



Home Office

# **Country Information and Guidance**

## **Gambia: opposition to the government**

Version 1.0

December 2015

# Contents

<b>Contents</b> .....	<b>2</b>
<b>Preface</b> .....	<b>3</b>
<b>Guidance</b> .....	<b>4</b>
1. Introduction .....	4
1.1 Basis of claim .....	4
1.2 Other points to note.....	4
2. Consideration of Issues.....	4
2.1 Is the person’s account credible? .....	4
2.2 Is the person at risk of persecution or serious harm? .....	4
Political opposition .....	4
Journalists .....	5
2.3 Human rights activists / NGO workers.....	5
2.4 Is the person able to seek effective protection? .....	5
2.5 Is the person able to internally relocate?.....	6
2.6 If refused, is the claim likely to be certifiable as ‘clearly unfounded’? .....	6
<b>Country Information</b> .....	<b>7</b>
3. Overview .....	7
4. Political opponents .....	7
5. Journalists / media workers.....	12
5.1 Laws on freedom of expression.....	12
5.2 Treatment by state .....	14
5.3 Internet users .....	16
6. Human rights activists .....	17
<b>Version Control and Contacts</b> .....	<b>20</b>

# Preface

This document provides country of origin information (COI) and guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained within this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

## Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), dated July 2012.

## Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please [e-mail us](#).

## Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

IAGCI may be contacted at:

Independent Chief Inspector of Borders and Immigration,

5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN.

Email: [chiefinspectorukba@icinspector.gsi.gov.uk](mailto:chiefinspectorukba@icinspector.gsi.gov.uk)

Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

# Guidance

Updated 15 December 2015

## 1. Introduction

### 1.1 Basis of claim

1.1.1 Fear of persecution or serious harm by the state because of a person's actual or perceived opposition to the government.

### 1.2 Other points to note

1.2.1 Where a claim falls to be refused, it must be considered for certification under section 94 of the Nationality, Immigration and Asylum Act 2002 as Gambia is listed in respect of men only as a designated state.

[Back to Contents](#)

## 2. Consideration of Issues

### 2.1 Is the person's account credible?

2.1.1 For further guidance on assessing credibility, see sections 4 and 5 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.1.2 Decision makers must also check if there has been a previous UK visa or other application for leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

[Back to Contents](#)

### 2.2 Is the person at risk of persecution or serious harm?

#### Political opposition

2.2.1 President Jammu's party, the Alliance for Patriotic Reorientation and Construction (APRC), continues to dominate the political landscape, exercising a repressive State apparatus instilling fear in civil society. Although the president of Gambia is meant to be elected by popular vote, recent elections in 2012 and 2013 have not been free or fair. There are seven opposition political parties which continue to operate in the country, however six have of these have boycotted recent national and local government elections in protest against the state's fraudulent election and owing to state led intimidation. Opposition party members are often obstructed in political canvassing and face the possibility of arbitrary arrest and detention. See [political opponents](#).

2.2.2 Individuals who publicly or privately criticized the government or the president can risk government reprisal. Some members of the political opposition have been subject to arrest and incommunicado detention, however most of these were the government's most vocal critics, senior figures in the opposition parties and those accused of involvement in an

unsuccessful armed coup in December 2014. Family members of alleged coup plotters have also been detained by state authorities.

- 2.2.3 Decision makers must consider whether a person's activities and profile will have brought them to the adverse attention of the authorities. If a political opponent can show that they are perceived by the government to be involved in political activities which are critical of the government and have a sufficiently high profile to have come to their adverse attention then they may be at risk of persecution.

### [Journalists](#)

- 2.2.4 Successive legislation has been passed in recent years restricting the right to freedom of expression. Private media outlets reportedly practiced self-censorship due to fear of reprisal from the government, including arbitrary arrest, intimidation and detention. Laws on sedition allow the government to silence dissidence and independent journalists are subject to harassment, arrest and violence. Independent journalists are regularly arrested and detained on superficial charges.
- 2.2.5 Each case must be considered on its individual merits, but if a journalist can show that they do not work for a government media outlet and have a critical voice that has come to the attention of the authorities then they may be at risk of persecution. See [Journalists](#).
- 2.2.6 For further guidance on assessing claims on grounds of political opinion, including consideration of the right to express or not express, or to openly hold a political opinion, see section 7 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

### [2.3 Human rights activists / NGO workers](#)

- 2.3.1 Some human rights activists who have (or have been perceived to have) criticised the government are at risk of being harassed, arrested, detained, intimidated and ill-treated by state agents. Reports note they have faced torture and enforced disappearance. See [human rights activists](#).
- 2.3.2 Each case must be considered on its individual merits, with the onus on the person to demonstrate that their profile and activities will bring them to the adverse attention of the authorities. Where a person can demonstrate that their profile and activities have brought or will bring to them to the adverse attention of the government, then they may be likely to be at risk of serious harm or persecution.
- 2.3.3 For further information on assessing risk and factors to consider, see section 6 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

### [2.4 Is the person able to seek effective protection?](#)

- 2.4.1 As the person's fear is of persecution or serious harm at the hands of the state they would not be able to avail themselves of the protection of the authorities.

