

Gambia, The

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Freedom of the Press

Gambia's reputation as a serious offender of press freedom and freedom of expression was consolidated in 2013. A mix of new legislation, ongoing harassment of the independent press, and arrests combined to increase the state's control of an already weak media sector. President Yahya Jammeh continued to ignore calls for accountability regarding past cases of murder and abuse targeting journalists.

Although Article 25 of the constitution provides for freedom of expression and of the press, the government does not respect these rights in practice. Constitutional protections are undermined by other legislation, primarily the 2004 Newspaper Amendment Act, which expanded the 1944 Newspaper Law to the broadcasting sector and exacerbated the media registration process, extracting excessive bonds to register media institutions and increasing penalties for failing to register. In addition, 2004 and 2005 amendments to an already restrictive criminal code that criminalizes defamation introduced stiffer penalties for dissemination of false information, sedition, and libel. In July 2013, the National Assembly amended the 2009 Information and Communications Act in an effort to curtail online reporting. The amendment introduces a 15-year jail term and a fine of 3 million dalasi (\$82,000) for anyone using the internet to spread false news or make derogatory statements, incite dissatisfaction, or instigate violence against the government or public officials. In April, the National Assembly unanimously passed another amendment to the criminal code to classify the president, vice president, ministers, and legislators as public servants and increased penalties against anyone providing false information to a public servant from a sentence of six months in prison and a fine of 500 dalasi (\$14) to five years imprisonment and a fine of 50,000 dalasi (\$1,360).

As in past years, journalists were regularly arrested and detained on flimsy and superficial charges in 2013. In January, the National Intelligence Agency (NIA) detained Aboulle John, editor of the news website *Jollof News*, for three days. No reason was given for the detention. The website often reported critically on the government. In June, NIA agents arrested a freelance photographer, Pa Sulay Jedama, at a magistrate's court for taking pictures of a former lawyer and a former attorney general outside the court. The two lawyers were there to answer charges of criminal complaints. The NIA held Jedama incommunicado for six days while denying it had arrested him. In September, a TV host and broadcast journalist, Fatou Camara, was arrested and detained for 25 days on suspicion of espionage and breach of national security. She was accused of feeding foreign media with critical information about Jammeh, for whom she had served as press secretary in two separate appointments in 2011 and 2013. Camara, who was summoned to appear in court after her release, fled to the United States in October.

Despite a 2005 press law that guarantees the right of citizens to obtain information and prohibits censorship, reporters from news outlets that are perceived to be critical of the government are routinely denied access to public information and excluded from official events. There are broad restrictions on any content that is considered contrary to the principles of Islam or offensive to other religions. Media outlets are sometimes fined and journalists are occasionally arrested for disseminating "un-Islamic material," leading to self-censorship.

There have been several instances of overt censorship of media outlets in recent years, particularly around coverage of Jammeh's internationally condemned move to execute a group of prisoners in 2012. Security forces banned coverage of a Supreme Court case involving seven of the death row prisoners and detained

and expelled British Broadcasting Corporation (BBC) correspondent Thomas Fessy, who had travelled from Senegal to report on the condemned inmates. The NIA ordered the closures of two independent newspapers, the *Standard* and the *Daily News*, which had reported on the issue. Both newspapers remained banned in 2013. The authorities have also periodically blocked the online news sites *Freedom* and the *Gambia Echo*, both based in the United States.

Efforts by the Economic Community of West African States (ECOWAS) Court of Justice in Abuja, Nigeria, to hold the government accountable for past mistreatment of journalists have borne little fruit. In February 2012, the court rejected the Gambian government's appeal against a judgment awarding \$200,000 in damages for the 2006 imprisonment of now exiled journalist Musa Saidu Khan. At the time of his arrest, Saidu Khan was editor in chief of the *Independent*, a weekly that has since been banned. The government has so far ignored the court's ruling. In another case, in 2008 the ECOWAS court had ordered the Gambian government to release and compensate "Chief" Ebrimah Manneh, who was arrested in 2007 by state security agents and has been missing since. The government rejected the decision in 2009, with the attorney general and justice minister formally declaring that Manneh was not in government custody. At year's end, the regional court was preparing for its upcoming hearing on the case of Deyda Hydara, a prominent editor murdered in 2004. In a 2011 submission to the court, the Hydara family alleged that Gambian authorities failed to conduct an effective investigation into the killing. Neither Hydara's murder nor Manneh's disappearance had been solved by the end of 2013. Many journalists remained in exile in 2013, due to government threats and harassment.

The government owns the *Gambia Now* newspaper, a national radio station, and the only national television station. Political news coverage at these outlets generally toes the official line. There are seven private newspapers, in addition to two banned publications, and nine private radio stations. Private media outlets are subject to official pressure, and many have 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 services are rebroadcast on several local radio stations. Although the government rarely interferes with foreign cable or satellite television news broadcasts, most Gambians do not have access to the technology necessary for viewing them.

About 14 percent of the population had access to the internet in 2013. The Gambia's media landscape includes a substantial number of online news sites and blogs, many of which are based overseas and operated by Gambian expatriates, among them exiled journalists. Government restrictions on the internet include blocking websites that are critical of the government, which limits the diversity of information and viewpoints available to the country's residents, as well as other information-sharing applications.

2014 Scores

Press Status

Not Free

Press Freedom Score

(0 = best, 100 = worst)

83

Legal Environment

(0 = best, 30 = worst)

28

Political Environment

(0 = best, 40 = worst)

35

Economic Environment

(0 = best, 30 = worst)

20