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# THE GAMBIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2010

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## Political context

Since the attempted coup d'état in 2006, the Gambian Government has increasingly disregarded fundamental freedoms and international obligations despite being the host of the African Commission on Human and Peoples' Rights (ACHPR). In particular, the Government continued to arrest political opponents, journalists or human rights defenders over the year, and prisoners were subjected to abuses, acts of torture and ill-treatments as well as poor conditions of detention.

Furthermore, in 2009, the deterioration of the country's media environment continued. The Gambian press, limited to private newspapers subject to close governmental scrutiny, attempted to survive in a climate in which the least incident was severely punished. Arbitrary arrests, threats, judicial harassment and police brutality against journalists were again commonplace in 2009 and translated into a culture of threat and silence. As a consequence, public protests ceased, self-censorship of the media predominated and individuals remained silent when their human rights were violated<sup>1</sup>. Several journalists also reportedly went into hiding from fear of Government retaliation. Nonetheless, opposition views regularly appeared in the independent press, and there was frequent criticism of the Government in the private media. In addition, on May 22, 2009, President Jammeh threatened immediate legal action against any media which reported on remarks made by the Iman of Kanifing, Baba Leigh, an opponent of the regime. On July 22, on the occasion of the 15th anniversary of the coup that brought him to power, Mr. Jammeh reiterated his threats against journalists<sup>2</sup>. And, as of the end of 2009, Mr. Ebrima Manneh, a journalist with the privately-owned daily *The Point*, was still missing<sup>3</sup>.

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1/ See Amnesty International Report, *Fear rules: Gambia*, November 11, 2008.

2/ See Reporters Without Borders (RSF) Press Release, July 29, 2009.

3/ Mr. Manneh was arrested by members of the National Intelligence Agency on July 7, 2006. The reason for his arrest never came to light and the Government has always refused to disclose his whereabouts, health or legal status. He was reportedly arrested because he had tried to re-publish a *BBC* story critical of President Jammeh or because of his reporting on the 2005 killing of Ghanaian immigrants in the Gambia. During an April 6, 2009 address to the National Assembly, the Attorney General and Justice Minister denied that "Chief" Ebrima Manneh was in State custody. See Committee to Protect Journalists Report, *Attacks on the Press 2009*, February 2010 and Media Foundation for West Africa Statement, July 7, 2010.

In this context, it was extremely difficult for human rights defenders to operate, in particular as denouncing any human rights violation remained to be seen as a criticism to the regime.

### **Death threats by President Jammeh against human rights defenders**

On September 21, 2009, appearing on State-owned *Gambia Radio and Television Services* (GRTS), President Jammeh publicly threatened to kill human rights defenders, together with anyone who sought to “destabilise the country”, adding that “We are not going to condone people posing as human rights defenders to the detriment of the country. If you are affiliated with any human rights group, be rest assured that your security, and personal safety would not be guaranteed by my Government. We are ready to kill saboteurs”. In his address, President Jammeh also claimed that he was aware of human rights defenders being used to tarnish the image of his Government and added that “troublemakers [should] keep away from the country”. He warned that cooperating with human rights groups was no guarantee of protection”. As a consequence, on October 9, the United Nations Special Rapporteur on the Situation of Human Rights Defenders, the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression and the ACHPR Special Rapporteur on the Situation of Human Rights Defenders in Africa issued a joint statement to express their concern for human rights defenders. Moreover, the ACHPR, meeting at its extraordinary session in Dakar from October 5 – 11, called on the African Union (AU) to intervene and ensure that President Jammeh withdrew threats made in his statement, which he refused. On October 11, the ACHPR adopted a resolution which called on the AU to consider relocating the Secretariat of the Commission from Banjul, due to the escalation of human rights violations such as hindrance to freedom of expression, arbitrary arrests and detentions, murder and judicial harassment of journalists and human rights defenders. The ACHPR also asked the AU to provide extra-budgetary resources to the African Commission to ensure that its 46th session would be held in November in Addis Ababa, Ethiopia, or any other member State of the AU. However, the request was disregarded by the AU and the session was held from November 11 to 25 in Banjul headquarters, in which the FIDH and OMCT refused to participate, urging the President to reconsider its statements. Though no incident marred the session, the President’s statements strengthened the feeling of fear prevailing in the country.

