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Republic of the Gambia
Head of state and government: **Yahya Jammeh**

2014 marked 20 years since President Yahya Jammeh came to power.[1] The authorities continued to repress dissent. The government continued its policy of non-co-operation with UN human rights mechanisms. Successive legislation was passed further restricting freedom of expression and increasing punitive measures against journalists. Human rights defenders and journalists continued to face imprisonment and harassment. The rights of lesbian, gay bisexual, transgender and intersex (LGBTI) people were further threatened. The year ended with an attempted coup on 30 December, leading to dozens of arrests and widespread crackdowns on media outlets.

Background

Gambia's human rights record was assessed under the UN Universal Periodic Review (UPR) in October.[2] Concerns by UN member states included Gambia's restrictions on the right to freedom of expression, its renewed use of the death penalty, and discrimination and attacks on people on the basis of their sexual orientation and gender identity.

During their visit to Gambia in November, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture were denied access to detention centres where prisoners were believed to be at risk of torture. They described torture as a "consistent practice" in Gambia and expressed concerns about the 2012 executions and the climate of impunity.[3] In August, the authorities had unilaterally postponed the visit of the Special Rapporteurs, without adequate explanation.

In January 2013, President Jammeh suspended political dialogue with the EU following the inclusion of human rights on the agenda. Although discussions resumed in July 2013, little progress was made on implementing human rights commitments. In October 2013, President Jammeh announced Gambia's withdrawal from the Commonwealth, which was collaborating with the Gambian authorities on capacity-building initiatives for the judiciary and establishing a national human rights commission.

Freedom of expression

Successive legislation was passed in recent years restricting the right to freedom of expression.

In August 2014, the National Assembly passed the Criminal Code (Amendment) Act that introduced the charge "absconding state officials". This could be used to target individuals who expressed dissent and chose to remain outside the country.

In July 2013, the National Assembly passed the Information and Communication (Amendment) Act, allowing for penalties of up to 15 years' imprisonment and hefty fines for offences including: criticizing government officials online; spreading "false news" about the government or public officials; making derogatory statements against public officials; and inciting dissatisfaction or instigating violence against the government.

In May 2013, the National Assembly passed the Criminal Code (Amendment) Act, broadening the definition of various offences and imposing harsher punishments for acts of public disorder, such as "hurling abusive insults" or "singing abusive songs", and for giving false information to a public servant. For example, the Act increased the punishment for providing false information to a public servant from six months' to five years' imprisonment and/or a larger fine.

Journalists

Journalists faced harassment, intimidation, arbitrary arrest and detention for carrying out their legitimate work.[4]

Sanna Camara was arrested on 27 June and charged with publishing false information after writing an article on human trafficking in Gambia for the Standard newspaper. He was denied access to a lawyer or his relatives. He was released on bail the next day and ordered to report to the police headquarters several times per week over several months.

Human rights defenders

Human rights defenders faced harassment, intimidation, arbitrary arrest and detention, torture and enforced disappearance. There were risks of reprisals against Gambians who sought to engage in relation to the UPR examination on Gambia and ahead of the visit of the UN Special Rapporteurs.

By the end of the year no investigation had been instigated into the unlawful arrest and torture of Imam Baba Leigh, a prominent human rights defender and Muslim cleric. He had been arrested by National Intelligence Agency (NIA) officers in December 2012 and placed in incommunicado detention. He was repeatedly tortured for publicly condemning the government's use of the death penalty. He was released following a presidential pardon in May 2013 and subsequently left the country in fear for his safety.

Torture and other ill-treatment

Detainees were routinely tortured by law enforcement personnel as punishment and in order to force "confessions".

Abdou Jeli Keita, an officer with the National Drug Enforcement Agency and a former journalist, was pushed into a car outside his home in Wellingara on 1 August by five men wearing civilian clothes, believed to be members of the security services. He was blindfolded and driven to an undisclosed location where he said he was detained and beaten. Abdou Jeli Keita was not charged, nor allowed access to a lawyer or his relatives. He was told by his captors that he was detained because he was suspected of publicizing information on poor prison conditions. He was released the following day.

