



The Observatory
for the Protection
of Human Rights Defenders

THE GAMBIA

CLIMATE OF FEAR AMONGST
THE COMMUNITY OF HUMAN RIGHTS
DEFENDERS

International Fact-Finding Mission Report

July 2011

TABLE OF CONTENTS

I. Introduction

- | | |
|-------------------------------------|---|
| 1. Presentation of the mission..... | 1 |
| 2. Historical background..... | 2 |

II. Legal and institutional framework impacting on the activities of human rights defenders

- | | |
|--|---|
| 1. Legal and institutional framework related to the promotion and protection of human rights..... | 3 |
| 2. A restrictive legal and institutional framework for human rights NGOs and human rights defenders..... | 5 |

III. The prevailing environment of fear in which human rights defenders operate

- | | |
|--|----|
| 1. Threatening public statements against human rights defenders..... | 8 |
| 2. Journalists in the forefront..... | 8 |
| 3. Harassment against members of human rights NGOs and lawyers..... | 12 |
| 4. Harassment against women human rights defenders..... | 13 |

IV. Conclusion and recommendations



This report has been produced with the support of the European Union and the Republic and Canton of Geneva. Its content is the sole responsibility of OMCT and FIDH and should in no way be interpreted as reflecting the view(s) of the supporting institutions.

Directors of publication: Eric Sottas, Souhayr Belhassen
Authors of the report: José Domingo Dougan-Beaca, Mohamed Suma
Edition and coordination: Seynabou Benga, Alexandra Poméon O'Neill, Delphine Reculeau
Design: MOSTRA SARL
Printed by OMCT

I. INTRODUCTION

1. Presentation of the mission

Following allegations of human rights violations against Gambian human rights defenders and a public statement made by President Jammeh in 2009 threatening to kill anyone who sought to sabotage and destabilise his Government, in particular human rights defenders and those who support them¹, the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), in the framework of their joint programme, the Observatory for the Protection of Human Rights Defenders, decided to send a fact-finding mission to The Gambia.

The mission was composed by Mr. José Domingo Dougan-Beaca, OMCT Vice-President (Equatorial Guinea), and Mr. Mohamed Suma, Executive Director of the Centre for Accountability and the Rule of Law in Sierra Leone (CARL-SL).

Objective of the mission and mandate

The objective of the mission, which took place from May 2 to 11, 2010, was to assess the situation of human rights defenders, by drawing a panorama of the main actors of the civil society operating in the country (both defenders of civil and political rights and economic social and cultural rights) and the risks they face in carrying out their activities.

To that end, the mission was mandated to collect first hand information and testimonies on the working environment of Gambian human rights defenders including NGO members, trade-unionists and journalists as well as the effective enjoyment of their rights and notably their freedoms of expression, association and peaceful assembly, their rights to a fair trial and to an effective remedy.

Accordingly, the mission investigated on allegations of repression against human rights defenders. Relevant legislation was analysed to assess whether it conforms with international instruments ratified by The Gambia as well as the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted on December 9, 1998 by the United Nations General Assembly (hereinafter the UN Declaration on Human Rights Defenders).

The mission also investigated the position of the Gambian authorities vis-à-vis the human rights defenders' activities, the measures taken to effectively protect defenders and the implementation of decisions and recommendations taken by regional and international human rights mechanisms regarding the protection of human rights defenders.

Methodology in the work of the mission

The mission delegates first met in Dakar with representatives of Gambian human rights and civil society organisations in exile. They also met with diplomatic missions covering The Gambia from Senegal. The meetings in Dakar were held on May 3 and 4, 2010.

The second part of the mission was carried out in Banjul. The mission met with representatives of Gambian human rights and civil society organisations, the media, international non-governmental organisations, representatives of the United Nations and the diplomatic community based in Banjul. Despite several requests for meetings with Gambian authorities, only the Attorney General accepted to receive the delegation.

¹ On September 21, 2009, while speaking on State-owned *Gambia radio and television services*, President Yahya Jammeh threatened to kill anyone who sought to sabotage and destabilise his Government.

2. Historical background

The Gambia lies in the West African coastline embracing the Atlantic Ocean. The Gambia is bordered with Senegal and cuddled on both sides of the River Gambia. The Gambia is one of the smallest countries in West Africa with a population of 1.78 million living within a narrow belt extending from either side of the River Gambia. The majority (58%) of the people resides in the urban cities².

According to the UNDP Human Development Index 2010, The Gambia ranks 151st out of 169³. The Gross Domestic Product (GDP) based on purchasing-power-parity (PPP) per capita is 1,478 (2010) USD with an annual growing rate of 5% (2010)⁴. Agriculture employs over 70% of The Gambia's labour force, generates nearly 33% of GDP, 85% of export earnings, and two-thirds of household incomes⁵.

The Gambia gained independence in 1970 after a referendum and has been fluctuating between democracy and military rule; one party dictatorship and a pseudo-multiparty democracy. The Constitution at independence granted separation of powers to the executive, legislative and judicial branches of Government. Dawda Jawara, President of The Gambia at independence, received assistance from Senegalese troops to weather an attempted coup d'état in 1981 led by the Movement for Justice in Africa (MOJA) and its leader Mr. Samba Sanyang. The military assistance came under a mutual defense pact signed in 1965. It was estimated the rebellion claimed over 500 lives. As a consequence, Senegal and The Gambia formed a Confederation in February 1982 called the Senegambia (The Gambia withdrew from the confederation in 1989). President Jawara returned to power in the elections that followed in March 1987 and the subsequent elections in 1992. In May 1992, President Jawara declared a blanket amnesty for most members of MOJA.

In July 1994, Lt. Yahya Jammeh overthrew the Government in a bloodless coup ending over two decades of Jawara's reign in The Gambia. The junta, which put in place the Armed Forces Provisional Ruling Council, suspended the Constitution, prohibited any form of political activity, arrested senior army commanders, and placed ministers of the former Government under house arrest. The international community, including the European Union and foreign embassies such as the United States, suspended multilateral and bilateral aid. They also called for a speedy return to civilian rule.

In order to reinforce his legitimacy and firm grip on power, President Jammeh called for an election which was eventually held in late September 1996. He emerged as the winner with 55.76% of the vote. Other groups such as the Progressive People's Party of former President Jawara, The Gambia People's Party and the National Convention Party, were banned from contesting the elections. Following his election, President Jammeh disbanded his Armed Forces Provisional Ruling Council and conducted a legislative election in January 1997. The election period saw opposition candidates being constantly harassed and the muzzling of the media which were only given full access to the rallies and political campaigns of the incumbent.

The Government announced a foiled coup in January 2000. Consequently, the President strengthened its security apparatus and control over the media. The second post-junta elections were conducted in 2001 amidst accusation of electoral fraud. President Jammeh eventually won the elections with 52.96% majority. The opposition candidate, Mr. Ousainou Darboe of the United Democratic Party (UDP), conceded defeat despite the massive fraud that shrouded the elections.

