EASO
Country of Origin
Information Report

The Gambia
Country Focus

December 2017
EASO

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The Gambia

Country Focus

December 2017
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doi: 10.2847/732387

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Acknowledgements

EASO would like to acknowledge the State Secretariat for Migration (SEM), Division Analysis, Switzerland, as the author of this report.

The following national asylum and migration departments have reviewed the report:

- Belgium, Cedoca - Documentation and Research centre, Office of the Commissioner General for Refugees and Stateless persons
- Norway - Landinfo
- The Netherlands – Office for Country Information and Language Analysis, Immigration and Naturalisation Service

David Perfect, Visiting Professor at the University of Chester-UK, researcher on The Gambia’s politics and history since the 1980s, and author of numerous publications on the country -, reviewed this report.
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Disclaimer

This report was written according to the EASO COI Report Methodology (2012) \(^{(1)}\). The report is based on carefully selected sources of information. All sources used are referenced. To the extent possible and unless otherwise stated, all information presented, except for undisputed or obvious facts, has been cross-checked.

The information contained in this report has been researched, evaluated and analysed with utmost care. However, this document does not claim to be exhaustive. If a particular event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist.

Furthermore, this report is not conclusive as to the determination or merit of any particular claim to refugee status or asylum. Terminology used should not be regarded as indicative of a particular legal position.

‘Refugee’, ‘risk’ and similar terminology are used as a generic terminology and not as legally defined in the EU Asylum Acquis and the Geneva Convention.

Neither EASO nor any person acting on its behalf may be held responsible for the use which may be made of the information contained in this report.

The target users are asylum caseworkers, COI researchers, policymakers, and decision-making authorities.

The drafting of this report was finalised in 27 July 2017. Any event taking place after this date is not included in this report. The exceptions to this cut-off date were made during the peer-reviewing process completed on 30 November 2017, and are clearly identified in Bibliography. More information on the reference period for this report can be found in the methodology section of the introduction.

Glossary and Abbreviations

22\textsuperscript{nd} July Movement Youth organisation of the APRC, founded on 22 July 1995. The movement became a mass organisation, and therefore dangerous to Jammeh, so he dissolved it in 1999.\(^1\)

AFPRC Armed Forces Provisional Ruling Council

AGOA US African Growth and Opportunity Act

AIDS Acquired immune deficiency syndrome

Alkalo Village chief

APRC Alliance for Patriotic Reorientation and Construction

DSW Department of Social Welfare

ECOWAS Economic Community of West African States

FGM/C Female Genital Mutilation/Cutting

GAF Gambia Armed Forces

GAMBIS The Gambia Biometric Identification System

GDP Gross Domestic Product

GER Gross Enrolment Ration

GNA Gambia National Army

GNG Gambia National Gendarmerie

GNI Gross National Income

GPF Gambia Police Force

GRA Gambia Revenue Authority

Green Boys Youth group that arose from the 22\textsuperscript{nd} July Movement; they were the military wing of the ruling APRC party, known as Green Boys because green is the party colour of APRC. Jammeh officially dissolved the group in 1999.\(^2\)

HIV Human immunodeficiency virus

ICRC International Committee of the Red Cross

IEC Independent Electoral Commission

\(^1\) Perfect, David, Historical Dictionary of The Gambia, 2016, p. 252.

Junglers

Paramilitary unit of ex-president Jammeh (also known as Black Blacks, Black Boys or Ninja). They were known as ‘black’ because they often dressed in black and covered their faces (4).

LBE

Lower basic education

LGA

Local government areas

LGBT

Lesbian, gay, bisexual and transgender

NALA

National Agency for Legal Aid

NDEA

National Drug Enforcement Agency

NER

Net Enrolment Ratio

NIA

National Intelligence Agency

NIN

National Identification Number

NYC

National Youth Council

Operation Bulldozer

The Gambia’s zero tolerance campaign to reduce violent crime, launched by Jammeh in May 2012. LGBT persons were specifically targeted by this campaign (5)

PPP

People’s Progressive Party

Seyfo

District authority chief

SIS

State Intelligence Service

SSE

Senior secondary education

UBE

Upper basic education

UDP

United Democratic Party

UNCTAD

United Nations Conference on Trade and Developments

UNDP

United Nations Development Programme

USA

United States of America

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(5) HRW, State of Fear, 16 September 2015 (url).
Introduction

This report was drafted by the Country of Origin Information (COI) unit of the State Secretariat for Migration (SEM) and provides a summary of the SEM’s findings on selected topics regarding The Gambia.

This report was translated into English. An extended quality review was performed by COI specialists from EU+ countries, by an external expert and by EASO. All drafters and reviewers are mentioned in the Acknowledgements section.

There are still some gaps in the information. These relate to contradictory or out-of-date information, for example in relation to the administrative structure and military forces. The information about identity papers and civil register records is incomplete. While statements of intent by the new government are well documented, reliable information about concrete implementation measures is often lacking.

A change of course commenced with the election of Adama Barrow as the new President of The Gambia in December 2016, bringing new challenges in terms of the assessment of sources: a large number of publications, especially concerning human rights, have been published or researched under the regime of ex-president Jammeh. It is still difficult to assess the stage that the expected reforms have reached and how long-lasting they will be. Gambian daily newspapers, which have followed the reform process attentively and critically since the change of government, are an important source of information and are given a corresponding amount of space. However, they comment on ongoing developments rather than being able to engage in analytical systematisation. More extensive analyses of the new government policy have yet to be undertaken.

This study therefore merely represents an initial inventory during a period of rapid change when the power relationships are still uncertain.

Methodology

- Defining the Terms of Reference

In a ‘Country Focus’ report, EASO aims to provide information focusing on ‘selected topics’ of particular relevance for international protection status determination (Refugee Status and Subsidiary Protection) for Gambian applicants. It is not meant to be a general description of the human rights situation in the country, nor a comprehensive overview of all topics at stake in international protection status determination.

The terms of reference (ToR) reflect the Swiss State Secretariat for Migration need for information on:

- General background information on The Gambia (geography, population, ethnic and religious groups, political and judicial systems);
- The human right’s situation in The Gambia during the Jammeh administration;
- The developments under the new Gambian administration, particularly concerning human rights.

- Collecting information

This country focus is largely based on academic publications relating to The Gambia. Research work from various fields such as anthropology and politics, as well as handbooks and overviews, are the most important sources of information for the General information and State structure and politics sections.
Statistics from the Gambian administration were also an important source of information, with the Gambian Bureau of Statistics periodically publishing a Statistical Abstract. Publications by international or non-governmental organisations and from national, international and diaspora media provided other data. Additional information was obtained from Gambian diplomatic representations in Europe.

All consulted sources are listed in the Bibliography.

The peer-reviewing process of this Country Focus report on The Gambia occurred between 13 September 2017 and 30 November 2017. During that process, information from a limited number of sources was added to the text, with the purpose of complementing or updating the existing draft. These sources and information used are clearly identified by their access dates in the Bibliography.

- **Quality control**

In order to ensure that the authors respected the EASO COI Report Methodology, a quality review was carried out by COI specialists from the countries listed as reviewers in the Acknowledgments, and by EASO. In addition, an external reviewer - Dr. David Perfect - has also reviewed the report. All comments made by the reviewers were taken into consideration and most of them were implemented in the final draft of this report.

- **Structure of the report**

This report is divided into three main chapters: the first provides general background information on topics like geography, population, administration, state structure or the security forces in The Gambia. The second chapter describes the situation of the former government officials, and the third and last chapter provides an insight on the human rights situation under ex-President Yahya Jammeh. Developments since the change of government in January 2017 are available throughout the document.
Map

Map 1: CIA (Central Intelligence Agency). [6]

1. Background information

1.1 Geography and climate

The Gambia is the smallest country on the African mainland. With an area of 11,295 km² it is quarter the size of Switzerland or The Netherlands. The country follows the course of the Gambia River for a distance of 375 kilometres and extends into the interior on both sides of the river. The average width of the country is 24 kilometres, but the area around the estuary and the lower river is almost 50 km wide. Apart from the 80 km long Atlantic coastal line in the west, The Gambia is completely surrounded by the Republic of Senegal, which is seventeen times larger. (7)

The landscape is shaped by the Gambia River, which flows from east to west. It rises in Guinea, meanders in many bends towards the Atlantic and has numerous tributaries, islands and peninsulas. It forms an estuary before flowing into the Atlantic close to Banjul, the capital of The Gambia. The estuary area consists of mangrove swamps. The landscape in The Gambia is generally flat, with the highest elevations reaching less than 60 metres. The gentle gradient means that salt water flows inland for over 150 kilometres. (8)

Along the Atlantic coast, the climate is oceanic with small temperature differences between day and night and between summer and winter. In the interior the climate is tropical, characterised by a marked rainy and dry season. The rainy season lasts from about June to October and the dry season from November to May. During the rainy season, the river floods the lowlands, leaving behind fertilising silt. The dry period is determined by the Harmattan, a dry wind from the Sahara. (9)

The geographical features are also reflected in the national flag. Red symbolises the sun, blue the Gambia River, green agriculture, white peace and unity: (10)

![Image 1: The flag of The Gambia](image)

1.2 Recent history

For many centuries, the northern and southern areas along the Gambia River belonged to various Mandinka kingdoms of the Mali Empire. Among the European colonial powers, the British, Portuguese and French in particular fought for supremacy over Senegambia, the area between the Gambia and Senegal Rivers. Bathurst (which became later Banjul) and surroundings became a British colony, while the rest of the country became a protectorate of Great Britain. The border between The Gambia, which was originally British, and Senegal, which was then French, was established at the end of the 19th century and remained globally identical apart from some minor adjustments made in the 1970s. The unusual boundary line runs parallel to the Gambia River, a central West African trading route for slaves and goods. For centuries, Senegambia was a centre of the West African slave trade. The British banned the trade in 1807 but internal slave trade continued until the end of the 19th century. (13)

On 18 February 1965 The Gambia gained independence and became a sovereign state of the Commonwealth. Following a referendum in 1970, The Gambia became a republic. (14) The president of the First Republic was the former Prime Minister, Dawda Jawara. He was re-elected five times by 1994. (15)

In 1981 Jawara defeated a bloody attempted coup with the aid of Senegalese troops. He then built up his own army and united The Gambia with Senegal in the Senegambia Confederation. This confederation lasted until 1989. (16)

In 1994 Yahya Jammeh came to power in a bloodless military coup. (17) For two years, the country was run by the Armed Forces Provisional Ruling Council (APRC) led by Jammeh. In 1996 Jammeh was confirmed as president in elections and re-elected in 2001, 2006 and 2011. (18) He and his party, the Alliance for Patriotic Reorientation and Construction (APRC) (19), have dominated the country ever since. In 2013 Jammeh announced the country’s immediate

withdrawal from the Commonwealth. (20) In 2015 he declared The Gambia an Islamic Republic. In 2016 he announced the country’s exit from the International Criminal Court. (22) In a surprise result, Jammeh was defeated in the presidential election in December 2016. Instead the opposition candidate, Adama Barrow, was elected as president. Jammeh initially accepted his defeat, but after a few days he contested the result of the election due to alleged irregularities and declared a state of emergency. (23) The country found itself in a constitutional crisis. (24) International protests, weeks of negotiations and the intervention of troops from the Economic Community of West African States (ECOWAS), legitimated by a resolution of the UN Security Council (25), brought the crisis to an end without bloodshed. (26) As the crisis intensified, at least 45,000 Gambians left the country temporarily and sought protection in Senegal. (27) On 19 January 2017 Barrow took the oath of office at the Gambian Embassy in Senegal. On 21 January 2017 Jammeh left the country and went into exile in Equatorial Guinea. On 26 January 2017 Barrow returned to The Gambia. (28)

In his first statements, Barrow announced that The Gambia would return to the Commonwealth and the International Criminal Court and was no longer an Islamic Republic. (29)

1.3 Population, ethnic groups, languages

The Gambia is one of the most densely populated countries in Africa. (30) According to the 2013 census, the country had a population of 1,857,181. (31) A current estimate puts the population at 2,051,363 in July 2017- of these, 60% are younger than 25. (32) Life expectancy in 2013 was 61.8 years for men and 66.5 years for women. (33)

58% of the population lives in cities and suburbs. (34) The three local government areas Banjul, Kanifing and Brikama at the mouth of the Gambia River are the centre of business and tourism. In general, they have better infrastructure than the other areas. They also have the country’s best healthcare facilities and schools. The Kanifing and Brikama LGAs have the highest population, while the Kanifing and Banjul LGAs are the most densely populated. (35)

The capital of The Gambia is Banjul with an estimated population of 31,000 in 2013. (36) Other important cities are Serrekunda and Brikama. Up-to-date official population figures for the cities are unavailable as the censuses collect data for the local government areas and districts but not for the cities. (37)

1.3.1 Ethnic groups

The most important ethnic groups in The Gambia are:

- Mandinka (also known as Mandingo, Mende, Malinke, including Jahanka), around 34% of the Gambian population, i.e. excluding non-Gambians, in 2013; (38)
- Fula (also known as Fulbe Fulani, Peul, including Tukulur, Lorobo), around 24.1%; (39)
- Wolof (or Wollof), 14.8%; (40)
- Jola (also known as Diola, including Karoninka), around 10.5%; (41)

• Serahuli (also known as Serahule, Sarakole and Soninke), around 8.2%; (43)
• Serer (or Serere), 3.1%; (43)
• Manjago (also known as Manjack), around 1.9%; (44)
• Bambara, 1.3%; (45)
• Aku, 0.5%. (46)

President Barrow is a member of the largest ethnic group, the Mandinka. Ex-president Jammeh is from the Jola ethnic group. (47) Many Gambian are of mixed ethnic origin. (48)

1.3.2 Languages

None of the local languages in The Gambia is spoken exclusively in The Gambia. They are also spoken in neighbouring countries. In the following list of languages, it should be noted that there is not a perfect match between ethnic group and language as a significant part of the population speaks several languages. In urban areas, for example, many people from diverse ethnic groups speak Wolof, which has become a lingua franca. The languages that are most frequently spoken in The Gambia are: (49)

• Mandinka (including Jahanka) (50)
• Wolof
• Fula (or Fulfulde, Peul, including Tukulor and Lorobo) (51)
• Serahule (or Soninke Sarakole, Maraka)
• Jola (or Diola, including Karoninka) (52)
• Serer (or Serere)

• Manjago (or Mandjak)
• Aku (Creole, based on English) (53)

1.3.3 Official language

Official correspondence is conducted in English, which has been the country’s official language since the start of the colonial period. (54) Following the exit from the Commonwealth, Jammeh announced in 2014 that English would no longer be the official language. However, he did not say when this decision would take effect and which language would take the place of English as the new official language. (55) In the media, it was speculated or claimed that Arabic was the new official language. (56) English was never formally replaced as the official language. According to information from the Swiss Embassy in Dakar, Jammeh’s announcement was not implemented in practice. (57)

One of the first official acts of the new president, Adama Barrow, in February 2017 was to announce The Gambia’s return to the Commonwealth. (58)

1.3.4 Young population

40% of the population is less than 14 years old; 60% of the population is younger than 25. (59) Youth unemployment in The Gambia is high: in 2012 over 44% of the youth aged 15-24 was unemployed. Young people under 25 are more likely to experience unemployment in urban areas (47%) than in rural areas (44.2%). The unemployment rate is higher among young women (49.4%) than among young men (38.1%). (60)

At state level, the Ministry of Youth and Sports (61) is responsible for matters concerning young people. It has links with the National Youth Council (NYC) and its many youth organisations. (62)

The primary objective of many children of affluent parents is to study in Europe, the USA or elsewhere (see Section 1.3.5 School system). (63)

Many young people, particularly those from poorer families, leave school early. In 2013, almost 25% of the youth under 20 had had no schooling at all. (64) In 2012, about 91% of the 15-24 years had had no vocational training. (65) A large number of youths spend most of their

