Gambia, The

Country:
Gambia, The

Year:
2015

Status:
Not Free

Total Score:
65
(0 = Best, 100 = Worst)

Obstacles to Access:
18
(0 = Best, 25 = Worst)

Limits on Content:
21
(0 = Best, 35 = Worst)

Violations of User Rights:
26
(0 = Best, 40 = Worst)

Population:
1.9 million

Internet Penetration:
16 percent

Social Media/ICT Apps Blocked:
No

Political/Social Content Blocked:
Yes

Bloggers/ICT Users Arrested:
Yes

Press Freedom Status:
Not Free

Key Developments:
June 2014—May 2015

- Sporadic internet blackouts ensued throughout 2014 and 2015, which included a week-long outage in April 2015 (see Restrictions on Connectivity).
- While the popular Voice over Internet Protocol (VoIP) platform Viber was unblocked in July 2014, dozens of opposition and news websites remained blocked (see Blocking and Filtering).
- Anecdotal reports indicated an increasing trend of politically sensitive content “disappearing” from the internet due to intimidation from government authorities (see Content Removal).
- Digital activism led to the release of an activist and blogger, who was detained without charges for his work with the survey research firm, Gallup (see Digital Activism).
- In July 2014, a supporter of the main opposition party was prosecuted and fined US$1,250 for using Skype to send live coverage of an opposition political rally to the Freedom Newspaper online outlet based abroad (see Prosecutions and Arrests).
- A former online journalist was arrested in August 2014 on accusations of sending sensitive information to “enemies” of the government based abroad. Tortured while in detention, he was released without charges and subsequently fled the country. Extralegal detention and harassment led at least two other online journalists to flee the country in exile (see Prosecutions and Arrests and Intimidation and Violence).

Introduction:

Under the repressive rule of President Yahya Jammeh, who has been in power since overseeing a military coup in 1994, political rights and civil liberties are severely restricted in The Gambia, with conditions for press freedom and freedom of expression particularly tenuous. As access to information via information and communication technologies (ICTs) has proliferated over the past two decades, the government has proactively applied its notably harsh media censorship tactics to the internet, beginning as early as 2006 with the blocking of two critical online news outlets.[1]

In the past few years, the growing popularity of independent online news outlets, most of which are based abroad and operated by exiled Gambian journalists, has prompted the government to intensify its crackdown against critical voices by blocking dozens of news and opposition websites and arresting individuals suspected of disseminating information to exiled journalists. In 2014 and 2015, at least 20 news and opposition websites were blocked, while anecdotal reports indicated an increasing trend of politically sensitive content “disappearing” from the internet due to intimidation from government authorities. The popular Voice over IP (VoIP) platform, Viber, was blocked from March to July 2014.

Meanwhile, access to the internet was hampered by frequent internet blackouts lasting several hours throughout the coverage period. In April 2015, internet service was shut down completely for one week, which providers blamed on technical issues with the ACE submarine communications cable, though some local observers believed the disruptions were a result of the government’s increasing efforts to test new ways and means of controlling access to the internet and critical content.
Arrests, extralegal detentions, and threats against online journalists were common in 2014 and 2015, resulting in a growing number of online journalists fleeing the country in exile. In July 2014, an opposition supporter, Lansana Jobarteh, was prosecuted for allegedly broadcasting an opposition political rally in December 2013 without a license. Jobarteh was using Skype on his iPad to transmit coverage of the rally to the Freedom Newspaper online outlet based abroad. He was found guilty under restrictive ICT-specific amendments to the 2009 Information and Communications Act enacted in 2013 and sentenced to one year in prison or a fine of GMD 50,000 (about US$1,250), the latter of which was paid with support from members of his opposition party. The government unblocked Viber shortly after Jobarteh’s conviction. According to local legal experts, the timing of the two incidents suggests that the government may be shifting its restrictions on internet freedom away from blocking certain ICT tools and in favor of using restrictive legal measures to punish "perceived" enemies of the state.[2]

Obstacles to Access:

Internet blackouts plagued The Gambia throughout the coverage period, lasting several hours at a time. A week-long shutdown occurred in April 2015, which providers blamed on technical issues, while local observers pointed to the government’s increasing efforts to test new ways and means of controlling access to the internet and critical content.