- 2.4.2 For further information on assessing the availability or not of state protection, see section 8.1 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

## 2.5 Is the person able to internally relocate?

- 2.5.1 As the person's fear is of persecution or serious harm at the hands of the state they would not be able to relocate to escape that risk.
- 2.5.2 For further information on considering internal relocation, see section 8.2 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

## 2.6 If refused, is the claim likely to be certifiable as 'clearly unfounded'?

- 2.6.1 Where a claim falls to be refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.6.2 For further information on certification, see the [Asylum Instruction on Non-Suspensive Appeals: Certification Under Section 94 of the NIA Act 2002](#).

[Back to Contents](#)

# Country Information

Updated 15 December 2015

## 3. Overview

- 3.1.1 The UN Human Rights Council Special Rapporteur on extrajudicial, summary or arbitrary executions who conducted an official visit to Gambia from 3 to 7 November 2014 noted in a report dated 11 May 2015:

'The country is characterized by disregard for the rule of law, infringements of civil liberties and the existence of a repressive State apparatus. ... The activities of civil society organizations are closely monitored by the executive. The Special Rapporteur encountered many manifestations of fear and frustration in civil society, with reports of rampant State led violence, persecution of the media and critical voices, and impunity for human rights violations...

'Human rights defenders, journalists and political opponents are systematically targeted by security agencies and are subjected to arbitrary arrest, detention, torture, enforced disappearance and extrajudicial execution, particularly at the hands of the National Intelligence Agency. Death threats and intimidation against them are also rampant, including from the President himself, who in 2009 threatened to kill anyone who sought to sabotage his Government — in particular human rights defenders and those who support them. These groups of people are also subject to prosecution on charges of sedition, libel and disturbance of public order, under sections 51, 178 and 167 of the Criminal Code, as well as on charges of "false information" and other online offences under the 2013 Information and Communication Act.'<sup>1</sup>

## 4. Political opponents

- 4.1.1 The Freedom House report of 10 July 2015, Freedom in the World 2015 - Gambia, gave an overview of the political situation:

- 4.1.2 'The president is elected by popular vote and is eligible for an unlimited number of five-year terms. Elections are violent and rigged. In the run-up to the 2011 presidential polls, the Independent Electoral Commission – controlled by the ruling party – failed to share the electoral register with opposition parties, shortened the campaign period, and hampered opposition party campaigns. [Yahya] Jammeh secured his fourth presidential term with 72 percent of the vote; opposition parties rejected the results as fraudulent and there was outcry from the international community...

'On December 30, 2014, a group of former soldiers launched an armed coup, which ultimately failed, while Jammeh was traveling abroad. As of December 31, three suspects were killed, including Lamin Sanneh, whom the authorities identified as the ringleader. Jammeh rejected claims that the attack was a coup attempt and instead blamed it on "terrorist groups backed by some foreign powers." Such statements fueled concerns by human rights groups

---

<sup>1</sup> UN Human Rights Council Special Rapporteur Report on extrajudicial, summary or arbitrary executions 3 to 7 November 2014, 11 May 2015. Paragraphs 10 and 77 <http://www.ohchr.org/EN/countries/AfricaRegion/Pages/GMIndex.aspx> Accessed 10 August 2015

that the incident could be used to justify a renewed crackdown on political opponents.’<sup>2</sup>

#### 4.1.3 The report continued:

‘Jammeh and his APRC [Alliance for Patriotic Reorientation and Construction] dominate the political landscape, while security forces continue to repress opposition. Throughout 2014, members of the opposition United Democratic Party (UDP) were faced with increased harassment, detention, and arrest. The government consistently denied opposition requests to hold rallies. After fleeing the country in 2012 for fear of his life, Dodou Kassa Jatta – who had run as an independent in the 2012 legislative elections – remained in exile. At the end of 2014, Malang Fatty (a political opponent seeking asylum abroad), Amadou Sanneh (national treasurer of the UDP), and Fatty's brother, who asked Sanneh to write a letter promoting Fatty's case for asylum, remained imprisoned. The men were allegedly tortured, having been sentenced to five years in prison for sedition in December 2013.’<sup>3</sup>

#### 4.1.4 The United States Department of State, ‘2014 Country Reports on Human Rights Practices - The Gambia’ (2014 USSD report), published 25 June 2015 noted:

‘In 2011 voters re-elected President Alhaji Yahya Jammeh to a fourth term in a peaceful, orderly election; however, international observers considered it neither free nor fair. President Jammeh’s party, the Alliance for Patriotic Reorientation and Construction (APRC), continued to dominate the political landscape, winning an overwhelming majority of National Assembly seats in the parliamentary elections in 2012 and in the local government elections held in April 2013. Six of the seven opposition parties boycotted or otherwise did not participate in both the national assembly and local government elections to protest government intervention and intimidation of opponents... A failed coup on December 30 [2014] resulted in the arrest of individuals suspected of participating in the coup as well as family members of alleged coup plotters. Security forces reportedly killed three coup plotters during the coup attempt.