In March 2006, several senior officials were arrested in a governmental purge instigated by President Jammeh following another alleged failed coup attempt, In that context of repression, President Jammeh returns for a third term in September 2006. He was re-elected with 67.3% of the vote.

² See United Nations Population Fund, Country profiles: Gambia, data 2010.

³ See United Nations Development Programme, Human Development Index 2010.

⁴ See International Monetary Fund, World Economic Outlook Database, April 2010.

⁵ See African Development Bank Group, date of consultation January 10, 2011.

.....
In July 2010, President Jammeh said at a rally in western Gambia after a nationwide tour, "Whether you like it or not, no coup will end my government, no elections can end my government. By God's grace I will rule this country as long as I wish and choose someone to replace me".

II. LEGAL AND INSTITUTIONAL FRAMEWORK IMPACTING ON THE ACTIVITIES OF HUMAN RIGHTS DEFENDERS

1. Legal and institutional framework related to the promotion and protection of human rights

.....

Domestic level - the Constitution

.....

The legal system of The Gambia is based on a combination of English common law, Islamic law, and customary law. The Constitution of The Gambia 1997, Sections 207 and 208 provide for and guarantee the full and inclusive participation of the independent media, independence of the media and bestows freedom and responsibility on the media to "at all times [...] uphold the principles, provisions and objectives of This Constitution, and the responsibility and accountability of the Government to the people of The Gambia". Furthermore, Section 25 sub-sections 1 to 4 of the Constitution, explicitly spell out and guarantee rights to freedoms of speech, conscience, assembly, association and movement⁶.

The 1997 Constitution established the current system of government, which is comprised of the Legislature (Parliament), the Executive and the Judiciary. The Gambian Parliament has supreme legislative powers.

Section 120 of the Constitution outlines the authority of the Judiciary. The Judiciary is headed by the Chief Justice and is comprised of the superior courts (the Supreme Court, the Court of Appeal, the High Court and the Special Criminal Court) and the inferior courts (the Magistrates Courts, the Cadi Courts, district tribunals and other tribunals as may be established by an Act of the National Assembly). The Magistrates Courts exist in each judicial district. Section 137(4) of the Constitution provides that Cadi Court has jurisdiction to apply the Sharia in matters of marriage, divorce and inheritance where the parties or other persons interested are Muslims. They are established in such places as the Chief Justice shall determine.

Section 17(1) of the 1997 Constitution of The Gambia establishes that the "fundamental human rights and freedoms enshrined in this Chapter shall be respected and upheld by all organs of the Executive and its agencies, the Legislature and, where applicable to them, by all natural and legal persons in The Gambia, and shall be enforceable by the Courts in accordance with this Constitution".

.....
⁶ See the 1997 Constitution of the Gambia : www.ncce.gm/files/constitution.pdf

Regional level and international levels

At the regional level, The Gambia has ratified or acceded to several human rights instruments, including the African Charter on Human and Peoples' Rights, which guarantees the rights to freedom of expression and association in its Articles 9 and 10 and its Protocol on the Establishment of an African Court on Human and Peoples' Rights (but without making the Declaration under its Article 34.6 allowing individuals and NGOs to directly petition the Court on an alleged violation of human rights committed by the State). In addition, The Gambia has failed to report to the African Commission on Human and Peoples' Rights (ACHPR) since 1994 though reports are due every two year.

The Gambia is also a party to 35 international and regional treaties including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

At the time of writing, The Gambia has not ratified the African Charter on Democracy, Elections and Governance, the second Optional Protocol to the ICCPR, the Optional Protocol to the Convention on the Elimination of Discrimination against Women and the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. No invitation has ever been extended to the Special Procedures of the United Nations Human Rights Council and requests for visits by the Special Rapporteurs on Torture, Education and Sale of Children remain pending.

The Gambia is also a State party of the four Geneva Conventions and its Additional Protocol I and II. The Gambia ratified the Rome Statute of the International Criminal Court (ICC). However, it is yet to sign the Agreement on Privileges and Immunities of the ICC.

Institutional framework

In The Gambia, everything revolves around President Jammeh: the ruling party, Government institutions and all public agencies revolve around him alone with hardly any distinction between them.

Chapter X of the Constitution provides for the establishment of the Office of an Ombudsman. With the exception of discrimination (referred to in Section 163), the Ombudsman mandate does not cover human rights⁷. Therefore there are no specific national protection mechanisms or measures for human rights defenders.

⁷ Section 163 provides that "(1) Subject to the provisions of this Constitution, an Act of the National Assembly shall within six months of the coming into force of this Constitution establish the office of Ombudsman and provision for his or her functions and duties- (a) In the investigation of any action taken by a government department or other authority, or public body, to which the Act applies, being action taken in the exercise of the administrative functions of that department or authority, on a complaint by a member of the public who claims he or she has suffered injustice in consequence of mal-administration or mismanagement, or discrimination on any ground set out in Chapter IV, in connection with such action; (b) In the investigation, on his or her own initiative, of allegations of mal-administration, mismanagement or discriminatory practices in any government department, authority, or other public body, to which the Act applies; and (c) In the investigation of complaints of any failure to observe the code prescribed in Chapter (XXI) for the conduct of public officers.

(2) Without prejudice to the generality of subsection an Act of the National Assembly may; (a) determine the departments, authorities and other public bodies to which the Act shall apply; (b) determine the actions or classes of action which may be subject to such investigations; (c) determine the departments, authorities, public bodies and actions which shall be excluded from such investigations; (d) determine the procedure to be adopted in any investigation and the powers which may be exercised in the course of such investigation, including the power of the Ombudsman to require persons to furnish documents and other information and to provide evidence, and provide for the right of any department, authority, other public body or person to be heard when its, or his or her, actions are the subject of an investigation; (e) provide for sections for the obstruction of the Ombudsman in the exercise of his or her functions or a failure to comply with his or her lawful requirements; (f) provide for the making of reports by the Ombudsman, including an annual report to the National assembly, and report to the Inspector General of Police in the event of his or her investigations disclosing the commission of a criminal offence or to the Attorney General in the event of their disclosing any other failure to comply with a provision of law; (g) provide for the appointment of one or more deputy Ombudsmen to exercise, under the directions of the Ombudsman, the function of that office. (h) Make such administrative and financial provisions as may be necessary or desirable for the efficient functioning of the office of Ombudsman".

2. A restrictive legal and institutional framework for human rights NGOs and human rights defenders

There is barely any organised and functioning civil society group working on human rights in The Gambia. The few that operate focus on non-sensitive issues and do not carry out monitoring activities. This is mainly due to the stifling environment in which they operate, as well as the lack of credible public institutions that offer them effective protection and the obstacles imposed through the registration process.

a. Control of NGOs by an Agency under the authority of the Office of the President

In The Gambia, the operation of a Non-Governmental Organisation is regulated by Decree No. 81 (the NGO Decree) adopted by the Armed Forces Provisional Ruling Council in 1996. The system has not been amended since then.

