



Amnesty International Report 2017/18 - Gambia

Publisher [Amnesty International](#)

Publication Date 22 February 2018

Cite as Amnesty International, *Amnesty International Report 2017/18 - Gambia*, 22 February 2018, available at:
<http://www.refworld.org/docid/5a9938fea.html> [accessed 15 March 2018]

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Republic of the Gambia

Head of state and government: **Adama Barrow (replaced Yahya Jammeh in January)**

The new government committed to reforming several repressive laws and reforming the security forces. Steps were taken to begin a transitional justice process.

BACKGROUND

Following mediation by regional leaders and the threat of a military intervention by ECOWAS,[2] ECOWAS had a coalition force stationed in Gambia scheduled to withdraw in mid-2018. Adama Barrow was inaugurated in Senegal's capital, Dakar, on 19 January during the impasse.

LEGAL, CONSTITUTIONAL OR INSTITUTIONAL DEVELOPMENTS

On 10 February, the government cancelled the planned withdrawal from the Rome Statute of the ICC which had been introduced under President Jammeh's rule.[3]

On 21 September, Gambia signed the Second Optional Protocol to the ICCPR, in an apparent step towards abolishing the death penalty.

Plans were initiated to begin a constitutional reform process and to reform other repressive laws implemented under the previous President.

Bills on the Constitutional Review Commission and Human Rights Commission were passed by the National Assembly on 13 December.

POLITICAL PRISONERS

Between December 2016 and January 2017, dozens of political prisoners and prisoners of conscience were released, including prisoners of conscience Amadou Sanneh and Ousainou

Darboe. On 30 January, President Barrow pardoned Ousainou Darboe and dozens of others arrested for taking part in a peaceful protest in April 2016.

DETENTION

Prison conditions did not meet international standards due to inadequate sanitation, food and access to medical care. In February, 174 prisoners were released to commemorate independence celebrations and a further 84 were released in March in order to reduce prison overcrowding. Legal aid provision was limited, especially outside of the capital, Banjul. New judges were appointed, in order to address the need for a more independent judiciary.

FREEDOM OF EXPRESSION

The government committed to reforming several repressive media laws. A number of journalists returned to the country, having fled into exile due to harassment or threat of imprisonment under the previous government.

On 19 February, a woman was arrested and detained for breach of the peace after she allegedly insulted President Barrow. She was granted bail on 2 March, and the case was dismissed by the Brikama Magistrates Court on 3 April.

In November, at a symposium marking the International Day to End Impunity for Crimes against Journalists, the government announced that it would comply with judgments by the ECOWAS Community Court of Justice on state involvement in human rights violations against three journalists – Deyda Hydara, Chief Ebrima Manneh and Musa Saidykhan. This would include negotiating compensation payments with victims' families.

FREEDOM OF ASSEMBLY

Restrictive laws on freedom of peaceful assembly had not yet been amended. On 23 November, Gambia's Supreme Court ruled that Section 5 of the Public Order Act 1961, requiring police permission for peaceful assembly, did not violate the Constitution.

On 2 June, one person died and at least six were injured when the ECOWAS coalition force fired live ammunition to disperse demonstrators near Yahya Jammeh's former residence in the village of Kanilai. The government committed to holding an investigation, but no information had been made public by the end of the year.

The Occupy Westfield movement was initially authorized to peacefully protest against electricity and water shortages, but permission was denied on 11 November. The protest was dispersed on 12 November by riot police.

POLICE AND SECURITY FORCES

In February the National Intelligence Agency (NIA), which practised torture and arbitrary detention under the previous government, was renamed the State Intelligence Services and its powers of detention ended through a government policy decision. However, the changes were not supported by new legislation. During the following months, the heads of the police, prison, intelligence agency and military were replaced. However, there had not been systemic reform of these institutions, or any vetting of people who had committed serious human rights abuses. Civil society groups expressed concern that the government had not taken steps to preserve documentary and physical evidence of abuses by the security forces, particularly the NIA.

In July, 12 soldiers were arrested on allegations connected to "mutinous and seditious" posts on social media in support of former President Jammeh. They were held without charge in military detention until being brought to court on 17 November, in violation of detention time limits set in the Constitution. On 27 November, 10 were charged with treason and mutiny and two with negligent interference of lawful custody.

TRANSITIONAL JUSTICE

Ten soldiers were arrested and detained in January, accused of involvement in enforced disappearances and killings, but were not charged and remained in detention at the end of the year.

In February, criminal proceedings began against nine NIA officers, including the former director, accused of murdering opposition activist Solo Sandeng in April 2016.

In October, victims of human rights abuses, civil society organizations and international human rights groups formed a coalition to campaign for Yahya Jammeh and others who committed serious human rights abuses during his rule to be brought to justice. Ousmane Sonko, Minister of Interior from

2006 until he fled the country in September

2016, faced investigation in Switzerland for crimes against humanity committed during President Jammeh's rule.

On 13 December, the Truth, Reconciliation and Reparation Commission (TRRC) bill to examine events during President Jammeh's rule, was passed by the National Assembly, following consultation on the bill with national and international actors.

On 10 August, a Commission of Inquiry was set up to investigate Yahya Jammeh's alleged mismanagement of public finances and abuse of office. The government also froze assets believed to belong to him.

A Panel on Missing Persons, a specialized police unit investigating enforced disappearances during President Jammeh's rule, was created in February. In March, the bodies of four people, possible victims of enforced disappearance, were exhumed, including that of Solo Sandeng. It is expected to submit the list of missing people to be investigated by the TRRC.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

Same-sex relations remained criminalized. A law approved in October 2014, for example, imposed sentences of up to life imprisonment for "aggravated homosexuality" offences. LGBTI people continued to suffer discrimination and threats from non-state actors.

SEXUAL AND REPRODUCTIVE RIGHTS

In November, the government and development partners launched the Comprehensive Sexuality Education programme to be delivered in schools. Despite laws criminalizing female genital mutilation (FGM), it remained widespread. The government and development partners developed a communication strategy to further educate communities about the harms of FGM.

Abortion remained a criminal offence, except in cases where the pregnant woman's life was at risk.

[1] Gambia: Adama Barrow must not forget his big promises ([News story](#), 19 January); Gambia: State of Emergency no licence for repression ([News story](#), 18 January)

[2] Gambia: Response to the departure of Yahya Jammeh ([News story](#), 22 January)

[3] Gambia: Progress in first 100 days of Barrow government requires major reform to break with brutal past ([News story](#), 27 April)

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