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Islamic Republic of the Gambia

Head of state and government: **Yahya Jammeh**

Restrictive laws continued to curb the right to freedom of expression. Peaceful protests were violently repressed, and arrested demonstrators were subjected to torture and other ill-treatment. At least three government critics died in custody, including one tortured to death shortly after arrest. At least five men arrested in 2015 remained subject to enforced disappearance.

BACKGROUND

Adama Barrow, the opposition coalition candidate, won presidential elections held on 1 December. President Jammeh rejected the election results on 9 December. On 13 December, security forces evicted the Independent Electoral Commission chairman and his staff from their headquarters. On the same day, President Jammeh's party, the Alliance for Patriotic Reorientation and Construction (APRC), filed a challenge to the election results in the Supreme Court. Hearing the case would have required President Jammeh to appoint new judges; therefore the Gambian Bar Association described the appeal as "fundamentally tainted". His refusal to accept the election results was widely condemned internationally, including by the UN Security Council, the AU and ECOWAS.

FREEDOM OF EXPRESSION

Restrictive laws continued to curb the right to freedom of expression. They included laws banning criticism of officials, laws prohibiting the publication of false news and colonial-era laws on sedition. Journalists operated in a climate of self-censorship following past crackdowns on media workers and human rights defenders.

In December 2015 the UN Working Group on Arbitrary Detention stated that journalist Alagie Abdoulie Ceesay, Managing Director of the independent radio station Teranga FM, had been arbitrarily deprived of liberty since his arrest in July 2015 on charges of sedition. The Working Group called for his immediate release, compensation and an investigation by the UN Special Rapporteur on torture. In April, Alagie Abdoulie Ceesay escaped from custody.

On 8 November, Momodou Sabally, Director of the Gambia Radio and Television Services, and reporter Bakary Fatty, were arrested by agents from the National Intelligence Agency (NIA). Bakary Fatty remained in detention without charge and with no access to his family or a lawyer. Momodou Sabally was recharged for various economic offences which had previously been dropped in 2015. The two men appeared to have been arrested after airing footage of an opposition candidate's nomination.

On 10 November, Alhagie Manka, an independent photojournalist, and Yunus Salieu, a journalist at the *Observer*, were both arrested after filming supporters of the President. Yunus Salieu was released without charge the following day, and Alhagie Manka was released without charge on 16 November.

In October, the ECOWAS Community Court of Justice heard a case brought by the Federation of African Journalists and four exiled Gambian journalists, challenging the draconian press laws and claiming that the measures adopted in enforcing these laws violated the rights of journalists, including the right to freedom from torture.

FREEDOM OF ASSEMBLY

Peaceful protests were violently repressed and protesters arrested.

On 14 April, members of the opposition United Democratic Party (UDP) and youth groups demonstrated peacefully in Serrekunda in favour of electoral reform. Police dispersed the protest violently and arrested several people. Some of those arrested were seriously injured and one man – Solo Sandeng, UDP Organizing Secretary – died in custody shortly after his arrest.

Twenty-five of those arrested were eventually charged and detained in Mile 2 Prison in the capital Banjul. Thirteen were later released and 12 were moved to Janjanbureh Prison. On 21 July, 11 people were convicted of participating in an unauthorized protest and related offences and sentenced to three years' imprisonment. They were released on bail pending appeal on 8 December.

On 16 April, UDP members gathered peacefully in Banjul outside the house of UDP leader Ousainou Darboe, calling for justice for Solo Sandeng's death and the release of arrested UDP members. Police fired tear gas at the demonstrators and beat them with batons. Several UDP executive members, including Ousainou Darboe, were arrested along with other protesters and bystanders. On 20 July, 19 people, including Ousainou Darboe, were sentenced to three years' imprisonment for participating in an unauthorized protest and related offences. They were released on bail pending appeal on 5 December.

On 9 May, around 40 protesters were arrested as they made their way towards Westfield, a suburb of Banjul, after the court hearing of Ousainou Darboe and others. Protesters were stopped by the Police Intervention Unit (PIU) who beat them. Some protesters threw stones in reaction and several people, including a PIU officer, were injured. Fourteen people were on trial at the end of the year following this protest. Two women were granted bail in May and the remaining twelve men were granted bail on 6 December.