When the NGO Decree was adopted, the supervision of NGOs activities was placed under the authority of the Ministry of Local Government and Lands until 2008 and then moved under the Ministry of Interior. In 2010, they were placed under the authority of the Office of the President, thus revealing an attempt to control the activities of civil society organisations at the level of the President's Office.

In The Gambia, NGOs register under a two-tier system. First, they register as charities at the Attorney General's Chambers under the Companies Act. This allows them to operate as legal entities, and also provides limited access to duty waivers. Entities that meet the criteria set out in the NGO Decree 81 of 1996⁸, can then register as NGOs with the NGO Affairs Agency (NGOAA), which is responsible for clearing, registration and coordination between the NGOs and relevant ministries and State agencies. This allows NGOs continued access to limited duty waivers. It does also imply a registration and annual fee of 3,000 dalasis (approximately 74.58 euros) with the NGOAA plus a high level of scrutiny.

Indeed, NGOs are bound by an NGO Code of Conduct and Protocol of Accord signed with the relevant ministries, departments or agencies. In addition, the NGOAA is responsible for ensuring the compliance of NGOs with the Protocol of Accord and the NGO Code of Conduct, monitoring and evaluating the activities of NGOs, implementing the National Policy on Non-Governmental Organisation as well as preparing and implementing institutional and human resources development programmes for NGOs.

The Protocol of Accord of the NGO Decree requires all NGOs to submit to the NGOAA a detailed annual work programme and budget before the beginning of the fiscal year. At the end of the year the NGO is required to submit a detailed annual report, highlighting progress on activities undertaken during the year, work plans for the following year and financial statements audited by NGOAA's approved auditors. Those NGOs that do not comply with this requirement should either be cautioned or have the NGO status revoked. No appeal procedure is provided for by the Decree.

⁸ Criteria for an organisation to be eligible for NGO status are the following:

1. Have a constitution that clearly sets out the mission and the objectives of the organisation, which should endeavour to the well-being and socio-economic advancement of Gambians.
2. Have an office and a postal address with at least two full time staff whose relationship should transcend family ties.
3. Have a clearly delineated administrative system and an acceptable accounting/recording system that could be audited annually.
4. Have an account in the name of the organisation (recent statement to be submitted with the application form).
5. Develop an operational work plan detailing areas and scope of interventions.
There should be a budget attached to the work plan, which should indicate sources of funds.
6. Be transparent and accountable not only to donors but also the Gambia Government and beneficiaries in its use of organisational funds, and must be willing to share activity-related reports with other interested NGOs, Government and other stakeholders.
7. Be legally constituted as a not-for-profit, organisation under the Companies Act at the Attorney General's Chamber and operate as a charity for a minimum period of 24 months.
8. Be non-political, not-for-profit, non-sectarian and development oriented.
9. Enter into agreement with relevant line Ministries through a Memorandum Of Understanding (MOU).
10. Constitute a Board of Directors of at least seven members (attach a list with contact address/phones).
11. Present an activity report of on going programmes of the organisation.
12. Have a legal status in its country of origin if the organisation is international".

.....
Article 13 of Decree 81

"The NGO shall deposit with the Agency, a detailed plan of its annual work programme and budget prior to the beginning of the government's fiscal year, and a detailed annual report, highlighting progress on activities undertaken over the year, work plans for the following year, accounts audited by Agency, approved by auditors and budget, including quantities and costs at least three months after the programme year ends".

The activities of NGOs are strictly monitored and must be in line with the national development policy. NGO registration with NGOAA obliges an NGO to participate in development activities that are in consonance with the policies and priorities of the Government.

Article 12 of Decree 81:

"The NGO shall participate in development activities that are in consonance with the policies and priorities of the government for which it has appropriate resources and expertise, in accordance with the NGOs Code of Conduct and Memorandum of Understanding signed with the relevant Ministries or Agencies".

In The Gambia, NGOs are therefore seen by the Government as bodies to implement The Gambia's development programme and not as independent entities. The NGO Agency has the authority to revoke the Protocol of Accord granted to an NGO.

Article 18 of Decree 81:

"If an NGO's activities are found [by law] not in conformity with government's development agenda, detrimental to the integrity of the government, the peace and stability of the country, the government shall revoke this Protocol of Accord".

As a result, NGOs choose to focus on issues which are deemed not sensitive and on which the government is making progress such as women and children's rights in order to avoid reprisals from State authorities. In this context no NGO can carry out any monitoring of human rights violations. But NGOs working on issues which are not deemed "politically sensitive" do nonetheless face acts of harassment if the authorities feel threatened by their activities (see Section 2.b on harassment faced by women human rights defenders).

.....
⁹ Section 51 subsection (1) of the Criminal Code states that a seditious intention is "an intention (a) to bring into hatred or contempt or to excite disaffection against the president, or the government of The Gambia as by law established; (b) to excite the inhabitants of The Gambia to attempt to procure the alteration, otherwise than by lawful means, of any matter in The Gambia as by law established; (c) to bring into hatred or contempt or to excite disaffection against the administration of justice in The Gambia; (d) to raise discontent or disaffection amongst the inhabitants of The Gambia; or (e) to promote feelings of ill-will and hostility between different classes of the population of The Gambia."

Section 52 subsection (1) of the Criminal Code states that "any person who (a) does or attempts to do, or makes any preparation to do, or conspires with any person to do, any act with a seditious intention; (b) utters any seditious words; (c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication; (d) imports any seditious publication, unless he has no reason to believe that it is seditious; Shall be guilty of an offence and liable to a fine of not less than fifty thousand dalasis or imprisonment for a term of not less than one year, or to both such fine and imprisonment, and any seditious publication shall be forfeited to the State."

¹⁰ Section 178 of the Criminal Code states that "Any person who by print, writing, printing, effigy, caricature, cartoon or depiction or by any means, otherwise than solely by gestures, spoken words, or other sounds, unlawfully publishes any defamatory matter concerning another person with the intent to defame that person, is guilty of the offence termed "libel" and liable to imprisonment for a term of not less than six months, without the option of a fine".

¹¹ Section 181 of the Criminal Code states that "1) Any person who wilfully, negligently or recklessly, or having no reason to believe that it is true, publishes or broadcasts any information or news which is false in any material particular is guilty of an offence and liable to imprisonment for a term of not less than six months, without the option of a fine. It shall be no defence to a charge under subsection (1) that the person did not know that the information or news was false, unless it is proved that adequate measures were taken to verify the accuracy of the information or news".

b. Laws criminalising freedom of expression and media freedoms

Several repressive laws are used to censor freedom of expression and to arrest and prosecute human rights defenders perceived to be critical of the President and the Government, particularly journalists and lawyers. For that purpose, the offences of "sedition"⁹, "libel"¹⁰ and "false publication"¹¹ were re-introduced through various amendments, including the Newspaper Registration Act 2004, the Newspaper Amendment Act 2004, the Criminal Code Amendment Act 2005, the Official Secrets Amendment Act 2009 and the Communications Bill 2009. These provisions, which may be used to limit the capacity of human rights defenders to enjoy their right to freedom of expression, punish offenders by two to six-year prison sentence and fines ranging from 50,000 dalasis (1,268 euros) to 250,000 dalasis (6,340 euros). The existence of such provisions contradict constitutional provisions and international human rights standards.