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(56) Arabic Online, Arabic and Islam in the Gambia, 10 July 2015 (url); Leclerc, Jacques, L’aménagement linguistique dans le monde: Gambie, last updated 24 December 2015 (url); Afrik.com, Gambie : Yahye Jammeh choisit l’arabe comme langue officielle, 25 March 2014 (url).
(57) Swiss Embassy in Dakar-Senegal, written communication with SEM, 20 April 2017.
(58) Telegraph (The), Gambia to rejoin the Commonwealth within months, Boris Johnson announces ahead of trip, 13 February 2017 (url).
spare time in so-called ghettos or crews. These terms, borrowed from the gangsta rap culture, describe groups of 10 to 15 men of the same age who gather in open spaces or vous (from rendez-vous). They give their groups names of dream destinations, European football teams or from hip-hop culture. Most crews or ghettos consist of young people from the same neighbourhood, whereas ethnicity and religion seem irrelevant. Migration is an important topic of conversation. (66)

An alternative to migration abroad for young people without any vocational training is working in tourism along the Atlantic coast. A much-discussed topic here is sex work, in particular the ‘sugar-daddy’ and ‘sugar-mama’ relationships which are based on inequality in terms of age and wealth. For young Gambians, these may be linked with the hope of finding a future in Europe. (67) Some foreign tourists specifically come in search of sex with children. (68)

Female sex workers are known as chaggas and males as beach boys or bumsters, (69) though this terms can also refer more broadly to young men who try to get in touch with tourists (70). The people and their traditional leaders or elders regard bumsters and chaggas as a product of western tourism and as something alien. (71) They are the target of ideological attacks by Islamic circles or the State. (72) Homosexual relationships, in particular, have been the focus of state criticism or repression under the Jammeh regime (see Section 2.4 Lesbian, gay, bisexual and transgender (LGBT) persons). (73) Homosexuality is mostly seen as unacceptable. Female homosexuality seems to be less known (or more taboo) amongst youngsters than male homosexuality. (74)

At the other end of the spectrum, some Gambian young people feel more drawn to Islamic values and morals, which can lead to role reversals. (75) The shift towards reformist movements may be understood in part as a response to the malaise affecting Gambian youth. (76)

(70) Georgia Straight (The), Birds flock and gigolos hustle in the Gambia, 12 March 2008 (url); Brown, Naomi, Beachboys as culture brokers in Bakau Town, The Gambia, 1992.
(72) Nyanzi, Stella et al., Bumsters, big black organs and old white gold, 2005, pp. 557-569.
1.3.5 School system

The structure of the Gambian school system is based on the British system. Children usually start school at the age of seven. They may also be enrolled at Early Childhood Development Centres for two or three years previously, mainly in private institutions but there is also some state or Islamic provision. (77)

This is followed by 9 years of basic education:

- 6 years of primary school: lower basic education (LBE);
- 3 years of middle school: upper basic education (UBE).

Basic education is followed by secondary education:

- 3 years of secondary school: senior secondary education (SSE).

As an alternative to secondary school, students may choose vocational training at a vocational training centre. (78)

Article 30 of the constitution states that basic education should be free, compulsory and available to all. (79) In practice, however, families have paid school fees for basic education. Primary school did not become free for everyone until 2013, upper basic education (UBE) until 2014 and secondary school (SSE) until 2015. (80) Families cover the cost of school uniforms, books and food themselves. (81)

The Jammeh government expanded the school system. According to information from the World Bank, 63% of children attended primary school in 1994, compared with 93% in 2016. (82) It is still the case that fewer children go to school in rural areas than in urban areas. According to official figures for Region 1 (Banjul and Kanifing), in 2017 97.5% of children of the corresponding school age (the Net Enrolment Ratio - NER) attended primary school. In the predominantly rural Region 5 (Central River Region) in the east of the country, this figure was 58.5%. (83) At one time more boys than girls went to school but the ratio is now more balanced or has even reversed: in 2017, the NERs were 91.4% for girls and 84.5% for boys at LBE level. The NER has risen significantly for both sexes in recent years; the equivalent figures for 2014 were 80.6% (girls) and 75.6% (boys) at LBE level. (84) For middle school (UBE), the Gross Enrolment Ration (GER) in 2017 was higher for girls (69.7%) than boys (65.0%). (85) The GER

(82) World Bank (The), Gambia, Gross enrolment ratio, primary, both sexes, 2017 (url).
for girls is now higher (47.1% in 2017) than for boys (44.5%) at Senior Secondary Education (SSE), although completion rates at SSE were the same (both 37.1%). (86)

In principle, the language of instruction is English. However, in practice one of the local languages is often used, especially among the lower age-groups. (87)

There is also an Islamic system which runs in parallel to the secular state school system: in the daara children learn the surahs of the Koran by heart. The madrassas teach school subjects in addition to Islamic values. (88) The working languages in the madrassas are English and one of the local languages, as well as Arabic for the recitation of religious texts. (89) The State and various institutions from the Gulf states provide financial support for the Islamic schools.

According to information from 2014, approximately 15% of children completed their compulsory education in madrassas. (90) During the Jammeh presidency, there was a significant increase in the number of state schools and madrassas: according to information from the Ministry of Education, in 2017 the primary schools included 540 state schools, 301 madrassas and 153 other private schools. (91)

Secondary school may be followed by education at one of the four state tertiary education institutions: (92)

- University of The Gambia (UTG), Serrekunda: medicine, natural sciences, agriculture, economics, management, social sciences;
- Gambia College (GC), Brikama: education, agriculture, training courses for teachers and midwives;
- Gambia Technical Training Institute (GTTI), Serrekunda: business, computer science, engineering, education;
- Management Development Institute (MDI), Serrekunda: trade, economics, IT, management, gender studies.

In addition to the state institutes, there are private institutions at university level: the American International University West Africa offers various colleges in the medical sciences. (93)

For many people, colleges and universities outside The Gambia are more desirable than those within the country. There is a preference for institutions in the west, especially in Great

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Britain, the USA and Canada, or colleges and universities in an Islamic environment, for example in Mali. (94) Gambians also study in other West African countries, like Ghana, Senegal or Nigeria. (95) For some time now, the People’s Republic of China has also offered Gambian students university places and scholarships. (96)

1.3.6 Migration

The Gambia has a long tradition of migration and trade. Senegambia was one of the main transit points for the slave trade to America. (97) Like elsewhere in Africa the same ethnics groups live on both sides of the borders. Gambian and Senegalese communities living near the boundary often cross it for trade or visiting relatives. (98) Furthermore, considering the length of the border, its porosity is not surprising. This obviously poses a challenge for the control of illegal migration and the fight against trafficking in people and drugs. (99)

When The Gambia gained its independence from Great Britain in 1965, many well-educated Gambians migrated to the United Kingdom to study and work. (100) By the end of the 1980s, after periods of drought and a deterioration of the economic situation, urban migration as well as emigration to Europe and North America had become common coping strategies. (101) Affluent families have increasingly tried to send their children to Europe, the USA or Canada to study. Many of them have not returned once they finished their studies due to the lack of opportunities in their homeland. (102)

Gambians without vocational skills or an opportunity to study have also sought work in Europe.

Until the end of the 1980s they would often travel to Europe (mainly to Spain) with a short-term visa and then overstayed, hoping to benefit of a periodical legalisation scheme. (103) The 1994 military coup that led Yahya Jammeh to power caused an increase of asylum seekers. This incited the United Kingdom and other European countries to introduce visa obligation for Gambian citizens. (104) Contemporaneously legal entry into Europe became more difficult from the mid 1990s with the implementation of the Schengen Agreement and its stricter immigration policies. (105) Nevertheless large numbers of young men continued to migrate to Europe legally or illegally in search of better prospects. In 2013, the Gambia’s net migration rate (2.34/1000 population) was the highest in Africa. (106)

Immigration to Spain slowed down in 2007 due to the global economic crisis. With an estimated 22,000 nationals residing there in 2012, Spain remained one of the leading destinations for Gambian migrants, along with the United States, Nigeria, Senegal, UK and

(95) Gambia (The), Ministry of Higher Education, Research, Science and Technologie, Statistics on students under the ACE, November 2016 (url).
(96) Africanews, China waives taxes on Gambian exports, offers 150 scholarships, 31 May 2017 (url).
(102) Gaibazzi, Paolo, Bush Bound, 2015, pp. 44-47.
Germany. (107) Gambians who reached Italy by crossing the Mediterranean Sea also often chose to stay in Italy. (108)

In recent years, irregular migration of Gambians to Europe via Senegal-Mali-Burkina Faso-Niger-Libya has risen sharply. (109) Young people speak of the back way, travelling to Europe by the back door. Europe is known as Babylon – a name for the West derived from reggae culture. (110) Between 2012 and 2014 the number of Gambians applying for asylum in Europe quadrupled. (111) With 11,929 new arrivals the number, Gambians accounted for 7% of the sea arrivals in Italy in 2016. (112) During the first half of 2017, 4,920 Gambians arrived in Italy and made out 6% of sea arrivals in Italy. (113) Recently, The Gambia has accounted for the largest percentage of work- or asylum-seekers arriving in Italy of all the African countries, per head of total population. (114) To date, there are no readmission agreements between Italy and The Gambia. The Italian government tried in vain to negotiate one with ex-president Jammeh in 2016. (115)

The vast majority of Gambian migrants traveling to Europe ‘the back way’ are young men. (116) Gambians grow up with society’s expectation that they must one day go away and earn money for the family. Migration has taken on the function of a rite of passage from childhood to adulthood. Families are reliant on money transfers from the diaspora. (117) However, some young men remain at home to keep the family safe and maintain the money and trade links with those who have migrated to Europe and Serrekunda/Banjul. (118)

Ex-president Jammeh considered migration by young people to be an ‘unpatriotic act’ and accused young people who wished to emigrate of being lazy. He said that the fantasy of a European Eldorado had befuddled the minds of Gambian young people and made them idle. The Jammeh government introduced the Back to the Land campaign to try to motivate young people to work in agriculture. (119)

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(109) IOM, Abuse, Exploitation and Trafficking: IOM reveals data on the scale of the danger and risks that migrants face on the Mediterranean routes to Europe, 18 October 2016 (url); IOM, Migrants from 15 African Nations Transit Niger en Route to North Africa, Europe, 23 December 2014 (url).
(111) African Arguments, Between a rock and a hard place, 4 May 2016 (url).
(112) UNHCR, UNHCR Update #10, 16 March 2017 (url); BBC News, Can Barrow stem flow of young Gambians heading for Europe?, 27 January 2017 (url).
(113) UNHCR, Italy Sea arrivals dashboard January-June 2017, 15 June 2017 (url).
(115) Readmission agreements constitute an obligation between the contracting states to take back certain groups of persons on request without any formalities. IRIN News, Meet the Gambian migrants under pressure to leave Europa, 20 July 2017 (url).
(116) UNHCR, UNHCR Update #10, 16 March 2017 (url).
(117) Telegraph (The), inside the west African village where every young man is trying to migrate to Europe, 10 November 2015 (url); Gaibazzi, Paolo, Bush Bound, 2015, pp. 63-67, 74-82, 107-110, 130-132; Gaibazzi, Paolo, Migration, Soninké Young Men and the Dynamics of Staying Behind (The Gambia), March 2010, pp. 217-220.
For political observers, the high level of migration and discussions surrounding it were a key factor in Jammeh’s electoral defeat in 2016. (120) Adama Barrow identified reducing irregular migration as a priority task for the new government. The aim would be to create work and training opportunities for unemployed young people. While no significant success has been reported to date, the European Union, which has recently provided substantial financial aid to The Gambia, in particular support to youth employment. (121)

The Trafficking in Persons Report by the US Department of State (US DoS) attests The Gambia’s achievements in combating human trafficking, though the country still doesn’t fully meet the minimum standards for the elimination of trafficking. The first people identified as victims of human trafficking in four years have been provided for. The Department of Social Welfare (DSW) runs a facility for victims of human trafficking, abandoned children and victims of domestic violence, as well as a drop-in centre for street children. A trafficker was sentenced to life imprisonment. This was the first conviction for a trafficking-related offense in four years. Although The Gambia has implemented training measures for the police and border authorities, the US DoS signals a need for further action: criminal prosecution should be intensified and accomplices in the administration should also be apprehended, there is a lack of formal procedures for identifying victims of human trafficking, and the resources of the National Agency Against Trafficking in Persons (NAATIP) should be increased. (122)

On the other hand, The Gambia also experiences inward migration: in 2013, 110 705 non-Gambians were recorded as being in the country in the census. Most of these originated from West African countries: Senegal: (44%), Guinea (28%), Guinea-Bissau (6%) and Sierra Leone (5%). (123) Most of the migrants came to Gambia in search for employment, many came trough marriage or followed their family. (124) Some migrants left their home country because of war or conflict. Most of them are Senegalese who fled due to the independence conflict in the Casamance region. In 2010, between 10,000 and 11,000 Senegalese Casamance refugees (including 7,890 registered ones) were living in The Gambia. (125) By the end of 2016 there were still appromatively 7,400 Senegalese refugees in The Gambia. (126) They often live with host families, who are often their relatives. Refugee camps ar no longer in use. (127) The new Interior Minister, Mai Fatty, expressly welcomed refugees from the countries surrounding The Gambia in June 2017. (128)

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(126) UNHCR, Gambia, Factsheet, November-December 2016 (url).
(128) SmbcNews, Gambia promises to be a safe haven for refugees, 24 June 2017 (url).
1.4 Administrative structure

The Gambia is divided into regions, local government areas (LGA), districts, municipalities, cities and villages.⁹²⁹ There are five regions (known as divisions between 1944 and 2007 and before that as provinces) and one greater area.⁹³⁰

The five regions are as follows (see Map 2: Regions and Regions and districts of The Gambia in 2003):⁹³¹

- West Coast (Western Region until 2010)
- Lower River
- North Bank
- Central River
- Upper River

The Greater Area is:

- The Greater Banjul Area, subdivided into the municipality of Kanifing and the city of Banjul.⁹³²

In 2002 the Local Government Act divided the country into eight local government areas. These often bear the name of the biggest town:⁹³³

- Banjul
- Kanifing
- Brikama
- Mansakonko
- Kerewan
- Kuntaur
- Janjanbureh
- Basse.

