

THE GAMBIA

1. PRESENTATION¹

Basic Facts ²	
Name of Country	Republic of The Gambia (The Gambia)
Capital	Banjul
Population	11,300 sq km (July 2006)
Area	236,040 sq km
Average Life Expectancy	56.03 (2006 estimate)
Ethnic Groups	Mandinka 42%, Fula 18%, Wolof 16%, Jola 10%, Serahuli 9%, Other African 4%, Other non-African 1%
GDP per capita, PPP	\$1,900 (2005 est.)

Community of Democracies	
Previous Participation	Warsaw 2000: Not Invited Seoul 2002: Not Invited Santiago 2005: Observer

Timeline of Recent Major Events³

- **1994** – President Dadwa Jawara ousted in coup led by Lieutenant Yahya Jammeh.
- **1996** – New multiparty constitution promulgated, though three major political parties remain prohibited from taking part in elections; Jammeh elected president.
- **2001** – President Jammeh lifts the ban on the political parties overthrown in the 1994 military coup; Jammeh wins a second term.
- **2002** January – Ruling Alliance for Patriotic Reorientation and Construction wins parliamentary elections boycotted by the opposition.
- **2004** December – New press law provides for the jailing of journalists found guilty of libel and sedition. Prominent law critic Deyda Hydera is shot dead.
- **2005** March – Ministers and civil servants are sacked and more than 30 senior officials arrested over corruption allegations.
- **2005** November – Government announces the arrest of three opposition leaders for alleged involvement in "subversive activities" ahead of impending elections.
- **2006** March – Alleged military coup foiled. Eight people are charged.
- **2006** June – US Congress cancels The Gambia's Millennium Challenge Account eligibility citing deterioration in human rights abuses, political rights, civil liberties and press freedom.
- **2006** July – The head of the independent electoral commission, Ndoni Njai, is sacked. Opposition complains illegal voting registrations.
- **2006** September: President Jammeh wins a third term.

¹ Principal author: Center for Democratic Development - Ghana

² Source: CIA World Factbook at <http://www.cia.gov/cia/publications/factbook/index.html>, accessed on 20 September 2006.

³ "Timeline: The Gambia" mostly at http://news.bbc.co.uk/2/hi/africa/country_profiles/1032207.stm.

THE GAMBIA

2. BACKGROUND

Although The Gambia has been relatively stable since current President Yahya Jammeh attained power in a bloodless coup in 1994, his regime has a very negative democratic record and has failed to deliver better living conditions to the population of this small Western African country surrounded by Senegal. President Jammeh restored civilian rule in 1996, promulgating a constitution that allowed some parties to exist but still banned three major political parties. Despite originally promising to stay in power for no longer than two years, until completing the democratic transition, successive elections held in 1996, 2001 and 2006 have maintained Jammeh in power through a mix of both public support and tight control of the state apparatus. In all three polls the transparency and fairness of the electoral process was questioned by international observers and the opposition. President Jammeh was re-elected on 22 September, 2006 with 67.3% of the vote.

2006 was a tumultuous year for The Gambia, with an attempted coup foiled in March⁴, the jailing of several members of the press throughout the summer, and the prosecution of political leaders in the run-up to the elections. During the last two years the Gambian government has accentuated its attacks on civil liberties under the excuse of preventing national security threats, carrying out a large number of high-profile government and military purges as well⁵. Besides its poor human rights record, the government presided over by Jammeh has also come under criticism for its lack of a sound development strategy, its little investment into social welfare, and its scant assistance to the most vulnerable groups. However, many of the 69% of Gambians living below the poverty line still support President Jammeh as a result of the improvement in the country's infrastructure and his promises to use newly-discovered oil reserves for the benefit of the country. Jammeh has identified "peace and prosperity" as the basis for his government action in the third term he has just inaugurated.

3. ANALYSIS

The Gambian government has been widely criticized by the international community and human rights organizations for its suppression of civil liberties, especially freedom of the press. The tight control of state institutions by the ruling Alliance for Patriotic Reorientation and Construction (APRC) and the impossibility to carry out an effective opposition in a repressive environment where the free media and government criticism are prosecuted make The Gambia a mere formal democracy.

⁴ 'Gambia's coup plotters escape' (5 April 2006), BBC News at <http://news.bbc.co.uk/2/hi/africa/4878734.stm> (Last accessed on 23 September 2006).

