

Press Freedom Enhances Development

Joint Submission to the Universal Periodic Review of The Gambia

Submitted by: Gambia Press Union, Media Foundation For
West Africa (MFWA) and IFEX on March 28, 2019

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Issue 1: Attacks on media professionals

All recommendation REJECTED in the 2010 review. Ten similar recommendations were made in 2014 and they were all simply NOTED and Six was SUPPORTED



New Developments

- Kebba Jeffang came under physical and verbal assault by the supporters of three political parties that form the coalition government.
- Alagie Manneh and Abdoulie John attack rough-handled by APRC supporters.
- Mustapha Jallow violently attacked by the police in Serekunda during a non-protest by vendors.
- Pa Modou Bojang was violently assaulted by PIU officers at the Faraba Banta protest.

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- GRTS news crew attack during the funeral of Asombi Bojang the mother of the former president.
- Baboucarr Manga a cameraman was assaulted by PIU officers for filming a protest by teachers.

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Recommendations on Issue 1

- End impunity for long-standing cases e.g. Deyda Hyndara, Chief Manneh and Musa Saïdykhan
- Take positive measure to prevent attacks on journalist. Where attacks occur to investigate
- Develop and implement a National Mechanism on the Safety of Journalists inline with UNESCO and AU safety mechanism for journalists.
- Re-orient and retrain police and other security agencies on their responsibilities.
- Hold security forces accountable for abuses

Issue 2: Attacks on freedom of speech and assembly

- All recommendation REJECTED in the 2010 review. Thirteen similar recommendations were made in 2014 and they were all simply NOTED and Six was SUPPORTED.

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New Developments

- Two protesters killed and seven injured by live bullets during the Faraba protest.
- Dr. Ceesay a political Science lecturer at the UTG was arrested and detained.
- Mamma Kandeh, the GDC leader was invited for questioning by the police.
- Omar Touray a political activist was arrested for a WhatsApp audio message.
- Fatou Badgie was arrested and detained by the police for insulting the president.

Recommendations on Issue 2

- Sensitise security forces on respecting and protecting freedom of expression democracy, and development.
- Ensure state security agents and officials put a stop to attacks, arrests and intimidation of people, including political opponents for the exercise their freedom of expression rights both offline and online.

Issue 3: Continued Existence of Repressive Freedom of Expression Legislations

- All recommendation NOTED in the 2010 review. Thirteen similar recommendations were made in 2014 and they were all simply NOTED and Six was SUPPORTED.

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New Developments

- False publication on the internet
- Criminal defamation
- Part of sedition
- These were declared unconstitutional by the Supreme Court of The Gambia

What remains

The Criminal Code

- Sedition: Sections 51 and 52 of the Criminal Code criminalises any expression that brings hatred against the president or administration of justice.
- False News and False Publication and Broadcasting: Sections 59 and 181, respectively, of the Criminal Code criminalise the publication of any material that is deemed false and causes fear.

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Information and Communications Act (Amendment Act) 2013

- Internet surveillance and monitoring: Section 138 of the Information and Communications Act (Amendment Act) 2013 gives powers to security agencies to intercept communication without any public or judicial oversight.

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Children's Act

- Section 61 criminalises publication of any material that exposes the identity of children who are the victims or perpetrators of a crime. The punishment is up to three years imprisonment.

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High Taxation and financial obligations on Media Practice

- The Newspaper and Broadcasting Stations Act 1944, Chapter 74.04, Volume 12 of the Laws of The Gambia provides for the filing of an affidavit under Section 3, and Section 7 makes provision of a bond of five hundred thousand Dalasis (approximately US\$ 10,000) with a surety or sureties mandatory before approval for operations of the newspaper or radio station can be permitted by the State.

Recommendations on Issue 3

- Adhere to the recent ECOWAS court ruling and repeal all repressive laws still on the books that criminalize speech these include: Section 51, 52, 59, 181A of the Criminal Code; Section 173A of the Information and Communication (Amendment) Act, 2013; and Sections 3 and 7 of the Newspaper And Broadcasting Stations Act 1944, which relates to provision of a bond and sureties, as well as the penalty provisions under said Act in so far as they relate to the bond.

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- Ensure media and freedom of expression legislation contained within the Constitution conforms to international best standards, as outlined under Article 19 of the ICCPR, AU's Declaration of Principles on Freedom of Expression and General Comment No. 34
- Amend relevant laws so that the protection of privacy, false news and reputation does not involve the use of Criminal sanctions.
- Remove obstacles to a sustainably functioning and pluralistic media industry by reforming the tax regime and providing subvention for media organisations.

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- Initiate and support processes to pass progressive laws such as the Right to Information Law, Broadcasting Law (including the legal transformation of the state broadcaster into a public service broadcaster) to enhance citizens' enjoyment of freedom of expression and access to public information.
- Implement the rulings of the ECOWAS Court in the cases of Musa Saidu Khan and Fatou Camara, Fatou Jaw Manneh, Alhagie Jobe and Lamin Fatty by full payment has been made to all the victims of this case except Musa Saidu Khan. The second part of the ruling which deals with the repeal of FOE laws to meet Gambia's international obligation has not been fulfilled.

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Thank you!

Columbia
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