‘The most serious human rights problems in the country included torture, arrest, detention, and sometimes enforced disappearance of citizens, and government harassment and abuse of its critics. Government officials routinely used various methods of intimidation to retain power.’<sup>4</sup>

#### 4.1.5 The report also noted that:

‘In 2012 voters elected members of the National Assembly. Six of the seven opposition parties boycotted the poll after the Independent Electoral Commission refused to accept the demands they had submitted, including for a postponement of the election. President Jammeh’s party, the APRC, won 43

---

<sup>2</sup> Freedom House, Freedom in the World 2015 - Gambia, The, 10 July 2015, available at: <http://www.refworld.org/docid/55a6447c3b.html> Accessed 27 July 2015

<sup>3</sup> Freedom House, Freedom in the World 2015 - Gambia, The, 10 July 2015, available at: <http://www.refworld.org/docid/55a6447c3b.html> Accessed 27 July 2015

<sup>4</sup>The United States Department of State, ‘2014 Country Reports on Human Rights Practices - The Gambia’, published 25 June 2015 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236362#wrapper> (Executive Summary) Accessed 3 September 2015



seats, the opposition National Reconciliation Party (NRP) one seat, and independent candidates four seats.

'During local elections in April 2013, independent candidates won 10 of the 45 elections in which they competed. The ruling APRC party and the NRP were the only parties that participated. Incumbent Mayor Samba Faal (APRC) lost to independent candidate Abdoulie Bah by a wide margin. In April 2013 the APRC expelled Bah from the party, citing "manners incompatible with the Party's code of conduct." Bah then decided to run as an independent candidate and focused on the poor state of roads in Banjul. In March, Bah and two other independent candidates who had left the APRC earlier were welcomed back to the party.

'... The APRC held 43 of 48 elected seats in the National Assembly and continued to maintain tight control over the political landscape. APRC membership conferred advantages, such as expediting government transactions, facilitating access to certain documents, and securing employment contracts.'<sup>5</sup>

#### 4.1.6 The report also stated:

'During the year there were credible reports the government held civilians based on their political views or associations, and some were held incommunicado for prolonged periods. International and domestic NGOs estimated there were nearly 30 reported political prisoners in detention at year's end. Most were former military personnel accused of involvement in plots to overthrow the government. Authorities held these prisoners in the security wing of Mile 2 Central Prison and on occasion allowed them visits from family members. The government did not allow international human rights organizations regular access to these detainees.'<sup>6</sup>

#### 4.1.7 The USSD also noted: 'There were numerous reports of politically motivated disappearances during the year. A number of persons were reported missing after being arrested by the National Intelligence Agency (NIA)... Observers believed the government monitored citizens engaged in activities that it deemed objectionable... Individuals who publicly or privately criticized the government or the president risked government reprisal... The constitution and law provide for freedom of assembly; however, police systematically refused requests for permission to hold demonstrations, including peaceful ones, and occasionally refused to issue permits to opposition parties wishing to hold political rallies.'<sup>7</sup>

---

<sup>5</sup>The United States Department of State, '2014 Country Reports on Human Rights Practices - The Gambia', section 3, published 25 June 2015  
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236362#wrapper>  
(Executive Summary) Accessed 3 September 2015

<sup>6</sup>The United States Department of State, '2014 Country Reports on Human Rights Practices - The Gambia', section 1e, published 25 June 2015  
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236362#wrapper>  
(Executive Summary) Accessed 3 September 2015

<sup>7</sup>The United States Department of State, '2014 Country Reports on Human Rights Practices - The Gambia', sections 1b, 1f, 2a and 2b, published 25 June 2015  
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236362#wrapper>  
(Executive Summary) Accessed 3 September 2015

4.1.8 The Amnesty International report of 22 July 2015, 'Gambia: Sharp deterioration of human rights in 21st year of President Jammeh's rule', noted:

'The human rights situation in Gambia has deteriorated sharply during President Yahya Jammeh's 21st year in power...[A spokesman said] "A severe backlash following December's failed coup attempt has seen a spike in the numbers of arbitrary arrests and enforced disappearances. In a further worrying step, last Friday [17 July 2015] President Jammeh stated that those on death row should expect to have their sentences carried out." ...Since January 2015, dozens of friends and relatives of people accused of involvement in a coup in December 2014 have been detained incommunicado, while the Government has refused to acknowledge their detention and to provide information on their whereabouts.'

<sup>8</sup>

4.1.9 Human Rights Watch noted in a report dated 27 May 2015 that:

'Gambian authorities have detained incommunicado, depriving them of all contact with the outside world, dozens of friends and relatives of people accused of involvement in a coup attempt since January 2015... The government has refused to acknowledge the whereabouts or even the detention of many of them, effectively holding them outside of the protection of the law. This amounts to enforced disappearance, a serious violation of international law.'

<sup>9</sup>

4.1.10 Article 19 noted in a report dated 2 February 2015 that:

'President Yahya Jammeh's regime has intensified the crackdown on any form of dissent and has increased human rights violations, with indiscriminate arrests of military personnel and civilians assumed to be relatives or family members of people suspected of having taken part in the failed coup d'état on 30 December. It has also driven several people into forced exile.

According to the information received, at least 30 people, the majority of whom are civilians and include 1 male adolescent and 7 women (mothers, a former wife and sisters) were arbitrarily arrested and have been held at secret locations for nearly a month in total violation of the Gambian constitution and the African Charter on Human and Peoples' Rights.'