⁵ 'Arrests over Gambia coup plot' (28 March 2006), BBC News at <http://news.bbc.co.uk/2/hi/africa/4852190.stm> (Last accessed on 23 September 2006).

THE GAMBIA

Press Freedom

Press freedom is the area where The Gambia shows its worst record as a result of the continued harassment, surveillance and arrest of journalists critical with the government. The situation is so alarming that Reporters Without Borders (RSF) has described in 2006 press freedom in The Gambia as "catastrophic"⁶.

The administration of President Jammeh has generally conducted state policies regarding media freedom without respect for the 1997 constitution that, in theory, guarantees freedom of expression. Legislation introduced in 2002 and 2004 has created a hostile environment for the press. The 2002 media law restricted the ability of independent media to function by creating a government-controlled commission with wide-ranging powers, from issuing licences to jailing journalists⁷. Though the Parliament disbanded the media commission in December 2005, it passed two additional gag laws the following day making all press offences punishable by imprisonment⁸. These additional laws complemented another broader press law introduced in December 2004 which not only contemplated jail terms without option of a fine for journalists found guilty of libel or sedition, but also further restricted the ability of privately-owned media to operate by increasing media registration fees five-fold, a huge cost for the struggling independent publishers. The passing of the 2004 media law coincided with the assassination of one of its most vociferous opponents, Deyda Hydera, the prominent editor of the private newspaper *The Point*.

Harassment of the remaining independent press has only increased prior to the September 2006 presidential election, following multiple cases of arrests, threats, arson attacks, and official raids on independent media sources documented throughout 2005. The bi-weekly *The Independent* has been closed during the whole campaign, following a police raid in March, while the National Intelligence Agency (NIA) has detained without charges two former staff members of the pro-government *Daily Observer*, Malick Mboob and Chief Ebrima B. Manneh. The whereabouts of Chief Manneh is still not known. Since May 2006, many other journalists have either been arbitrarily detained or forced to hide or flee the country during the summer⁹. Other actions against the independent press included the burning of radio stations, the physical assault of a female journalist, and the arrest and sacking just two weeks before the election of state television journalist Dodou Sanneh, accused of covering the election campaigns of the opposition United Democratic Party (UDP), National Reconciliation Party (NRP), and the Gambia People's Democratic Party Alliance¹⁰. Dodou Sanneh was reinstated and sacked again. No official reason was given for his sacking. Most important, attacks on the media enjoy impunity and, presumably, the tacit support of President Jammeh. As stated by Madi Ceesay, president

⁶ Reporter Without Borders, *Annual Report 2006*.

⁷ Freedom House, *Freedom in the World 2006*.

⁸ Freedom House, *Freedom of the Press 2006*.

⁹ 'Gambia: No end in sight for abuse of press freedom (27 September 2006), Pambazuka News, at <http://www.pambazuka.org/en/category/media/37375> (Last accessed on 2 October 2006).

¹⁰ 'Gambia: Journalist Dodou Sanneh arrested' (26 September 2006), Pambazuka News, at <http://www.pambazuka.org/en/category/media/37283> (Last accessed on 2 October 2006).

THE GAMBIA

of the Gambia Press Union and himself a victim of 22 days of detention in March 2006, "not a single person has been arrested for these actions, so journalists do not feel safe"¹¹.

Besides attacks on the independent media, press freedom in The Gambia is also limited by the broad control by the government of most media outlets. Among others, the government owns a daily newspaper, a national radio station, and the only national television station, all of which favour the Jammeh regime in their news coverage. Although foreign publications and broadcasts are available, internet use remains restricted. It is difficult in most cases, for example, to access the Freedom Newspaper, a paper critical of government, online from The Gambia. Not long ago subscribers to this online paper were named in local papers as 'informants' Some of them were arrested and detained for periods longer than the 72-hour limit stipulated in the Gambian Constitution. A former parliamentarian, Duta Kamaso who was identified as one of the so-called informants lost her seat and was detained without trial for months.¹²

Some institutions have pointed out the direct impact the absence of a free, critical media has on corruption. The World Bank Institute has highlighted that the significant decline in press freedom is affecting public accountability, hence contributing to the booming of corruption in the country despite the alleged anticorruption efforts carried out by the government¹³. The Gambia was ranked out 103 of 159 countries surveyed in Transparency International's 2005 Corruption Perceptions Index¹⁴.

