

AMNESTY INTERNATIONAL

JOINT LETTER

January 23, 2013
AI Index: AFR 27/001/2013

H.E. Yahya A.J.J. Jammeh
President of the Republic of The Gambia
State House
Banjul, The Gambia

Via facsimile +220 4227 034

Dear President Jammeh,

We, the undersigned organizations working to promote the compliance of states to their international and regional human rights obligations, are writing to bring to your attention a series of abuses by the National Intelligence Agency (NIA) against Gambian journalist Abdoulie John in recent months. This harassment violates the right to freedom of expression and the right not to be subjected to arbitrary arrest or detention, as stated in the Constitution of the Republic of The Gambia and guaranteed under international and regional human rights law. We call on you to halt these actions of the NIA, a security agency that operates under your command.

Since December 2012, the NIA has twice arrested and arbitrarily detained Abdoulie John, editor of the online news website *Jollof News* and a contributor to *The Associated Press*. Agents have repeatedly summoned John to the NIA headquarters in connection with an unspecified investigation and have interrogated him without the presence of his lawyer, which contradicts the Gambian constitution. Section 19, subsection 2, of the constitution guarantees detainees the right to know the reason for their arrest and the right to a lawyer.

The NIA first arrested John on December 9, 2012, while he was on assignment with *The Associated Press*. He had been reporting on the release of eight Senegalese security personnel who had been captured by the *Mouvement des Forces Démocratiques de Casamance (MFDC)*. He was detained after he engaged in a verbal altercation with a presidential photographer over his presence at the event.

Upon his release, the NIA required John to continuously report to its headquarters—at times, twice weekly—for questioning in connection with an unspecified investigation. When John went to report to the NIA on January 7, 2013, he was re-arrested and his home searched. He was released three days later on January 10. On January 14, he again reported to the NIA, where he was told he was still under investigation.

John's home has been searched, and he has had his passport, laptop computer, and flash drive confiscated by the NIA. He was told by the NIA that he would be required to continue reporting to them until he grants them access to his emails.

John has not seen his family, who live outside The Gambia, since the NIA seized his passport more than two months ago. He was told not to leave the country as he could be asked to report to the NIA at any time.

We, the undersigned organizations, believe these actions constitute harassment by the NIA. Such harassment is not only a violation of the right not to be subjected to arbitrary arrest or detention, but also a violation of the right to freedom of expression, including the journalistic privilege of not disclosing sources of information. Section 25 of the Constitution of The Gambia guarantees “freedom of speech and expression, which shall include freedom of

the press and other media," as well as the "right to move freely throughout The Gambia ... and to leave The Gambia."

As organizations representing human rights of journalists and advocating for freedom of expression around the world, we also use this opportunity to urge you to ensure the reopening of three media outlets that were arbitrarily shut down by the NIA. In August 2012, NIA officials closed the private radio station Taranga FM, and in September 2012, the agency ordered the *Daily News* and the *Standard* newspapers to be shut down.

We call on you to ensure an immediate end to the intimidation and harassment of Abdoulie John by the NIA, in line with The Gambia's human rights obligations under the Gambian Constitution and international human rights law. We also urge you to ensure the reopening of news outlets shut down by the NIA, which would send the message that in The Gambia, journalists are allowed to report freely without fear of harassment.

Yours sincerely,

The African Editors' Forum
West African Journalists Association
ARTICLE 19 West Africa
Media Foundation for West Africa
Nigeria Union of Journalists
La Société des Éditeurs de la Presse Privée (SEP) du Burkina Faso
The World Association of Newspapers and News Publishers (WAN-IFRA)
International Federation of Journalists
Commonwealth Human Rights Initiative
Commonwealth Journalists Association
International Press Institute
Committee to Protect Journalists
Reporters Sans Frontières
Amnesty International