the government to provide the National Agency against Trafficking in Persons (NAATIP) and other relevant authorities with sufficient resources and capacities necessary for the effective performance of their functions, including law enforcement (cf. BN of 18.07.22).

22 May 2023

Another death sentence; AI annual report 2023 on the death penalty

A man accused of murder was found guilty and sentenced to death ex lege by the High Court in Banjul on 15.05.23. Courts continue to hand down death sentences based on the law. The Gambia has had a de facto moratorium on executions since February 2018. In its annual report on the death penalty published on 15.05.23, Amnesty International (AI) stated that a total of nine new death sentences were handed down in The Gambia in 2022.

Citizens' protest peaceful and without incident

Media report that a protest march against the increase in electricity and water prices, accompanied by a large police contingent, proceeded peacefully and without intervention by the security forces. The civic movement Team Gom Sa Bopa has already announced further action if the National Water and Electricity Company (NAWEC) does not meet their demands for price reductions.

12 June 2023

NPP sympathisers blamed for attacks on journalists

The Gambia Press Union (GPU) and media reported that on 31.05.23, two journalists were jointly attacked and injured in Banjul in connection with their work. The attack reportedly occurred in connection with media coverage of the swearing-in ceremony of Mayor Rohey Malick Lowe, who is a member of the main opposition United Democratic Party (UDP) and was confirmed in office, and councillors of the Banjul City Council. The victims suspect supporters of the president's National People's Party (NPP) of being behind the attack. The cases were reported to the police. In a statement, the NPP condemned the attacks but did not confirm that NPP supporters were responsible for the assault. The GPU reiterated the continuing problem of impunity for attacks on media workers by supporters of political parties or in connection with the coverage of political events (cf. BN of 08.05.23).

19 June 2023

Recent opinion polls: Gender-based violence, police reputation and work

A recent opinion poll conducted by the pan-African research network Afrobarometer shows, among other things, that two-thirds (67 percent) of Gambians surveyed consider gender-based violence (GBV) to be a private matter that should be dealt with outside the formal justice system and within the family. Almost two-thirds (63 percent) of respondents also believe that GBV victims are likely to suffer criticism, harassment, or shaming by other members of the community if they were to report such violence to the police. However, the vast majority (82 percent) of respondents believe that the police take GBV cases seriously. In The Gambia, GBV is widespread and surrounded by a culture of silence and widespread impunity (cf. BN of 23.05.22 and 28.11.22).

In addition, a Gambian news media reported on a new Afrobarometer study, which includes data from an opinion poll on the Gambian police, the quality of their quality and the level of satisfaction of the population with them. Only 29 percent of the respondents said that the police 'often' or 'always' act in a professional manner. Almost half of all respondents (45 percent) thought that 'most' or 'all' police officers corrupt. 42 percent of respondents who had asked for police for help in 2022 said that it had been difficult to get the help they needed. 24 percent also reported having to pay bribes. Respondents who had dealt with the police in other, unspecified situations also reported paying bribes to avoid problems of an unspecified nature. The majority (56 percent) also said that the police at least 'sometimes' discriminate against citizens, based people's political affiliation.

Presenting the survey, Lang Sanyang explained that trust in the police has declined since the last survey in 2018. However, the majority of respondents (52 percent) still trust the police 'to some extent' or 'a great deal'.

26 June 2023

Criticism of detention conditions; lengthy pre-trial detention procedures

According to media reports, a report by the parliamentary committee on human rights pointed to problematic conditions in the police facilities and prisons visited in the country. Already in October 2022, the committee chair had criticised the detention conditions as unacceptable (cf. BN of 11.10.22).

The committee spoke of 'abominable and unhygienic conditions' in some places of detention and criticised other 'anomalies', without giving further details. Ventilation, hygiene, and sanitary conditions were inadequate in most of the detention cells in the police stations. In addition, most places of detention lacked adequate food supplies for detainees, with police and prison staff contributing to the food supply of the detainees.

Cases of prolonged pre-trial detention continued to be a problem, as the committee noted. In Janjanbureh and Mile 2 prisons individuals were held who were awaiting sentencing for several years. The committee mentioned the case of a pre-trial detainee who had been awaiting trial for more than 14 years. Of the total prison population of 71 in Janjanbureh, almost half (30) were held in pre-trial detention. The chairman of the committee had previously highlighted the very high number of pre-trial detainees in the prisons (cf. BN of 11.10.22).

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