Political Rights and Elections

The Gambian president is both chief of state and head of government, elected by popular vote for a five-year term and with no limit in the number of terms that can be sought. The legislature is composed of a 53-seat unicameral National Assembly whose members serve for five years; 48 of them are elected by popular vote, and 5 are directly appointed by the president. The constitution proclaims the independence of the judiciary, composed of a Supreme Court, a court of appeal, high courts, and eight magistrate courts.

According to Freedom House, The Gambia's political rights rating in the Freedom in the World 2006 index declined from 4 to 5 due to the failure to allow the opportunity for a rotation of power in the lead-up to elections in 2006¹⁵. Although formally Gambia is a multi-party democracy, President Jammeh's tight control over state resources and his use of government institutions to attack opposition activists and curtail political participation makes The Gambia a repressive country far away from fulfilling minimum democratic standards.

¹¹ 'Gambia's struggle to embrace democracy' (20 September 2006), BBC News, at <http://news.bbc.co.uk/2/hi/africa/5365256.stm> (Last accessed on 28 September 2006).

¹² Op.Cit. Freedom of the Press 2006.

¹³ 'US cuts aid to Gambia over dictatorship tendencies' (21 June 2006), Afrol News, at <http://www.afrol.com/articles/20059> (Last accessed on 26 September 2006).

¹⁴ Transparency International, *Corruption Perception Index 2005*.

¹⁵ Op. cit. Freedom in the World 2006.

THE GAMBIA

Soon after losing the 22 September election, main opposition leader Oussainou Darboe rejected the results, arguing widespread intimidation of opposition forces throughout the electoral process¹⁶. The Commonwealth observer mission to The Gambian election has supported such claim and, despite characterizing the actual voting as well organised and relatively fair, it has made clear that wrongdoing and abuse of the state apparatus by the ruling APRC in the election run-up might have affected the outcome of the poll. In particular, the Commonwealth called attention on the effect of “open demonstration of support by public officers for a particular party, especially those in the security services”¹⁷. Some media reports have denounced cash payments and tax breaks payments as illegal mechanisms used by the APRC in many rural areas in order to obtain votes¹⁸. The sacking in July of Ndoni Njai, head of the Independent Electoral Commission (IEC), also gives credibility to opposition complaints over IEC’s partiality and accusations of illegal voters registration and census fraud¹⁹.

Harassment and illegal detention of opposition figures was at its most blatant in November 2005, when three opposition leaders - Hamat Bah of the National Reconciliation Party, Omar Jallow of the People's Progressive Party, and Halifa Sallah of the People's Democratic Organization for Independence and Socialism - were arrested for alleged "subversive activities" posing a threat to national security. These detentions followed the strong showing made by their parties in the October 2005 parliamentary by-elections, united together with the United Democratic Party under the so-called National Alliance for Development and Democracy coalition. The direct mediation of Nigerian President Olusegun Obasanjo was needed in order to release all three politicians²⁰.

An alleged foiled plot to overthrow the government discovered in March 2006 was also used by the Jammeh administration to strengthen repression and limit political liberties in the months immediately prior to the September 2006 election. According to Freedom House, freedom of assembly is not always respected, with security forces often cracking down violently on demonstrators and assemblers.²¹

¹⁶ ‘Gambian opposition claims fraud’ (25 September 2006), BBC News, at

<http://news.bbc.co.uk/2/hi/africa/5377448.stm> (Last accessed on 28 September 2006).

¹⁷ Commonwealth Observer Group, *Report on The Gambia Presidential Election 2006*. Also:

‘Commonwealth cries foul as Jammeh wins landslide victory’ (25 September 2006), Irin News, at

http://www.irinnews.org/report.asp?ReportID=55712&SelectRegion=West_Africa&SelectCountry=GAMBIA (Last accessed on 28 September 2006).

¹⁸ ‘Civil liberties under fire in election run-up’ (7 July 2006), Irin News, at

http://www.irinnews.org/report.asp?ReportID=54471&SelectRegion=West_Africa&SelectCountry=GAMBIA (Last accessed on 27 September 2007).