<sup>10</sup>

4.1.11 In the 'Addendum: Mission to the Gambia' of the July 2015 report (published 16 July 2015), of the Special Rapporteur on extrajudicial, summary or arbitrary executions, it was noted that Gambia had denied access to the Special Rapporteur to enable him to visit detention centres, where the report stated that political prisoners have been tortured. The report also added 'The systematic targeting of human rights defenders, civil society and journalists by

---

<sup>8</sup> Amnesty International, Gambia: Sharp deterioration of human rights in 21st year of President Jammeh's rule, 22 July 2015  
<https://www.amnesty.org/en/latest/news/2015/07/gambiasharpdeteriorationofhuman/> Accessed 27 July 2015

<sup>9</sup> Human Rights Watch, Gambia: Dozens Held Incommunicado, 'Disappeared', 27 May 2015,  
<https://www.hrw.org/news/2015/05/27/gambia-dozens-held-incommunicado-disappeared> Accessed 5 September 2015

<sup>10</sup> Article 19, The Gambia: Families targeted and persecuted after failed coup d'état in the Gambia, 2 February 2015, <https://www.article19.org/resources.php/resource/37839/en/the-gambia:-families-targeted-and-persecuted-after-failed-coup-d%E2%80%99%C3%A9tat-in-the-gambia> Accessed 5 September 2015

the national intelligence agency, including extrajudicial executions, arbitrary arrests, and torture, sustains a climate of fear....In the past 20 years, Gambia has not submitted reports on the implementation of the African Charter on Human and People's Rights, with 10 reports now overdue and has not authorised the ACHPR' visits for fact finding or promotional mission.'<sup>11</sup>

4.1.12 Jane's Sentinel Security Assessment (Internal Affairs), updated 11 May 2015, noted, '[Political] Activists are constantly harassed and subject to intimidation and arbitrary arrest, an example being a one-year sentence to hard labour imposed on United Democratic Party campaign manager Femi Peters for holding a public assembly without approval from the authorities.'<sup>12</sup>

4.1.13 Voice of America reported on 17 April 2015 that:

'Gambia's main opposition leader said security forces...denied him permission to use a public address system to speak to his supporters while touring the country.

'Ousaninu Darbo of the United Democratic Party (UDP) said that under Gambia's current controversial Public Order Act, anyone wanting to use a public address system must first get permission from the police.

'But he said police threw roadblocks in his way when he sought the permission.'<sup>13</sup>

4.1.14 Radio France International (RFI) reported on 26 July 2015 that President Jammeh has used the 21st anniversary of his military coup to grant mass amnesty to over 200 detainees including political prisoners and 30 people who were rounded up after the attempted coup d'état last December. It was reported by Amadou Scattered Janneh, an exiled former information minister and member of the opposition Coalition for Change that: "Many of the people who have been released now are trying to find the quickest way out of the country, because they don't feel secure." Former minister Janneh added that the pardons came with strings attached, warning that anything they do within the next 10 years could land them back in jail. It was also reported that a number of detainees remain in prison, many of whom are United Democratic Party opposition party members, including Amadou Sanneh a senior member of the party.<sup>14</sup>

4.1.15 Amnesty International reporting on the releases commented on 24 July 2015:

'The release of at least 200 prisoners is a welcome step forward for human rights in Gambia, but should go further to release other prisoners of conscience still detained in the country...

---

<sup>11</sup> Article 19, UN HRC: State violence in the Gambia sustains apparatus of censorship, 16 July 2015, available at: <http://www.refworld.org/docid/55b0bafd4.html> Accessed 27 July 2015

<sup>12</sup> Jane's Sentinel Security Assessment, Internal Affairs, 11 May 2015 – subscription site. Accessed 27 July 2015.

<sup>13</sup> Voice of America, Gambia Opposition Leader Cannot Use PA System to Address Supporters, 17 April 2015. <http://www.voanews.com/content/gambia-opposition-denied-permit-too-use-pa-system-to-address-supporters/2723413.html> Accessed 27 April 2015

<sup>14</sup> Radio France International, Recently released detainees fleeing Gambia to avoid re-arrest, 26 July 2015. <http://www.english.rfi.fr/africa/20150726-recently-released-detainees-fleeing-gambia-avoid-re-arrest> Accessed 27 July 2015

'President Yahya Jammeh has this afternoon released at least 200 prisoners, following his promise made during a speech marking his 21 year anniversary in power on Wednesday. These include numerous prisoners jailed for treason, drug offences and corruption, a former director of the National Intelligence Agency, Lamin Bo Badjie, former Justice minister Momodou Lamin Jobarteh and former police chief Ensa Badjie. Many family members of people accused of being involved in December 2014's attempted coup d'état were also released, after nearly six months in detention.

'The release of family members of alleged coup plotters is a welcome move, and one long overdue. The detention of these people for almost six months without charge or contact with their families or lawyers violated international and regional human rights law, as well as Gambia's own constitution...

- 4.1.16 'Yet despite the releases, other political opponents, journalists and prisoners of conscience remain detained, including the national treasurer of the opposition United Democratic Party, Amadou Sanneh, as well as party members Alhagie Sambou Fatty and Malang Fatty. The trio were convicted in December 2013 and are considered by Amnesty International to be prisoners of conscience. Last week, 17 July, the Managing Director of the independent Gambian radio station Teranga FM, Alagie Abdoulaye Ceesay, was arrested for the second time this month. He is being held without any contact with the outside world.'<sup>15</sup>

[Back to Contents](#)

## 5. Journalists / media workers

### 5.1 Laws on freedom of expression

- 5.1.1 Amnesty International noted in their annual report 2014/15, published 25 February 2015, that:

'Successive legislation was passed in recent years restricting the right to freedom of expression.