It should be welcomed that on March 16, 2011, for the first time since he acceded to power, a delegation of journalists met with President Jammeh at the State House. Journalists urged the President to decriminalise free speech and discussed unsolved cases of attacks against journalists. Though the President did not accept to decriminalise media offences, the opening of a dialogue with representatives of independent media is a positive sign.

c. Instrumentalisation of justice

There is extensive political interference in the Judiciary and judges face intimidation from the President. There is indeed a sizeable number of foreign judges on the bench who are single-handedly hired by President Jammeh. The judges are hired on contract basis, and the contracts are only renewable at the discretion of the President. This has consequently undermined public trust in the legal system. Moreover, at his 2009 address to the National Assembly, President Jammeh warned the Judiciary in those terms : "Let me tell you the Judiciary that you are not human rights defenders".

On several occasions, the President has illegally removed judges whom he perceived as dissenting voices. For instance, in April 2010, Justice **Moses Richards** was removed as a High Court judge. He was known for his ruling in favour of the rights of victims and his independence in delivering judgments. Mr. **Lamin Mboje** faced the same situation in 1998, when his position as magistrate was terminated after four years of practice after he refused to take a bribe from the authorities.

Human rights defenders in The Gambia have often questioned the independence of the "contract" judges, particularly in criminal matters. For example, it is widely believed that Mr. Femi Peters, Campaign Manager of the opposition United Democratic Party (UDP), received an unfair ruling on April 1, 2010 because the judge was under pressure from the President. Mr. Peters, charged with two counts of "control of procession" and "use of loud speaker" under section 6 of the Public Order Act, for having allegedly held a political rally at Serrekunda without a permit from the Inspector General of Police, was sentenced to one-year imprisonment and a fine of ten thousand dalasis. There is also a general climate of threat and intimidation of lawyers who provide legal services to human rights defenders (see Section III 3.a).

III. THE PREVAILING ENVIRONMENT OF FEAR IN WHICH HUMAN RIGHTS DEFENDERS OPERATE

All of the persons interviewed during the mission described that civil society in particular but also the Gambians in general lived in a state of fear to express their opinion. Several of the persons asked the delegation not to mention their names fearing acts of retaliation or intimidation. All human rights defenders met explained that they were often times subjected to surveillance (physical surveillance, telephone tapping, etc.).

1. Threatening public statements against human rights defenders

On September 21, 2009, while speaking on State-owned *Gambia radio and television services* (GRTS), President Yahya Jammeh threatened to kill anyone who sought to sabotage and destabilise his Government, in particular human rights defenders and journalists, whom he branded as "troublemakers". "What I want to make very clear to each and these so-called defenders of human rights is that I will never allow anyone to destabilise the country on behalf of the campaign to promote the rights of man". He added "Those who want to work with these so-called defenders of human rights thinking they will be defended by them are wrong. If you want to destabilise the country, sowing confusion and suffering to my people, I will ensure that you are dead".

The Mission discussed this with all the people it met and was told by some that the statement did not represent any new situation, President Jammeh being known for making such kind of statements. Others particularly within the human rights organisations see the statement as an encouragement to create difficult conditions for the work of human rights defenders and an intimidation to individuals whom the authorities would like to silence. The Attorney-General was asked about the statement and the complaints from human rights organisations and international observers that it gave a license to perpetrate human rights abuses, in particular against human rights defenders. He denied the allegations. Most people confirmed however that the declaration was followed by weeks of State-sponsored reprisals against human rights defenders and perceived political opponents.

These threats contribute to a climate of fear among the community of human rights defenders and lead to a certain degree of self-censorship.

2. Journalists in the forefront

In the absence of NGOs carrying out human rights monitoring activities or denouncing human rights violations, the press has become the only institution reporting, documenting and denouncing human rights violations. In The Gambia, all journalists have to affiliate to the Gambia Press Union (GPU), which has been able to preserve its independence and for this reason regularly suffers from attacks and intimidation by the authorities. According to information given to the Observatory, 700 journalists would be affiliated to the GPU. Despite the restrictive environment for freedom of expression in The Gambia and some hurdles to registration¹², several independent newspapers, like *Foroyaa*, *the Daily News*, *The Point*, *The Voice*, *Today*, *Daily Express* and *The Standard* operate and the media environment maintains a certain vibrancy and diversity of voices.

However and despite Section 25 of 1997 Constitution, which guarantees freedom of expression, journalists who are critical of the regime have been threatened, harassed, arbitrarily arrested, detained and sometimes tortured by the National Intelligence Agency (NIA). A number of journalists have fled the country as a result of fear for their lives. Independent journalists who denounce human rights violations, fight for freedoms of expression and the media and retain free editorial have been subjected to various acts of intimidation, ranging from assassination to arrest and prosecution on spurious charges.

¹² In particular, to discourage the publishing business, the bond for the registration of newspapers has been increased from 3,500 USD to 17,000 USD in 2004.

.....
This has created a general atmosphere of fear among media practitioners still operating in The Gambia and is often resulting in self-censorship and a number of self-imposed exiles.

The brutal assassination of Mr. **Deyda Hydara**, the Editor and co-founder of the private newspaper *The Point* and also a correspondent in The Gambia for *Agence France-Presse* and Reporters Without Borders, on December 16, 2004, while he was dropping off two of his workers after celebrating the thirteenth anniversary of the paper continues to intimidate human rights defenders and more specifically journalists today. Mr. Hydara was very critical of the Government's repressive media laws, most especially the Media Commission Bill, which he and some of his colleagues challenged in court. Mr. Hydara had notably, a few days prior to his death, published two articles in *The Point* criticising the adoption of two particularly restrictive laws of the press that were secretly signed in December 2004 by the President of the Republic. The initial investigations conducted by the Police and later the NIA were not conclusive and his killers have still not been identified.

In March 2006, the entire staff of *The Independent* was arrested and the newspaper closed down after publishing an article in which a senior reporter, Mr. **Lamin Fatty**, mistakenly wrote that "Parliamentarian Samba Ba" was involved in the aborted 2006 coup. The journalist had meant to state that it was Mr. Samba Ba', an opposition politician, who was allegedly involved in the coup. Although this was an innocuous mistake and he had apologised to the parliamentarian, on March 28, plain clothes police officers arrested him and his colleagues. The members of the staff were transferred to a centre, one and half a miles outside Banjul, and they were released after several hours.