¹⁹ ‘Anger at Gambia poll head sacking’ (19 July 2006), BBC News, at

<http://news.bbc.co.uk/2/hi/africa/5193916.stm> (Last accessed on 25 September 2006). Also:

‘Murky voter registration mars election run-up’ (12 September 2006), Irin News, at

http://www.irinnews.org/report.asp?ReportID=55526&SelectRegion=West_Africa&SelectCountry=GAMBIA (Last accessed on 25 September 2006).

²⁰ Op. cit. Freedom in the World 2006.

²¹ Ibid.

THE GAMBIA

Rule of Law

The Gambian judiciary, which recognizes customary, Shari'a (Islamic law), and general law, has demonstrated a considerable level of independence from the government. However, lower courts operated by local chiefs at the village level called District Tribunals are more vulnerable to executive influence and higher levels of corruption and bribery. Most of these tribunals are headed by chiefs who are appointed by the President and they openly show their loyalty to him and his party. A large number of judges from Nigeria, Ghana, and other African countries have been brought to The Gambia, and they tend to operate fairly and vigorously²².

The main challenge in the application of the rule of law is the lack of resources, which sometimes can limit the right to due process and results in lengthy pre-trial detention—up to nine years in certain cases recorded²³.

Other civil liberties and freedoms

The Gambian government generally respects freedom of religion, academic freedom, and the free operation in the country of human rights groups and other nongovernmental organizations²⁴. Nevertheless, other basic civil liberties are restricted, particularly through the impunity the security forces enjoy at arbitrarily detaining not only journalists and politicians, but also other private citizens suspected of being hostile to the government and its interests. A 1995 decree allows the National Intelligence Agency (NIA) to cite "state security" to "search, arrest, or detain any person, or seize, impound, or search any vessel, equipment, plant, or property without a warrant." In such cases, the right to seek a writ of habeas corpus is suspended²⁵. This provision has been used and abused by the state forces to carry out arbitrary detentions "in the interest of national security", many of which have also incurred in incommunicado detention, prolonged pre-trial detention and the mistreatment of detainees, with some cases of torture being reported.

The abuses committed by the country's security forces under the 1995 decree have been further encouraged by the impunity they enjoy thanks to a 2001 law giving them amnesty "for any fact, matter or omission to act, or things done or purported to have been done during any unlawful assembly, public disturbance, riotous situation or period of public emergency". Reprisal fears explain that despite the many cases of torture and abuse reported, victims do not legally prosecute public security forces or file formal complaints against them²⁶. In particular, certain elements of the security forces are suspected to have engaged in human rights abuses and torture episodes acting independently and outside of government authority. Among others, there are unsubstantiated claims that the government has been engaged in the training of

²² Ibid.

²³ U.S. State Department, *The Gambia: Country Report on Human Rights Practices*, April 2006.

²⁴ Ibid.

²⁵ Op. cit. Freedom in the World 2006.

²⁶ Ibid.

THE GAMBIA

paramilitary groups known as "green boys," suspected of carrying out past human rights offences²⁷.

Gender Issues

Although the government is addressing religious and traditional obstacles to the advancement of women, this sector of the population still confronts a difficult situation, many of its rights being limited, particularly in rural areas. The government has made some progress by waiving school fees for girls and incorporating women into senior government posts²⁸. However, little has been done on reviewing Sharia provisions on family law and inheritance that restrict women's rights, or at passing legislation prohibiting domestic violence and sexual harassment. Equally, despite the government support for women's groups working on eliminating female genital mutilation, the practice has not been banned and is still widely practised, with an estimate of between 60 and 90 percent of Gambian women undergoing it²⁹.

4. SUGGESTIONS FOR IMPROVEMENT

The Gambia has come a long way in its democratic development effort. Unfortunately, it has faltered in the area of civil and political liberties, with the recent elections held in September 2006 showing President Jammeh's preference for reinforcing his autocratic rule rather than fostering a truly democratic system. Notable setbacks in press freedom, where government critics are systematically imprisoned and threatened, make the germination of a viable system of checks and balances impossible. The press conference given by President Jammeh on 26 September, following his re-election, suggests that the situation will only worsen during his third term in office. Responding to international criticism over his crack down on the independent media during the last year, the President asserted that "the world can go to hell. If I want to ban any newspaper, I will, with good reason"³⁰.

