

URGENT ACTION

GAMBIAN JOURNALISTS STILL FACING CHARGES

Journalists Musa Sheriff and Sainey M.K. Marenah continue to face charges. Their charges were amended to “conspiracy to commit a misdemeanour” and “false publication”. They pleaded not guilty. Both journalists have been targeted for their journalistic work and for the legitimate exercise of their right to freedom of expression.

On 13 February **Musa Sheriff** and **Sainey M.K. Marenah** were brought to court in Banjul for the fourth time since their arrest. Their charges were amended from “publication of false news with intent to cause fear and alarm to the public” and “conspiracy to commit felony” to “conspiracy to commit misdemeanour” and “false publication”. If convicted, they would face sentences of up to two years in prison and fines of 250,000 Dalasi (€4,748). These controversial clauses of the Criminal Code are often used to target journalists who are exercising their freedom of expression and carry sentences of up to two years in prison. The next court session is scheduled on 19 February.

According to a source close to journalists, their relatives are distressed by the delays in the trial proceedings and repeated amendment to the charges.

Musa Sheriff and Sainey M.K. Marenah had been arrested on 13 January in Serekunda in relation to an article published in the privately-owned Gambian newspaper *The Voice* on 9 December 2013. The article reported on the defection of youth supporters of the ruling Alliance for Patriotic Re-Orientation and Construction (APRC) party to the opposition United Democratic Party (UDP). *The Voice* later published a rejoinder after the APRC contested the story. Amnesty International considered Musa Sheriff and Sainey M.K. Marenah prisoners of conscience. They were released on bail 16 January.

Please write immediately in English or your own language:

- Calling on the authorities to drop the charges against Musa Sheriff and Sainey M.K. Marenah since they are related solely to the legitimate exercise of their right to freedom of expression;
- Urging them to respect and protect the rights to freedom of expression and assembly and ensure that journalists are able to carry out their work without hindrance, intimidation or harassment;
- Urging them to remove unlawful restrictions on freedom of expression, association and assembly from the legislation in The Gambia.

PLEASE SEND APPEALS BEFORE 28 MARCH 2014 TO:

Minister of Justice

Ministry of Justice
Marina Parade
Banjul
The Gambia
Fax: +220 422 9908

Salutation: Dear Minister

Minister of Interior and NGO Affairs

Ousman Sonko
Ministry of Interior and NGO Affairs
No.5 J.R. Forster Street (Ex. Fitzgerald
Street)
Banjul
The Gambia
Fax: +220 420 1320

Salutation: Dear Minister

And copies to:

Minister of Foreign Affairs, International
Dr Aboubacar Senghore
Corporation and Gambians Abroad
Ministry of Foreign Affairs
4, Marina Parade
Banjul
The Gambia

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the second update of UA 10/14. Further information:

<http://amnesty.org/en/library/info/AFR27/002/2014/en>

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ADDITIONAL INFORMATION

Journalists, human rights activists and political opponents in the Gambia are routinely subjected to human rights violations such as unlawful arrests and detentions, torture, unfair trials, harassment, assaults and death threats, making it extremely difficult for them to do their work.

In July 2013, the Gambian government passed a law which limits freedom of expression on the internet, one of the few remaining public spaces for dissent. The "Information and Communication (Amendment) Act 2013", allows the government to impose penalties of up to 15 years imprisonment and hefty fines for criticising government officials online. It targets people who spread "false news" about the government or public officials; caricature or make derogatory statements against public officials; and incite dissatisfaction or instigate violence against the government.

In April 2013, the National Assembly of The Gambia unanimously passed the "Criminal Code (Amendment) Act, 2013", also known as "The Principal Act", which broadens definitions of offences and places harsher punishments on the following: acts of public disorder, such as "hurling abusive insults" or "singing abusive songs"; giving false information to a public servant; and it criminalizes people's expression through their choice of clothing. The Principal Act contains vague definitions which leave room for interpretation and application that do not comply with international human rights law.

In October and November 2012, journalists Abubacarr Saidykhan and Baboucarr Ceesay received a series of death threats. They believe the threats were related to their attempts to peacefully demonstrate and their work as journalists. On 13 November at around midnight, Abubacarr Saidykhan reported that as he was talking to his brother near their compound gate in Ebo Town, Gambia, a black vehicle without license plates stopped outside. One of the four men in the car yelled, "We have [told] you that we will come for you without any further information. We got information that you are a very stubborn journalist. The next time we meet you your head will be hammered by one of our patriotic killers. Just continue to ignore our warnings." This follows from a death threat both journalists received by email on 25 October 2012. It said: "You choose to live or die...you... want to destroy the image of the APRC government and our affectionate President...I will come with my team of patriotic killers..."

In July 2006, journalist Ebrima Manneh was arrested and subjected to enforced disappearance for reportedly trying to publish articles critical of the government. His whereabouts are still unknown. In 2008 the Economic Community of West Africa States (ECOWAS) Court of Justice ordered the Gambian government to release him from unlawful detention and pay him compensation, but the judgment has yet to be enforced.

In December 2004, Deyda Hydara, the former president of GPU and editor of The Point newspaper, was shot and killed in his car while travelling home from work. The murder came on the anniversary of the establishment of newspaper, and three days after controversial media legislation had been passed, which Deyda Hydara had vociferously opposed. No investigation has taken place and no one has been brought to justice.

Names: Musa Sheriff, Sainey M.K. Marenah

Gender m/f: m

Further information on UA: 10/14 Index: AFR 27/003/2014 Issue Date: 14 February 2014