'In August 2014, the National Assembly passed the Criminal Code (Amendment) Act that introduced the charge "absconding state officials". This could be used to target individuals who expressed dissent and chose to remain outside the country.

'In July 2013, the National Assembly passed the Information and Communication (Amendment) Act, allowing for penalties of up to 15 years' imprisonment and hefty fines for offences including: criticizing government officials online; spreading "false news" about the government or public officials; making derogatory statements against public officials; and inciting dissatisfaction or instigating violence against the government.

'In May 2013, the National Assembly passed the Criminal Code (Amendment) Act, broadening the definition of various offences and imposing harsher punishments for acts of public disorder, such as "hurling abusive insults" or "singing abusive songs", and for giving false information to a public servant.

---

<sup>15</sup> Amnesty International, Gambia: Prisoner release should include all those detained for expressing dissent, 24 July 2015. <https://www.amnesty.org/en/latest/news/2015/07/gambia-prisoner-release-should-include-all-those-detained-for-expressing-dissent/> Accessed 5 August 2015

For example, the Act increased the punishment for providing false information to a public servant from six months' to five years' imprisonment and/or a larger fine.<sup>16</sup>

5.1.2 The 2014 US State Department (USSD) report, published 25 June 2015, noted, 'The constitution and law provide for freedom of speech and press; however, the government restricted these rights. According to a statement issued in 2011 by the Observatory for the Protection of Human Rights Defenders, "the environment for independent and opposition media remained hostile, with numerous obstacles to freedom of expression, including administrative hurdles, arbitrary arrest and detention, intimidation and judicial harassment against journalists, and the closure of media outlets, leading to self-censorship." ... Laws that impose excessive bonds on media institutions also require newspapers to reregister annually and mandate harsh punishment for the publication of so-called false information or undermining constitutional protections. In 2011 President Jammeh warned independent journalists he would "not compromise or sacrifice the peace, security, stability, dignity, and the well-being of Gambians for the sake of freedom of expression." Accusing some journalists of being the "mouthpiece of opposition parties," he vowed to prosecute any journalist who offended him.'<sup>17</sup>

5.1.3 The Freedom House (FH) report of 10 July 2015, Freedom in the World 2015 - Gambia, gave an overview of freedom of expression:

'The government does not respect freedom of the press. Laws on sedition give the authorities discretion in silencing dissent, and independent media outlets and journalists are subject to harassment, arrest, and violence. Amendments to the Information and Communications Act enacted in 2013 imposed harsher penalties – up to 15 years in jail and up to \$82,000 in fines – on people who use the internet to criticize government officials. The 2013 passage of the Criminal Code Amendment Bill increased the punishments for anyone convicted of providing "false information" to a public servant and expanded the definition to include elected officials.'<sup>18</sup>

5.1.4 Freedom House's Press Freedom report of 2014, published 1 December 2014, stated:

'Although Article 25 of the constitution provides for freedom of expression and of the press, the government does not respect these rights in practice. Constitutional protections are undermined by other legislation, primarily the 2004 Newspaper Amendment Act, which expanded the 1944 Newspaper Law to the broadcasting sector and exacerbated the media registration process, extracting excessive bonds to register media institutions and increasing penalties for failing to register. In addition, 2004 and 2005 amendments to an already restrictive criminal code that criminalizes defamation introduced stiffer

---

<sup>16</sup> Amnesty International Report 2014/15, Gambia. 25 February 2015  
<https://www.amnesty.org/en/countries/africa/gambia/report-gambia/> Accessed 5 September 2015

<sup>17</sup> The United States Department of State, '2014 Country Reports on Human Rights Practices - The Gambia', published 25 June 2015  
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236362#wrapper>  
(Section 2a) Accessed 5 September 2015

<sup>18</sup> Freedom House, Freedom in the World 2015 - Gambia, The, 10 July 2015, available at:  
<http://www.refworld.org/docid/55a6447c3b.html> Accessed 27 July 2015



penalties for dissemination of false information, sedition, and libel. In July 2013, the National Assembly amended the 2009 Information and Communications Act in an effort to curtail online reporting. The amendment introduces a 15-year jail term and a fine of 3 million dalasi (\$82,000) for anyone using the internet to spread false news or make derogatory statements, incite dissatisfaction, or instigate violence against the government or public officials. In April, the National Assembly unanimously passed another amendment to the criminal code to classify the president, vice president, ministers, and legislators as public servants and increased penalties against anyone providing false information to a public servant from a sentence of six months in prison and a fine of 500 dalasi (\$14) to five years imprisonment and a fine of 50,000 dalasi (\$1,360).<sup>19</sup>

## 5.2 Treatment by state

5.2.1 Reporters without Borders, in their 2015 World Press Freedom Index rated Gambia at 151<sup>st</sup> out of 180 countries. [1<sup>st</sup> being the most free].<sup>20</sup>

5.2.2 Reporters without Borders noted on 17 July 2015 how President Jammeh spoke of journalists in 2011: "The journalists are less than 1 percent of the population, and if anybody expects me to allow less than 1 percent of the population to destroy 99 percent of the population, you are in the wrong place." And he added: "I don't have an opposition. What we have are people that hate the country, and I will not work with them."<sup>21</sup>

5.2.3 The 2014 USSD report published 25 June 2015 noted:

'Media restrictions tightened during the year, and the government continued to harass and detain journalists. Numerous journalists remained in self-imposed exile due to government threats and harassment.

