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Freedom in the World 2010 - Gambia, The

Capital: Banjul

Population: 1,600,000

Political Rights Score: 5 *

Civil Liberties Score: 5 *

Status: Partly Free

Ratings Change

The Gambia's civil liberties rating declined from 4 to 5 due to President Yahya Jammeh's enhanced personal control over the judiciary and threats of violence against civil society organizations.

Overview

President Yahya Jammeh exerted growing personal control over state institutions in 2009, capriciously replacing the chief justice and other senior officials. Jammeh also publicly threatened journalists and warned that he would execute any human rights activists who destabilized the country.

After gaining independence from Britain in 1965, The Gambia functioned for almost 30 years as an electoral democracy under President Dawda Jawara and his People's Progressive Party. A 1981 coup by leftist soldiers was reversed by intervention from Senegal, which borders The Gambia on three sides. The two countries formed the Confederation of Senegambia a year later, but it was dissolved in 1989.

Lieutenant Yahya Jammeh deposed Jawara in a 1994 military coup. The junior officers who led the coup quickly issued draconian decrees curtailing civil and political rights. A new constitution, adopted in a closely controlled 1996 referendum, allowed Jammeh to transform his military dictatorship into a nominally civilian administration.

Jammeh defeated human rights lawyer Ousainou Darboe in a 2001 presidential election, and the ruling Alliance for Patriotic Reorientation and Construction (APRC) won all but three seats in the 2002 National Assembly elections, thanks to a widespread boycott by opposition parties.

The government announced in March 2006 that it had foiled an attempted coup, leading to the arrest of dozens of people, including several prominent journalists and senior intelligence and defense personnel. Ten military officers were sentenced to lengthy

prison terms in April 2007.

Jammeh won a new five-year term in the September 2006 presidential election, taking 67.3 percent of the vote. Darboe, running as the candidate of the United Democratic Party (UDP), received 26.6 percent, while another opposition leader, Halifa Sallah, captured the remaining share. The preelection period was marred by government repression of the media and the opposition, and Darboe rejected the results as a "sham." In January 2007 legislative elections, the APRC won 42 out of 48 contested seats and gained another five that are filled by presidential appointees. A Commonwealth election observation group called for "a more level playing field and a more restrained utilization of the advantages of incumbency."

Jammeh has drawn criticism for erratic statements and behavior. He has claimed that he can personally cure HIV/AIDS using traditional herbs, and in 2008 the president threatened decapitation for any homosexuals who remained in the country. In September 2009, he publicly warned against causing instability through human rights activism, reportedly saying, "If you think that you can collaborate with so-called human rights defenders, and get away with it, you must be living in a dream world. I will kill you, and nothing will come out of it." Also in 2009, the president continued his practice of arbitrarily replacing top government officials, sacking the chief justice, the speaker of parliament, and a number of cabinet ministers in June. Dozens of military officers were reportedly arrested in November on suspicion of planning a coup.

Although The Gambia is a poor, agrarian country, it has experienced modest economic growth thanks to its tourism industry and the government's increased emphasis on economic development, for which it received praise in 2009 from World Bank and African Development Bank officials.

Political Rights and Civil Liberties

The Gambia is not an electoral democracy. The 2006 presidential election was marred by serious government repression of the media and the opposition, and Commonwealth observers found similar flaws in the 2008 legislative elections. The president is elected by popular vote for unlimited five-year terms. Of the 53 members of the unicameral National Assembly, 48 are elected by popular vote and the remainder are appointed by the president; members serve five-year terms.

The opposition UDP, led by Ousainou Darboe, holds four National Assembly seats, and the National Alliance for Democracy and Development (NADD), led by Halifa Sallah, holds one. One other seat is held by an independent. However, the president and the ruling APRC are in clear control, and the system's pluralism is largely symbolic.

Official corruption remains a serious problem, although President Yahya Jammeh's recent focus on economic development policies has led to increased anticorruption efforts, including the establishment of an Anti-Corruption Commission. Separately, a special judiciary commission in late 2009 began investigating allegations that several High Court judges were involved in misappropriations of state funds as well as illicit real estate deals. The Gambia was ranked 106 out of 180 countries surveyed in Transparency International's 2009 Corruption Perceptions Index.

The government does not respect freedom of the press. Laws on sedition give the authorities great discretion in silencing dissent, and independent media outlets and journalists are subject to arrests, harassment, and violence. The 2004 assassination of journalist and press freedom activist Deyda Hydara is still unsolved, and the whereabouts of another journalist, "Chief" Ebrima Manneh, have remained unknown since he was arrested in 2006 for publishing a report that was critical of Jammeh in the privately owned *Daily Observer* newspaper. The managing directors of the *Daily Observer* and *Today* were each temporarily detained on sedition charges in 2008. In June 2009, nine journalists and managing directors of independent media outlets were held for several days and heavily fined for publicly denouncing the president over comments concerning Hydara. The president broadly threatened journalists in July by stating

any "who thinks that he or she can write whatever he or she wants and go free is making a big mistake." The government runs Radio Gambia as well as the sole television channel and the *Gambia Daily* newspaper. There are several private radio stations and newspapers, and foreign broadcasts are available. While the state generally does not restrict internet usage, some websites have been blocked.

Freedom of religion is legally guaranteed and generally upheld by the government. Academic freedom is respected on the surface, but the broader limitations on freedom of speech are thought to encourage self-censorship among scholars. Private discussion is limited by fears of surveillance, searches, and arrest by the National Intelligence Agency (NIA).

Freedoms of assembly and association are provided by law, though in practice they are constrained by state intimidation, including the president's public threats against human rights groups in 2009. Gambians, except for civil servants and members of the security forces, have the right to form unions, strike, and bargain for wages. However, the climate of fear generated by the state and the NIA reportedly dissuades workers from taking action.

The constitution provides for an independent judiciary, but the courts are hampered by corruption and executive influence. The president has the authority to appoint and dismiss judges, and in June 2009 he replaced Chief Justice Abdou Karim Savage – appointed in 2006 – with a Nigerian national, Emmanuel Agim. The judicial system recognizes customary law and Sharia (Islamic law), primarily with regard to personal status and family matters.

Impunity for the country's security forces, particularly the NIA, is a problem. A 1995 decree allows the NIA to search, arrest, or seize any person or property without a warrant in the name of state security. In such cases, the right to seek a writ of habeas corpus is suspended.

Torture of prisoners, including political prisoners, has been reported. Diplomatic relations with Ghana have been strained over The Gambia's failure to investigate the 2005 deaths of 50 African migrants, including 44 Ghanaians, reportedly while in Gambian custody. In 2009, Guinean "witch doctors" accompanied by Gambian security forces reportedly abducted and abused some 1,000 Gambians who were suspected of witchcraft.

The Gambia's various ethnic groups coexist in relative harmony, though critics have accused Jammeh of privileging members of the Jola ethnic group in the military and other positions of power. The constitution prohibits discrimination based on religion, language, ethnicity, gender, and other factors.

The government has encouraged female education by waiving primary school fees for girls, but women have fewer opportunities for higher education and wage employment than men, especially in rural areas. While the vice president and several cabinet ministers are women, there are just four women in the 53-seat National Assembly. Sharia provisions regarding family law and inheritance restrict women's rights, and female genital mutilation remains legal and widely practiced. The U.S. State Department placed The Gambia on Tier 2 in its 2009 Trafficking in Persons Report, removing it from the Tier 2 Watch List but noting ongoing problems with trafficking in women and children for forced labor and sexual exploitation.

**Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom.*

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