

GAMBIA: UPR OUTCOMES

26 March 2015

ARTICLE 19 urges Gambia to accept and implement recommendations to promote and protect freedom of expression¹ and information² as a matter of urgency. We particularly emphasise the importance of the recommendations made by Australia to “decriminalise press-related offences such as defamation” and by Portugal to review the “Criminal Code in the area of “false information”.

We thank Member States³ which made recommendations to improve the human rights of LGBT individuals. We particularly welcome the recommendations made by USA to “ensure human rights of all Gambian citizens are respected regardless of sexual orientation or gender identity” and by Argentina to “guarantee to LGBTI persons the full and equal enjoyment of their human rights.

However, since the Review, there has been a marked increase in persecution of LGBT individuals. In early November 2014, dozens of LGBT individuals were detained and held incommunicado by the National Intelligence Agency on charges of aggravated homosexuality. They were held beyond the 72 hours prescribed by the constitution, and tortured. Some individuals were released in mid-November. However, on 9 February, three of them (Momar Sowe, Alieu Sarr Modou, and Lamin Bittaye) were formally charged before the high court.

ARTICLE 19 calls for an immediate end to the persecution and harassment of individuals on grounds of their sexual orientation or gender identity.

With regards to the UN Special Procedures, we thank Member States⁴ which made recommendations to facilitate visits. We particularly note the recommendation made by Uruguay to “accept the visit of the Special Procedures [...] and allow them access without restriction”

In early November the UN Special Rapporteurs on Torture, and on Extrajudicial Executions visited Gambia. However, they were denied access to critical detention centers, including the Mile Two Security Wing, where political prisoners are held and reportedly tortured and ill-treated.

ARTICLE 19 calls on Gambia to allow full and unrestricted access to the Special Procedures to detention centres and other key institutions.

Since the attempted coup d'état of 30 December 2014, approximately 30 people have been arrested and detained in secret locations without access to legal representation. At present, no charges have been brought against them, and relatives who have requested information about their whereabouts have been threatened. A military set up and established on 4 February in connection to the attempted coup has held trials in secret without due process. It is reported that the government continues to illegally tap telephones of family members of those linked to the coup and has conducted house to house searches that have forced many into exile for fear of their lives.

Given the lack of progress on human rights and refusal by the Gambia government to implement the decisions and recommendations by ECOWAS Court of Human Rights and the African Commission on Human and Peoples Rights, ARTICLE 19 urges Member States to increase international scrutiny and appoint a UN Special Rapporteur on the human rights situation in Gambia.

¹ ARTICLE 19 notes that Australia, Canada, France, Germany, Portugal, Slovakia, Spain all made recommendations promoting freedom of expression.

² ARTICLE 19 notes that Chile made a recommendation to guarantee of freedom of information.

³ ARTICLE 19 notes that Argentina, Australia, Canada, France, Germany, Italy, Netherlands, Spain, Sweden, USA, and the UK all made recommendations concerning the non-discrimination and LGBT rights.

⁴ ARTICLE 19 notes that Costa Rica, Denmark, Mexico, Rwanda, Uruguay, all made recommendations concerning the facilitation of full and proper visits to Gambia by the UN Special Procedures.