## Ongoing acts of reprisals against journalists who denounce human rights violations

In 2009, journalists who reported on sensitive issues were on various occasions arrested and subjected to acts of reprisals, in particular when they denounced human rights violations. For instance, on June 15, Ms. **Sarata Jabbi-Dibba**, Mr. **Emil Touray** and Mr. **Pa Modou Faal**, respectively Vice-President, Secretary General and Treasurer of the Gambian Press Union (GPU), were summoned for questioning by the National Intelligence Agency (NIA) in Banjul in relation to the statement published by the GPU in *The Point* and *Foroyaa* on June 12 calling on President Yahya Jammeh to accept the Government's responsibility in the 2004 murder of Mr. **Deyda Hydara**, Editor and co-Founder of *The Point*, which remains unpunished as of today<sup>4</sup>. They were subsequently arrested. The GPU statement that prompted their arrest criticised Gambian President Yahya Jammeh in relation to comments he had made on June 8 on Government television *GRTS*, denying any State implication in Mr. Hydara's murder. The GPU statement also denounced numerous instances of harassment and intimidation of journalists by the Gambian authorities, and deplored the state of media freedom in the country. Four other journalists were also arrested by NIA officers in plain clothes on June 15, namely Mr. **Sam Sarr**, Editor of the opposition newspaper *Foroyaa*, Mr. **Abubacarr Saidykhan**, journalist for *Foroyaa*, Mr. **Ebrima Sawaneh**, News Editor at *The Point*, and Mr. **Pap Saine**, Editor of *The Point* and *Reuters* correspondent in The Gambia. Messrs. Ebrima Sawaneh and Pap Saine are also GPU members. On June 18, the seven journalists appeared at Kanifing Police Court and were subsequently charged with "seditious publication". Messrs. Emil Touray, Pa Modou Fall, Pap Saine and Ebrima Sawaneh, Sam Sarr and Abubacarr Saidykhan were then imprisoned in Banjul's Mile Two jail. Only Ms. Sarata Jabbi-Dibba, mother of a young child, was released on a bail of 200,000 dalasis (about 5,400 euros). On June 22, 2009, Messrs. Emil Touray, Pa Modou Fall, Pap Saine, Ebrima Sawaneh, Sam Sarr and Abubacarr Saidykhan were brought to Kanifing Police Court and all were released on a bail of 200,000 dalasis. In addition, on June 22, Mr. **Augustine Kanjia**, journalist of *The Point*, was arrested while covering the appearance in court of the six journalists, allegedly for taking pictures of the hearing. On June 24, Mr. Kanjia was released on a bail of 50,000 dalasis (about 1,350 euros). On July 3, 2009, the seven

4/ Mr. Deyda Hydara, also a correspondent in Gambia for *Agence France-Presse* and Reporters Without Borders was shot dead on December 16, 2004, while driving his car in Banjul. Mr. Hydara was known in particular for his commitment to the freedom of the press and to human rights, and had notably, a few days prior to his death, published two articles in his paper criticising the adoption of two particularly restrictive laws of the press that were secretly signed in December 2004 by the President of the Republic.

journalists were summoned to appear before Banjul High Court, charged with the initial charges of sedition and three other counts of defamation. The Court then revoked their initial bail conditions, and sent them back to Mile Two State central prison. Hours later, Ms. Sarata Jabbi-Dibba was released with a bail of 400,000 dalasis (about 10,600 euros). On July 6, Messrs. Emil Touray, Pa Modou Fall, Pap Saine and Ebrima Sawaneh, Sam Sarr and Abubacarr Saïdykhan were released on a bail of 400,000 dalasis. On July 28, Mr. Saïdykhan was acquitted and discharged over “wrong” charges by the High Court. On August 6, Ms. Sarata Jabbi Dibba and Messrs. Emil Touray, Pa Modou Faal, Pap Saine, Ebrima Sawaneh and Sam Sarr were convicted and sentenced by Banjul High Court to two years’ imprisonment and to a 250,000 dalasis (about 6,625 euros) fine each upon charges of “sedition” and “defamation”. All were transferred to serve their sentence in Mile Two State central prison. On September 3, the six journalists were released following presidential pardon.

### **Urgent Interventions issued by The Observatory in 2009**

| <b>Names</b>                                                                                                                                         | <b>Violations / Follow-up</b>                                     | <b>Reference</b>                        | <b>Date of Issuance</b> |
|------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|-----------------------------------------|-------------------------|
| Ms. Sarata Jabbi-Dibba,<br>Messrs. Emil Touray,<br>Pa Modou Faal, Pap Saine,<br>Abubacarr Saïdykhan,<br>Ebrima Sawaneh, Sam Sarr<br>and Deyda Hydara | Arbitrary detention /<br>Release on bail / Judicial<br>harassment | Urgent Appeal GMB<br>001/0609/OBS 088   | June 24, 2009           |
| Ms. Sarata Jabbi-Dibba,<br>Messrs. Emil Touray, Pa<br>Modou Faal, Pap Saine,<br>Ebrima Sawaneh and Sam<br>Sarr                                       | Sentencing / Arbitrary<br>detention                               | Urgent Appeal GMB<br>001/0609/OBS 088.1 | August 10, 2009         |
|                                                                                                                                                      | Release                                                           | Urgent Appeal GMB<br>001/0609/OBS 088.2 | September 11,<br>2009   |
| Human rights defenders                                                                                                                               | Death threats                                                     | Joint Press Release                     | September 25,<br>2009   |