'The government routinely denied journalists from news outlets perceived to be critical of the government access to public information and excluded them from covering official events at certain venues.'<sup>22</sup>

5.2.4 The same source observed that:

'Private media outlets generally practiced self-censorship due to fear of reprisal by the government, and many refrained from publishing content deemed contrary to the principles of Islam or offensive to other religions and sects. Nevertheless, opposition views regularly appeared in the independent press, and there was frequent criticism of the government in the English-language private press.

---

<sup>19</sup> Freedom House, Press Freedom Report 2014, 1 December 2014, <https://freedomhouse.org/report/freedom-press/2014/gambia> Accessed 5 September 2015

<sup>20</sup> Reporters without Borders, World Press Freedom Index 2015. <http://index.rsf.org/#!/index-details> Accessed 10 August 2015.

<sup>21</sup> Reporters Without Borders, Leaders who publicly threaten journalists, 17 July 2015, [http://en.rsf.org/leaders-who-publicly-threaten-17-07-2015\\_48116.html](http://en.rsf.org/leaders-who-publicly-threaten-17-07-2015_48116.html) Accessed 5 August 2015

<sup>22</sup> The United States Department of State, '2014 Country Reports on Human Rights Practices - The Gambia', published 25 June 2015 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236362#wrapper> (Section 2a) Accessed 5 September 2015

'The 2013 Information and Communication (Amendment) Act created several new offenses for online speech that are punishable by a 15-year prison term and/or a fine of three million dalasi (\$69,600). The act criminalizes spreading false news about the government or public officials, caricatures or making derogatory statements regarding public officials, and inciting dissatisfaction with or instigating violence against the government.

'... The NIA was involved in the arbitrary closure of media outlets and the extrajudicial detention of journalists; however, there were no reports of torture of journalists during the year.'<sup>23</sup>

5.2.5 The FH report of 10 July 2015, Freedom in the World 2015 - Gambia, noted:

'Journalists are often jailed without charge or detained more than the 72 hours allowed by law while their whereabouts are withheld...

'State-run outlets dominate the media landscape. Ownership of private television stations is prohibited, but a small number of privately owned newspapers and radio stations operate. In January, the office of the president lifted a ban on the community radio station Taranga FM and the privately owned English-language Standard newspaper that had been in effect since 2012.

'The government has reportedly blocked access to at least 15 news and opposition websites.'<sup>24</sup>

5.2.6 FH's Press Freedom report of 2014, published 1 December 2014, stated:

'As in past years, journalists were regularly arrested and detained on flimsy and superficial charges in 2013... Despite a 2005 press law that guarantees the right of citizens to obtain information and prohibits censorship, reporters from news outlets that are perceived to be critical of the government are routinely denied access to public information and excluded from official events. There are broad restrictions on any content that is considered contrary to the principles of Islam or offensive to other religions. Media outlets are sometimes fined and journalists are occasionally arrested for disseminating "un-Islamic material," leading to self-censorship... Private media outlets are subject to official pressure, and many have toned down coverage of the opposition. Most businesses avoid advertising with private media outlets for fear of government reprisals.'<sup>25</sup>

5.2.7 Amnesty International (AI) reported on 24 July 2015, that the Managing Director of the independent Gambian radio station Teranga FM, Alagie Abdoulaye Ceesay, was arrested for the second time that month. AI noted that he is being held without any contact with the outside world.<sup>26</sup>

---

<sup>23</sup>The United States Department of State, '2014 Country Reports on Human Rights Practices - The Gambia', published 25 June 2015 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> (overview) Accessed 27 July 2015

<sup>24</sup> Freedom House, Freedom in the World 2015 - Gambia, The, 10 July 2015, available at: <http://www.refworld.org/docid/55a6447c3b.html> Accessed 27 July 2015

<sup>25</sup> Freedom House, Press Freedom Report 2014, 1 December 2014, <https://freedomhouse.org/report/freedom-press/2014/gambia> Accessed 26 August 2015

<sup>26</sup> Amnesty International, Gambia: Prisoner release should include all those detained for expressing dissent, 24 July 2015. <https://www.amnesty.org/en/latest/news/2015/07/gambia-prisoner-release-should-include-all-those-detained-for-expressing-dissent/> Accessed 5 September 2015

5.2.8 Amnesty International also noted in their annual report 2014/15, published 25 February 2015, that:

‘Journalists faced harassment, intimidation, arbitrary arrest and detention for carrying out their legitimate work.