Confusion may occur, as in colloquial and sometimes even in official usage the local people use the designations regions, administrative regions, divisions, areas, administrative areas and local government areas randomly at times.⁹³⁴ They also use the colonial term ‘province’,

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⁹³⁴ The apparently random use of the individual designations can cause confusion: the website of the Independent Electoral Commission (IEC) divides The Gambia into seven electoral units and refers to them by the term ‘divisions’ which was abolished in 2007. Gambia (The), IEC, Management, 2017 (url); The internal handbook of the election observation mission for the legislative election in The Gambia in April 2017 also divides The Gambia into seven administrative units. Some of these have non-official administrative names: 1) AA (Administrative Area), 2) Kanifing AR (Administrative Region), 3) West Coast Region (also known as Brikama AR), 4) Kerewan AR (also known as North Bank Region), 5) Mansakonko AR (also known as Lower River Region), 6) Janjanbureh AR (also known as Central
pre-colonial terms such as Fuladu (Land of the Fula) or names of the old kingdoms such as ‘Kombo’ and ‘Foni’. ([135])

The eight local government areas are subdivided into districts. The way they are divided up has changed over the years. The 2003 census lists 39 districts ([136]), while the 2013 census lists 43 districts. ([137])

### 1.4.1 Summary of regions, local government areas, districts ([138])

<table>
<thead>
<tr>
<th>Regions</th>
<th>Local government area (LGA)</th>
<th>Districts 2003</th>
<th>Districts 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater Banjul Area</td>
<td>Banjul</td>
<td>Banjul South</td>
<td>Banjul South</td>
</tr>
<tr>
<td></td>
<td>Capital: Banjul</td>
<td>Banjul Central</td>
<td>Banjul Central</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Banjul North</td>
<td>Banjul North</td>
</tr>
<tr>
<td></td>
<td>Kanifing</td>
<td>Kanifing Urban</td>
<td>Kanifing</td>
</tr>
<tr>
<td></td>
<td>Capital: Serrekunda</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Western Region</td>
<td>Brikama</td>
<td>Kombo North</td>
<td>Kombo North</td>
</tr>
<tr>
<td></td>
<td>Capital: Brikama</td>
<td>Kombo South</td>
<td>Kombo South</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Kombo Central</td>
<td>Kombo Central</td>
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<tr>
<td></td>
<td></td>
<td>Kombo East</td>
<td>Kombo East</td>
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<tr>
<td></td>
<td></td>
<td>Foni Brefet</td>
<td>Foni Brefet</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Foni Bintang Karanai</td>
<td>Foni Bintang Karanai</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Foni Kansala</td>
<td>Foni Kansala</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Foni Bonfali</td>
<td>Foni Bondali</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Foni Jarrol</td>
<td>Foni Jarrol</td>
</tr>
<tr>
<td>Lower River Region</td>
<td>Mansakonko</td>
<td>Kiang West</td>
<td>Kiang West</td>
</tr>
<tr>
<td></td>
<td>Capital: Mansakonko</td>
<td>Kiang Central</td>
<td>Kiang Central</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Kiang East</td>
<td>Kiang East</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Jarra West</td>
<td>Jarra West</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Jarra Central</td>
<td>Jarra Central</td>
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<tr>
<td></td>
<td></td>
<td>Jarra East</td>
<td>Jarra East</td>
</tr>
<tr>
<td>North Bank Region</td>
<td>Kerewan</td>
<td>Lower Niumi</td>
<td>Lower Niumi</td>
</tr>
<tr>
<td></td>
<td>Capital: Kerewan</td>
<td>Upper Niumi</td>
<td>Upper Niumi</td>
</tr>
</tbody>
</table>

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### 1.5 State structure and politics

#### 1.5.1 Status and constitution

The Gambia gained independence on 18 February 1965 and was accepted into the Commonwealth. The country's official name became 'The Gambia'. A prime minister headed the parliamentary multi-party system of the young state. The head of state of the constitutional monarchy was the British Queen Elizabeth II. (139)

The Gambia has had three constitutions since independence: 1964 (entered into force in 1965), 1970 and 1996 (entered into force in 1997). (140) Following a referendum in 1970, The Gambia became a republic within the Commonwealth. The constitutional monarchy changed to a presidential system. (141) The head of state was no

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longer the British queen but the Gambian president. The First Republic lasted from 24 April 1970 until Jammeh’s military coup on 22 July 1994. Following this coup, the constitution was suspended and subsequently repealed. \(^{(142)}\)

The Second Republic started with the entry into force of the new constitution on 16 January 1997. The new constitution strengthened the presidential system. There was no restriction on the president’s term of office, even though this has been recommended by the 1995 Constitutional Review Commission, and the system of checks and balances was comparatively weak. \(^{(143)}\) The president held executive and legislative power and could appoint (and dismiss) the judges of the superior courts and many other functionaries (see Section 1.6.1 President). Under President Jammeh, a number of judges were sacked unconstitutionally or forced to resign, for example the Pakistani Supreme Court chief justice, Ali Nawaz Chowhan, in May 2015. \(^{(144)}\)

In 2015 Jammeh declared The Gambia an Islamic Republic. \(^{(145)}\) This went against the constitution, which defines The Gambia as a secular state. \(^{(146)}\) Following the change of government in early 2017, one of the first official statements by the new President Adama Barrow was that The Gambia was no longer an Islamic Republic and that the constitution would be amended. \(^{(147)}\) The term ‘Third Republic’ has been used colloquially since President Adama Barrow took office. This term is not legally binding as the constitution has not yet been amended. Barrow has made proposals for constitutional reform, such as restriction of the presidency to two terms of office. \(^{(148)}\) Former politicians and academics have contributed further proposals, while a detailed list of proposals were put forward by six political parties (including the UDP) in July 2017 \(^{(149)}\) and the Justice Department has announced that the public will be involved. \(^{(150)}\)

### 1.6 Executive

#### 1.6.1 President

The Gambia has been a republic since the referendum in April 1970. The then prime minister, Dawda Jawara, automatically became president. Jawara was confirmed as president in indirect (1972 and 1977) and direct elections (1982, 1987, 1992). \(^{(151)}\) After the military coup

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\(^{(147)}\) Voice of America (The), Gambian President Jammeh Says He Will Not Step Down, 20 December 2016 (url); Africa Confidential, Gambia at the cliff-edge, 16 December 2016 (url); BAMF, Briefing Notes, 6 February 2017 (url).  
\(^{(149)}\) For the current discussion about amending the constitution, see: Point (The), Gambia needs new constitution, 1 June 2017 (url); Point (The), The 11th Proposal and demands of the opposition for electoral and constitutional reform, 11 July 2017 (url); Perfect, David, Historical Dictionary of The Gambia, 2016, pp. 149, 386; PDOIS, A Third Republic for a New Beginning, 2017 (url); Daily News, The Third Republic of the Gambia: President’s transition guidance notes, 29 January 2017 (url).  
\(^{(150)}\) Gambia (The), Ministry of Justice [Twitter], 11 July 2017 (url).  
in 1994, The Gambia did not have a president until 1996 and was governed by the military Armed Forces Provisional Ruling Council (AFPRC), led by Yahya Jammeh. \(^{(152)}\)

The Republic of The Gambia has had three presidents to date:


According to the 1997 constitution, the president is the head of state, head of government and commander in chief of the armed forces. \(^{(156)}\) Ex-president Jammeh also took on the role of Defence Minister. \(^{(157)}\) President Barrow still heads the Ministry of Defence. \(^{(158)}\)

The president appoints the vice-president and the ministers (Secretaries of State) and leads them. The president, vice-president and ministers form the cabinet. According to the current constitution, the office of prime minister no longer exists (it was abolished in 1970 when The Gambia became a republic). The cabinet or the president alone can exercise executive power. \(^{(159)}\) The ministries and the current ministers are listed on the official website of the Office of the President. \(^{(160)}\)

The president also appoints five members of parliament, the judges of the superior courts, the regional governors, the district chiefs (Seoyo, pl. Seyfolu), the chairmen and members of the Public Service Commission, the administrative ombudsman and the head and members of the Independent Electoral Commission (IEC). \(^{(161)}\) The president is directly elected by the people for five years on the basis of a majority of votes. The current constitution does not restrict the term of office. \(^{(162)}\)

### 1.6.2 President Adama Barrow

Barrow was born in 1965 and grew up in the village of Mankamang Kunda in the Jimara district of the Upper River Region. \(^{(163)}\) His father is a Mandinka and his mother is from the Fula ethnic group. He is married with two wives, one of whom, Fatoumatta Bah Barrow, is the First Lady

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\(^{(152)}\) Perfect, David, Historical Dictionary of The Gambia, 2016, pp. 36-37.
\(^{(155)}\) Gambia (The), Office of The President, The President, 2017 [url]; BBC, Gambia elections: President-elect Adama Barrow’s life story, 1 January 2017 [url].
\(^{(157)}\) Gambia (The), State House Online, Office of The President, 2015 [url].
\(^{(158)}\) Gambia (The), State House Online, Ghana Armed Forces Command and Staff College Students Called on President Barrow, 20 April 2017 [url].
\(^{(159)}\) Gambia (The), Constitution, 1997, reprinted 2002 [url], Art. 76.
\(^{(160)}\) Gambia (The), Office of the President, The Cabinet, 2017 [url].
of The Gambia. (164) He was a businessman and worked in the real estate sector in Great Britain and The Gambia. He administered the finances of the United Democratic Party (UDP), but otherwise had little involvement in politics. The opposition parties unexpectedly nominated him as the presidential candidate in October 2016 after the founder of the UDP and long-term rival of Jammeh, Ousainou Darboe, was arrested and sentenced to three years’ imprisonment. (165) Barrow left the UDP to emphasise the independence of his candidacy and stood as an independent. He announced that he would restrict his term of office and would stand down as president after three years as leader of the transitional government. (166) He was elected President of The Gambia on 1 December 2016. Following the constitutional and military crisis, on 19 January 2017 he was sworn in as third President of The Gambia at the Gambian embassy in Senegal. He returned to The Gambia on 26 January 2017. (167)

1.6.3 Ex-president Yahya Jammeh

Yahya Jammeh was born in 1965 and grew up in Kanilai in the Lower River Division. He is from the Jola ethnic group and has married three times. He was a wrestler and an officer in the Gambia National Gendarmerie (GNG) and the Gambia National Army (GNA). (168) He came to power on 22 July 1994 in a bloodless coup and led the military Armed Forces Provisional Ruling Council for two years. In 1996 he was elected president in an election which was considered to be far from free and fair. (169) His position was confirmed in 2001, 2006 and 2011. He led his party, the Alliance for Patriotic Reorientation and Construction (APRC), from its foundation in 1996. (170) Jammeh increasingly distanced himself from the west and its values and issued some surprising and bizarre statements. (171) From 2015 onwards he called himself ‘His Excellency Sheikh Professor Alhaji Dr. Yahya Abdul-Azziz Jemus Junkung Jammeh Babili Mansa’. (172) After losing the presidential election and the ensuing political and constitutional crisis, he left the country on 21 January 2017. Equatorial Guinea, where he went into exile, has not signed

(164) Gambia (The), Office of The President, First Lady, 2017 [url].
(166) Gambia (The), State House Online, The President, 2017 [url]; Jeune Afrique, Gambie, La fulgurante ascension d’Adama Barrow, 26 January 2017 [url]; BBC, Gambia’s Jammeh loses to Adama Barrow in shock election result, 2 December 2017 [url]; BBC, Gambia elections: President-elect Adama Barrow’s life story, 19 January 2017 [url].
the Rome Statute of the International Criminal Court. If Jammeh were to be accused of crimes against humanity or other serious crimes, the country would not have to extradite him. \(^{(173)}\) Nevertheless, the new government ponders the possibility of an extradition request. \(^{(174)}\)

### 1.7 Legislature

#### 1.7.1 President

According to the constitution, the holder of legislative power is the president, not the parliament. \(^{(175)}\) Laws passed by the parliament require the president’s assent. If the president does not assent, the bill is passed back to the parliament. \(^{(176)}\)

#### 1.7.2 Parliament

The National Assembly is a single-chamber parliament. \(^{(177)}\) The president directly appoints five members. \(^{(178)}\) The voters elect the other members of parliament on the basis of a majority of votes (until 2012: 48 of the 53 seats; from 2017: 53 of the 58 seats). \(^{(179)}\) Parties which take part in elections must be registered. \(^{(180)}\) Since 2015, parliamentary candidates must pay a deposit in order to stand for election which has been increased twenty-fold. \(^{(181)}\)

The nine registered parties in 2016/17 (before and after the change of government): \(^{(182)}\)

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Name</th>
<th>Leader (before the change of government)</th>
<th>Party colour</th>
<th>Party symbol</th>
</tr>
</thead>
<tbody>
<tr>
<td>UDP</td>
<td>United Democratic Party</td>
<td>Ousainou Darboe</td>
<td>Yellow</td>
<td>Handshake</td>
</tr>
<tr>
<td>APRC</td>
<td>Alliance for Patriotic Reorientation and Construction</td>
<td>Before the change of government: Yahya Jammeh. After the change of government: Interim leader</td>
<td>Green</td>
<td>Palm tree against black background</td>
</tr>
</tbody>
</table>


\(^{(174)}\) SmbcNews, Gambia may seek Jammeh’s extradition from Equatorial Guinea, 27 July 2017 (url); Standard (The), Jammeh could be extradited if..., 27 July 2017 (url).


\(^{(177)}\) Gambia (The), National Assembly of the Republic of The Gambia, last updated December 2016 (url); Perfect, David, Historical Dictionary of The Gambia, 2016, p. 304.


\(^{(179)}\) Gambia (The), IEC, The Gambia National Assembly Election Results, 6 April 2017 (url); Daily Observer, GMC, NCP, GPDP Win No Seat As UDP Sweeps Parliamentary Polls, 10 April 2017 (url).


Each party is assigned a colour. This colour is important during the election process: voters cast their votes in the form of a small marble painted in the colour of their chosen party which they place in a container. The ‘drum and marble’ process of voting dates back to the first nationwide election of 1960. \(^{(184)}\)


\(^{(183)}\) CIA, The World Factbook: The Gambia, 19 June 2017 \(\text{(url)}\); Onegambia, Tombong Jatta - Interim leader of APRC The new Government seize all our vehicles [Youtube], posted on 21 April 2017 \(\text{(url)}\); Fatu Network (The), ‘In new Gambia, we will create new responsible opposition’ – Tombong Jatta, 15 March 2017 \(\text{(url)}\).


Women are under-represented in the parliament: three women were elected in 2012 and 2017. In addition, three of the five people who Barrow was able to appoint directly as members of parliament in 2017 under the constitution (187) are women. (188)

Following the change of government in early 2017, the voter turnout for the legislative elections in April 2017 was 42.7% - significantly lower than the 59% recorded for the presidential election four months previously. (189) The coalition of opposition parties which helped Adama Barrow to election victory in the presidential election in December 2016 had collapsed prior to the elections. The UDP, Adama Barrow’s party, won the election, gaining 31 of the 53 seats. The former governing party of ex-president Jammeh suffered severe losses and only gained five seats. The other seats were distributed as follows: NRP five seats, GDC five seats, PDOIS four seats, PPP two seats, an independent one seat. (190)

1.8 Judicial

There are several legal bases for the administration of justice: formal legislation (constitution, enacted legislation), the relevant court rulings (English common law), customary law and Islamic law (Sharia). (191)

Islamic law is used in the Sharia courts (Cadi courts) and district courts (district tribunals) in family matters (marriage, divorce, inheritance) relating to Muslims. (192) Sharia and customary law are applied in the district courts (district tribunals) and in hearings by village councils. Customary law plays an important role in clan and land disputes. (193)

The court system is as follows: (194)

- Superior courts:
  - Supreme court (195)


(195) In 1999 the Supreme Court with a Chief Justice and a maximum of 5 judges replaced the Supreme Court from the British colonial period and since then has been the highest court and the final court of appeal. It rules on
The President of The Gambia appoints the judges to the superior courts, the Director of Public Prosecutions and the Attorney General, who is also Justice Minister. Ex-president Jammeh appointed sixteen justice ministers between seizing power in the military coup of 1994 and 2016.

The constitution guarantees all citizens access to an independent justice system and the right to defence. The opposition, human rights organisations and diaspora media questioned the independence of the justice system under Jammeh and criticised the far-reaching powers of the president. They complained about the lack of judges and their corruption, incompetence and partiality, particularly in the lower courts.

Following the change of government in early 2017, Barrow announced that he would reverse Jammeh’s decision to withdraw The Gambia from the International Criminal Court. He appointed a former special envoy and a prosecutor at the International Criminal Tribunal for Rwanda to the highest positions in the Gambian justice system. Aboubacarr Marie Tambadou became Justice Minister and Attorney General. Hassan Bubacar Jallow became Chief Justice of the Supreme Court. Barrow declared that these were signs of the independence of the judiciary and steps on the way to institutional and legal reform.

Nevertheless, at the end of April 2017 Amnesty International called on the government to carry out reforms and provide more resources in the following areas of the justice system: to strengthen the independence and impartiality of the justice system; to support organisations such as the National Agency for Legal Aid (NALA), the Gambia Bar Association and the Female Lawyers Association Gambia; to ensure that torture is included as an offence in the Criminal Code. Appeals referred by the appeal courts and actions relating to presidential and parliamentary elections.

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- Courts of appeal
- High courts
- Special criminal court

- Lower courts
  - Magistrates courts
  - Sharia courts (Cadi courts)
  - District tribunals

- Martial courts for military matters.

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(196) Since its reinstatement in 1996, the special criminal court has dealt with economic crimes.
Under Jammeh the justice system suffered from great uncertainty because of judges' insecurity of tenure and the tendency of Jammeh to appoint foreign judges rather than Gambians to the Supreme Court. In April 2017 President Barrow appointed six Gambian judges to the Supreme Court.

### 1.8.1 Detention and prisons

The Ministry of the Interior is responsible for prisons. The legal basis for prisons is regulated by Act 18/1953 (Prisons Act).

