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Freedom Of The Press - Gambia, The (2011)

Status: Free
Legal Environment: 26
Political Environment: 35
Economic Environment: 20
Total Score: 81

The climate of press freedom and freedom of expression in 2010 remained largely unchanged in The Gambia from the previous year. The press continued to operate in an atmosphere of fear from legal and extralegal pressure, while the government ignored calls for accountability in past unresolved cases of abuse against journalists.

Although Article 34 of the constitution provides for freedom of the press and of expression, the government does not respect these rights in practice. Constitutional protections are undermined by other legislation, primarily the 2004 Newspaper Amendment Act, which requires newspapers to reregister and imposes excessive bonds on media institutions, as well as a 2004 criminal law that mandates stiff penalties and harsh punishments for publication of false information, including sedition and libel. These provisions have given the authorities great power to silence dissent. Although a 2005 press law guarantees the right of citizens to obtain information and prohibits censorship, there are broad restrictions on any content that is "contrary to the principles of Islam or offensive to other religions and sects." Consequently, media outlets are sometimes fined and journalists are occasionally arrested for broadcasting "un-Islamic material," resulting in self-censorship among media outlets.

Efforts to hold the government accountable for mistreating journalists in past years continued to bear little fruit. In December 2010, in a case brought in 2008 by the Ghana-based Media Foundation of West Africa, the Economic Community of West African States (ECOWAS) Court of Justice ordered the Gambian government to pay \$200,000 compensation to exiled Gambian journalist Musa Saidu Khan, who had been detained and tortured for three weeks by state security agents in 2006. At the time of his arrest, Saidu Khan was the editor in chief of the now banned private weekly *The Independent*. On his release, he fled to the United States. In 2008, the ECOWAS court ordered the Gambian government to release and compensate "Chief" Ebrimah Manneh, who was detained in 2006 by state security agents and has been missing since then. The Gambian government rejected that decision in April 2009, with the Gambian attorney general and justice minister formally declaring that Manneh was not in government custody. Manneh's arrest and disappearance came after he published a report critical of President Yahya Jammeh in the independent *Daily Observer* concerning the government's inaction in investigating the 2004 assassination of journalist and press freedom activist Deyda Hydara. Investigations into the Hydara case have stalled since early 2005 following a leaked "confidential intelligence report" that smeared Hydara.

Other arrests and harassment of journalists continue to occur, although no physical attacks were reported in 2010. In March, the military detained two journalists for about two hours after they took pictures of a beach without authorization. In August, two journalists from *The Point* newspaper were summoned to appear in court after publishing an article that quoted a defense lawyer saying in court that his client had been tortured. The presiding judge disputed that the lawyer had made that claim in court, but when the lawyer expressed support for the journalists, they were immediately released. In June, Abdoulie John, a correspondent with the Associated Press and an editor at the online news outlet Jollof News, reported receiving several threatening late-night phone calls he believed to be from Gambian security forces. Due to similar threats and attacks, a number of Gambian journalists have fled into exile over the last two years. Yusupha Cham, a former reporter for *The Point* now living in the United Kingdom, received two threatening emails purporting to be from the feared National Intelligence Agency shortly after he began contributing articles to Gambian news websites. Journalists from news outlets perceived to be critical of the government are routinely denied access to public information and are excluded from covering official events. Self-censorship is widespread.

The government owns the *Gambia Daily* newspaper, a national radio station, and the only national television station. Political news coverage at these outlets generally toes the official line. There are eight private newspapers and nine private radio stations. Private media outlets are subject to official pressure, and many have also toned down coverage of the opposition. Most businesses avoid advertising with private media outlets for fear of government reprisals. A premium television network operates as a locally-based satellite station. Foreign news was rebroadcast on several local radio stations. The government did not interfere with access to foreign cable or satellite television news broadcasts, which were generally available to most citizens.

About 9 percent of the population has access to the internet. Two U.S.-based online news sites, *Freedom Newspaper* and *The Gambia Echo*, have periodically been blocked by the authorities. In August 2010 an ally of President Jammeh filed a defamation suit against *Freedom Newspaper* over several false stories published in 2009 that were later retracted.