Mr. Lamin Fatty was arrested again on April 10, 2006 by plain clothes police officers because they wanted him to "clear some doubt". He was taken to the headquarters of the NIA and detained. While in detention, State guards physically tortured him. Mr. Fatty suffered concussion as a result of the physical assault but was never taken to a hospital for treatment. He was only provided food on the 18th day of his detention. Although Section 19 (3) of the Gambian Constitution states that persons arrested "shall be brought without undue delay before a court and, in any event, within seventy-two hours", Mr. Fatty was held in detention for 63 days without trial¹³. In fact, the Government kept denying that he was being detained incommunicado. He was later charged under section 181 of the Gambian Criminal Code for publishing "false news". He was arraigned on June 12, but refused to enter a plea in protest over the Government's decision to deny him access to lawyers, which constituted a violation of Section 19(2) of the Gambian Constitution. On June 5, 2007, Mr. Fatty was found guilty and sentenced to a 50,000 dalasis fine or one year imprisonment by the Kanifing Magistrates' Court. He was released soon after the payment of the fine by the Gambia Press Union.

Mr. Fatty later went into exile after a police officer who testified on behalf of the Government in the Appeals Court advised him to either drop the appeal or face assassination. Mr. Fatty and his colleagues were the first batch of journalists to be convicted based on the Newspaper Amendment Act 2004, which criminalises libel.

Mr. **Ebrima Manneh**, a journalist at the *Daily Observer* newspaper, was arrested in Banjul in July 2006 by State security officers, after he allegedly passed on information on Gambia's poor human rights record at an African Union summit held in July 2006 in The Gambia. He has been held incommunicado ever since, and President Jammeh's regime has consistently denied any knowledge of his whereabouts. In that particular case, The Gambia has failed to comply with the verdict of the Community Court of Justice of the Economic Community Of West African States (ECOWAS), which ruled that Mr. Manneh's detention was illegal and that he must be released¹⁴.

On October 6, 2007, Ms. **Tania Bernath**, Mr. **Ayodele Ameen**, Amnesty International researchers, Mr. **Yaya Dampha**, a Gambian journalist at the newspaper Foroyaa, and their driver Mr. Lamin Barrow were arrested while doing an official mission on behalf of Amnesty Interna-

.....
¹³ Mr. Lamin Fatty spent 63 days in detention. He was arrested on April 10 and released on bail June 12, 2006.

¹⁴ See *Manneh vs. The Gambia* (2008) AHRLR 171 (ECOWAS 2008).

.....
tional in the country. They were detained for 48 hours before being conditionally released on October 8, 2007. They were finally unconditionally released on October 12, 2007. Following this incident, Mr. Yahya Dampha was continuously harassed by State security agents and his home visited several times by NIA officers. Fearing for his life he decided to flee to Senegal where he was again threatened by Gambian security agents. In June 2008, he was granted asylum in Sweden.

Between 2006 and 2008, several other journalists were threatened by security agents and forced to flee the country or to stop their activities as journalists.

On June 29, 2007, Mr. **Momodou Lamin Jaiteh**, correspondent for Pan African News Agency (PANA), fled the country to Dakar, Senegal, after being questioned by then Managing Director of the *Daily Observer* and close associate of President Yahya Jammeh, Dr. Saja Taal (who was also the Doctor of Medicine for Chief Ebrima Manneh at the time of his arrest), over his links with the Media Foundation for West Africa (MFWA), one of the main organisations fighting for freedom of the media, and having received several calls from an anonymous number requesting urgent meetings with him to handover a parcel for the MFWA correspondent in Banjul. Later that evening, plain clothes intelligence agents visited his home and asked that he report to the Agency.

On March 11, 2007, Mr. **Sheriff Bojang Junior**, a journalist, was detained upon arrival at the Banjul International Airport by intelligence agents and confronted with online articles he authored whilst in a foreign country. Following hours of interrogation by five plainclothes agents and two military personnel, his bags were emptied, passport, press cards, and certificates seized and asked to report to the Serious Crime Unit, Police Headquarters. On the advice of family and friends, he fled by road to Dakar, Senegal.

The year 2009 was marked by frequent arbitrary arrests, trials and harassment of journalists and publishers. On February 4, 2009, Mr. **Pap Saine**, co-Publisher and Editor of *The Point*, was charged with "publication and broadcast of false information" by the Kanifing Magistrates' Court. He and one of his reporters, Mr. **Modou Sanyang**, were arrested on February 2, 2009 and taken to police headquarters in Banjul, where they were placed in a cell normally used for serious crime suspects. Mr. Sanyang was released soon afterwards but Mr. Saine was held until late in the evening and was told to present himself to the police again the next morning. The police wanted Mr. Saine to reveal his source for a report on the arrest of a Gambian diplomat. On July 29, 2009, the State finally dropped the charges.

In February 2009, Mr. Pap Saine was accused of "false publication" and then later on February 24, 2009 of "obtaining personal documents on the basis of false statements". The journalist was accused of being Senegalese and fraudulently having obtained a Gambian birth certificate and ID card. These baseless accusations had the sole aim of stepping up pressure on the editor, who is also correspondent in Gambia for Reuters news agency. On June 15, 2009, the Banjul Magistrates' Court acquitted and discharged Mr. Saine. On that same day, he was arrested again (see below).

On June 15, 2009, Ms. **Sarata Jabbi-Dibba**, Mr. **Emil Touray** and Mr. **Pa Modou Faal**, respectively Vice-President, Secretary General and Treasurer of the Gambian Press Union (GPU), were summoned for questioning by the NIA in Banjul in relation to the statement published by the GPU in *The Point* and *Foroyaa* on June 12, 2009 calling on President Yahya Jammeh to accept the Government's responsibility in the 2004 murder of Mr. Deyda Hydera. They were subsequently arrested. The GPU statement that prompted their arrest criticised Gambian President Yahya Jammeh in relation to comments he had made on June 8, 2009 on Government television *GRTS*, denying any State implication in Mr. Hydera's murder. The GPU statement also denounced numerous instances of harassment and intimidation of journalists by the Gambian authorities, and deplored the state of media freedom in the country. Four other journalists were also arrested by NIA officers in plain clothes on June 15, 2009 namely Mr. **Sam Sarr**, Editor of the opposition newspaper *Foroyaa*, Mr. **Abubacarr Saidykhan**, journalist for *Foroyaa*, Mr. **Ebrima Sawaneh**, News Editor at *The Point*, and Mr. Pap Saine.

.....