There are three official state prisons:

- The Mile Two central prison in Banjul. In 2015 this prison had an official capacity of 450 and housed 817 prisoners. Special facilities include the only wing for women in The Gambia and the security wing. Prisoners with long sentences were held at Mile Two, and prisoners with a death sentence in the security wing of Mile Two; (212)
- The Jeshwang prison near Banjul. In 2015 it had an official capacity of 150 and housed 201 inmates. A special facility is the wing for juveniles; (213)
- The prison in Janjanbureh/Georgetown. In 2015 it had an official capacity of 50 and held 88 inmates. (214)

In addition to the three official prisons, there are prisons or prison cells in many police stations. (215) According to information from human rights organisations, during the Jammeh administration the National Drug Enforcement Agency (NDEA) and the National Intelligence Agency (NIA) operated prisons with no legal basis (see Section 1.9.3 National Intelligence Agency). (216)

During the Jammeh regime, The Gambia only allowed sporadic visits to prisons by external institutions. (217) For example, the International Committee of the Red Cross (ICRC) was given access to prisoners until 2006 but this then ceased. In 2014 a UN special rapporteur was

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(212) UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 2 March 2015 (url), p. 13.
(213) ACHPR, Prisons in The Gambia, June 2000 (url), pp. 29-34.
(215) UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 2 March 2015 (url), p. 7; HRW, State of Fear, 16 September 2015 (url), pp. 1-2, 9, 25-34, 47-60.
able to visit prisons, although on a limited basis. The observer was refused access to the security wing at the Mile Two prison and to secret cells in certain police stations or quarters of the NIA or the NDEA. The UN special rapporteur states in his report that the prisons were overcrowded and that prisoners were detained for many years without trial for minor offences. The sanitary facilities and medical care were inadequate, and food was in short supply and of poor quality. Family members could bring in food for prisoners on remand (awaiting trial), but not for convicted prisoners. There was no employment for political prisoners or those with a long term of imprisonment. The use of solitary confinement of death-row and life-term prisoners in the security wing of the Mile Two prison was considered torture by the UN special rapporteur. \(^{(219)}\) According to various reports, many of the detainees in Gambian prisons were imprisoned for drug-related offences. Many were not Gambians but nationals of other countries. \(^{(220)}\)

Following the change of government in early 2017, the new Interior Minister with responsibility for prisons, Mai Fatty, and the Justice Minister/Attorney General, Aboubacarr Marie Tambadou, visited the Mile Two prison, accompanied by the press. \(^{(221)}\) In February and March 2017 around 270 prisoners were amnestied and released. Interior Minister Fatty promised that new detention centres which met international standards would be set up. \(^{(222)}\) It is not known when this will take place. \(^{(223)}\)

### 1.9 Security forces, army, police

The Gambia Armed Forces (GAF) are responsible for the country’s security from external threats. They are responsible to the Defence Minister/President. \(^{(224)}\) The GAF includes the army, the navy and the air force. The national guard (Gambia National Guard) is also part of the GAF.

The state security service, the National Intelligence Agency (NIA), is directly responsible to the President. \(^{(219)}\)

The Gambia Police Force (GPF) has the task of maintaining security within the country and reports to the Interior Minister. \(^{(226)}\)


\(^{(220)}\) In 2002 66.7% of inmates were not Gambian nationals. World Prison Brief, World Prison Brief data, Gambia, n.d. (url); UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 2 March 2015 (url). p. 13.

\(^{(221)}\) Fatu Network (The), Interior & Justice ministers unexpectedly visit Mile II Prison, 13 February 2017 (url); JollowNews, Sickening Pictures Inside Gambia’s Mile Two Prisons, 13 February 2017 (url); Point (The), <Conditions at Mile Two Prison poor>, 14 February 2017 (url); Inside and outside pictures of the Mile 2 prison are available at: Al-Jazeera, A look inside Gambia’s infamous Mile 2 prison [YouTube], 18 February 2017 (url).

\(^{(222)}\) Point (The), Gambia: 98 Prisoners Released From Mile 2 Prison, 3 March 2017 (url); Reuters, Gambia frees nearly 100 prisoners from Jammeh era, 3 March 2017 (url).

\(^{(223)}\) Foroyaa Newspaper, Interior Minister Laments on Deplorable Condition of Mile Two Prisons, 10 July 2017 (url).

\(^{(224)}\) Until now, all Gambian presidents have also been defence ministers during their presidency. Gambia (The), State House Online, Office of The President, 2015 (url); SmbcNews, President Barrow is Gambia’s Minister of Defense, 27 July 2017 (url).


1.9.1 Gambia Armed Forces (GAF)

The Gambia does not have military conscription. (227) Men and women can enlist voluntarily at the age of 18. (228)

According to the constitution, the GAF consists of the army – the Gambia National Army (GNA) – the navy and the air force. (229) Each section of the armed forces has its own commander. Former institutions such as the Gambia Field Force and the Gambia National Gendarmerie (GNG) have been dissolved or transferred into the new structures. (230)

The armed forces are responsible to the Defence Minister/President. In addition to the office of commander-in-chief of the armed forces to which he was entitled under the constitution, (231) ex-president Jammeh also assumed the office of Defence Minister. (232) President Barrow still heads the Ministry of Defence. (233)

The GNA has an estimated strength of 1,000 to 2,500 personnel. (234) It is divided into two infantry battalions, an engineer’s squadron and a Presidential Guard. (235) The army is based in Yundum, close to Banjul international airport. (236) Other military bases are documented in Fajara, Yundun, Kudang, Farafenni and Basse. There may be others. (237) Sources disagree on whether the army has a distinct air force or not. (238) There is a small navy. The army possesses at least a dozen ships and aircraft. (239) The new army leadership has distanced itself from the past. (240)

The existence of a national guard (Gambian National Guard) is not laid down in the constitution. It was legitimised in 2008 in the Gambia Armed Forces Bill. (241) The National

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(232) Gambia (The), State House Online, Office of The President, 2015 (url).
(233) Gambia (The), State House Online, News, Ghana Armed Forces Command and Staff College Students Called on President Barrow, 20 April 2017 (url).
Guard consists of the State Guard, \(^{(242)}\) the Special Forces and the Guards Battalion. It is estimated that the National Guard was 700 to 1,000 strong during the Jammeh regime. \(^{(243)}\)

From fear of conspiracy and coup attempts, ex-president Jammeh replaced the commanders of the armed forces frequently or moved them to different positions and functions. \(^{(244)}\) There were several attempted coups against Jammeh. The Historical Dictionary of The Gambia lists the three most serious attempts as follows: \(^{(245)}\) the attempted coup in 1994, led by Basiru Barrow, \(^{(246)}\) the one in 2006, led by Ndure Cham \(^{(247)}\) and the one in 2014, led by Lamin Sannneh. \(^{(248)}\)

### 1.9.2 National Intelligence Agency (NIA)

The state security service, the National Intelligence Agency (NIA), has existed since 1995, the time of the provisional government without a constitution. Its legal basis was Decree 45/1995. \(^{(249)}\) The NIA replaced the previous National Security Service. Its purpose initially was to identify threats within the army. The decree gave the NIA far-reaching powers of surveillance and arrest. \(^{(250)}\) The NIA was legitimised in the 1996 constitution and placed under the direct control of the president. \(^{(251)}\)

The NIA headquarters were in Banjul. \(^{(252)}\) According to human rights organisations, the NIA ran its own extralegal detention facilities in Banjul and other places. \(^{(253)}\)

Human rights organisations and the opposition repeatedly accused the NIA of crimes such as excessive use of force, illegal arrest, torture and killing. \(^{(254)}\) In 2014 a UN special rapporteur was able to visit selected Gambian prisons and speak to witnesses. Access to the NIA

\(^{(242)}\) The state guard guarded strategically important points such as the State House, the Presidential Villa in Kanilai and the Denton Bridge. Hultin, Niklas, et al., Autocracy, Migration, and the Gambia’s ‘unprecedented’ 2016 Election’, 13 March 2017 (url), pp. 324-325.


\(^{(244)}\) GlobalSecurity.org, The Gambia Armed Forces, 2 December 2016 (url).


\(^{(246)}\) Basiru Barrow was killed in 1994 during the coup attempt against the transfer council AFPRC. Perfect, David, Historical Dictionary of The Gambia, 2016, p. 55.

\(^{(247)}\) Ndure Cham was able to flee to Senegal after the 2006 coup attempt. According to unconfirmed information, he was captured and killed in 2013. Perfect, David, Historical Dictionary of The Gambia, 2016, pp. 84-85; SmbcNews, Names of 8 soldiers accused of killing Col Ndure Cam released, 20 May 2017 (url).

\(^{(248)}\) Ex-officer Lamin Sanneh and his group were killed during the attempted coup in 2014. Since then, there have been repeated calls for an investigation of the events. The bodies were exhumed in April 2017. Perfect, David, Historical Dictionary of The Gambia, 2016, pp. 379-380; Standard (The), Police exhumed <Bodies> of Lamin Sanneh & Co, 3 April 2017 (url); Africa Research Bulletin, Bodies Exhumed, 12 May 2017 (url), pp. 21403-21404.


\(^{(252)}\) The headquarters of the NIA in Banjul are shown in: HRW, State of Fear, 16 September 2015 (url), p. 20.

\(^{(253)}\) UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 2 March 2015 (url), pp. 5-6, 16-20; Africa Research Bulletin, Gambia – A Turning Point, 11 December 2016 (url).

detention cells was denied. In his report, the rapporteur states that torture was common practice within the NIA. (255) In April 2016, for example, several people from the opposition United Democratic Party (UDP) and youth organisations, who were taking part in a peaceful demonstration in Serrekunda demanding reform of the electoral law, were arrested by the police. Solo Sandeng, National Organizing Secretary of the UDP, died in detention a short time later (see Section 2.7 Former government officials - National Intelligence Agency). (256) Others were seriously injured and tortured, especially by the NIA. (257)

The new President Barrow has announced that the accusations against the NIA will be investigated. He had the top leaders arrested: Director General Yankuba Badjie and Operational Director Sheikh Omar Jeng (see Section 2.7 Former government officials - National Intelligence Agency). (258) The organisation has been succeeded by the State Intelligence Service (SIS). The new head of the SIS is Musa Dibba. (259) Barrow decreed that the SIS must in future stick to its constitutional duties and may no longer make arrests. (260) Amnesty International has made further demands for transparency and accountability. (261)

1.9.3 Police

The Gambia Police Force (GPF) has the task of maintaining security within the country and reports to the Interior Minister. (262) It operates various security departments. Its size is estimated at 5000 men and women. (263) It has its own prisons at its headquarters in Banjul and at various police stations. (264) The chief of the police is the Inspector General. From 2015 this post was held by Yankuba Sonko. Following the change of government in early 2017, he initially remained in post but was removed in June 2017. (265)

During the Jammeh administration, the media and human rights organisations repeatedly reported excessive use of force at demonstrations, abuses and misuse of power by Gambian police units. This criticism was mainly directed at the special units: Serious Crimes Unit, Police Intervention Unit, Task Force Unit and Operation Bulldozer (see Section 3.1 Freedom of the press). (266)

(256) Al, Gambia: Death in detention of key political activist, 16 April 2016 (url).
(258) Jollofnews, Gambia Arrests Head of Intelligence Agency Linked To Killings, 21 February 2017 (url); SmsbCNews, Lawyers for Gambia’s detained spy chief object special prosecutor appointment, 29 May 2017 (url).
(260) Jollofnews, Gambia’s Feared NIA Renamed, Stripped Of Powers, 1 February 2017 (url); Point (The), NIA renamed SIS, 1 February 2017 (url).
(263) Interpol, The Gambia Police Force (GPF), 2017 (url). The website shows Gambian policemen and police officers with their uniforms.
(265) Poliso Magazine [Facebook], 18 February 2017 (url); Gambia (The), Constitution, 1997, reprinted 2002 (url), Sectors 178-180; Africanews, Gambian President Barrow replaces Jammeh-era police chief, 23 June 2017 (url).
(266) HRW, State of Fear, 16 September 2015 (url), pp. 2, 16-17, 25-34, 47-60; Point (The), Super Nawettan final ends in fiasco, 24 December 2012 (url); Point (The), Two police officers sentenced to death, 31 May 2011 (url); Media Foundation for West Africa, Gambia: Human Rights Violations in 2011, 14 November 2014 (url); UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 2 March 2015 (url), p. 7.
There are reports of use of force by the police even since the change of government. (267) A unit has been created within the Ministry of the Interior to investigate accusations of misconduct and human rights violations by police officers. (268)

1.9.4 Junglers, Black Boys, Green Boys

The Junglers/Jungulers were a paramilitary unit of ex-president Jammeh. No legal basis for these troops is documented. There are many names for the Junglers: Black Blacks, Black Boys or Ninja. They were known as ‘black’ because they often dressed in black and covered their faces. Most were from the same ethnic group as the president, the Jola. (269) The unit was up to 40 strong and existed since approximately 1996, and was made up of selected fighters from the Presidential Guard. (270) The Junglers were based close to Kanilai, Jammeh’s home village. They are said to have been under his direct command. The opposition and human rights organisations accuse them of many cases of extrajudicial detention, torture and killings. (271)

After the change of government in early 2017, the new government arrested some members of the Junglers. Others went into exile with Jammeh or fled. (272) The new government has not yet announced that the Junglers group has been officially dissolved. However, there is no need to take this step because, as outlined above, there is no legal basis for this troop. Nevertheless, Amnesty International is still urging the new government to disarm and formally disband the Junglers and other paramilitary organisations. (273)

In addition to the Junglers/Black Boys, another paramilitary group existed under Jammeh: the Green Boys. They arose from the 22nd July Movement (274) and were the military wing of the ruling APRC party. Jammeh officially dissolved the 22nd July Movement group in 1999. Many of its members then established as Green Boys since green is APRC’s party colour (see Glossary and Abbreviations). They are said to have been involved in the campaign against witchcraft in 2009 (see Section 3.6 Witchcraft). They are often wrongly confused or equated with the Junglers or the Presidential Guard. (275) According to media reports, some of them enlisted in the army. (276)

No information was found on whether the new Barrow government has adopted measures in relation to former members of the Green Boys. Similarly, it was not possible to retrieve information on whether there are people who were members of both the Black Boys/Junglers

(267) Foroyaa Newspaper, 7th Day Charity Conducted for late Krubally Whilst Family Claim to Have Been Denied Witnessing postmortem, 21 July 2017 (url).
(274) The 22nd July Movement refers to a meeting of the AFPRC on 22 July 1995 at which the youth organisation, the 22nd July Movement, was founded. The movement became a mass organisation and therefore dangerous to Jammeh, so he dissolved it in 1999. Perfect, David, Historical Dictionary of The Gambia, 2016, p. 252.
(276) SmbcNews, EU to help with Gambia’s security reform, 19 May 2017 (url).
and the Green Boys. For more information on former government officials, see Section 2. The situation of former government officials.

1.10 Economy

In an international comparison, The Gambia is one of the poorest and least developed countries in the world. The Human Development Index published by the UNDP (United Nations Development Programme) in 2015 placed it 173rd out of 188 countries. (277) The same source stated that 57.2% of the population were in multidimensional poverty and 31.7% in severe multidimensional poverty in 2013. (278) The Gambia is economically weak even on a West African scale: the annual per capita gross national income (GNI) (2014: 433 US dollars) is less than half that of Senegal, the neighbouring country. (279)

The pillars of the economy are as follows: (280)

- Subsistence agriculture;
- Cultivation, processing and export of groundnuts (peanuts);
- Tourism;
- Remittances (money transfers) from Gambians abroad;
- Industry;
- Trade, export, re-export;
- Foreign financial aid.