Availability and Ease of Access

Access to the internet in The Gambia has increased steadily over the past decade, from a penetration rate of less than 4 percent in 2004 to 16 percent in 2014, according to the latest data from the International Telecommunication Union (ITU).[3] Fixed-broadband subscriptions were still paltry, however, at a penetration rate of a mere 0.12 percent in 2014 (increasing from 0.02 in 2013).[4] By contrast, The Gambia has one of the highest mobile phone penetrations in Africa, with an access rate of 120 percent in 2014, up from nearly 100 percent in 2013,[5] though only 1.2 percent of the population has access to mobile broadband.[6] Nonetheless, connection speeds were very slow during the year, averaging 1.6 Mbps (compared to a global average of 4.5 Mbps[7]), according to May 2015 data from Akamai’s "State of the Internet" report.[8]

At a cost of about US$10 per month, fixed-line subscriptions are expensive for individual users in The Gambia, where average monthly household incomes are less than US$50 as of the latest available data from 2011.[9] Consequently, most internet access in The Gambia is via dial-up at public internet cafes, which charge about US$1 per hour of access. The recent introduction of 3G wireless internet connections via mobile devices has made internet access more attainable, albeit for only a small subset of the population who can afford the unlimited 3G wireless packages that begin at about US$62 per month.

Limited access to telecommunications services in The Gambia is further compounded by a significant urban-rural divide. In general, rural areas suffer from poor or virtually nonexistent infrastructure, a lack of electricity, and frequent power cuts.[10] In addition, network coverage of rural areas has not been an investment priority for most service providers,[11] making rural provinces in The Gambia some of the most “disconnected regions of the world.”[12] Radio remains the principal mass medium through which most Gambians stay informed.
Restrictions on Connectivity

The Gambian government’s control over the country’s telecommunications infrastructure enables it to restrict access to the internet and mobile phone services. In a November 2012 assessment, the internet research company Renesys classified the Gambia as being at “severe risk of internet disconnection” for having no more than two direct connections to the international internet, alongside repressive countries such as Ethiopia, Egypt, and Syria.[13]

The state-owned telecom company, Gambia Telecommunications Company Limited (Gamtel), owns the fiber-optic cable that runs across the country and controls the country’s connection to the international internet via the ACE (Africa Coast to Europe) submarine cable system, allowing private telecoms to lease access to the gateway for data services.[14] In a positive step, the government began liberalizing gateway services in May 2013 by granting international data transmission licenses to private telecom operators,[15] though it was unclear how many new licenses had been issued as of mid-2015.[16] The government also launched the country’s first internet exchange point (IXP) in July 2014 to boost speed, security, and affordability of internet services across the country.[17] As of mid-2015, no issues of government control over the new IXP have been reported. Fixed-line voice communications, on the other hand, remain purely state-owned and controlled, seen mostly as part of the government’s effort to protect Gamtel’s monopoly.

A number of internet blackouts lasting several hours occurred during the coverage period, especially between August and October 2014, according to multiple sources.[18] Service providers mostly blamed the blackouts on “technical problems and maintenance work” at the gateway, while the gateway (mainly controlled by Gamtel) blamed the disruptions on problems with the ACE cable. [19]

In April 2015, internet service was shut down completely for one week,[20] which providers also blamed on technical issues with the ACE cable, though some local observers believed the disruptions were a result of the government’s increasing efforts to test new ways of controlling access to the internet and critical content.[21] The week-long internet shutdown had come only a few days after a video of a police officer beating a schoolgirl went viral on Facebook in late March,[22] and a year after a 48-hour internet blackout in March 2014.[23] Local observers blamed the March 2014 blackout on the government’s efforts to block VoIP applications at the time,[24] which it succeeded in doing one week later with the popular VoIP application Viber.[25] Viber was eventually unblocked in July 2014.

ICT Market

The Gambia’s ICT market is relatively small, with four internet service providers (ISPs)—state-owned Gamtel and privately-owned QuantumNet, Netpage, and Airtip[26]—and four mobile phone providers, all of which provide 2G/3G data service for mobile devices in country—Gamtel’s subsidiary Gamcel, and privately-owned Qcell, Africell, and Comium. [27]
The telecommunications sector is not well regulated, and like many other sectors, businesses must contend with inefficient bureaucracies coupled with nepotistic and preferential practices conducted by government officials. Top regime officials often have working relationships with business entities and investors “across all sectors of the economy,” according to local observers.[28] Registration for internet and mobile phone service providers is an onerous and expensive process with numerous requirements to fulfill. In addition, corruption among the authorities is rife. For example, when Qcell, one of the leading GSM companies in country, was forced to suspend its mobile money service known as QPOWER in 2013, it reportedly gifted two new cars to Gambian President Yahya Jammeh for his birthday, which led to a subsequent resumption of the QPOWER service.[29]