The run-up to the election has also shown the limited scope of political freedom in The Gambia, with a campaign plagued by cases of opposition harassment and incarceration, accusations of the IEC's lack of independence, and the mobilization of state resources and institutions to favour the ruling party. Moreover, the absence of a free information environment has certainly diminished the ability of the opposition to reach out to the electorate.

The dramatic clampdown on press freedom means that independent scrutiny is in short supply in the Gambia. This is the area where the government needs to show serious improvement if it wishes to regain a future invitation status at any Community of Democracies Ministerial. In the short term, all jailed and prosecuted journalists should be

²⁷ Op. Cit. State Department Report 2006.

²⁸ Op. cit. Freedom in the World 2006.

²⁹ Op. Cit. State Department Report 2006.

³⁰ Op.Cit. Pambazuka News: 'Gambia: No end in sight for abuse of press freedom'.

THE GAMBIA

granted the right to carry out their daily activity without being subjected to threats, pressure or extortion. An in-depth revision of the press laws is also needed in order to reverse the draconian measures that leave journalists defenceless against prosecution by the government under unfounded, politically-motivated accusations. Such revision should also lower the excessively expensive requirements preventing the flourishing of more independent media outlets.

More needs to be done to ensure the implementation of political rights, too. The Gambian government must start implementing an effective separation between the ruling party and state institutions, refraining from using the latter in order to advance its electoral interests in future elections. At the same time, President Jammeh should voluntarily step down at the end of his third mandate, prompting within the next five years the passing of legislation that limits the number of terms future presidents can stay in office.

With regard to the rule of law and the respect of civil liberties, it is imperative that the impunity enjoyed by security forces under current legislation is somehow reversed, favouring more effective accountability mechanisms that could help consolidate some of the important advances The Gambia has already achieved in certain human rights areas.

The international community can play a leading role in pressing the Gambian government in the right direction. The suspension of the Millennium Challenge Account financial support for The Gambia is not only a difficult set back for a government very dependent on foreign aid, but also weakens its stand within the African community of states. Through an adequate mixture of incentives and reprisals, the African Union in particular can be a key actor at helping The Gambia to open the political space for genuine multiparty competition and nurturing a free, independent media. Despite Jammeh's nationalist rhetoric, a tiny country like The Gambia can do little without the outside world; neither can its government survive for too long down the wrong path if the international community exerts the right type of pressure and engagement tools.

5. COUNTRY STATISTICS AND INDICATORS

World Bank Institute Governance Indicators 2005	Gambia Score	Key
Voice and Accountability	28.0	Range 0-100 (Lower value indicates weak voice and accountability; higher value indicates strong voice and account)
Political Stability and Absence of Violence	51.4	Range 0-100 (Lower value indicates weak political stability and high violence; higher value indicates opposite)
Government Effectiveness	31.1	Range 0-100 (Lower value indicates weak government effectiveness; higher value indicates strong govt. effectiveness)
Regulatory Quality	38.6	Range 0-100 (Lower value indicates weak regulatory quality; higher value indicates strong regulatory quality)
Rule of Law	45.9	Range 0-100 (Lower value indicates weak rule of law; higher value indicates strong rule of law)
Control of Corruption	30.0	Range 0-100 (Lower value indicates weak control of

THE GAMBIA

		corruption; higher value indicates strong control of corruption)
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Freedom House: Freedom in the World 2007	Gambia Score	Key
Political Rights	5	Range 1-7 (Lower value indicates good system of political rights; higher value indicates bad system political rights)
Civil Liberties	4	Range 1-7 (Lower value indicates good system of civil liberties; higher value indicates bad system civil liberties)
Status	PF	3 Categories: F (Free); PF (Partly Free); NF (Not Free) / (*) Indicates electoral system

Freedom House: Freedom of the Press 2006	Gambia Score	Key
Total Score	73NF	Range 0-100 (Lower value indicates total free press; higher value indicates less freedom) / 3 Categories: F (Free); PF (Partly Free); NF (Not Free)

Corruption Perceptions Index 2005	Gambia Score	Key
Total Score	2.5	Range 0-10 (lower value indicates high corruption; higher value indicates lower values of corruption)

6. SOURCES

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THE GAMBIA

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