Approximately three-quarters of the population work in agriculture. Between 2000 and 2015 the share of gross domestic product (GDP) held by agriculture fell from 36% to 22%. (281) The structure of the agriculture sector has changed very little since colonial times. There is little diversification. Coarse grains (sorghum and maize) account for half of the cultivated area and groundnuts for a further quarter. Families also grow produce on a small scale for own consumption or retail: rice, sorghum, maize, cotton, manioc and vegetables. Livestock rearing and fishing play an important part in feeding the native population, but contribute very little to GDP (fishing: 2.1% of GDP). (282) Gambian agriculture covers half the country’s food requirements. Paradoxically, only half of the cultivable land is used for agriculture. The other half is not exploited. (283) Gambian agriculture is susceptible to flooding and drought. Significant harvest losses were caused by the drought of 2011/12 and the late arrival of the rains in the 2014/15 season. (284) One-third of the population do not have guaranteed food

security. According to information from the World Health Organization (WHO), between 2014 and 2016 over 200 000 Gambians were forced to rely on humanitarian aid. (285)

Tourism contributes about 20% of the GDP. It is locally concentrated on the beaches along the Atlantic coast. (286) When Ebola broke out in the neighbouring countries in 2014, the number of tourist arrivals in The Gambia fell by 60%. (287) The political crisis of 2017 also had a negative effect. The director of the Gambia Tourism Board said that the impact of the unstable situation on tourism was even more devastating than the fallout from the Ebola crisis. The International Monetary Fund’s most recent Staff Country Report estimated that in the first quarter of 2017 tourism revenue fell by about a third ($8.8 million) due to the political turmoil. (288)

Remittances (money transfers) from emigrants to their native country are estimated at around 10% of GDP (2015: 10.5%, 2016: 9.7%). (289) They are an important factor in stimulating the economy. The money is usually invested in small businesses and is spent on consumer goods or house construction. (290)

In 2016 the industry contributed 14.5% to the GDP. One-fifth of the population works in the industrial sector, mainly in small businesses. Important industries are groundnut processing and the energy sector. (291)

Many residents run small retail businesses. In terms of international trade, China and India have partly replaced the EU (particularly France and Great Britain) as the main export destinations in recent years. Groundnuts in a raw or processed form are the main export product. (292) The country has a few natural raw materials or mineral resources such as uranium, kaolin and salt. There are thought to be oilfields off the coast. (293)

Until 2011, the re-export of goods to West African states accounted for one-third of GDP. The Gambia was then forced to change its customs policy under pressure from the Economic Community of West African States (ECOWAS). Since then, the revenue from re-exports has dropped. Goods are still smuggled across the Gambia-Senegal border. Inadequate controls make it easy for smugglers to ship some Senegalese agricultural produce illegally through the port of Banjul. (294)

(289) IMF, The Gambia, Country Report No. 17/179, 26 June 2017 (url), Table 7, p. 28; The review ‘Africa South of the Sahara’ estimated the share of remittances in GDP at just 5.5% in 2012, while the CIA estimated remittances amount one-fifth of the GDP; Europa Publications, Europa Regional Surveys of the World, Africa South of the Sahara 2016, 2015, p. 532; CIA, The World Factbook: The Gambia, 19 June 2017 (url).
(294) Thanks to lower customs duties, Gambian dealers imported goods and sold them on at a profit to Senegal or countries without access to the sea. Gaibazzi, Paolo, Bush Bound, 2015, p. 43; Europa Publications, Europa Regional Surveys of the World, Africa South of the Sahara 2016, 2015, p. 532.
The Gambia is a central trading centre in the illegal drugs trade between Latin America and Europe. (295) However, this could change due to the downfall of Jammeh. (296) It is also suspected that methamphetamine is produced in the country. (297) In addition, The Gambia plays a role in smuggling and trading diamonds from Liberia. (298)

In 2016 The Gambia was ranked 145th out of 176 countries in the corruption index published by Transparency International. (299)

The country is dependent on financial aid from abroad. According to information from the United Nations Conference on Trade and Developments (UNCTAD), in 2013 aid from foreign donors accounted for 11% of GDP. (300) Because of accusations of human rights abuses in The Gambia, from 2012 onwards the country was excluded from payments and development programmes from western donors: in 2012 it was excluded from the US African Growth and Opportunity Act (AGOA) programmes; n 2015 the EU refused payment of 163 billion dollars. (301)

When Jammeh went into exile in Equatorial Guinea early in 2017, he took assets with an unknown value with him. (302) The media said that the country was ‘almost bankrupt’. (303) Low harvest yields, anxious tourists and investors and growing national debt all contributed to further deterioration of the economic situation. (304) Foreign donors promised the Barrow government financial support on condition that it would respect human rights and encourage the development of democracy. (305)

(295) According to US data, cocaine with an estimated value of 2 billion dollars is smuggled through The Gambia every year, along with heroin, cannabis, opium, etc. Novak, Andrew, Legislative note: the abolition of the death penalty for drug offenses in The Gambia, 29 March 2012 (url), pp. 63-65; African Online News, Gambia makes West Africa’s biggest ever drug bust, 27 July 2010 (url); SmbcNews, Gambia to crackdown on drugs peddlers after torching of 2 tons of marijuana, 26 April 2017 (url); SmbcNews, South American drugs continue to flow through the Gambia, 12 July 2017 (url); Diarissou, Boubacar and Goredema, Charles, Illicit drug trading in Dakar, Dimensions and intersections with governance, August 2014 (url), pp. 2-5, 7.


(302) Justice minister Abubacarr Tambadou estimated that the assets which Jammeh had taken with him were worth at least 50 million USD. Africa Research Bulletin, The Gambia, 14 June 2017, available by subscription at: (url), p. 21429; Tambadou announced in July 2017 that his Commission would investigate Jammeh’s assets. Foroyaa Newspaper, Gov’t plans to establish another Commission of Inquiry, 21 July 2017 (url).


(305) World Politics Review, After Helping Solve Gambia’s Political Crisis, Senegal Needs an Exit Strategy, 7 April 2017 (url); Gambia (The), Office of the President, World Bank and IMF Missions Met President Barrow, 5 April 2017 (url); IMF, IMF Staff Concludes Visit to The Gambia, 13 April 2017 (url); IMF, IMF Executive Board Approves US$16.1Million Disbursement Under the Rapid Credit Facility for The Gambia, 26 June 2017 (url); Daily Observer, UN Pledges US$3m to Support Gambia’s Peace-Building Initiative, 22 March 2017 (url); SmbcNews, $500M invest in Gambia could see seaport expansion, railway link built, 17 May 2017 (url); Gambia (The), Office of The President, Fourth Cabinet meeting focuses on Finance and Economic Affairs, Fisheries and Security matters, 28 June 2017 (url); SmbcNews, EU will give Gambia another €33M euros before year’s end, 27 July 2017 (url).
1.10.1 Currency, inflation

The Gambian currency is the dalasi (Gambian dalasi GMD). A dalasi is divided into 100 bututs. (306) Coins worth 1 butut, 5 bututs, 10 bututs, 25 bututs, 50 bututs and 1 dalasi are in circulation. (307) A new series of banknotes was introduced in 2015. There are notes worth 5, 10, 20, 50, 100 and 200 dalasis. The notes from the previous series, including the 25 dalasi note, remained valid. (308)


In 2001 the inflation rate was below 5% but in 2003 it rose to the record rate of 17%. (310) It was 7% in December 2014, 7.49% in December 2016 and 8.8% in January and February 2017, during and immediately after the political crisis following Adama Barrow’s victory in the presidential election. The most recent data are for April 2017, when the figure was 8.7%. (311)

1.11 Religion

The constitution of The Gambia prohibits religious discrimination, religious parties and the establishment of a state religion. (312)

1.11.1 Religious affiliation

The overwhelming majority of the population of The Gambia is Muslim (96%). (313) Most of these are Sunnis and followers of Sufism. (314) The two main Sufi brotherhoods in The Gambia

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(314) CIA, World Factbook. The Gambia, 19 June 2017 (url).
(318) Sufism is a collective term for paths of Islam which are identified as mystical. The Sufis, who dressed in wool (Arabic suf), were ascetics who sought to comprehend the inner meaning of the Koran through various meditation practices or ecstasy. From the 12th/13th century onwards, Sufi orders were formed under the spiritual leadership of a sheikh. Encyclopaedia Britannica, Sufism, last updated: 24 January 2017 (url).
are the orders of *Tijaniyya* (321) and *Qadiryya* (320). A minority belong to the *Mouride (Muridiyya)* brotherhood. (321) Brotherhoods offer social and political orientation, religious guidance and an organisational framework. They are made up of scholars, families and family associations. The scholars, in particular, follow the teachings of a sheikh, or marabout. A caliph may have authority over the marabouts and scholars in the order. The spiritual leaders are often mediators between the followers and local government representatives. The followers may have economic links with each other or be organised into collective farms. (322)

A minority of Gambian Muslims are not followers of the Sufi orders but of reformist paths of Islam which dismiss local Islamic traditions. They include the *Tablighi Jama‘at*, the *Salafiyya*, and the *Ahmadiyya*. (323) The *Tablighi Jama‘at* and the *Salafiyya* are particularly popular among Gambian youth. (324) In recent years the *Tablighi* community has gained a larger number of followers within different ethnic groups. (325) In contrast to the *Salafiyya* striving to reform Muslim society by means of education (creation of madrasas, education in Arabic), the *Tablighi* focus on missionary work by lay preaching in English. *Tablighi* probably still outnumber *Salafiyya* but it seems that there is a trend among inquisitive youth to leave the *Tablighi* organisation for the *Salafiyya*. (326)

Approximately four per cent of the population are Christian. (327) Most of these are members of the Roman Catholic Church. The diocese of Banjul is the only Catholic diocese in the country. There are also churches and communities of Anglicans, Methodists, Lutherans, Abiding Word Ministries (ABM) and other Pentecostal churches, and various evangelical denominations. There are also small communities of Bahais and Hindus. (328)

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(323) The Muridiyya was founded in Senegal in the late 19th century by Shaykh Ahmadu Bamba and still plays a central role there today. A specific feature of this order is that its followers are organised in and work on collective farms, known as daara. Glover, John, Sufism and Jihad in Modern Senegal, The Murid Order, 2007; Winkelhan, Gerd and Seesemann, Rüdiger, Ahmadu Bamba und die Entstehung der Muridiyya, 1993; Centro Studi sulle Nuove Religione, Un sufismo degli immigrati: i Muridi e i Layennes, update 23 February 2017 (url).


(325) The Ahmadiyya is a reformist movement within Islam. It was founded by Ghulam Ahmad (died 1908) from the Punjab. A prophetic form of Mahdism is central to its teaching. The Ahmadiyya is controversial in the Islamic world and is banned in some places; Fisher, Humphrey J., Ahmadiyya: A Study in Contemporary Islam on the West African Coast, 1963; Perfect, David, Historical Dictionary of The Gambia, 2016, pp. 29-30, 214-215; Janson, Marloes, ‘How, for God’s sake, can I be a good Muslim?’: Gambian youth in search of a moral lifestyle, 2016 (url).

(326) Janson, Marloes, ‘How, for God’s sake, can I be a good Muslim?’: Gambian youth in search of a moral lifestyle, 2016 (url); Marioney, Eric, Mummy in the Bush – Old and News Islam in Gambia, May 2011 (url).


(328) Janson, Marloes, Islam, Youth and Modernity in the Gambia, The Tablighi Jama‘at, 2014, pp. 20-21, 254; Janson, Marloes, ‘How, for God’s sake, can I be a good Muslim?’: Gambian youth in search of a moral lifestyle, 2016 (url).


The relationship between Muslims and Christians is essentially peaceful. \(^{(329)}\) Marriage between the communities is possible, but with the observance that according to the sharia it is not allowed for a non-muslim man to marry a muslim women. It is not unusual for there to be members of the Muslim and Christian religions within the same family. \(^{(330)}\) There are no reports of forced conversions. \(^{(331)}\)

Less than one per cent of the Gambians are followers of anistic religions. \(^{(332)}\) Syncretism between Islam, Christianity and traditional religion is common. Many Gambian Muslims and Christians practice rituals which could be considered anistic. Belief in witchcraft is also widespread throughout Gambia. Hence, many Gambians use amulets (called jujus) in order to protect themselves from occult forces. They may also rely on fetishes or consult Marabouts or witchdoctors. \(^{(333)}\)

### 1.11.2 Political dimension of Islam

In 2015 ex-president Jammeh declared The Gambia an Islamic republic. The media, civil society organisations and political opponents protested against this decree by pointing out that it was against the constitution. Jammeh did not explain the consequences of his decision, but said that Christians would still be respected. \(^{(334)}\) Following the change of government in early 2017, one of new President Barrow’s first announcements was that The Gambia was no longer an Islamic republic. \(^{(335)}\) Even before assuming office, the newly elected President Adama Barrow declared that Gambia was a secular state, as stated in its Constitution 336.

During the last years of his regime, ex-president Jammeh and the Supreme Islamic Council associated with him cultivated a close relationship with the Gulf states and a stricter interpretation of Sunni Islam. Gulf states educated Gambian clerics and financed mosques, schools and other projects. \(^{(337)}\) Jammeh and the Supreme Islamic Council declared that believers who, in their eyes, had deviated from Sunni Islam were non-Muslim communities. Sources indicate that the religious freedom of the Ahmadiyya, in particular, was restricted. \(^{(338)}\)
The proclamation of the Islamic republic, Jammeh’s proximity to three controversial members of the Supreme Islamic Council (\(^{339}\)) and the restrictions placed on the Ahmadiyya were noted with unease by not only the Christian, but also parts of the Muslim community. (\(^{340}\)) Due to public pressure, Jammeh was forced to make some concessions. (\(^{341}\))

There was contradictory information about Jammeh’s relationship with Shiite Islam. It was rumoured that he had bought weapons from Iran and sold them on to the Lebanese Hezbollah. The Gambia officially broke off diplomatic relations with Iran in 2010. (\(^{342}\))

To date, no jihadist terror attacks have been documented in The Gambia. However, due to the porous borders with Senegal, there are concerns about possible infiltration by jihadist terror groups from the Sahel area. (\(^{343}\))

### 1.12 Media and communication

In an official survey conducted in 2013, 60% of Gambian women and 73% of men aged 15-49 said that they listened to the radio at least once a week. 47% of women and 60% of men said that they watched television at least once a week. 9% of women and 20% of men said that they read newspapers at least once a week. 30% of women and 16% of men used none of the media mentioned at least once a week. Women living in urban areas were more likely than those in rural areas to listen to the radio at least once a week (63% compared with 56%); to watch television at least once a week (63% compared with 27%); and to read newspapers at least once a week (14% compared with 2%). Similar differences were reported for men. (\(^{344}\))

Radio programmes, news websites and television stations can be accessed online in The Gambia. International broadcasters such as the BBC, Voice of America and news websites from the diaspora which were very critical of the Jammeh government are an important source of information. Ownership of mobile phones and use of the internet are increasing. In 2013, 54% of the Gambian population possessed a mobile phone and 80% had access to a mobile phone. (\(^{345}\)) The country currently has significantly more mobile phones than inhabitants. (\(^{346}\)) Mobile phone services are provided by a number of Gambian providers including Africell (Gambia), Comium Gambia, Gamcel and QCell Gambia. The Gambia

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\(^{339}\) Imam Ratib of Banjul, Cherno Kah and the imam of the State House mosque were unpopular within the Muslim community. Hultin, Niklas, et al., Autocracy, Migration, and the Gambia’s ‘unprecedented’ 2016 Election, 13 March 2017 (url), pp. 335.


\(^{341}\) BBC, London. Gambia’s President Jammeh lifts ban on uncovered hair, 14 January 2016 (url).

\(^{342}\) ISPSW, Strategy Series: Focus on Defense and International Security, August 2012 (url); Center for a New American Security, Pushback, Countering the Iran Action Network, September 2013 (url), pp. 13, 20; Small Arms Survey, Rogue Rocketeers, Artillery Rockets and Armed Groups, July 2014 (url), pp. 34, 47, 51; Africa Confidential, Iranian guns and a king in Banjul, 3 December 2010 (url); Now News, Hezbollah buying Iranian arms from Gambia, paper reports, 28 February 2011 (url); CNN, Gambia cuts economic, diplomatic ties with Iran, 23 November 2010 (url); BBC News, Gambia cuts ties with Iran and orders diplomats to go, 23 November 2010 (url).

\(^{343}\) Jamestown Foundation (The), Leaving Islamism Aside: The Gambia Under Adama Barrow, 5 May 2017 (url); Telegraph (The), Will terrorism derail West Africa’s fledgling tourism industry, 17 March 2016 (url); Basel Institute on Governance, Desk study on the capacities and needs of Sahel-zone countries to combat the financing of terrorism, 31 August 2012, pp. 19-21.


