

Human Rights Abuses on the Rise in Already Repressive Gambia

Since seizing power in a [1994 military coup](#), President Yahya Jammeh has made Gambia one of the most repressive countries in all of Africa. In two decades of Jammeh's rule, state-sanctioned torture, kidnappings, enforced disappearances, murders and arbitrary executions; incommunicado detentions without charge; and routine denials of freedom of expression, association, and other basic human rights have become commonplace. Gambia's security and intelligence services are directly involved in these violations.

In 2014, United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, and UN Special Rapporteur on Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, Juan Méndez, [traveled to Gambia](#), the first visit to the country made by experts from the Human Rights Council's fact-finding body. Though they were prevented from completing their investigation, the Special Rapporteurs were able to gather a significant amount of information about the Jammeh regime. Mr. Méndez in particular found that "torture is a consistent practice carried out by the National Intelligence Agency (NIA),"¹ which is the Gambian government's main intelligence gathering unit.

Authorities in Gambia have imprisoned countless individuals over the past two decades, targeting journalists, political opponents and dissidents, government critics, and human rights defenders. These acts are often carried out by Gambia's infamous NIA, as well as the "The Jungulars," a government death squad that operates with impunity. It is widely believed that President Jammeh exercises full command responsibility over both units.

A [failed coup attempt](#), which took place on December 30, 2014, has further emboldened the already brutal Jammeh regime, making the necessity for the international community to act all the more urgent. Since the December 30 coup attempt, Robert F. Kennedy Human Rights has verified that at least 27 individuals – mainly family members and alleged associates of the insurgents – have been detained without charge, all of them for more than 72 hours, which is prohibited by Gambia's constitution. Those who remain in detention are as old as 84 and as young as 14, a further violation of international laws pertaining to the rights of minors. The list

¹ "The Gambia: UN human rights team prevented from completing torture and killing investigations," United Nations Office of the High Commissioner for Human Rights (November 2014).

of individuals currently detained is not exhaustive, and may be higher, a grave concern given Gambia's prison system, where torture is rampant and physical abuse common.²

Given President Jammeh's deplorable record, steps should be taken by the international community to prevent further atrocities and help the country turn onto a path towards a sustainable democracy that respects the fundamental rights and freedoms of its citizens.

The following instances provide a brief overview of the human rights abuses committed in Gambia since 2000, with a particular emphasis on the past several years.³

As the following examples will illustrate, the Gambian government has reacted to the December 30 coup attempt by escalating its repression. President Jammeh's message to Gambian citizens is unequivocal: there is no room for dissent, nor will criticizing or otherwise questioning the absolute authority of the president be tolerated.

The current situation (*January–February 2015*)

- Verified reports conclude that 27 relatives and suspected associates of the December 30 coup plotters are currently detained without charge and have been held incommunicado, some of them for nearly a month. The latest nationwide crackdown has also forced several people into [forced exile](#), according to Article 19.⁴
- An estimated 16 suspected “homosexuals” [arrested](#) – including a 16-year-old boy who was later released – under Gambia’s newly [revised](#) Criminal Code (Amendment) Act.⁵ Many have been held incommunicado since October 2014. Unconfirmed reports recently surfaced, saying that only 3 of the originally detained remain in custody.
- Throughout the month of January, [road blocks](#) are commonplace in the capital Banjul, with reports of cell phones and personal property being confiscated by authorities.⁶
- In late January, one of the suspected gay men arrested in 2014 was [brought to Edward Francis Teaching Hospital](#) in Banjul, with reports of “excessive bleeding” consistent with

² Among other human rights reports, including from Human Rights Watch and Amnesty International, see Freedom House’s annual *Freedom in the World* report (2015): https://www.freedomhouse.org/report/freedom-world/2014/gambia#.VNFDdLF_ng

³ Several of these examples were previously documented in a July 2014 report issued by Amnesty International, Article 19, and a regional network of human rights defenders, RADDHO. See:

<http://www.article19.org/data/files/mediabinary/37629/Briefing-20-Years-of-Oppression-Gambia-English.pdf>

⁴ “The Gambia: Families targeted and persecuted after failed coup d'état in the Gambia,” Article 19 (February 2, 2015).

⁵ “Report: Gambian arrests of LGBTI now total 16,” 76crimes.com (November 30, 2014).

⁶ Information from numerous local reports and independent sources, including from FatuRadio.com on January 15, 2015, entitled: “Jammeh Disrupts Life in Banjul.”

torture.⁷ As of this writing, the man was being held in a private wing of the hospital, denied visitors, and guarded by armed security men.