Campaign rallies were permitted during the official two-week election campaign period before 30 November, with thousands of Gambians taking part peacefully.

TORTURE AND OTHER ILL-TREATMENT

Those arrested during the April protests were subjected to torture and other ill-treatment. Among them was businesswoman Nogoi Njie, who stated in an affidavit filed at the High Court that she had been beaten with hosepipes and batons by men wearing black hoods and gloves while water was poured over her at the headquarters of the National Intelligence Agency (NIA) in Banjul. She also stated that she had seen Solo Sandeng there; his beaten body was swollen and bleeding and she feared he was dead.

On 13 June, the authorities admitted in their response to a habeas corpus application that Solo Sandeng had died during his arrest and detention and that an inquiry had been launched. No further information had been made publicly available by the end of the year.

DEATHS IN CUSTODY

On 21 February, trade union leader Sheriff Dibba, Secretary-General of the Gambian National Transport Control Association (GNTCA), died at a medical facility in Banjul. He had fallen ill in police custody, but had not received prompt medical attention. According to the International Transport Workers' Federation (ITF), Sheriff Dibba and eight other GNTCA leaders had been arrested after the union called on the authorities to reduce the price of fuel. The ITF filed a case against the Gambian government at the International Labour Organization (ILO) concerning Sheriff Dibba's death and the "punitive measures" taken

against the GNTCA, whose activities were suspended by presidential order. Sheriff Dibba's family had not been given his autopsy results and no investigation into his death had been initiated by the end of the year.

On 21 August, Ebrima Solo Krummah, a senior UDP member arrested on 9 May and detained at Mile 2 Prison, died after surgery in hospital. There were allegations that he had been refused medical care in detention. No information as to the cause of death was made public and no inquiry into the death was announced by the end of the year.

ENFORCED DISAPPEARANCES, ARBITRARY DETENTIONS AND INCOMMUNICADO DETENTION

Three Imams arrested in 2015 remained subject to enforced disappearance. Alhagi Ousman Sawaneh, Imam of Kanifing South, was arrested on 18 October 2015 by men in plain clothes. He was reportedly detained because he had petitioned the President for the release of Haruna Gassama, President of the Rice Farmers' Cooperative Society, who had at the time been in NIA custody for six months without charge. Two other Imams – Sheikh Omar Colley and Imam Gassama – were arrested in October and November 2015, allegedly for the same reason.

The three Imams were believed to be held incommunicado in Janjanbureh Prison, but despite repeated requests from their families the authorities did not confirm their whereabouts. On 21 March 2016 the High Court in Banjul ordered the release of Imam Sawaneh following a habeas corpus application, but the court order was ignored.

Ousman Jammeh, former Deputy Minister of Agriculture, also continued to be subject to enforced disappearance. He was removed from his post and arrested in October 2015, and reportedly detained at the NIA headquarters for several days before being transferred to Mile 2 Prison. However, neither his family nor his lawyer had any contact with him and the authorities provided no information about his whereabouts or the reason for his arrest.

Omar Malleh Jabang, a businessman and opposition supporter, was taken away by men in plain clothes on 10 November and had not been seen since, despite requests made to the authorities.

On 1 September Sarjo Jallow was dismissed as Deputy Minister of Foreign Affairs. From 2 September his family and lawyers were unable to contact him, although they were told unofficially that he was detained at the NIA headquarters. His wife was a vocal supporter of the UDP. On 10 October lawyers filed an application for his release from NIA custody; he was not released by the end of the year.

CHILDREN'S RIGHTS

In July, Gambia passed a law banning child marriage (a marriage of anyone under 18 years old). The offence is punishable by up to 20 years' imprisonment for any adult involved in arranging a child marriage, including the child's husband and parents. According to the UN, 40% of women aged 20 to 49 in Gambia were married before the age of 18, while 16% married before they turned 15.

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