Telecommunications Co Ltd (GAMTEL) is the only fixed-line operator. (347) In 2013, 5% of the population had access to a land line. (348) In 2016, approximately 18.5% of the Gambian population used the internet. (349)

1.12.1 Radio

There are approximately 30 radio stations with a Gambian programme; some of these are produced by the diaspora. The stations are available on the internet. (350) At election time, the Jammeh government repeatedly blocked critical radio stations. (351) During the first five months after the change of government, 30 new applications for radio stations were received in the country. (352)

Important radio stations are:

- Gambia Radio & Television Services (GRTS): the state radio and television station. It broadcasts in English, French and some local languages; (353)
- Private stations such as West Coast Radio, Capital FM, Unique FM, Paradise Radio, Afri Radio, etc.; (354)
- Diaspora radio broadcasters which are based in Great Britain or the USA (Freedom Radio, Jollofnews Radio, Fatu Network Radio, Gainako Radio, and international radio stations such as the BBC and Voice of America; (355)
- Broadcasters with an Islamic message such as Al Falaah FM or the broadcasts from the Supreme Islamic Council, whose website offers recitations from the Koran in Arabic and sermons, instruction and exegesis of the Koran in Mandinka, Serahule, Wolof and Jola. (356)

1.12.2 Television

There is only one Gambian television station: the state-run GRTS (Gambia Radio & Television Services). (357) Satellite TV and international broadcasters such as the BBC, Al Jazeera and Premium TV are popular. (358)

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(349) International Telecommunication Union, Geneva. Percentage of Individuals using the Internet, 2017 URL.
(352) Voice of America (The), Gambian Media Thriving Since Jammeh’s Departure, 14 June 2017 (url).
(356) Al Falaah FM [website], n.d. (url); Islam in the Gambia [website], n.d. (url).
(357) GRTS [website], n.d. (url).
1.12.3 Newspapers, websites

The printed newspapers have a small circulation. However, this has increased since the change of government. (359) The newspapers’ websites have a greater reach than the printed editions. Important newspapers and websites include The Daily News, The Daily Observer, Foroyaa Newspaper, The Point and The Standard. (360) Websites such as Freedom Newspaper which are produced by the diaspora and were extremely critical of the Jammeh government receive considerable attention. (361) Jammeh tried repeatedly to block these websites. He also tried to block other communication channels such as WhatsApp, Viber and Skype. (362) Twitter, Facebook and Youtube are becoming increasingly important methods of disseminating information. (363)

1.13 Healthcare

The Ministry of Health and Social Welfare is responsible for coordinating and implementing the decentralised, three-tier healthcare system. At the primary level, there were 824 primary health care centres in 2015 which provided simple medical care. For larger initiatives, such as vaccination or awareness raising campaigns, they were supported by 50 second-tier health facilities. (364) The third tier is made up of six general hospitals, a research institute with British involvement (Medical Research Council) and the hospital with the best reputation in the country: the university hospital – the Edward Francis Small Teaching Hospital – in Banjul (former name: Royal Victoria Teaching Hospital). In addition to the state facilities, in 2015, 55 health facilities were run privately or by NGOs. (365) The majority of the health care facilities are located in the urban area, which means that access to health services is more complex in rural areas. (366) In 2015, three (Lower River, North Bank West and Upper River) from eight health regions had no hospitals. (367)

In general all the facilities suffer from a lack of well-trained staff and deficiencies in terms of infrastructure, medical equipment and supplies of certain medicines. In 2015, there were 213 medical officers in The Gambia (1.1 doctor for 10,000 inhabitants). (368) Health is underfunded,

(359) Voice of America (The), Gambian Media Thriving Since Jammeh’s Departure, 14 June 2017 (url).
(360) Europa Publications, Europa Regional Surveys of the World, Africa South of the Sahara 2016, 2015, p. 541; Perfect, David, Historical Dictionary of The Gambia, 2016, pp. 311-313; Access Gambia, Newspapers in Gambia (Online), n.d. (url); Daily Observer (The), [website], n.d. (url); Daily News (The), [website], n.d. (url); Foroyaa Newspaper, [website], n.d. (url); Point (The), [website], n.d. (url); Standard (The),[website], n.d. (url).
(362) The websites of the diaspora news sites were blocked during 2016. Viber, WhatsApp and Skype were also blocked from August 2016 in the run-up to the presidential elections. Freedom House, Freedom on the Net 2016 – Gambia, 14 November 2016 (url); Perfect, David, Historical Dictionary of The Gambia, 2016, pp. 214, 313.
(363) Youtube, Facebook and Twitter were not blocked in late 2015/early 2016. Temporary restrictions were imposed from August 2016 in the run-up to the presidential elections. Freedom House, Freedom on the Net 2016 – Gambia, 14 November 2016 (url), pp. 5-7.
(366) Barrow, Lamin F.M., Factors that influence access to mental health care service, 2016 (url), p. 17.
(368) World Bank (The), Technical Brief: The Gambia, December 2015 (url); Barrow, Lamin F.M., Factors that influence access to mental health care service, 2016 (url), p. 18; Blank, Molly and Brackett, Jackie, Travel Report,
especially in the primary and secondary level. (369) Under the Jammeh government, the number of healthcare facilities rose and there were improvements in life expectancy and child mortality. Meningitis, tuberculosis, HIV/AIDS and measles still represented health challenges. No cases of Ebola were documented in The Gambia during the 2013-16 crisis in West Africa. (370) Thanks to international aid, substantial progress has been made in the battle against malaria. (371) However, with 176 malaria deaths registered in 2015, (372) the healthcare system in The Gambia still faces significant challenges.

Traditional medicine constitutes often the first point of contact for a significant proportion of Gambian patients, as practitioners are scattered throughout the country and thus more accessible in rural regions. Moreover, they often allow payments in kind or over time options, which are more convenient for poor households. The Gambian authorities strive for a stronger partnership with traditional practitioners in order to improve health service delivery. (373)

There is no social health insurance in The Gambia. Thus, out-of-the-pocket expenditure on health is high and constitutes a heavy burden for households. (374)

### 1.14 Transport system

#### 1.14.1 Air travel

Gambia has one airport: the international airport of Banjul (also known as Yundum airport). A number of airlines including Brussels Airlines, Royal Air Maroc and vueling fly directly to Banjul, especially from European and West African destinations. Charter flights from and to Great Britain, Scandinavia and the Netherlands are crucial to tourism. (375) In 2015, 134,560 tourists arrived by air. (376) There are no local airports or domestic flights. (377)
1.14.2 Port/river traffic

The port of Banjul is the most important port in The Gambia. Ocean-going ships can travel at least until Kaur (190 km upstream) or even further on until Kuntaur (240 km upstream). (378) There are approximately 20 wharves for small boats along the river Gambia. A journey to the furthest port of Basse in the Upper River Region takes about five days, including loading and unloading. The river is used primarily for the transport of goods. For passengers, there is a boat service once a week from Banjul to Basse as well as excursion boats over shorter stretches. People normally use the roads parallel to the Gambia River. (379)

1.14.3 Rail

There are no railways in The Gambia (and never have been any). (380)

1.14.4 Road traffic

The country has two main transport routes parallel to the Gambia River: one road on the North Bank and one at the South Bank. The road network is in poor condition. In 2015, the total length of roads was 15,514 kilometres of which 62.5% were paved. (381) Transit traffic travels slowly and is considered precarious, and the Gambia River can only be crossed by ferry (see Map 3: Ferries across The Gambia). (382) There are very few bridges over the tributaries of the Gambia: the link to St. Mary Island in the capital Banjul, (383) the link to MacCarthy Island near Sankuli Kunda/Janjanbureh (384) and the small bridge near Chamo (385) in the far east of the country.

The plan to build a large Gambia Bridge near Farafenni (North Bank region, Kerewan LGA) has been under discussion for decades. The Trans-Gambia bridge would provide a rapid transport link in the north-south direction to Senegal and become part of the Trans-Gambia Highway. More broadly, it would be part of the Trans-West African Highway from Dakar to Lagos. (386) The foundation stone was laid in February 2015 and the bridge is currently expected to be finished by 2018. (387)

A UN overview map from 2017 shows the border posts and access points. (388)

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(381) LCA/WFP, Gambia Road Network, 01 November 2011, updated December 2013 (url); Foroyaa Newspaper, <80 percent of our road network are poor> - says Minister Jobe, 7 July 2017 (url).
(384) Google Maps, Sankuli Kunda, Gambia [Extract from satellite map], n.d (url),
(386) Europa Publications, Europa Regional Surveys of the World, Africa South of the Sahara 2016, 2015, p. 532; African Development Fund, Trans-Gambia Corridor, November 2011 (url); Point (The) Trans-Gambia Bridge Project – what you need to know, 21 May 2014 (url); World Policy Institute [blog], The Trans-Gambia Highway: Integration or Isolation?, 14 June 2016 (url).
(387) Point (The), Foundation stone laid for D4B Trans-Gambia bridge, 23 February 2015 (url); Jeune Afrique, Sans Yahya Jammeh, enfin la paix en Casamance?, 6 June 2017 (url).
(388) UN OCHA, Gambia: Roads and border access, 4 January 2017 (url).
1.15 Citizenship and identity documents

1.15.1 Citizenship

Between 1889 and 1965, most residents of The Gambia were British protected persons, although residents of the colony were British subjects. (£89) British naturalisation acts were passed in 1873 and 1894. (£90) When The Gambia gained independence in 1965, the British Gambia Independence Act of 17 December 1964 (£91) governed the retention or loss of British citizenship. The Gambia Independence Order of 29 January 1965 (£92) and the Gambia Nationality and Citizenship Act of 11 January 1965 (entered into force on 18 February 1965) (£93) laid the foundations for Gambian citizenship. Gambian citizenship was granted to: (£94)

- Any person who was born in The Gambia and who, on the date of independence, was under the protection of the United Kingdom or was one of its citizens and whose father or grandfather was born in The Gambia;
- Any person who was born outside The Gambia and whose father had become a citizen of The Gambia;
- Any woman who married a citizen of The Gambia.

Under the 1970 constitution, Gambian citizenship was granted to: (£95)

- Any person born in The Gambia since its independence on 18 February 1965 and having at least one parent with Gambian citizenship;
- Any person born outside The Gambia since its independence on 18 February 1965 and whose father held Gambian citizenship.

According to the 1996 constitution (amended 2001) currently in force, Gambian citizenship is granted to:

- Any person born in The Gambia after 1997 and having at least one Gambian parent;
- Any person born outside The Gambia after 1997 and having at least one parent who holds Gambian citizenship. (£96)

The Gambian Constitution also provides that Gambian citizenship can be granted - upon application – to:

- A person who has married a Gambian citizen and since the marriage has lived in The Gambia for at least seven years;
- A person who has lived in The Gambia for at least 15 years and is: 

Dual citizenship is possible, but only for Gambians who acquire citizenship of another country. It is prohibited for nationals of other countries who become Gambians. (398)

1.15.2 Identity documents and civil register records

Identity cards

All Gambians over the age of 18 are required by law to carry a national ID card with them at all times. Anybody who does not comply with this requirement can be punished by a fine or imprisonment. (399) Applicants must prove their identity in order to obtain an ID card. They must do this by means of a birth certificate, passport, voter’s card, registration/naturalisation certificate or attestation by the Seyfo (district authority chief) / Alkalo (village chief). (400)

There are two types of identity card in circulation:

- Traditional, non-electronic identity card.
- Electronic identity card with a chip.

In 2009 the Gambian government decided to switch to The Gambia Biometric Identification System (GAMBIS). This system collected data for the electronic identity cards, driving licences and residence permits. (401)

The electronic identity card contains a chip and the 11-digit National Identification Number (NIN) from the GAMBIS system. (402) The first six digits of the NIN are the date of birth. The other digits are made up of codes relating to the place of issue, serial numbers and gender. (403) The government intended to extend the GAMBIS system to passports and birth, death and marriage certificates. (404) However, this did not happen. By mid/late 2015 electronic identity cards were no longer available. From early 2016, the traditional ID cards have been issued once again. (405)
In March 2017 the government announced that it would examine the security concept for national documents. It therefore temporarily stopped the production of both passports and ID cards. (406)

In addition to the traditional and electronic identity card, another model for ID cards has been discussed: the common biometric identity card for the 15 countries of the ECOWAS. (407) The ECOWAS biometric ID card has not been introduced in The Gambia so far, but plans are in high gear for its introduction. (408)

**Passports**

There are currently two types of passport in circulation: (409)

- Machine-readable passports without a chip and without electronically stored data;
- ECOWAS passports with electronically stored data.

There are three types of machine-readable passport without a chip and without electronically stored data: the green standard passport for citizens, the blue service passport and the red diplomatic passport. (410) Machine-readable passports are valid for five years. (411) The green passport costs 1,000 dalasis. (412)

The Immigration Department issues the green standard passports for citizens. Applicants must submit two passport photographs, a form and at least one contact telephone number. To prove their identity and Gambian nationality, applicants must produce the following documents: proof of the parents’ identity, a birth certificate or a statement signed by the Alkalo (village chief) or Seyfo (district authority chief) that the passport applicant was born in his/her village or district. (413)

Since January 2016, Gambians should apply for a biometric ECOWAS passport. Nevertheless it seems that Gambian citizens living abroad could still receive a green passport for some time. (414) Therefore, they had to entrust a relative in The Gambia to apply for him/her, a new green passport. (415) Since April 2017, after the new government stopped issuing passports for two months, Gambian nationals have to appear personaly at the nearest Gambian Embassy or

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(407) Point (The), Ecowas to Introduce Common W/African ID Card, Remove Residence Permit, 10 June 2016 (url); Fatu Network (The), The Gambia Returns to the old Identity Cards, 4 January 2016 (url); Foroyaa Newspaper, National ID Card Issuance Commences Today After Eight Months, 6 March 2017 (url).
(408) allAfrica, West Africa: Ecowas to Introduce Common W/African ID Card, Remove Residence Permit, 10 June 2016 (url); Fatu Network (The), The Gambia Returns to the old Identity Cards, 4 January 2016 (url); allAfrica, Gambia: National ID Card Issuance Commences Today After Eight Months, 6 January 2016 (url); Gambia Immigration Department, telephone interview with the Swiss State Secretariat for Migration, October 2017.
(411) Diplomatic and service passports are only valid while the holder is working as a diplomat or functionary. Access Gambia, Gambian Passports (Gambia Immigration Department – GID), updated 2017 (url).
(414) Daily Observer (The), Gambians Urged to Apply for Biometric Passport, 10 December 2015 (url).
consulate with relevant supporting documents. (416) Gambian representations in Europe still extend machine readable passports for a short period (usually up to one year). (417)

Gambian ECOWAS biometric passports with electronically stored data have been available to Gambians since 22 September 2014. The formal requirements for obtaining this passport are: confirmation of payment (3,000 dalasis), proof of identity by means of the national electronic identity card, the voting card or a copy of the birth certificate, signed by the Alkalo (village chief) or Seyfo (district authority chief). Gambians below 18 years of age must produce a birth certificate, signed by the Alkalo or Seyfo, and their parents’ identity documents. (419)

The applicant must appear in person at the enrolment center in order to capture their Bio data and their photograph. Enrolment centres in Belgium, USA, UK and Nigeria were planned, but it seems that these aren’t operational, yet. (419)

Following the change of government in early 2017, the Gambian government stopped producing national identity cards and passports due to allegation that the Jammeh regime had given Gambian identity documents to foreign nationals. In April 2017 it relaxed the rules and announced that it would start producing machine-readable passports again. (420) In July 2017 the Interior Minister, Mai Fatty, stated that there were no further restrictions on the issuing of passports. (421)

In the past, special passports valid for six months were issued to go on pilgrimage to Mecca. (422) Currently, pilgrims have to apply for a standard passport. (423)

Civil register records

The Ministry of Health and Social Welfare is responsible for the registration of births and deaths, while the Ministry of Justice is responsible for the registration of marriages and divorces. (424)

In 2004, birth registration was integrated into maternal and child health clinics throughout the country, and public health officers were mandated as registrars. This led to a clear increase of birth registration of children under five - from 32% in 2000 to 55% in 2005. (425) However,
late birth registration, mostly when the child is about to enrol in school, was still the most common type of registration in 2012. *(426)*

Local registrars register births and deaths. The documents are archived locally and entries are made by hand. There is no central Gambian archiving or electronic data storage for matters relating to the civil register. *(427)* For certification of documents and other tasks, the local registrars are in contact with the Registrar of Births and Deaths in Banjul who forms part of the Ministry of Health and Social Welfare. *(428)*

To register births and deaths, the local registrars interview the applicants or family members and check the plausibility of the statements and the authenticity of the documents. Registration of a birth requires written documents from the clinic, confirmation of the birth by the Alkalo (village chief) and the Seyfo (district chief) and completion of a legally prescribed form. Registration of a death requires medical confirmation of the death, including details of the cause of death, and confirmation from the Alkalo. Registration of deaths is not common in The Gambia. *(429)* Marriages and divorces are rarely registered. *(430)*

### 2. The situation of former government officials

Steps taken to date by the new administration in relation to functionaries of previous governments indicate a tendency to adopt a cautious approach to judicial investigations into the past, seeking to proceed on a case-by-case basis. However, it is too early to assess as no proceedings have been concluded.