‘Sanna Camara was arrested on 27 June [2014] and charged with publishing false information after writing an article on human trafficking in Gambia for the Standard newspaper. He was denied access to a lawyer or his relatives. He was released on bail the next day and ordered to report to the police headquarters several times per week over several months.’<sup>27</sup>

### 5.3 Internet users

5.3.1 Freedom House’s Press Freedom report of 2014, published 1 December 2014, stated:

‘About 14 percent of the population had access to the internet in 2013. The Gambia’s media landscape includes a substantial number of online news sites and blogs, many of which are based overseas and operated by Gambian expatriates, among them exiled journalists. Government restrictions on the internet include blocking websites that are critical of the government, which limits the diversity of information and viewpoints available to the country’s residents, as well as other information-sharing applications.’<sup>28</sup>

5.3.2 The USSD report observed that:

‘There were few government restrictions on access to the internet or credible reports that the government monitored private online communications without judicial oversight. Internet users, however, reported they could not access the websites of foreign online news blogs such as Freedom Online and occasionally other domestic dissident blogs.

‘In addition, from March to July, the gateway provider blocked voice over internet protocol (VOIP) such as Skype and Viber. Internet Without Borders argued blockage of VOIP services in the country represented a violation of International Telecommunication Union (ITU) standards. The permanent secretary at the Ministry of Information and Communication Infrastructure, Lamin Camara, previously denied the services were blocked. In July the services were restored without public comment from the government.

‘The ITU reported 10.9 percent of individuals in the country used the internet in 2011.’<sup>29</sup>

[Back to Contents](#)

---

<sup>27</sup> Amnesty International Report 2014/15, Gambia. 25 February 2015  
<https://www.amnesty.org/en/countries/africa/gambia/report-gambia/> Accessed 10 August 2015

<sup>28</sup> Freedom House, Press Freedom Report 2014, 1 December 2014,  
<https://freedomhouse.org/report/freedom-press/2014/gambia> Accessed 5 September 2015

<sup>29</sup> The United States Department of State, ‘2014 Country Reports on Human Rights Practices - The Gambia’, published 25 June 2015  
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236362#wrapper>  
(Section 2a) Accessed 5 September 2015



## 6. Human rights activists

6.1.1 Amnesty International noted in their annual report 2014/15, 'Human rights defenders faced harassment, intimidation, arbitrary arrest and detention, torture and enforced disappearance. There were risks of reprisals against Gambians who sought to engage in relation to the UPR [UN Universal Periodic Review] examination on Gambia and ahead of the visit of the UN Special Rapporteurs.'<sup>30</sup>

6.1.2 The 2014 USSD report published 25 June 2015 noted:

'A number of domestic and international human rights groups generally operated despite government restrictions, investigating and publishing their findings on human rights cases. Government officials seldom were cooperative or responsive to their views. According to the 2011 annual report of the Observatory for the Protection of Human Rights Defenders, the legal and institutional environment in the country continued to limit NGOs and human rights monitoring activities. The NGO Decree of 1996 imposes a cumbersome registration process, allows the government to reject valid NGO registration, and requires annual submissions of budgets and work programs. The 2010 decision to place supervision of NGO activities under the Office of the President resulted in increased restrictions. Human rights organizations censored themselves and focused on nonsensitive problems. Several groups expressed concern over detainees held incommunicado, but the government did not respond.

'The government harassed, arrested, and detained human rights workers.'<sup>31</sup>

6.1.3 The Freedom House report of 10 July 2015, Freedom in the World 2015 - Gambia noted that: 'The 2013 amendment to the Information and Communications Act further threatens associational freedoms by formalizing punishments for people "inciting dissatisfaction." Nongovernmental organizations (NGOs) operate in the country but face the constant threat of judicial reprisals and detentions.'<sup>32</sup>

6.1.4 The UN Human Rights Council Special Rapporteur on extrajudicial, summary or arbitrary executions who conducted an official visit to the Gambia from 3 to 7 November 2014 noted in their report dated 11 May 2015:

'The headquarters of the African Commission on Human and Peoples' Rights are, for historical reasons, based in the Gambia. The Commission has an important role to play in the protection of human rights in general and the right to life in particular. To what extent the location of the Commission in the Gambia is conducive to that goal is uncertain. In 2009, the Commission understandably called on the African Union to consider relocating its

---

<sup>30</sup> Amnesty International Report 2014/15, Gambia. 25 February 2015

<https://www.amnesty.org/en/countries/africa/gambia/report-gambia/> Accessed 5 September 2015

<sup>31</sup> The United States Department of State, '2014 Country Reports on Human Rights Practices - The Gambia', published 25 June 2015

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dclid=236362#wrapper> (Section 5) Accessed 5 September 2015

<sup>32</sup> Freedom House, Freedom in the World 2015 - Gambia, The, 10 July 2015, available at: <http://www.refworld.org/docid/55a6447c3b.html> Accessed 27 July 2015

secretariat, following a highly inappropriate public statement by Mr. Jammeh threatening to kill human rights defenders and their supporters.