Internet cafe operators must also contend with onerous, expensive, and opaque regulatory obstacles. For example, under an April 2013 directive, cybercafe owners are required to register with the regulatory agency for an operating license (in addition to a requisite business license) through an application that requires details of the ISP, the number of computers installed, and services provided.[30] Cybercafes must renew their licenses every year and pay annual renewal fees of US$ 20 to the regulatory body or face closure.[31] In September 2013, the regulator issued further guidelines that dictated specific requirements on the physical layout of cybercafes and the signs that must be displayed.[32] Since 2013, more than a dozen cafes have closed down as a result of the economic obstacles imposed by the strict regulations, alongside increasing access to mobile internet.[33]

Regulatory Bodies

The telecommunications sector is regulated under The Gambia Public Utilities Regulatory Authority Act 2001, which established the Public Utilities Regulatory Authority (PURA) in 2004 to regulate the activities of telecom service providers and other public utilities.[34] To some consumer activists, PURA has been an ineffective regulator that seems more concerned about its image than the interests of consumers.[35] As it stands in 2015, PURA neither has the expertise, equipment, nor enforcement power to effectively carry out its mandate.[36] Furthermore, PURA is not independent, at least in its composition. The president appoints the governing board of the regulatory body on the recommendation of the Minister of Finance and Economic Affairs.[37]

Limits on Content:

Dozens of independent online news and opposition websites remained blocked in The Gambia, amid a number of anecdotal reports of politically sensitive content “disappearing” from the internet due to intimidation from government authorities. Meanwhile, a significant digital activism campaign led to the release of an activist and blogger, who was detained without charges for his work with the survey research firm, Gallup.

Blocking and Filtering

At least 20 webpages were blocked in The Gambia during this report’s coverage period, [38] many of which are news and opposition websites known for their criticism of the government,[39] such as Gambia Echo, Hello Gambia, Jollof News, and Gainako. One of
the first websites blocked in the country beginning in 2006, Freedom Newspaper, remained blocked.[40] Most of the blocked outlets are based abroad and operated by exiled activists and Gambian journalists.

YouTube, Facebook, Twitter and international blog-hosting platforms are freely available, though communications applications have been blocked in the past. The popular VoIP platform, Viber, was the most recent communications tool targeted for blocking from March to July 2014.[41] The government denied involvement and hinted that service providers may have engineered the block,[42] while observers blamed the government given its belief that platforms such as Viber have been enabling exiled Gambian journalists to deliver politically “objectionable” information to the public.

There is no transparency behind the blocking of internet content in The Gambia, and efforts to access blocked URLs typically time out. The government denies any involvement in the blocking of critical news websites; however, state control over the country’s dominant telecommunications provider, Gamtel, gives the authorities the ability to restrict access to internet content. Expert opinions suggest that the country targets specific internet protocol (IP) addresses and domain names at the level of the internet gateway. Meanwhile, tech-savvy Gambians use virtual private network (VPNs) and other proxies to access blocked content from within the country.[43]

Content Removal

The extent to which the government may require websites to take down certain content is obscured by the overwhelming number of progovernment, if not state-owned, news outlets based in the country, which often receive directives to depict the government in a positive light. Nonetheless, observers have noted an increasing trend of online content “disappearances” through anecdotal accounts from journalists and editors based in the country. A former reporter speaking anonymously revealed that he often receives orders from government officials to take down select content from certain news websites, particularly “politically sensitive” content.[44] Some editors have reported receiving threatening phone calls for their online content, while others have experienced “visits” from officials at their offices or homes.[45] In general, stories that risk catching the attention of security officials are highly susceptible to disappearing online, either through self-imposed post-publication censorship, or from unofficial takedown orders from government officials.

Media, Diversity, and Content Manipulation

Most critical news outlets are operated by exiled dissidents based abroad and blocked within the country. Independent online media outlets face the challenge of economic sustainability in a country where many businesses avoid advertising with critical outlets out of fear of government reprisals. As a result, the online news and information landscape does not represent a diversity of political and social viewpoints. Furthermore, a climate of fear due to pressure from the authorities in the form of arbitrary arrests, extralegal harassment, and threats has led to a severe degree of self-censorship among journalists, both online and offline.[46] Bloggers and online journalists based in the country typically post content anonymously, while many local online activists simply avoid posting critical content or remove content after posting to evade potential repercussions.[47]
Comments by trolls in many online forums disproportionately distort the news and information landscape, though there is no concrete evidence that the authorities employ progovernment commentators to manipulate online content. Progovernment trolling activity tends to surge during times of political or social controversy. For example, following the illegal detention of a local activist in November 2014 (see “Digital Activism”), a mass online mobilization campaign to secure the activist’s release attracted a trove of so-called “neutral” commentators who posted progovernment comments that diluted the campaign’s message. More often than not, online conversations between activists and regime apologists become abusive, resulting in quarrels, stand-offs, and sometimes the use of hate speech.