Messrs. Sawaneh and Saine are also GPU members. On June 18, 2009, Mr. **Halifa Sallah**, publisher of *Foroyaa* newspaper, was arrested and detained by personnel of the NIA, after he tried to secure the release of his detained colleague, Mr. Sam Sarr. Previously, on March 8, 2009, Mr. Halifa Sallah was also arrested and detained at a police station in Serre Kunda following his condemnation of massive human rights abuses in The Gambia. He faced charges that were later discontinued. On June 18, 2009 the seven journalists appeared at Kanifing Police Court and were subsequently charged with "seditious publication". Messrs. Touray, Fall, Saine, Sawaneh, Sarr and Saidykhan were then detained in Banjul's Mile Two State central prison. Only Ms. Sarata Jabbi-Dibba, mother of a young child, was released on a bail of 200,000 dalasis (about 5,300 euros). On June 22, 2009, the six detained journalists were brought before the Kanifing Police Court and subsequently released on a bail of 200,000 dalasis. In addition, on June 22, 2009 Mr. **Augustine Kanjia**, journalist of *The Point*, was arrested while covering the appearance in court of the six journalists, allegedly for taking pictures of the hearing. On June 24, 2009 Mr. Kanjia was released on a bail of 50,000 dalasis (about 1,350 euros). On July 3, 2009, Messrs. Touray, Fall, Saine, Sawaneh, Sarr, Saidykhan and Ms. Jabbi-Dibba were summoned to appear before Banjul High Court, charged with the initial charges of sedition and three counts of defamation. The Court then revoked their initial bail conditions, and sent them back to Mile Two State central prison. Hours later, Ms. Sarata Jabbi-Dibba was released with a bail of 400,000 dalasis (about 10,600 euros). On July 6, 2009, Messrs. Touray, Fall, Saine, Sawaneh, Sarr and Saidykhan were released on a bail of 400,000 dalasis. On July 28, 2009, Mr. Saidykhan was acquitted and discharged over "wrong" charges by the High Court. On August 6, 2009, Ms. Jabbi-Dibba and Messrs. Touray, Faal, Saine, Sawaneh and Sarr were convicted and sentenced by the Banjul High Court to two years' imprisonment and to a 250,000 dalasis (about 6,625 euros) fine each upon charges of "sedition" and "defamation". All were transferred to serve their sentence in Mile Two State central prison. On September 3, 2009, the six journalists were released following presidential pardon and only after they agreed to write to the President and thank him for his generosity.

In August 2008, Mr. **Abdul Hamid Adiamoh**, Publisher for *Today* newspaper was put on trial, charged with "sedition" for publishing an article on school children skipping classes to pick and sell scrap metal. The case was still ongoing as of the date of publication of this report. Prior to this he was detained at various police stations for spells of two to three days. During this period, his house was ransacked and his wife, a clinical biologist, called a drug peddler. Whilst on trial for sedition at the Kanifing Magistrate's Court, Mr. Adiamoh also appeared before the Banjul Magistrates Court charged with "tax evasion" for the period 2006-2007, despite the fact that *Today* only started publication in 2007. He was fined 10,000 dalasis (254 euros).

On February 16, 2010, Mr. Ensa Badjie, then Inspector General of Police (IGP), summonsed and threatened to deal with Messrs. **Lamin Njie** and **Saikou Ceesay**, two journalists working with the *Daily News*, following publication of an article published on February 15, 2010, exposing the dilapidated conditions of the new police barracks in the capital, Banjul, cautioning them to desist from reporting about developments in the police service or face the consequences. He also warned that the reporters would have been killed if the publications had concerned the military barracks. Later, the IGP told journalists that he would send his thugs to terrorise Mr. Ceesay, for granting interview with *BBC* on the threats made by IGP against him.

The delegation was also informed that while many journalists had to flee The Gambia following acts of intimidation, threats, arbitrary arrest or judicial harassment, many also stopped publishing human rights related articles out of fear.

The repression has led however to the creation of online radios and newspapers created and run by Gambians living outside the country. Many of such media outlets have tried to give alternative views and information on daily happenings in The Gambia against what is published by State-controlled media¹⁵.

.....

²⁹ See Media Foundation, Media Alert West Africa, 2009.

3. Harassment against members of human rights NGOs and lawyers

On March 1, 2010, Mr. **Edwin Nebolisa Nwakaeme**, the founder and Programme Director of Africa in Democracy and Good Governance (ADG), an organisation based in The Gambia that works to promote human rights, democracy and good governance in Africa, was arrested for the third time in ten days for allegedly lying about the category of his organisation for registration purposes. He was summoned by the Serious Crimes Unit at the Police Headquarters in Banjul, and arrested. He had previously been arrested on February 22 and February 26, 2010. When he appeared before the Banjul Magistrate Court on March 8, 2010, Mr. Nwakaeme was charged with "giving false information to public officials". He is alleged to have falsely written in a letter sent to the office of the President of the Republic that ADG was a non-governmental organisation despite the fact that it was registered as a charity. The letter was meant for the President's daughter to serve as ADG ambassador. During his hearing on March 10, 2010, he refused to take a plea because he was denied access to a lawyer and therefore remanded in prison. The same day, the Magistrate denied him bail despite the fact that the Prosecution never opposed it. He made subsequent appearances before the Court on March 22 and on September 6 and was later sentenced to a mandatory six months jail term with hard labour and a fine of 10,000 dalasis (254 euros). The fine imposed was in lieu of an additional three years with hard labour. Such a draconian measure is symptomatic of the impediments human rights defenders are facing in their human rights activities. Mr. Edwin Nebolisa Nwakaeme appeared before the Banjul High Court on October 28, 2010 to appeal the sentence imposed on September 6. He was found guilty of providing false information to a public officer. The appeal was adjourned until November 3, 2010 because the case file for Mr. Nwakaeme went missing. On January 14, 2011, Mr. Edwin Nebolisa Nwakaeme was released from jail, following completion of his six-month prison sentence, and he was deported from The Gambia and returned to Nigeria, his native country. It is reported that no Court order was issued for his deportation.

Criminal lawyers are facing more and more pressure by the authorities, particularly those who defend victims of abuses in politically sensitive cases who are submitted to intimidation, arrest and prosecution. For instance, on December 30, 2010, former High Court Judge Mr. **Moses Richards**, who is now practising as a lawyer was arrested and detained at the NIA headquarters in Banjul. He was then brought before the Banjul Magistrates' Court on December 31, 2010 charged with "giving false information" and "sedition". Subsequently, he was remanded in custody by the court. On January 3, 2011, he was released on a bail of 500 dalasis. As to date, a criminal case is continuing before the Banjul Magistrates Court, based on a letter sent by this lawyer on behalf of his client to request a stay of execution of a judgement. The case would have been fabricated in retaliation for lawyer Moses Richards' commitment to the principles of right to a fair trial and the right of the accused to a defence. On January 10 to 12, 2011, members of The Gambia Bar Association staged a three day protest against the prosecution of Mr. Moses Richards. Afterwards, fearing retaliation, The Gambia Bar Association and most lawyers stopped expressing support and solidarity with Mr. Moses Richards.

On January 26, 2010, Lawyer **Lamin K. Mboge**, a senior member of The Gambia Bar Association and a former Magistrate, was remanded at the Mile Two State central prison by the Banjul Magistrates' Court. Mr. Mboge was charged of "making false documents without authority", coupled with "false swearing" and "uttering false documents". He denied the charges and was refused bail and remanded in custody at the Mile Two State central prison. He spent four days in remand. On January 31, 2011, he was released on a bail of 200,000 dalasis and two Gambian sureties with landed properties who had to deposit their national identity cards at the office of the Registrar. According to the information received, this criminal case would also have been fabricated to intimidate the lawyers' community and more specifically Mr. Lamin K. Mboge, who is a criminal lawyer known for defending human rights victims and for his independence.

