



The Chairperson,
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**Item 10: Activity Reports of Members of the Commission and Special Mechanisms
(vii) Special rapporteur on Freedom of Expression and Access to Information in Africa**

Chairperson, Honourable Commissioners,

Amnesty International welcomes this opportunity to address the African Commission on Human and Peoples' Rights (African Commission) on freedom of expression and access to information in Africa with a special focus on Gambia.

In the Gambia, arbitrary arrests, detentions, harassment and intimidation of human rights defenders, journalists and political opponents have created a climate of fear. In recent years, dozens of journalists, human rights defenders and political opponents have fled the country in fear for their life. Numerous media outlets have also closed. In 2012, The Daily News and The Standard newspapers were shut down without any explanation and without a court order. Teranga FM, a radio station, was also closed. They remain closed.

In April 2013, the National Assembly 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 July 2013, the government moved to limit 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.

These new laws, along with other existing legislation, demonstrate the government's complete unwillingness to allow space for freedom of expression, including dissent.

According to information obtained by Amnesty International, several Gambian journalists have been arrested and detained without charge. Even after they are released, the security forces continue to hold their passports or other documents pending investigations without specifying the details or length of time. Efforts by journalists to retrieve these documents have failed. These excessive and unnecessary restrictions serve to limit their freedom of movement guaranteed under the African Charter on Human and Peoples' Rights.

In 2012, journalist Abdoulie John was arrested and subsequently released following a verbal altercation with a presidential photographer over his presence at an 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. John 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.

As you will recall, in December 2012, human rights defender Imam Baba Leigh was subjected to enforced disappearance after speaking out about the execution of nine death row inmates in 2012. He spent five months in detention; the NIA refused to provide any information about his whereabouts and denied he was in their custody. He was eventually released in May 2013. Imam Leigh continues to speak out against human rights violations in the Gambia. Amnesty International has received credible information that Imam Leigh is at risk of arrest.

In 2008 and 2010 the ECOWAS Court of Justice issued judgments ordering the Gambian government to pay damages to two journalists it unlawfully detained, one of whom has been subjected to enforced disappearance. The government has not complied with the Court's orders and one journalist, Ebrima Manneh, is still missing.

The African Commission on Human and Peoples' Rights (ACHPR), during its 44th Ordinary Session held in November 2008 in Nigeria, passed a resolution condemning human rights violations in the Gambia. The resolution called on the government to investigate allegations of torture and extrajudicial executions, end the harassment and intimidation of journalists, comply with the ECOWAS Court's judgments and uphold human rights the Gambia. The government of the Gambia has not implemented this resolution and the space for freedom of expression has continued to shrink.

Amnesty International therefore calls on the African Commission to pass a resolution urging the Gambian authorities to:

- Put an end to its increased hostility towards freedom of expression, association and assembly, including by repealing legislation that does not comply with international and regional human rights law;
- Ensure that all Gambians, including journalists, opposition leaders, real or perceived government opponents, and human rights defenders are able to freely exercise their right to peaceful expression, association, and assembly without fear of arrest, detention, intimidation or harassment;
- Issue invitations to the ACHPR Special Rapporteur on Freedom of Expression and Access to Information and the UN Special Rapporteur on the Right to Freedom of Opinion and Expression to visit the Gambia to examine the human rights situation the country in relation to their mandates;
- Fully and effectively implement the judgments of the ECOWAS Court and the 2008 ACHPR resolution on the human rights situation in the Gambia, and to report back to the African Commission at its 55th Ordinary Session on the progress of implementation of the judgments and resolution.