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Gambia: Growing clampdown on freedom of expression

Amnesty International is expressing concern at increasing attacks on freedom of expression in the Gambia following the recent arrests of three journalists, solely on the grounds of their legitimate professional activities.

Pa Ousman Darboe, a reporter at the *Independent* newspaper, was arrested on 2 August 2002 and Alhaji Yoro Jallo, an editor of the same newspaper, was detained the following day by agents of the National Intelligence Agency (NIA), both in relation with an article announcing the wedding of the Vice-President of Gambia, Isatou Njie Saidy. Earlier, Guy-Patrick Massaloko, a Congolese journalist with the Pan African News Agency (PANA), was held in incommunicado detention from 19 July to 1 August 2002 at the headquarters of NIA.

Amnesty International is urging the Gambian authorities to uphold the highest standards to guarantee the right to freedom of expression as protected by international treaties to which Gambia is a state party.

Amnesty International has on several occasions expressed its concern at attacks on the right to freedom of expression in the Gambia including arbitrary arrest and detention, expulsion or threats of violence against journalists and other media practitioners. Amnesty International is also concerned that new legislation regulating the press will further restrict freedom of expression if it comes into force.

A National Media Commission Bill has just been passed by Parliament, although President Jammeh is yet to sign it into law. The Bill contains several provisions which are incompatible with Gambia's international obligations under the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights (African Charter).

The organization is particularly concerned at the considerable powers, some of judicial nature, devolved to the Media Commission, which could undermine and restrict freedom of expression. For instance, the Commission has the power to grant, suspend or withdraw registration of media practitioners and organizations. Such powers might lead to the arbitrary closure or refusal of registration of newspapers.

Furthermore, the Bill gives the Commission the right to investigate and try media practitioners and organizations. This includes the power to force the disclosure of sources and to issue warrants for the arrest of any person who fails to appear before the commission after having been served with a summons.

"In addition to lacking any judicial guarantees of fair trials, this appears to usurp the functions of the criminal justice system," Amnesty International said.

The Commission can impose sanctions of up to six months imprisonment as penalties for non-compliance with the provisions of the Bill, as well as fines for the publication or broadcast of any language, caricature, cartoon or depiction which is derogatory, contemptuous or insulting against any person or authority. It leaves the definition of such an offence to the arbitrary determination of the Commission.

The Bill's provisions further exclude the jurisdiction of any court or tribunal, thereby denying the citizens their right to effective remedy as provided for under the ICCPR and the African Charter.

"These restrictions are without justification. They constitute an affront to the right to freedom of expression and may muzzle and undermine the independence of the Gambian media," Amnesty International said.

"We are calling on the President Jammeh to guarantee freedom of expression in the Gambia by withholding his consent to the Bill adopted by Parliament," the organization urged.

Public Document

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