4. Harassment against women human rights defenders

Some of the observers of the Gambian situation said to the mission that President Jammeh has generally shown some respect for the rights of women. Defenders of women's human rights are given space to operate and are generally protected.

Nonetheless, these organisations are also affected by the prevailing environment of fear in the country and because of that, they exercise self-censorship. The Women's Bill 2010 recently passed on April 14, 2010 by the Parliament is given as an example of that self-censorship. During drafting and discussions of the Bill in Parliament, civil society organisations restrained themselves from putting forward proposals that would address certain areas perceived as sensitive or which could be seen as such.

For instance, in May 2010, the Office of the President set up a commission of inquiry to investigate the use of its funding by The Gambia Committee on Traditional Practices Affecting the Health of Women and Children (GAMCOTRAP), an organisation working in the area of sexual and reproductive health and rights of women and children. The Government's animosity against organisations working against female genital mutilation (FGM) was made clear in 1999 when the President reportedly publicly stated that he could not guarantee the safety of activists who campaign against FGM. The announcement was followed by a presidential directive issued on 1999 to the Director of *Gambia Radio and Television Services* prohibiting the dissemination of personal messages that oppose FGM or referring to the medical risks it entails. At the time, GAMCOTRAP was the first civil society organisation to respond to this directive through an open letter addressed to the President.

The commission of inquiry concluded that the allegation of misappropriation of funds was unfounded. However, shortly after publication of the findings, members of the commission were allegedly dismissed and a second commission of inquiry was set up and has yet to present its conclusions.

On October 11, 2010, Dr. **Isatou Touray**, Executive Director, and Ms. **Amie Bojang-Sissoho**, Programme Coordinator of GAMCOTRAP, were called in by an agent of the NIA for a meeting with the public relations officer of the National Drug Enforcement Agency. Once there they were arrested and held in custody for a day before being transferred to Mile Two State central prison. They were informed that an investigation for theft was being completed for the alleged embezzlement of 30,000 euros of GAMCOTRAP funding, granted by Yolocamba Solidaridad-Spain in 2009. According to some information, Yolocamba Solidaridad, a Spanish development NGO providing support to local civil society organisations, would be the author of a complaint against the two. They were charged with theft of 30,000 euros received from Yolocamba Solidaridad.

During the nine days of detention, they were allowed to read papers, but were not allowed access to pen, which they needed to record complaints, observations and treatments of the female wing prisoners. They later expressed shock over the conditions of female prisoners. On October 20, 2010, following wide national and international pressure, the two defenders were released on bail of 1.5 million dalasis (39,442 euros) and two sureties with a landed property by the Banjul Magistrates' Court.

On November 3, 2010, the trial opened before the Banjul Magistrates' Court. The principal witnesses who are Spanish citizens representing Yolocamba Solidaridad were absent. It appeared that the Gambian Government was representing Yolocamba Solidaridad.

The Observatory mandated a lawyer, Dr. Ogugua Ikpeze, to observe the hearings held on December 22 and 23, 2010. According to the Observatory's preliminary findings, no criminal charges should have been made as the alleged victims never filed a criminal complaint and the Prosecutor has failed to present sufficient evidence that Dr. Isatou Touray and Ms. Amie Bojang-Sissoho had indeed committed a criminal offence. On March 28, 2011, the High Court postponed the hearing to April 20, 2011 as the prosecution had failed to hire a Fula interpreter for a witness. On the date of publication of this report the trial was on-going.

IV. CONCLUSION AND RECOMMENDATIONS

1. Conclusion

There is a general climate of fear amongst Gambian human rights defenders, notably following the unsolved assassination of Mr. Deyda Hydara in 2004, the enforced disappearance of Mr. Ebrima Manneh in 2006, the continuing campaign of harassment by the NIA against journalists, the 2009 presidential threat which shocked the community of human rights defenders worldwide and, today, the multiplication of cases of prolonged judicial harassment, which seems to be the new technique to impede the peaceful activities of human rights defenders.

As a consequence the civil society movement in The Gambia cannot operate freely, organise itself and speak out. The media has therefore stepped up to fill the void. But they face several challenges, including unlawful arrests, arbitrary detention and prosecution, forcing some of the journalists to flee or to exercise self-censorship.

In addition, the restrictive legal and institutional framework including legislation criminalising freedom of expression hampers the promotion and defence of human rights, with NGOs having to be in line with State policies.

In this context, the State institutions have failed to guarantee effective protection. While The Gambian Government has signed most international human rights instruments, it has shown ill-will in implementing them.

Today, although there are less acts of physical violence against human rights defenders, the Observatory is concerned about the recurrence of arrests and prolonged trials of human rights defenders on baseless charges, which reveals State tendency to "legalise" repression against human rights defenders. The Observatory is concerned that attacks against human rights defenders may rise as the presidential elections of September 2011 will get closer.

2. Recommendations

In light of the findings in the report, the Observatory would like to make the following recommendations:

A - To the Government and relevant authorities of The Gambia:

- To comply with their international obligations and the provisions of the UN Declaration on Human Rights Defenders by notably guarantee the physical and psychological integrity of all human rights defenders including journalists against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in the UN Declaration on Human Rights Defenders;
- To take all necessary measures including legislative and administrative in order to respect and protect the rights of all human rights defenders;
- To put an end to all human rights violations and acts of harassment against Gambian human rights defenders, including by investigating and prosecuting all violations regardless of their authors;
- To immediately release Mr. Ebrima Manneh in accordance with the Economic Community Of West African States (ECOWAS) Court's decision;
- To conduct a thorough, impartial, effective and independent investigation into the death of Mr. Deyda Hydara, the result of which must be made public, in order to identify all those responsible, bring them before a civil competent and impartial tribunal and apply to them the penal sanctions provided by the law;

- To reform The Gambian laws, notably NGO Decree 81 of 1996 and provisions criminalising free speech, in particular provisions on sedition, libel, slander, defamation and false publication, to bring them into line with rights enshrined in the Constitution, as well as the regional and international instruments binding The Gambia;
- To take all necessary steps to secure the right to freedom of opinion and expression of all human rights defenders in The Gambia, in accordance with Article 19 of the Universal Declaration of Human Rights, Article 19 of the International Covenant on Civil and Political Rights and Article 6 of the Declaration on human rights defenders;
- To create an enabling legal environment for the development and full participation of the independent media by suppressing media-related offences;
- To refrain from using Executive powers to give Judicial directives;
- To incorporate the provisions of international media and freedom of expression standards into domestic law and pass new and progressive media related laws such as Freedom of Information and Access to Information Acts;
- To guarantee by law the editorial independence of the media outlets;
- To guarantee the independence of the Judiciary;
- To publicly acknowledge the importance and legitimacy of the work of human rights defenders, and their essential contribution to the promotion of human rights, the strengthening of democracy and the rule of law;
- To make a declaration according to Article 34(6) of the Protocol to the African Charter on Human and Peoples' Rights on Establishing an African Court on Human and Peoples' Rights granting the possibility to individuals and NGOs to directly access the Court;
- To extend an open invitation to the Special Procedures of the UN Human Rights Council and the ACHPR;
- To submit its due reports to the relevant regional and international human rights treaty bodies.