Murder and Arbitrary Executions

- In August 2012, after a decades-long moratorium, Gambian authorities [arbitrarily execute](#) 9 death row inmates, without due process, during one overnight session. Three of those executed were sentenced for treason and two of the nine were Senegalese citizens.
- In July 2010, an estimated 50 foreign nationals, including 44 Ghanaians, are [murdered](#) by Gambian officials. The foreign nationals were on transit to Europe and docked in Gambian waters where local immigration officials deemed them “security threats” and linked to a possible coup attempt. Gambia State House officials were alleged to have used machetes, axes, sticks and other crude objects to kill them. To date, no one has been charged or held accountable for the mass murder.
- Journalist Deyda Hydara is [murdered](#) in December 2004 by what many believe was a plot originating from Gambia’s State House, due to Hydara’s critical reporting on the Jammeh regime. To this day, there has not been an official investigation into his death. In 2010, the ECOWAS Community Court of Justice [rules against](#) Gambia for failing to investigate Hydara’s murder, in which they state the country was “fostering a climate of impunity.”
- Gambian security forces in April 2000 [open fire](#) on peaceful demonstrators – who were protesting the murder of a local student who died after being tortured, including being forced to swallow cement – killing a total of 14 students, including 6 children. To this day, not a single individual has been brought to justice.

Torture

- In December 2012, Imam Baba Leigh – [winner](#) of the Pan-African Human Rights Defender Award – was abducted from his home and brought to NIA headquarters in Banjul where he was [beaten and tortured](#) for nine days. Imam Leigh was later moved to a secret location where he was detained incommunicado and without charge for nearly 6 months. He now lives abroad following his [release](#) in May 2013.
- In 2011, [Dr. Amadou Janneh](#), a former Minister of Communication and Information, Ndey Tapha Sosseh, and several others, are charged with treason for, among other crimes, printing t-shirts with the slogan “End Dictatorship Now.” Dr. Janneh is sentenced to life in prison “with hard labor.” More than a year later, and after being held in solitary confinement, Dr. Janneh is released and expelled from the country. Sosseh was tried in

⁷ “Witness Says Gambian Man Accused of Homosexuality Bore Signs of Torture, May Be Executed,” BuzzFeed News (January 27, 2015): <http://www.buzzfeed.com/lesterfeder/witness-reports-man-accused-of-homosexuality-in-the-gambia-t#.egWOJgyKYy>

absentia and remains outside the country. All of the men were tortured while in custody.

- According to local, regional and international human rights groups, upwards of 1,000 individuals are detained for being “witches,” in 2009, locked in secret detention centers, and forced to drink a “hallucinogenic potion,” causing several detainees to die and others to suffer from serious kidney ailments.
- Journalist Musa Saidykhan is arbitrarily detained for three weeks in 2006 and tortured repeatedly, according to several reports. In December 2010, the ECOWAS Court of Justice ruled that the Gambian government must compensate Mr. Saidykhan for “contravening his human right to personal liberty as guaranteed by Article 6 of the African Charter on Human and Peoples Rights.”

Disappearances and Incommunicado Detentions (often held without charge)

- In November 2014, Human rights activist and local university lecturer Sait Matty Jaw is arrested and held incommunicado without access to his family and attorney.
- In October 2014, Mambury Njie, former Finance Minister and Ambassador to Tawain, was arrested (also arrested in February and July) and detained at NIA headquarters. Mr. Njie has since been held incommunicado and without charge since that time.
- In February 2013, two US citizens are allegedly kidnapped by President Jammeh’s NIA. The two men, Alhagie Ceesay and Ebrima Jobe, while their whereabouts remain unknown, are believed to be held incommunicado, despite pleas from their family and public requests from the U.S. government as to their whereabouts.
- In December 2013, United Democratic Party (UDP) activists Amadou Sanneh, Malang Fatty, and Alhagie Sambou Fatty are arrested and held incommunicado without legal representation amid allegations of torture. They were ultimately convicted of sedition in a sham trial and will each serve up to five years in prison.
- In April 2013, Saul Ndow, a Gambian businessman and ex-parliamentarian, was abducted by Gambian authorities and has been held incommunicado and without charge. To this day, his family is not aware of his location and do not know if he is still alive.
- State television broadcaster and former press secretary to President Jammeh, Fatou Camara, is arrested in September 2013 and detained incommunicado for almost a month for “tarnishing the image of the president.” Ms. Camara was eventually released after sustained international outcry and currently lives in exile in the United States.

- Former naval chief, Captain Mahmoud Babadi Sarr, is abducted from his home in 2013 by the NIA and has been under government custody without any formal criminal charges. It is believed that President Jammeh personally ordered his arrest and that he is currently being held at the state central prison in Banjul.
- In May 2011, US citizen Hassan Touray was arrested by Gambian authorities and detained in Mile Two Maximum Security Prison after his company, Pristine Consulting, sued the Jammeh government for non-payment and breach of contract.
- In 2010, two women human rights defenders, Isatou Touray and Amie Bojang Sissoho, are arrested and charged with theft. They are released after nine days in detention, while being held incommunicado, and acquitted of their alleged crimes two years later.
- In July 2006, journalist Ebrima Manneh is arrested, held incommunicado, and widely believed to have died while in custody. Later in June 2008, the ECOWAS Court of Justice ruled against the Gambian government for his enforced disappearance.