Despite the highly restrictive environment for bloggers and internet users, there are a small number of locally based independent journalists and netizens working courageously to push the boundaries of free expression and internet freedom from within The Gambia, as exemplified by two popular news blogs, Front Page International (FPI)[48] and Gambia Affairs,[49] which are both managed and published by journalists based in country.

**Digital Activism**

Digital activism is growing in The Gambia, though efforts are usually small and unsuccessful, mainly due to heavy-handed government repression against criticism and dissent. During the coverage period, one notable case of digital activism yielded a positive impact. In November 2014, the authorities released activist and blogger Sait Matty Jaw following a sizable online mobilization campaign organized by both local and international supporters using the Twitter hashtag #FreeSaitMattyJaw.[50] He was reportedly arrested alongside two peers for their allegedly unauthorized work with the survey research firm Gallup.[51] The online mobilization efforts also involved plans for mass public demonstrations to demand Jaw’s immediate release,[52] which prompted the authorities to release Jaw after holding him without charges for over a week.[53]

**Violations of User Rights:**

*An opposition supporter was prosecuted in July 2014 for using Skype on his iPad to transmit coverage of an opposition rally to the Freedom Newspaper independent online outlet based abroad. Found guilty, he was ordered to pay a fine of approximately US$1,250 or spend one year in prison. A former journalist was arrested in August 2014 and accused of sending sensitive information to “enemies” of the government based abroad; he fled the country after enduring torture while in detention. Increasing incidents of extralegal intimidation and violence against several bloggers and online journalists led many to join their traditional media counterparts in exile.*

**Legal Environment**

The 1997 constitution guarantees freedom of speech and press freedom, though fundamental freedoms are severely restricted in practice. President Jammeh is known for his utter disregard for constitutional rights, stating publicly in March 2011 that he would “not compromise or sacrifice the peace, security, stability, dignity, and the well-being of Gambians for the sake of freedom of expression.”[54]
Meanwhile, a number of draconian laws further undermine freedom of expression, and in recent years, the government has successfully amended existing legislation to increase penalties for certain offenses. The criminal code, which already criminalizes defamation with a minimum prison sentence of one year plus heavy fines, was amended in April 2013 to penalize individuals for “giving false information to public servants” with up to five years in prison, up from six months.\[55\] Observers believe the increased penalty was an effort to intimidate journalists and whistleblowers from seeking legal recourse for the physical abuse they often experience at the hands of the authorities.\[56\]

Harsh legislation specifically targeting ICTs was passed in July 2013 in the form of amendments to the 2009 Information and Communication Act. Under the new amendments, online dissent is specifically criminalized with penalties of up to 15 years in prison, fines of up to GMD 3 million (about US$100,000), or both, for using the internet to criticize, impersonate, or spread false news about public officials.\[57\] According to analysis by the blocked online news outlet, Gainako, the government introduced the harsh internet law in response to online activism and the growing influence of critical news outlets, stemming primarily from abroad.\[58\]

Prosecutions and Detentions for Online Activities

Arrests and prosecutions of online journalists and ICT users for ICT activities are common in The Gambia. In July 2014, opposition supporter Lasana Jobarteh was prosecuted under the restrictive 2013 amendments to the communications law on charges of broadcasting a political rally in December 2013 without a license.\[59\] Jobarteh was using Skype on his iPad to transmit coverage of the rally to the independent Freedom Newspaper online outlet based abroad, which the authorities arbitrarily determined to be a violation of the broadcast license requirements under the Information and Communications Act.\[60\] He was sentenced to one year in prison or fined GMD 50,000 (about US$1,250), the latter of which was paid with support from members of his opposition party to avoid prison.\[61\]

In August 2014, Abdou Jeli Keita, a former journalist for the news outlet Foroyaa, was arrested and accused of sending sensitive information to “enemies” of the government based abroad.\[62\] At the time of his arrest, Keita was a government employee who had left journalism after previous experiences with extrajudicial detentions for his reporting. While in detention, Keita recounted how the authorities illogically presented him with old articles he had written for Foroyaa from his time as a journalist as evidence of his continued connection with the independent outlet. After enduring two days of torture and threats, he was released without charges and subsequently fled the country to Senegal.