B - To the African Commission on Human and Peoples' Rights (ACHPR):

- To inform the African Union of the human rights situation in The Gambia including the situation of human rights defenders in its activity report;
- To follow up on the 2009 ACHPR Resolution on situation of human rights in The Gambia and discuss the location of the headquarters of the ACHPR in the light of a re-assessment of the human rights situation in The Gambia, in particular the situation of human rights defenders, and the level of cooperation of the Gambian authorities taking into account that given the ACHPR's mandate and objective, States hosting its meetings should ensure that human rights are being respected, in particular those of human rights defenders;
- To call on The Gambia to take all necessary measures including legislative and administrative in order to respect and protect the rights of all human rights defenders, prevent and put an end to all the human rights violations against human rights defenders;
- To call on The Gambia to prevent and put an end to all the human rights violations against Gambian human rights defenders by investigating and prosecuting all violations regardless of their authors.

C - To the European Union:

- To grant particular attention to the protection of human rights defenders in The Gambia, in accordance with the EU Guidelines on Human Rights Defenders;
- To appoint a liaison officer in The Gambia in charge notably of the implementation of the EU Guidelines on Human Rights Defenders;
- To engage a dialogue with the authorities on the concerns set out in this report as well as on the measures to be taken by the Gambian authorities to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under the Gambian State's jurisdiction, individually and in association with others, are able to enjoy all human rights and fundamental freedoms.

.....



Created in 1985, the World Organisation Against Torture (OMCT) is today the main coalition of international non-governmental organisations (NGO) fighting against torture, summary executions, enforced disappearances and all other cruel, inhuman or degrading treatment. With 297 affiliated organisations in its SOS-Torture Network, OMCT is the most important network of NGOs working for the protection and the promotion of human rights in the world.

Based in Geneva, OMCT's International Secretariat provides personalised medical, legal and/or social assistance to victims of torture and ensures the daily dissemination of urgent interventions across the world, in order to prevent serious human rights violations, to protect individuals and to fight against impunity. Moreover, some of its activities aim at protecting specific categories of vulnerable people, such as women, children and human rights defenders. OMCT also carries out campaigns relating to violations of economic, social and cultural rights. In the framework of its activities, OMCT also submits individual communications and alternative reports to the United Nations mechanisms, and actively collaborates in the respect, development and strengthening of international norms for the protection of human rights.

OMCT has either a consultative or observer status with the United Nations Economic and Social Council (ECOSOC), the International Labour Organisation, the African Commission on Human and Peoples' Rights, the Organisation Internationale de la Francophonie, and the Council of Europe.

CP 21 - 8 rue du Vieux-Billard - CH-1211 Geneva 8 - Switzerland
Tel: + 41 22 809 49 39 / Fax: + 41 22 809 49 29 / www.omct.org



International Federation for Human Rights

Establishing the facts

Investigative and trial observation missions

Through activities ranging from sending trial observers to organising international investigative missions, FIDH has developed, rigorous and impartial procedures to establish facts and responsibility. Experts sent to the field give their time to FIDH on a voluntary basis. FIDH has conducted more than 1 500 missions in over 100 countries in the past 25 years. These activities reinforce FIDH's alert and advocacy campaigns.

Supporting civil society

Training and exchange

FIDH organises numerous activities in partnership with its member organisations, in the countries in which they are based. The core aim is to strengthen the influence and capacity of human rights activists to boost changes at the local level.

Mobilising the international community

Permanent lobbying before intergovernmental bodies

FIDH supports its member organisations and local partners in their efforts before intergovernmental organisations. FIDH alerts international bodies to violations of human rights and refers individual cases to them. FIDH also takes part in the development of international legal instruments.

Informing and reporting

Mobilising public opinion

FIDH informs and mobilises public opinion. Press releases, press conferences, open letters to authorities, mission reports, urgent appeals, petitions, campaigns, website... FIDH makes full use of all means of communication to raise awareness of human rights violations.

17 passage de la Main-d'Or - 75011 Paris - France
Tel: + 33 1 43 55 25 18 / Fax: + 33 1 43 55 18 80 / www.fidh.org



Activities of the Observatory

The Observatory is an action programme based on the belief that strengthened co-operation and solidarity among human rights defenders and their organisations will contribute to break the isolation they are faced with. It is also based on the absolute necessity to establish a systematic response from NGOs and the international community to the repression of which defenders are victims.

With this aim, the Observatory seeks to establish:

- a mechanism of systematic alert of the international community on cases of harassment and repression of defenders of human rights and fundamental freedoms, particularly when they require urgent intervention;
- the observation of judicial proceedings, and whenever necessary, direct legal assistance;
- international missions of investigation and solidarity;
- a personalised assistance as concrete as possible, including material support, with the aim of ensuring the security of the defenders victims of serious violations;
- the preparation, publication and world-wide dissemination of reports on violations of the rights and freedoms of individuals or organisations working for human rights around the world;
- sustained action with the United Nations and more particularly the Special Rapporteur on Human Rights Defenders, and when necessary with geographic and thematic Special Rapporteurs and Working Groups;
- sustained lobbying with various regional and international intergovernmental institutions, especially the Organisation of American States (OAS), the African Union (AU), the European Union (EU), the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe, the International Organisation of the Francophonie (OIF), the Commonwealth, the League of Arab States, the Association of Southeast Asian Nations (ASEAN) and the International Labour Organisation (ILO).

The Observatory's activities are based on consultation and co-operation with national, regional, and international non-governmental organisations.

With efficiency as its primary objective, the Observatory has adopted flexible criteria to examine the admissibility of cases that are communicated to it, based on the "operational definition" of human rights defenders adopted by OMCT and FIDH: "Each person victim or at risk of being the victim of reprisals, harassment or violations, due to his or her commitment, exercised individually or in association with others, in conformity with international instruments of protection of human rights, to the promotion and realisation of the rights recognised by the Universal Declaration of Human Rights and guaranteed by the different international instruments".

To ensure its activities of alert and mobilisation, the Observatory has established a system of communication devoted to defenders in danger. This system, called Emergency Line, can be reached through:

E-mail : Appeals@fidh-omct.org

OMCT Tel: + 41 22 809 49 39 Fax: + 41 22 809 49 29

FIDH Tel: + 33 1 43 55 25 18 Fax: + 33 1 43 55 18 80