Listed below in note form are members of various organisations who held an important function and whose change of position has been commented on in the literature or the media. The list is not exhaustive.

#### 2.1 Government

**Ex-president Yahya Jammeh**

A state Commission of Inquiry was established with a three-month mandate to investigate the financial activities of public bodies with regard to their dealings with ex-president Jammeh. It met for the first time on 10 August. *(431)*

Several ministers resigned in January 2017: Vice-President Isatou Njie-Saidy, Finance Minister Abdou Kolley, Foreign Minister Neneh Macdouall-Gaye, Trade Minister Abdou Jobe, Tourism Minister Benjamin Roberts and Communications Minister Sheriff Bojang. *(432)* President Barrow held a meeting with some of them in February 2017. None of them became ministers in the new government. *(433)* It is not known whether any ex-ministers in The Gambia have

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*(426)* UNECA, Status of Civil Registration and Vital Statistics in the Republic of the Gambia, September 2012 *(url).*
*(430)* UNECA, Status of Civil Registration and Vital Statistics in the Republic of the Gambia, September 2012 *(url).*
*(431)* Daily Observer, 4 Members of Commission of Inquiry Sworn-in, 14 July 2017 *(url);* Point (The), Banjul. Ex-President Jammeh Commission kick-starts, 11 August 2017 URL.
*(432)* Daily Mail Online, Time runs out for Gambia’s Jammeh as more ministers defect, 17 January 2017 *(url).*
been the subject of investigations or criminal proceedings. However, criminal proceedings against one ex-minister are taking place in Switzerland:

**Sonko, Ousman**

Former Interior Minister. He was dismissed in September 2016 for unknown reasons. (434) Criminal proceedings have been instigated by the Attorney General of Switzerland following his arrest in January 2017, due to the strong suspicion that Sonko is responsible for crimes against humanity. (435) In May 2017 the magistrates court in Banjul issued an arrest warrant for Sonko in connection with the enforced disappearance and suspected murder of former NIA Director Daba Marenah in 2006. (436) According to Trial International, several people from The Gambia have instituted legal proceedings against Sonko in Switzerland. (437)

### 2.2 Ambassadors

Many ambassadors resigned from their posts or were dismissed during the crisis. Barrow announced in February 2017 that the existing Gambian ambassadors could continue in post in order to provide continuity of the Gambian representation abroad. (438) In July 2017 government circles revealed that many embassies would close for financial reasons. (439)

### 2.3 Regional governors

In spring 2017 Adama Barrow replaced all the regional governors who had been appointed by Jammeh. (440)

### 2.4 Central Bank

The Governor of the Central Bank, Amadou Colley, and three senior officials were dismissed in May 2017 without an official statement of reasons. (441)

### 2.5 Armed forces (GAF)

**Badjie, Ousman**

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(435) Perfect, David, Historical Dictionary of The Gambia, 2016, p. 263; Schweizerische Eidgenossenschaft, Medienmitteilung, Fall Gambia: Bundesanwaltschaft übernimmt das Strafverfahren, 6 February 2017 (url); Bundesversammlung (Die), Das Schweizer Parlament, Fragestunde Nationalrat, Frage Rutz, Gregor. Antwort der Aufsichtsbehörde über die Bundesanwaltschaft, 6 March 2017 (url); NZZ, Dringender Verdacht auf Folter, 10 May 2017 (url).


(437) Trial International, Detention extended for former minister Ousman Sonko, last modified 12 July 2017 (url); Point (The), 7 witnesses to testify against Ousman Sonko, 12 July 2017 (url).

(438) Al-Jazeera, African leaders to visit Banjul to push Jammeh to go, 9 February 2017 (url); allAfrica, Gambia: <We Take Nothing Personal Against Anyone> President Barrow Tells Reinstated Ambassadors, 22 February 2017 (url).

(439) SmbcNews, Gambia to relegate, shutdown some embassies, 7 July 2017 (url).


(441) Reuters, Gambia Central Bank Governor, Other Top Bank Officials Fired, 9 May 2017 (url); Point (The), New central bank governors speak, 12 May 2017 (url).
Head of the army Ousman Badjie promised loyalty to Jammeh during the political crisis in early 2017. (442) After soldiers from the ECOWAS marched into The Gambia, he urged army personnel not to fight but to welcome the troops with a cup of tea. (443) Following the change of government, Barrow initially left the commander of the Gambian army in post and subsequently moved him to the Foreign Ministry in February 2017. General Masanah Kinteh, former Chief of Defence Staff of the GAF, was appointed as the new head of the army. (444)

**Badjie, Saul**

General and commander of the State Guard. Presumed to have gone into exile with Jammeh in Equatorial Guinea. (445) In May 2017 the magistrates court in Banjul issued an arrest warrant for Saul Badjie in connection with the enforced disappearance and murder of former NIA Director Daba Marenah in 2006. (446) Saul Badjie is accused of involvement in the murder of other people, including the murder of Alhagie Mamut Ceesay and Ebou Jobe. (447)

**Bah, Momodou Aliu**


### 2.6 Elite troops (State Guard, Presidential Guard)

The following members of the Presidential Guard were indicted in May 2017: Malick Manga, Nuha Badgie, Sulayman Sambou, Major Momodou Jarju, Mustapha Sanneh and Michael Jatta. The Justice Department accused them of involvement in the murder of Toumani Jallow and Abdoulie Gaye. Jallow and Gaye had worked in Jammeh’s political office but disappeared, presumed murdered, after Jammeh lost the presidential elections in December 2016. (451)

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(445) Fatu Network (The), Gen. Saul Badjie, Jimbe Jammeh, Umpa Mendy, others to go on exile with Jammeh, 21 January 2017 (url); SmbcNews, Gen. Badjie, other close aides gone into exile with Jammeh, 21 January 2017 (url); His family had previously brought Saul Badjie to Senegal, Freedom Radio, As Jammeh’s Arrest Is Imminent, Gen. Saul Badjie Evacuates His Wife and Children To Senegal!, 10 December 2016 (url).


(449) SmbcNews, Jammeh’s former interior minister is the new military finance director, 30 January 2017 (url).


(451) SmbcNews, Toumani Jallow, Abdoulie Gaye suffocated to death, 23 May 2017 (url); Fatu Network (The) [Facebook], Please help find Lance Corporal Toumani Jallow, posted 27 January 2017 (url); Freedom Newspaper, Wanted Jammeh Assassin Team Member Sulayman Sambou Now Lives in Portugal!, 21 June 2017 (url).
2.7 National Intelligence Agency (NIA)

Nine officers of the NIA have been arrested. Banjul magistrates court brought charges against them in March 2017. (452) The two highest-ranking officers were Yankuba Badjie, former director of the NIA, (453) and Saikou Omar Jeng, former head of operations at the NIA. (454)

The other officers were Louie Gomez, Baboucarr Sallah, Yusupha Jammeh, Haruna Susso, Tamba Mansary, Lamin Darboe and Lamin Lang Sanyang. (455) According to press information, they were charged on nine counts – one of which was the murder of Solo Sandeng in April 2016 (see Section 2.7 Former government officials – National Intelligence Agency). (456) In March 2017 demonstrators demanded the death sentence for Yankuba Badjie. (457) The court handling the case made it clear that the accused must be treated fairly and with dignity and must be considered innocent until judgment was passed. (458) The trial was ongoing as of July 2017. (459)

2.8 Police

Sonko, Yankuba

Inspector General of the police from 2010. Initially remained in post after the change of government. In June 2017 he was moved to the Foreign Ministry without any official statement of reasons. Landing Kinteh was appointed as the new Inspector General of the police. (460)

2.9 Prisons

Colley, Bora
Governor of the Mile Two prison in Banjul for a short period. Jungler for many years, commander of the camp in Kanilai. (461) Fled in February 2017. (462) In May 2017 Banjul magistrate’s court issued an arrest warrant for Bora Colley in connection with the suspected murder of several people, including former NIA Director Daba Marenah in 2006. (463) According to some media sources, Bora Colley was arrested in Senegal. (464)

**Colley, David Charles**

Long-standing head of the prison service and governor of the Mile Two prison in Banjul. Relieved of his post after the change of government in early 2017. Arrested, charged with inhumane treatment of prisoners and causing the death of several prisoners in connection with rotten prison food. (465) Released on bail. (466) Ansumana Manneh was appointed as the new head of the prison service (Prison Commissioner). (467)

### 2.10 Junglers

Some Junglers went into exile in Equatorial Guinea with Jammeh (468) while others fled to unknown destinations. An arrest warrant for Sanna Manjang and Kawsu Camara (alias Bombardier) was issued in May 2017 in connection with the murder of Deyda Hydara in 2004 (see Section 3.1 Freedom of the press). (469) Sanna Manjang is also accused of other murders. (470)

According to police information, nine Junglers working for the military police were detained in May 2017. (471) Criminal investigations are ongoing in connection with the enforced disappearance, torture and murder of several people. The identity of those detained has not...
been officially revealed. They are thought to be Musa Johnson, Pa Sanneh, Ismaila Jammeh, Omar Alias Oya Jallow, Amadou Badjie and Malick Jatta. \(^{(472)}\) They are said to have cooperated and led investigators to graves of their victims. \(^{(473)}\) The Junglers had not appeared in court by July 2017. \(^{(474)}\)

### 2.11 APRC officials

**Colley, Yankuba**

Mayor of Kanifing municipal council. Known as an APRC propagandist and for his denunciations of homosexuals (see Section 3.3 Lesbian, gay, bisexual and transgender (LGBT) persons). Remained in his post as mayor of the municipal council, despite calls for him to be removed. \(^{(475)}\)

**Jatta, Fabakary Tombong**

President of the National Assembly until its last regular meeting before the legislative elections in 2017. Interim leader of the APRC after Jammeh’s departure. \(^{(476)}\)

No attempts by the new government to ban the APRC have been documented.

### 2.12 Supporters of Jammeh

Around the time of the legislative elections in April 2017 there were incidents when supporters of the UDP, Barrow’s party, and supporters of the APRC clashed. \(^{(477)}\) The new leader of the APRC, Fabakary Tombong Jatta, complained that many supporters of his party had been harassed or arrested on more than one occasion. \(^{(478)}\) The Ministry of the Interior replied that arrests had only been made when weapons or violence had been used – which Jatta disputed. \(^{(479)}\)

### 2.13 Uncertain power relationships

Observers assumed that it would take some time for new loyalties to develop within the security forces. \(^{(480)}\) Troops from ECOWAS were responsible for the country’s security after the change of government. Neighbouring Senegal provided the largest contingent of soldiers.

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\(^{(475)}\) Fatu Network (The), Yankuba Colley says Yaya Jammeh Deserves SOME Respect! 15 March 2017 (url) Sunugambia, Mayor Yankuba Colley Aprc, we have nothing to fear about, 18 March 2017 (url); Fatu Network (The), Mayor Yankuba Colley Calls for the Reopening of the Bakoteh Dumpsite, 29 June 2017 (url); on one media platform the programme manager of the Gambian Association of NGOs, Madi Jobarteh, demanded Colley’s replacement; see: Mamos.tv.com, Opinion - Removal of Mayor Yankuba Colley as per the Local Government Act, 8 July 2017 (url).  

\(^{(476)}\) Onegambia, Tombong Jatta - Interim leader of APRC The new Government seize all our vehicles [Youtube], posted on 21 April 2017 (url); Fatu Network (The), <In new Gambia, we will create new responsible opposition> – Tombong Jatta, 15 March 2017 (url).

\(^{(477)}\) Point Newspaper (The), APRC, UDP supporters clash in Sibanor, 10 April 2017 (url); SmbcNews, UDP, APRC supporters clash in Tallinding, 22 March 2017 (url).

\(^{(478)}\) Sunugambia, Fabakary Tombong Jatta, claims that Aprc militants are facing lots of arrest and harassment, 14 April 2017 (url).

\(^{(479)}\) SmbcNews, Opposition demands charges against Kanilai protesters be dropped, 20 July 2017 (url); Standard (The), FTJ: Kanilai protesters never armed, 6 June 2017 (url).

\(^{(480)}\) Jamestown Foundation (The), Leaving Islamism Aside: The Gambia Under Adama Barrow, 5 May 2017 (url).
Their task was to train and support the Gambian security forces. In June 2017 President Barrow extended the mandate for another 12 months, with the European Development Fund providing the funding. (481) Unlike Jammeh, Barrow did not use the Presidential Guard for his personal protection; instead he used the police and ECOWAS forces. (482)

There were early fears that Jammeh’s supporters or militiamen would rise up against the new president or launch a coup against him. In Kanilai, Jammeh’s home village in the Foni Kansala district close to the border with the Casamance/Senegal region, there were several exchanges of gunfire between ECOWAS soldiers and people who were referred to as demonstrators. (483)

In July 2017 rumours spread in the media that 250 to 300 of Jammeh’s supporters – reportedly deserters, former security officers, Junglers and people who had gone into exile with Jammeh – had gathered in Mauritania, Guinea and Guinea-Bissau and were threatening The Gambia’s security. (484) Four soldiers from the Gambian army were arrested on suspicion of mutiny. (485) There was a fear that the unrest and rumours were geared towards 22nd July, the anniversary of the Jammeh coup in 1994. President Barrow announced that the government would not mark this day as the coup had been an illegal military action. (486) On the anniversary of the coup things remained calm, and army representatives apologised for the military coup. (487)

3. Human rights

During the First Republic under Dawda Jawara, The Gambia had a reputation for a high level of commitment to human rights. (488) This changed with the Jammeh coup in 1994. After the takeover by the AFPRC and Jammeh’s seizure of power, the regime was repeatedly accused of repression of critics and the media and of crimes such as the enforced disappearance of citizens, imprisonment without charge, torture and killings. (489) There was talk of a climate of fear. (489)

In the run-up to elections and during the period around the various attempted coups, the government intensified repression and further restricted press freedom. The UN, numerous countries, the EU and many NGOs criticised the government over many years on account of human rights violations. (490)

(481) ECOWAS, EU to Finance ECOWAS ECOMIG Force in the Gambia, 22 June 2017 (url); SmbcNews, Gambia’s President Barrow broadens ECOMIG mandate, 6 June 2017 (url).


(483) Seneweb, Kanilai: Coups de feu entre soldats pro Jammeh et troupes de la Cedeao, 21 April 2017 (url); SmbcNews, Gambia: Three soldiers wounded in Kanilai, 4 June 2017 (url); SmbcNews, Barrow: What happened in Kanilai will not be tolerated, 4 June 2017 (url); allAfrica, Gambia Urging Deployment of More Senegalese Troops, Says President Barrow, 16 March 2017 (url); World Politics Review, After Helping Solve Gambia’s Political Crisis, Senegal Needs an Exit Strategy, 7 April 2017 (url).

(484) Jollofnews, Gambian Army <Hostile Elements> Working Against Gov’t, 7 July 2017 (url); Seneweb, 250 soldats de Jammeh menacent le pouvoir de Barrow, 4 July 2017 (url); Jeune Afrique, Sénégal : L’armée s’interroge sur un possible menace de déstabilisation en Gambie, 5 July 2017 (url).