In August 2015, the Managing Director of the independent radio station Taranga FM, Alagie Abdoulie Ceesay, was arrested and charged with sedition and publishing false news for allegedly circulating images of the president via his mobile phone and on Facebook.\[63\] He was denied bail and remains in prison while awaiting trial as of October 2015.\[64\]

Citizens were also subject to harsh penalties for violating the country’s strict laws prohibiting blasphemy. In August 2015, Facebook user Alhagie Mam Seye was arrested for sharing a picture of the Prophet Mohamed on Facebook.\[65\] He was subsequently charged with “uttering words with intent to wound religious feelings” and released on bail.
after his lawyer appealed on behalf of his mental stability. His case remained open as of October 2015.

Surveillance, Privacy, and Anonymity

Unchecked surveillance of ICTs is a grave concern in The Gambia. Section 138 of the 2009 Information and Communications Act gives sweeping powers to national security agencies and investigative authorities to monitor, intercept, and store communications in unspecified circumstances while also giving the regulator, PURA, the authority to “intrude communication for surveillance purposes,” all without judicial oversight. In addition, service providers are required to “implement the capability to allow authorized interception of communications.” The government also places restrictions on anonymous communication through SIM card and local domain name registration requirements, the latter of which is managed by the regulatory authority.

As a result, observers believe the government proactively monitors and intercepts citizens’ communications, particularly the communications of activists and independent journalists whom the government perceives as a threat to national security. Intercepted phone and email communications are often used as evidence in trials against government critics. However, the scope of the government’s technical surveillance capabilities remains unknown.

Intimidation and Violence

Gambian journalists face a high degree of violence for independent and critical reporting. In October 2014, an online journalist with the privately owned Standard newspaper, Ousman Bojang, was reported missing. Mr. Bojang, a former intelligence operative, later surfaced in neighboring Senegal and revealed that he escaped after suffering severe torture at the hands of his former colleagues at the notorious National Intelligence Agency (NIA) on allegations of sending sensitive information to the Freedom Newspaper online outlet based abroad. The former journalist, Abdou Jeli Keita, who was arrested in August 2014 (see “Prosecutions”) also reported being tortured by security officials while in detention.

Intimidation and threats are also common tactics used to suppress freedom of expression online. In late 2014, the government revoked the state-funded scholarship of a Gambian college student studying abroad at the University of California, Santa Barbara for posting a Facebook status in support of gay rights. In May 2015, Saikou Ceesay, the managing editor of the online newspaper, Gambia Affairs, received death threats for a Facebook post he wrote about presidential term limits.

As a result of the unsafe environment for media workers, a growing number of bloggers and online journalists joined their traditional media counterparts in exile in 2014 and 2015, including two online journalists for the Standard news outlet, Sanna Camara and Sainey MK Marenah, who both fled the country in late 2014 following police harassment for their reporting.

Technical Attacks
Opposition websites and critical online news outlets frequently experience technical attacks, which are widely believed to be perpetrated by the government. In May 2014, an independent news outlet reported leaks of a government plot to launch hacking attacks against diaspora journalists for the online news outlets, Kairo News and Freedom Newspaper.[77] In November 2014, malicious malware known as “Blackhat SEO” was reportedly discovered on government websites, placing users visiting those websites at risk of infection. Local observers suspected that the malware aimed to bait and gather intelligence on online activists, especially activists based abroad.[78]

Notes:


[16] Interviews by Freedom House consultant, April 2015

[18] Author interviews.


[28] Interviews by Freedom House consultant, April 2015.


[33] Interviews by Freedom House consultant, April 2015


[38] Interviews by Freedom House consultant, April 2014.


[42] The then Deputy Permanent Secretary at the Ministry of Information and Communication Infrastructure, Mr Lamin Camara was quoted saying: “The blockade of Viber has nothing to do with Public Utility Regulatory Authority (PURA), the blockage is at operators’ level. I am not pointing fingers at any operator. I know there are other services that Viber has affected and it is not good for them. We are working together to see how we can come to a better solution that would be acceptable to all parties.”


[47] “Since we are not all technically skilled, sometimes when we post critical information online, which in our context is incriminating, we simply delete. Sometimes the removal is accompanied by an apology or a rejoinder. This is how we survive, special circumstances present special approaches,” said a local online journalist. Interviews by Freedom House consultant, 2015.


[53] Weeks later, Jaw was re-arrested and put on trial but was eventually acquitted and discharged by a magistrate court, though his co-accused had pleaded guilty and paid fines. Prosecutors have however, filed an appeal against the decision.


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