Violations of Freedom of Expression, Association, and other Basic Human Rights

- Gambian authorities shut down Taranga FM, as well as the Daily News and Standard newspapers. Taranga FM was closed twice more, including in 2015, and later allowed to re-broadcast its programs on condition that it “ends all programs of a news or political nature.” The Daily News remains closed while the Standard has since re-opened.
- In July 2013, the Gambian government adopts the Information and Communication (Amendment) Act and the Criminal Code (Amendment) Act, containing provisions to further stifle freedom of expression, which includes the crime of making “derogatory statements against public officials.”
- President Yahya Jammeh publically threatens local human rights activists, prompting the African Commission for Human and Peoples’ Rights (ACHPR), by means of Resolution 145 in October 2009, to call on authorities to explicitly protect journalists and human rights defenders.
- In 2001, President Jammeh signs the Indemnity (Amendment) Act, which gives him unilateral powers to prevent security forces from being prosecuted for any act committed during a “state of emergency” or as part of a process to quell an “unlawful assembly.”

Recommendations:

Taking stock of the more than two decades of widespread repression and egregious human rights abuses in Gambia, including the developments in the aftermath of the December 30 coup attempt, Robert F. Kennedy Human Rights makes the following recommendations:

United States Government

1. Restrict travel and ban individuals responsible for corruption and grave human rights abuses from obtaining visas to the United States and from participating in U.S.-funded programs.
2. Begin an investigation into President Jammeh, his immediate family members, and senior officials in his government for misuse of public funds. Among other available options, the U.S. government should use the Kleptocracy Asset Recovery Initiative to combat foreign official corruption and to recover public funds for their intended and proper use. For instance, the U.S. government should investigate the \$3.5 million dollar home owned by the Jammeh family in Potomac, Maryland.
3. Review all foreign assistance to The Gambia, ensuring effectiveness of aid and non-discrimination in its disbursement. In particular, redirect any humanitarian programs implemented through the government benefitting Gambian citizens to third party implementers, while ensuring consistency of service to beneficiaries.
4. Restrict any and all programs that solely benefit the Government of The Gambia, particularly military assistance, including, but not limited to:
 - a. International Military Education and Training Program
 - b. Africa Partnership Station (APS)
 - c. Africa Maritime Law Enforcement Program (AMLEP)
 - d. Africa Endeavor (AFRICOM)
 - e. Counterterrorism Fellowship Program (CTFP)
 - f. Defense HIV/AIDS Prevention Program (DHAPP)
 - g. Africa Center for Strategic Studies (ACSS)
 - h. Counternarcotics Terrorism Program (CTP)
 - i. ACOTA Regional Exercise

African Union

1. The ACHPR should request a site visit to Gambia, including direct and private access to Mile 2 Maximum Security Prison and other places of detention, and present a report of their findings to the African Union.
2. The ACHPR Committee for the Prevention of Torture should request that the Gambian Government allow the Committee to aid in facilitating the implementation of the Robben Island Guidelines, which provides guidance for African states on how to implement the provisions of the African Charter on the prohibition and prevention of torture, as well as

providing redress for victims.

3. The ACHPR Special Rapporteurs on a) Prisons and Conditions of Detention, b) Death Penalty and Extra-Judicial, Summary or Arbitrary Killings in Africa, c) Freedom of Expression and Access to Information, and d) Human Rights Defenders should immediately and publicly denounce the current wave of human rights abuses taking place in Gambia, including the ongoing incommunicado detention and torture of LGBT people, family members of those critical of the government, and human rights defenders.

United Nations

1. The Human Rights Council should appoint a Special Rapporteur on the situation of human rights in The Gambia to closely monitor and provide recommendations on the human rights situation in the country, thereafter submitting a report to the Human Rights Council for its consideration.
2. The UN Secretary-General should issue a public statement condemning the increasingly repressive measures implemented by the government of Gambia. The Secretary-General should demand that human rights violations immediately cease, and urge the government to adopt safeguards so that full enjoyment of basic human rights is guaranteed. In addition, the Secretary-General should call on the Gambian government to allow special procedures mandate-holders to visit the country.
3. The High Commissioner for Human Rights should request a site visit to Gambia, which should include meetings with government authorities and members of civil society, as well as access to detention facilities. The findings of the visit should also be made public.
4. The UN Resident Coordinator for The Gambia should request the deployment of a Human Rights Advisor under the framework of the United Nations Development Group (UNDG) Human Rights Mainstreaming Mechanism (UNDG-HRM). The Advisor should provide support and assist the UN Country team to integrate human rights into their programming and be available to provide advice to government authorities on the promotion and protection of human rights.

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