'In general, it can be said that the Gambia shows little regard for the international bodies to which it belongs — whether those are United Nations or African structures.'<sup>33</sup>

See also [paragraph 3.1.1](#)

6.1.5 The Human Rights Watch report of 14 April 2015, 'Too Small to Care in Gambia?' stated,

'Gambian nongovernmental organizations and international human rights groups have both documented a laundry list of serious and systemic human rights abuses in the country. Gambian authorities have routinely targeted voices of dissent, including... human rights defenders.' The report went on to note, 'In December [2014], Gambia was dropped from the African Growth and Opportunity Act—a duty-free trade program for African imports to the United States—joining Swaziland and South Sudan, the only other countries to have been kicked out after repeatedly failing to make progress on basic human rights benchmarks.'<sup>34</sup>

## 7. Torture & ill treatment at the hands of state authorities

7.1.1 Human Rights Watch state that:

'Forced disappearances, arbitrary detention, torture, and other human rights violations continue under the government of President Yaya Jammeh, who came to power in a military coup in 1994. ... In November 2014, two UN special rapporteurs gained access to the country for the first time and issued a report that found that "torture is a consistent practice" by authorities and "avoiding arrest is a necessary preoccupation" for ordinary Gambians.'<sup>35</sup>

7.1.2 The UN Human Rights Council Special Rapporteur on extrajudicial, summary or arbitrary executions who conducted an official visit to the Gambia from 3 to 7 November 2014 noted in their report dated 11 May 2015:

'The death penalty was abolished in the Gambia in 1993 but was reinstated by the administration of Mr. Jammeh in 1995... After 27 years of no executions, Mr. Jammeh announced in August 2012 that all existing death sentences would be carried out...

'The Special Rapporteur received reports about the inadequate conditions of detention of death row prisoners, who are held in the security wing of Mile 2 Prison in solitary confinement, and in small, dark and poorly ventilated cells. In addition, numerous reports, including from former inmates interviewed by the Special Rapporteur, indicate that they are denied visits from their legal

---

<sup>33</sup> UN Human Rights Council Special Rapporteur Report on extrajudicial, summary or arbitrary executions 3 to 7 November 2014, 11 May 2015. Paragraphs 16 and 17 <http://www.ohchr.org/EN/countries/AfricaRegion/Pages/GMIndex.aspx> Accessed 10 August 2015

<sup>34</sup> Human Rights Watch, Too Small to Care in Gambia?, 14 April 2015. <https://www.hrw.org/news/2015/04/14/too-small-care-gambia> Accessed 10 August 2015

<sup>35</sup> Human Rights Watch, Gambia, undated <https://www.hrw.org/africa/gambia> Accessed 5 September 2015

representatives and relatives (an allegation that the Government denies), are not allowed to receive food from them and are only allowed 10 minutes of exercise per day...

'The security forces, over which the President retains a strong grip, actively repress any sign of discontent, terrorizing civil society and instilling a climate of fear and mistrust via routine arrests, enforced disappearances and extrajudicial executions carried out against anyone considered to be critical of or threatening to the regime...

'The Special Rapporteur received alarming reports of persons being detained, tortured, and even disappeared or executed at the hands of the National Intelligence Agency. The reports also indicate that the National Intelligence Agency places arrested suspects in detention facilities within its premises, where persons are held incommunicado without charge for weeks or months before being brought before a judge or the police, are subjected to intense interrogations which routinely include ill-treatment and sometimes torture, and are denied access to a lawyer or to their families. In most cases, family members are not informed of the detention or the whereabouts of the person concerned....

'The Special Rapporteur received reports of rampant impunity for extrajudicial executions and unlawful killings against those who are deemed to be opponents or a threat to the regime.'<sup>36</sup>

#### 7.1.3 Amnesty International noted in their annual report 2014/15, published 25 February 2015, that:

'Detainees were routinely tortured by law enforcement personnel as punishment and in order to force "confessions".... In November [2014], the Supreme Court commuted the death sentences of Lang Tombong Tamba and six others to life imprisonment. The seven men – Chief of Defence Staff Lieutenant General Lang Tombong Tamba, Brigadier General Omar Bun Mbye, Major Lamin Bo Badjie, Lieutenant Colonel Kawsu Camara, former Deputy Inspector General of Police Momodou B. Gaye, Gibril Ngorr Secka and Abdoulie Joof – were convicted of treason and sentenced to death in 2010. They had been sentenced to death for treason, contrary to the Constitution which permits the death penalty only for crimes "resulting in the death of another person".

'In a media interview in August 2013, President Jammeh justified the retention of the death penalty as being "divine law" and stated that he would not pardon anybody condemned to death. This would deny defendants' right under international law to seek clemency.'<sup>37</sup>

[Back to Contents](#)

---

<sup>36</sup> UN Human Rights Council Special Rapporteur Report on extrajudicial, summary or arbitrary executions 3 to 7 November 2014, 11 May 2015. Paragraphs 18, 24, 35, 46, 52  
<http://www.ohchr.org/EN/countries/AfricaRegion/Pages/GMIndex.aspx> Accessed 10 August 2015

<sup>37</sup> Amnesty International Report 2014/15, Gambia. 25 February 2015  
<https://www.amnesty.org/en/countries/africa/gambia/report-gambia/> Accessed 5 September 2015

# Version Control and Contacts

## Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email [the Country Policy and Information Team](#).

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email [the Guidance, Rules and Forms Team](#).

## Clearance

Below is information on when this version of the guidance was cleared:

- version **1.0**
- valid from **15 December 2015**
- this version approved by **Sally Weston, Head of Legal Strategy Team, International and Immigration Policy Directorate**
- approved on: **9 December 2015**

[Back to Contents](#)