



ARTICLE 19 Statement to the 56th ordinary session of the African Commission on Human and Peoples' Rights, Banjul, The Gambia, 28 April 2015 on the situation of human rights and freedom of expression in the Gambia

Delivered by Fatou Jagne Senghor

Madame Chair, Honorable commissioners, distinguish Delegates

ARTICLE 19 congratulates the African Commission on Human and Peoples' Rights (ACHPR) for its continuous efforts to improve the human rights situation in Africa. We especially would like to thank the Special Rapporteur, Pansy Tlakula for her work in developing the standards to clarify and provide guidelines on freedom of expression and access to information.

Freedom of expression is an important pillar in the protection of human rights, without the respect of this right, other human rights will be meaningless.

Madame Chair, ARTICLE 19 would like to draw again the attention of the Commission on the deteriorating situation of human rights and freedom of expression in The Gambia, Host of this honorable Commission.

Despite the resolutions and recommendations of your Commission, the Gambian government continues to systematically violate the most basic human rights of its citizens.

These violations are often legitimized by draconian laws that have been adopted to stifle the already closed and repressive environment. Beyond these laws, widespread arbitrary arrests, persecution of journalists, dissidents and ordinary citizens is still perpetuated by the National Intelligence Agency (NIA) and other security units with total impunity and in most cases these violations are entrenched by a judiciary under the orders of the executive.

Madame Chair, you would recall that The Gambia, host to this Commission has presented guarantees of a country that respect human rights when this august body was

established in 1987. Today, Banjul has become the capital of human rights violations in Africa, thus undermining the credibility of the African mechanism for human rights.

Madam Chair, as you know, for the past 20 years, The Gambia government has not submitted its reports on the implementation of the African Charter on Human and People's Rights; as of today, 10 reports are overdue. Furthermore, it has not received a single Commission's promotional mission. The last and only report of this Commission was on prisons and dates back to 1999. Since then, prisons' conditions, particularly secret detention centers and where political prisoners are detained, continue to deteriorate with notable cases of abuse, enforced disappearance and torture of detainees documented and confirmed by the UN Rapporteurs on Extrajudicial Executions and on Torture during their November 2014 visit.

Madam Chair, the systematic repression of dissident voices and the attacks on civic space have heightened since the failed Coup d'Etat of 30 December 2014. Since this event, more than 30 people (including women and a child of 13) have been arrested and detained in secret locations without access to their families and lawyers. No charges have been brought against them, and relatives who have requested information about their whereabouts have been threatened. The government continues to illegally tap telephones of family members of those linked to the coup and has conducted house to house searches that forced many into exile for fear of indiscriminate reprisals.

Madam Chair, persons suspected of having participated in the December 2014 coup have been tried by court martial in a trial that was expedited and which did not respect the right to a fair trial of the accused. In March, three people were sentenced to death.

Madam Chair, the bodies of people killed during the coup d'Etat are still confiscated and kept by the authorities in inhuman and degrading conditions for the families.

ARTICLE19 calls on the African Commission to urge The Gambia Government:

- To submit its periodic reports and authorize the Commission to conduct a fact finding mission on the situation of human rights in accordance with resolution No.299 of February 2015,
- To follow up on the Resolution No. 299 and ensure that those accused for the December 2014 coup d'Etat receive a fair trial in accordance with standards recognized by your Commission,
- To return to families the bodies of those killed in December 2014 and to provide information to families on the graves of those executed in 2012,
- To release people arbitrarily detained since January 2015 and stop the persecution and intimidation of citizens, journalists and political dissidents,

- To respect and implement the decisions of the ECOWAS Court on the cases of journalists,
- To put an end to the practice of enforced disappearances and to provide information on individuals who disappeared since 20 years,
- To draw the attention of the AU Conference of Heads of State and Government and the Executive Council on the status of the headquarters of the Commission given the lack of progress on the situation of human rights situation in the Gambia.

I thank you for your attention