

URGENT ACTION

TWO GAMBIAN JOURNALISTS UNLAWFULLY DETAINED

Journalists Musa Sheriff and Sainey M.K. Marenah have been in detention since 13 January. They have been charged with “giving false information to a public officer” following an article published in the privately-owned newspaper *The Voice*. They are prisoners of conscience detained solely for peacefully exercising their right to freedom of expression.

Musa Sheriff and Sainey M.K. Marenah were arrested on 13 January in Serekunda and transferred to the Police Headquarters in Banjul on 15 January. They have been charged with giving false information to a public officer, under the controversial clauses of chapter XIII of the Criminal Code, often used to target journalists who are exercising their freedom of expression. The date of the trial has not yet been communicated. Under the Gambian Constitution, they must be brought before a court of law within 72 hours.

On 9 December 2013 Gambian newspaper *The Voice* published an article reporting on the defection of youth supporters of the ruling Alliance for Patriotic Re-Oriented and Construction (APRC) party to the opposition United Democratic Party (UDP). *The Voice* later published a rejoinder after the APRC contested the story. On 13 January at 8am four plain clothes police officers arrived at *The Voice*'s offices in Serekunda. The officers interrogated staff and requested copies of the 9 December article. At around midday the officers took Musa Sheriff, the editor in chief, to the Sanyang police station. According to a journalist who witnessed the arrest, one of the officers stated he was a police investigator acting under the directive of the President of the Republic of The Gambia. Sainey M.K. Marenah, a freelance journalist and author of the story, was summoned to Sanyang police station and arrested at 5pm the same day. The two journalists have been in detention since then.

Please write immediately in English or your own language:

- Calling on the Gambian authorities to release Musa Sheriff and Sainey M.K. Marenah immediately and unconditionally, as they are prisoners of conscience, detained solely for peacefully exercising their right to freedom of expression;
- Urging them to remove unlawful restrictions on freedom of expression, association and assembly from the legislation in The Gambia.

PLEASE SEND APPEALS BEFORE 26 FEBRUARY 2014 TO:

Minister of Justice

Amie Joof
 Ministry of Justice
 Marina Parade
 Banjul
 The Gambia
 Fax: +220 422 9908
 Email: info@moj.gov.gm
Salutation: Dear Director

Minister of Interior and NGO Affairs

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

And copies to:

Minister of Foreign Affairs, International
 Dr Aboubacar Senghore
 Corporation and Gambians Abroad
 Ministry of Foreign Affairs
 4, Marina Parade
 Banjul
 The Gambia
 Email: info@mofa.gov.gm

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

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

Please check with your section office if sending appeals after the above date.



URGENT ACTION

TWO GAMBIAN JOURNALISTS UNLAWFULLY DETAINED

ADDITIONAL INFORMATION

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

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

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

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

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

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

Names: Musa Sheriff, Sainey M.K. Marenah
Gender m/f: m

UA: 10/14 Index: AFR 27/001/2014 Issue Date: 15 January 2014