On 18 December 2013, Amadou Sanneh, national treasurer of the opposition United Democratic Party (UDP), and two other UDP members, Alhagie Sambou Fatty and Malang Fatty, were convicted of

sedition and sentenced to up to five years' imprisonment. They were held incommunicado at the NIA headquarters for nearly a month prior to their trial in October 2013. All three alleged they were tortured to confess on national television. Alhagie Sambou Fatty and Malang Fatty had no legal representation throughout their detention and trial. The three men are prisoners of conscience.

Death penalty

In November, the Supreme Court commuted the death sentences of Lang Tombong Tamba and six others to life imprisonment. The seven men – Chief of Defence Staff Lieutenant General Lang Tombong Tamba, Brigadier General Omar Bun Mbye, Major Lamin Bo Badgie, Lieutenant Colonel Kawsu Camara, former Deputy Inspector General of Police Momodou B. Gaye, Gibril Ngorr Secka and Abdoulie Joof – were convicted of treason and sentenced to death in 2010. They had been sentenced to death for treason, contrary to the Constitution which permits the death penalty only for crimes "resulting in the death of another person".

In a media interview in August 2013, President Jammeh justified the retention of the death penalty as being "divine law" and stated that he would not pardon anybody condemned to death. This would deny defendants' right under international law to seek clemency.

Rights of lesbian, gay, bisexual, transgender and intersex people

At least eight people, including three women and a 17-year-old youth, were arrested by men identifying themselves as agents of the NIA and Presidential Guards between 7 and 13 November and threatened with torture because of their presumed sexual orientation. They were told that if they did not "confess" their homosexuality, including by providing the names of others, a device would be forced into their anus or vagina to "test" their sexual orientation. Such treatment would violate international law prohibiting torture and other ill-treatment. A further six women were reportedly arrested on 18 and 19 November on the same grounds.[5]

In August, the National Assembly passed the Criminal Code (Amendment) Act 2014 which created the crime of "aggravated homosexuality", carrying a life sentence. The wording of the Amendment was vague, making it open to wide-ranging abuse by the authorities. Among those who could be charged with "aggravated homosexuality" were "repeat offenders" and people living with HIV who were suspected of being gay or lesbian.[6]

In a speech on national television in February, President Jammeh attacked LGBTI rights, stating, "We will fight these vermin called homosexuals or gays the same way we are fighting malaria-causing mosquitoes – if not more aggressively." In May, President Jammeh threatened Gambians seeking asylum as a result of discrimination on the basis of their sexual orientation.

Impunity

The government made no progress towards implementing the judgments of the ECOWAS Court of Justice in the enforced disappearance of journalist Ebrima Manneh, the torture of journalist Musa Saidykhan and the unlawful killing of Deyda Hydara.[7]

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1. Gambia: President Jammeh must put an end to 20 years of repression and impunity for human rights violations (AFR 27/009/2014) www.amnesty.org/en/library/info/AFR27/009/2014/en

2. Gambia: Deteriorating human rights situation: Amnesty International submission to the UN Universal Periodic Review, October-November 2014 (AFR 27/006/2014) www.amnesty.org/en/library/info/AFR27/006/2014/en

3. Gambia: UN monitors denied prison access as they condemn "consistent practice" of torture (Press

release) www.amnesty.org/en/for-media/press-releases/gambia-un-monitors-denied-prison-access-they-condemn-consistent-practice-to

4. Gambia: Further information: journalists acquitted and discharged (AFR 27/014/2014) www.amnesty.org/en/library/info/AFR27/014/2014/en

5. Gambia must stop wave of homophobic arrests and torture (News story) www.amnesty.org/en/news/gambia-must-stop-wave-homophobic-arrests-and-torture-2014-11-18

6. Gambia: "Aggravated homosexuality" offence carries life sentence (News story) www.amnesty.org/en/news/gambia-aggravated-homosexuality-offence-carries-life-sentence-2014-11-21

7. Gambia: President Jammeh must put an end to 20 years of repression and impunity for human rights violations (AFR 27/009/2014) www.amnesty.org/en/library/info/AFR27/009/2014/en

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