



18 May 2009

Statement

Gambia: Freedom of Information and Access to Information

Chairperson, honorable commissioners, distinguished delegates.

ARTICLE 19 expresses its concerns over the climate of fear and the continue violations of the right to free expression in Gambia.

Since 2006, many media practitioners have been increasingly subjected to continued harassment, beatings, imprisonment and many have been forced to leave the country for fear for their lives.

A notable and disheartening case is the disappearance of Chief Ebrima Manneh, a journalist of the *Daily Observer* Newspaper since July 2006. The Gambia Government never shed light on the disappearance of Manneh or conducted an independent investigation and refused to appear before the ECOWAS Court of Justice were it was subpoena five times.

In June 2008, the ECOWAS Court, ruled in favour of Manneh and called on the Gambia Government to release him and compensate him for the arbitrary and prolonged detention without charges.

In April 2009, last month, the Attorney General and Minister of Justice of the Gambia, publicly stated that Manneh is not in government custody and rejected the Decision of the ECOWAS Court.

In February 2009, Pap Saine, the editor of *The Point* was accused of publishing false news in connection with a January report in *The Point* about a reshuffle of diplomatic staff at the Gambian Embassy in Washington. Shortly after this, police questioned the staff members of *The Point*, demanding that they reveal their sources. A short time later he was charged with obtaining a Gambian passport and a birth certificate by false pretences.

On 7 April 2009, a court in Banjul granted a prosecutor's request to drop charges of false publication but the editor of *The Point* still faces separate proceedings in which he is accused of falsifying citizenship documents, despite testimony from a key government witness that his proof of being Gambian is authentic.

It would be recalled, Madame Chair, that in December 2004, Deyda Hydara, the managing Editor of *The Point* Newspaper was brutally murdered. Investigations to this case have stalled since early 2005 following a 'Confidential' Intelligence Report, smearing Mr Hydara, which was leaked to the press.

ARTICLE 19 is deeply concerned that the authors of that act have never been brought to justice and prosecuted.

In addition to the attacks and harassment of media practitioners, political leaders have been detained and harassed for expressing their views about key public interest matters.

Recently, Halifa Sallah, board member of the *Foroyaa* Newspaper and a leading opposition politician, was arrested for many days and charged with sedition and spying. Sallah denounced publicly and raised concerns about the witch hunting exercise that was conducted by security officials against Gambian citizens.

The arbitrary arrest and detention of journalists and the closure of independent media outlets in the Gambia appear to be part of an oppression plan to silence and weaken critical voices and alternative sources of news and information.

Beside the direct attacks on the media and opposition leaders, problematic legislation has been used to further muzzle and suppress freedom of expression. These include, the *Criminal Code (Amendment) Bill 2004*. This Bill widens the definition of libel, expands the class of actions or expressions that would attract criminal liability; the *Newspaper Amendment Act 2004*, which imposes exorbitant fees for registration of media outlets and the recently passed *Communications Bill*.

ARTICLE 19 is worried that the Gambia, headquarters of the ACHPR, continues to violate basic freedoms of its citizen with impunity for so many years.

ARTICLE 19 urges the Gambia Government to:

- Stop the arbitrary attacks and harsh controls on journalists, media and oppositions leaders.
- Respect freedom of expression and the right of opposition leaders to express their views, especially on issues of public concern.
- Repeal all laws that unduly restrict freedom of expression, especially the Criminal Code and the Newspaper Amendment Acts.
- Investigate and prosecute all acts of violence, intimidations and harassment against media personnel, and to bring those responsible to justice.
- Investigate the murder of Deyda Hydera and break the cycle of impunity in the Gambia
- Implement the decision of the ECOWAS Court in relation to the disappearance of Chief Manneh.
- Allow the media, especially private broadcasters, to freely provide independent news and current affairs and break the government monopoly on Television.

ARTICLE 19 commends the ACHPR and the Special Rapporteur on Freedom of Expression for engaging the Gambia Government.

We therefore urge the ACHPR, to follow up its resolution on the situation of human rights in the Gambia, adopted in Abuja in November 2008.

We welcome the recent decision of the Gambia government to allow the Special Rapporteur on Freedom of Expression and Access to Information in Africa to conduct a mission to assess the situation in the Gambia. ARTICLE 19 hopes that this will pave the way for the enjoyment of the right to freedom of expression much needed in the Gambia.

This Statement is endorsed by the Gambia Press Union

I thank you.