

Freedom of the Press 2015 - Gambia, The

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2015 Scores

Press Status: Not Free

Press Freedom Score (0 = best, 100 = worst): 81

Legal Environment (0 = best, 30 = worst): 27

Political Environment (0 = best, 40 = worst): 34

Economic Environment (0 = best, 30 = worst): 20

Legal Environment

Although Article 25 of the constitution provides for freedom of expression and of the press, the government does not respect these rights in practice. Defamation is a criminal offense, as is sedition and the dissemination of false information. The Information and Communications Act was amended in 2013 to introduce a 15-year jail term and a fine of 3 million dalasi (\$77,000) for anyone using the internet to spread false news or make derogatory statements, incite dissatisfaction, or instigate violence against the government or public officials. There are broad restrictions on any content that is considered contrary to the principles of Islam or offensive to other religions.

Journalists are frequently arrested and detained on flimsy and superficial charges. However, 2014 saw three journalists acquitted. In September, Alhagie Jobe, the former deputy director of the progovernment *Daily Observer*, was acquitted of sedition charges after spending a year in jail, where he was allegedly tortured. The charges against him came in connection with an incident in which he was found with an allegedly fictitious news article in his possession. In November, a court dismissed charges against Musa Sheriff and Sainey Marenah of the triweekly newspaper the *Voice*, who had been on trial for 11 months on charges of publishing false news and conspiring to commit a felony. Those charges were connected to a 2013 *Voice* article stating that a number of members of the ruling Alliance for Patriotic Reorientation and Construction (APRC) had joined the opposition United Democratic Party (UDP).

There is no law guaranteeing access to public information. The 2004 Newspaper Amendment Act expanded the 1944 Newspaper Law to the broadcasting sector and exacerbated the media registration process, extracting excessive bonds to register media institutions and increasing penalties for media outlets that fail to register.

Political Environment

Despite a 2005 press law that guarantees the right of citizens to obtain information and prohibits censorship, reporters from news outlets that are perceived to be critical of the government are routinely denied access to public information and excluded from official events. There have been several instances of overt censorship of media outlets in recent years. However, in January 2014, the government lifted bans on the community radio station Teranga FM, which was shuttered in 2012 for disregarding a government order to stop broadcasting a particular program, and on the independent *Standard* newspaper, which was shut down in 2012 for criticizing a presidential decree. A ban against the *Daily News*, a privately owned newspaper shut down at the same time as the *Standard*, remains in place. Many journalists self-censor due to the risk of being harassed, fined, or arrested in connection with their work.

Efforts by the Economic Community of West African States (ECOWAS) Court of Justice in Abuja, Nigeria, to hold the government accountable for past mistreatment of journalists have borne little fruit. The case of Deyda Hydara, a prominent journalist who was murdered in 2004, resurfaced in June 2014 when the ECOWAS Court ruled that the Gambian government was in breach of the African Charter on Human and Peoples' Rights as well as the Revised Treaty of ECOWAS for failing to sufficiently investigate the murder; the court additionally awarded Hydara's family \$50,000 in compensation plus an additional \$10,000 for legal costs. The court pointedly accused the Gambian government of fostering a climate of impunity in the country, and noted its failure to comply with previous court rulings related to the cases of journalist "Chief" Ebrimah Manneh, who was arrested in 2006 by state security agents and has been missing since, and Musa Saidykhan, an exiled journalist who in 2006 was held by the government for three weeks and was allegedly tortured. Many journalists remained in exile in 2014, due to government threats and harassment.

Economic Environment

The government owns the *Gambia Now* newspaper, a national radio station, and the only national television station. Political news coverage at these outlets generally toes the official line. There are several private newspapers and private radio stations. Private media outlets are subject to official pressure, and many have toned down coverage of the opposition. Businesses often avoid advertising with private media outlets for fear of government reprisals. A premium television network operates as a locally based satellite station. Foreign news services are rebroadcast on several local radio stations. Although the government rarely interferes with foreign cable or satellite television news broadcasts, most Gambians do not have access to the technology necessary for viewing them.

About 16 percent of the population had access to the internet in 2014. Gambia's media landscape includes a substantial number of online news sites and blogs, many of which are based overseas and operated by Gambian expatriates, among them exiled journalists. The government sometimes blocks access to websites that are critical of the government, as well as foreign blogs and news websites, limiting the diversity of information and viewpoints available to the country's residents.

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