(485) SmbcNews, Gambia’s army ‘weeding’ out ex-President’s loyalists, 21 July 2017 (url).

(486) President Barrow [Twitter], 14 July 2017 (url); Fatu Network [The], Gambia gov’t says July 22 will not be celebrated or glorified, 14 July 2017 (url).


In 2015 The Gambia rejected recommendations of the UN Human Rights Council following the Universal Periodic Review. The rejected recommendations related to removal of the restrictions on the right of freedom of expression, ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and abolition of the death penalty. (492)

During Jammeh’s last year in office, human rights organisations also criticised serious human rights violations such as restriction of freedom of expression, arbitrary arrests, detention and enforced disappearance of opponents, journalists, religious leaders and trade unionists, as well as torture, ill-treatment and neglect in detention. (493)

The new President Adama Barrow made it clear that a priority objective of the new government would be to ensure respect for human rights. He said that he did not want to systematically pursue members of the Jammeh regime; it was more a question of establishing the truth and of reconciliation. (494) He set up a commission to investigate the fate of people who had disappeared in unexplained circumstances during Jammeh’s period of office. In April 2017 the government started investigations in 33 cases. No judgments have been passed to date. (495)

3.1 Freedom of the press

On the World Press Freedom Index 2017, The Gambia was ranked 143rd out of 180 countries with regard to press freedom, based mainly on the conditions in the country under the Jammeh regime. (496)

Human rights organisations, journalists and opposition voices have reported the following main actions against or infringements of press freedom by the Jammeh government: (497)

- From 2002 the National Assembly enacted restrictive press laws. Journalists were forced to publish their sources. Anybody who, in the eyes of the government, incited the masses or misquoted or cast aspersions on the government could be punished by imprisonment for six months to three years. The media and journalists, who were already subject to compulsory registration, had to pay prohibitively high fees; (498)
- Deyda Hydara, publisher of the newspaper The Point, publicly criticised the new requirements and was killed on 16 December 2004 (499), under circumstances which
have not been fully explained. The Court of Justice of the ECOWAS ruled in 2014 that the accused, the National Intelligence Agency (NIA), had failed to carry out a proper investigation but that there was no proof that the government had been involved in Hydara’s murder. (506) In May 2017 a warrant was issued for the arrest of two former Junglers who were accused of killing Deyda Hydara in 2004 (see Section 2.10 Former government officials - Junglers); (501)

- Ebrima Manneh, a journalist with the Daily Observer, disappeared in 2006 under circumstances which have not been explained thus far; (503)
- Alagie Abdoulie Ceesay, Director of Radio Taranga FM, stated that he had been tortured and beaten unconscious while in detention in 2015; (503)
- Government bodies, mainly members of the NIA and Junglers (see Section 2.7 Former government officials – National Intelligence Agency and Section 2.10 Former government officials – Junglers), repeatedly attacked editorial offices and printers and completely or partially destroyed them. They threatened journalists or took them into temporary detention. The period of detention could last from half a day to several months. Editorial offices were temporarily or permanently closed. In his book on press freedom in The Gambia, the exiled former publisher of the Independent, Alagi Yorro Jallow, provides a detailed description of dozens of events between 1994 and 2012. (506) Offences between 2012 and 2016 are documented in human rights reports; (505)
- Some organs of the press, notably The Point and Foroyaa, subjected themselves to self-censorship, thus ensuring their survival. (506) According to information from Alagi Yorro Jallow, during the Jammeh government up to 2012 approximately 40 named journalists went into exile or sought asylum abroad; (507)
- The Jammeh government succeeded in hacking the website of the diaspora news site Freedom Newspaper in May 2006. It temporarily detained 43 of its subscribers and informants in The Gambia. Jammeh repeatedly blocked this and other websites which were critical of the government. (508) All diaspora news sites were blocked in the run-up to the presidential elections in 2016. (509)

The new government under Adama Barrow has announced that it will guarantee the independence of the press and repeal the restrictive media laws introduced by the Jammeh
government as part of a constitutional review process. However, to date the following widely criticised restrictions have not been withdrawn, as reported by Amnesty International records in a list of demands: the legal provision in the Criminal Code relating to ‘sedition’ (Section 52, offence of sedition), ‘libel’ (Section 178, criminal libel), ‘spreading false information’ (Section 59 and 181A, spreading false information) and ‘giving false information to a public servant’ (Section 114, giving false information to a public servant). The laws which allow censorship of the internet (Communication Act 2013, Section 173) and the collection, interception and storage of information without judicial scrutiny (Information and Communication Act 2009, Section 173A) are also still in force. In July 2017 the Justice Department announced via Twitter that reform of the media laws had started, but did not give any details. (511)

There are no indications that the new government has tried to exert pressure on the media or block news sites so far. Rather, it has asked the public to offer sincere criticism of the government’s work. (512) Security organisations have been trained in how to guarantee the freedom of expression and safety of journalists. (514) In one case, the new government prohibited publication of a newspaper for a short time: the Gambia Revenue Authority (GRA) ruled that the Daily Observer, a newspaper which is close to ex-president Jammeh, could not appear for two weeks in June 2017. However, it was explained that this step was connected with outstanding tax payments. (515)

In March 2017 the Barrow administration announced that a Truth and Reconciliation Commission would be set up within the next six months to investigate the fate of victims of the Jammeh system. The journalists mentioned above – Deyda Hydara, Ebrima Manneh and Alagie Abdoullie Ceesay – were named, among others. In the announcement it was unclear whether the investigation would also include criminal prosecution in relation to the events and financial compensation for the victims’ families. (516) The Commission had not been set up by July 2017. (517) However, Justice Minister Aboubacarr Marie Tambédo, indicated that a draft bill on the Commission had been submitted to the expert consultation process. (518)

(510) Monde (Le), Gambie: le nouveau ministre de la justice annonce une révision de la Constitution, 8 February 2017 (url); Voice of America (The), Gambian Media Thriving Since Jammeh’s Departure, 14 June 2017 (url).
(512) Gambia (The), Ministry of Justice [Twitter], 20 July 2017 (url).
(513) Standard (The), President Barrow vows to protect media freedom, 23 March 2017 (url); Monde (Le), Paris. Gambie : le nouveau ministre de la justice annonce une révision de la Constitution, 8 February 2017 (url); SmbcNews, Barrow welcomes public criticism towards his administration, 17 April 2017 (url).
(514) In June 2017 the human rights organisation Article 19, supported by UNESCO and the EU, ran training on the safety of journalists for security organisations. Africanews, Gambian security forces to be schooled on human rights, press freedom, 31 May 2017 (url); Voice of America (The), Gambian Media Thriving Since Jammeh’s Departure, 14 June 2017 (url).
(516) BBC News, Gambia to set up truth commission to probe Jammeh’s rule, 24 March 2017 (url); Deutsche Welle, The Gambia: coping with dictatorship’s legacy, 10 March 2017 (url).
(518) Foroyaa Newspaper, Draft bill on truth, reconciliation and reparations commission concluded, 21 July 2017 (url).
3.2 Death penalty

During the First Republic, the death penalty was carried out in a single case in 1981. In 1993 the Prime Minister, Dawda Jawara, abolished the death penalty. It was reinstated by the AFPRC under Jammeh for murder and treason.

Since then, the death penalty has officially been used to execute seven Gambians, one Senegalese man and one Senegalese woman by shooting in 2012. Ex-president Jammeh had previously announced that all 47 of those sentenced to death at the time should be executed. Following national and international protests, no further death penalties were carried out.

For a short time, the death penalty was also available for persons carrying more than 250 grams of cocaine or heroin. The death penalty for drug possession and dealing was abolished in April 2011. It was never applied.

The new Gambian Justice Minister and Attorney General, Aboubacarr Marie Tambadou, announced in early 2017 that he was seeking the general abolition of the death penalty. After the first hundred days of President Barrow’s administration, Amnesty International produced a detailed list of demands including concrete steps towards abolition of the death penalty in law and practice. The death penalty has not been abolished to date.

3.3 Lesbian, gay, bisexual and transgender (LGBT) persons

Ex-president Jammeh denounced LGBT persons in public on more than one occasion. In 2008, on state television, Jammeh gave gay people a 24-hour ultimatum to leave the country, otherwise he would cut off their heads. In 2012 he stated before the parliament that homosexuality was ‘godless’. In 2013 he said that homosexuality was evil and anti-God, anti-human and anti-civilisation. His government would show zero tolerance of homosexuality – as for drugs, corruption, rape and murder. It would use ‘Operation Bulldozer’ against ‘criminals’ who were guilty of these crimes. In 2014 he described homosexuals as...
'vermin' which the government would deal with in the same way as mosquitoes which carry malaria. (530)

Jammeh’s attitude towards homosexuality was shared by the Supreme Islamic Council. Its representatives repeatedly condemned homosexuality. Jammeh urged imams to preach against homosexuality in the mosques. Very few people opposed this publicly. (531) Several high ranking government officials in the Jammeh regime publicly asserted they were homophobic (see Section 2.11 Former government officials – APRC officials). (532) In December 2014 ex-president Jammeh led a demonstration, presumably organised by the government, against the use of foreign aid to guarantee the rights of gays and lesbians. (533)

Homosexuality has been punishable in The Gambia since 1934. Consensual same-sex relationships were deemed to be ‘against the order of nature’ and can still be punished by imprisonment for up to 14 years. (534)

The revised version of the criminal legislation of 2005 explicitly made ‘acts of gross indecency’ between a woman and another woman punishable. These acts between men were already punishable. (535) A 2013 amendment to the law made it possible to punish a man with up to five years’ imprisonment if he wore women’s clothing or worked as a prostitute. (536)

The legislation was tightened further in 2014. ‘Aggravated homosexuality’ became a crime which could be punished by life imprisonment. (537)

As of 2014, the Gambian Criminal Code contains the following articles which might be used against persons having same sex relations:

‘Article 144: Unnatural offences
(1) Any person who—
 a) has carnal knowledge of any person against the order of nature; or
 b) has carnal knowledge of an animal; or

(530) For further examples of Jammeh’s hate speeches against homosexuals, see: HRW, State of Fear, 16 September 2015 (url), pp. 49-51; Independent (The), The 7 worst things Gambia’s President Yahya Jammeh hast ever said about gay people, 14 January 2015 (url).
(531) Baba Leigh, leading imam of Kanifing East Central Mosque, was the most popular of the imams who opposed Jammeh’s call to preach against homosexuality. In 2013 he went into exile in the USA, after being detained for 6 months. Perfect, David, Historical Dictionary of The Gambia, 2016, pp. 269-271; allAfrica, Gambia: Homosexuality Should Not Be Encouraged – Says Imam Kuta, 14 December 2012 (url); Daily News, Imam Touray Condemns Homosexuality, 30 April 2012 (url); African Arguments, ’Do more, speak less’, 26 April 2017 (url).
(532) Fatu Network (The), Yankuba Colley says Yaya Jammeh Deserves SOME Respect! 15 March 2017 (url); Sunugambia, Mayor Yankuba Colley Aprc, we have nothing to fear about, 18 March 2017 (url); US DoS, The Gambia 2014 Human Rights Report, 25 June 2015 (url), p. 27.
(534) Gambia (The), Laws of Gambia, Criminal Code of 1934, Section 144, Unnatural offences; Section 145, Attempts to commit unnatural offences; Section 146, Indecent assault of boys under 14; Section 147, Male indecency; Section 148, Incest by males; Section 149, Incest by females, 1 October 1934 (url); ILGA, State-Sponsored Homophobia, A World Survey of Sexual Orientation Laws: Criminalisation, Protection and Recognition, May 2017 (url), pp. 88-89.
(535) Gambia (The), Criminal Code (Amendment) Act, No. 3 of 2005, 21 July 2005 (url), Section 147(2).
c) permits any person to have carnal knowledge of him or her against the order of nature;

is guilty of a felony, and is liable to imprisonment for a term of 14 years.

(2) In this section, ‘carnal knowledge of any person against the order of nature’ includes –

a) carnal knowledge of the person through the anus or mouth of the person;

b) inserting any object or thing into the vulva or anus of the person for the purpose of simulating sex, and

c) committing any other homosexual act with the person.

Article 144A: Aggravated homosexuality

(1) A person commits the offence of aggravated homosexuality where the –

a) person against whom the offence is committed is below the age of eighteen;

b) offender is a person living with HIV Aids;

c) offender is a parent or guardian of the person against whom the offence is committed;

d) offender is a person in authority over the person against whom the offence is committed;

e) victim of the offence is a person with disability;

f) offender is a serial offender; or

g) offender applies, administers or causes to be administered by any man or woman, any drug, matter or substance with intent to stupefy or overpower him or her, so as to enable any person to have unlawful carnal connection with any person of the same sex.

(2) A person who commits the offence of aggravated homosexuality is liable on conviction to imprisonment for life. (…)

Article 147: Indecent practices between males

(1) Any male person who, whether in public or private, commits any act of gross indecency with another male person, or procures another male person to commit any act of gross indecency with him, or attempts to procure the commission of any such act by any male person with himself or with another male person, whether in public or private, is guilty of a felony and is liable to imprisonment for five years.

(2) Any female person who, whether in public or private, commits any act of gross indecency with another female person, or procures another female person to commit any act of gross indecency with her, or attempts to procure the commission of any such act by any female person with herself or with another female person, whether in public or private, is guilty of a felony and is liable to imprisonment for five years.
(3) In this section, ‘act of gross indecency’ includes any homosexual act. (538)

The bill closely reflected the Ugandan Anti-Homosexuality Act. (539) After the Ugandan constitutional court declared this invalid in 2014, The Gambia became the only African country with a law on ‘aggravated homosexuality’. (540) Jammeh attracted severe criticism for it both internationally (541) and in The Gambia itself. (542)

According to the US DoS Human Rights Report 2013, before the law was tightened in 2014 the provisions on homosexuality in The Gambia had never been applied. (543) There were arrests but no charge of homosexuality. There is documentary evidence of the arrest of 18 men and two women in April 2012. They were detained in a bar in the tourist area because some of the men were allegedly wearing women’s clothing. They were charged with ‘unnatural offences’ and remained in detention until August 2012, when the charges were withdrawn due to lack of evidence. (544)

According to the US DoS Human Rights Report 2014, at the end of 2014, after the tightening of the law, NIA conducted door-to-door enquiries looking for homosexuals. (545) Up to 16 people were arrested by the NIA and mistreated on suspicion of being homosexual, including women and a 17 year-old boy. (546) Three of them were detained several weeks and are reported to have been tortured. (547)

These three men were the first to be tried on the count of ‘aggravated homosexuality’ under the amended Criminal code. (548) They first appeared before the magistrates court in Banjul before appearing before the Supreme Court in July 2015. Sources give different accounts, but

(546) Al, Gambia: “Aggravated Homosexuality’ Offence Carries Life Sentence, 21 November 2014 (url); Erasing 76 Crimes, 15 were arrested in anti-gay Gambia; all are now free, 1 August 2015 (url); UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, 16 March 2015 (url), p. 17.
(547) UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, 16 March 2015 (url), p. 17.
it seems that at least two of the accused were acquitted. \(^{(549)}\) The third accused had either already been released on bail or was also acquitted. \(^{(550)}\)

Sources indicate that NIA kept a list of names of gays and lesbians they intended to arrest. \(^{(551)}\) Human Rights Watch documented 30 cases of members of the LGBT community who left The Gambia after the law was tightened in 2014. \(^{(552)}\) For Jammeh’s last year in power, Human Rights Watch noted that there were fewer reports of physical abuse and arrests in 2016 despite the continuing high risk of arbitrary arrest and detention. \(^{(553)}\)

According to the US DoS Human Rights Reports, there is still a high level of societal discrimination against LGBT persons. \(^{(554)}\) According to the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, hate speech and discriminatory legislation put LGBT persons at great risk of attack, humiliation and being killed. \(^{(555)}\) There are reports of aggression and sexual violence against LGBT persons, whereas perpetrators often are family members. \(^{(556)}\)

There are no LGBTI organisations in The Gambia. \(^{(557)}\)

In view of the prevailing conservative attitudes, the new President Adama Barrow has given a cautious response to the question of where he stands in relation to the Gambian legislation on homosexuality. \(^{(558)}\) He said that homosexuality was a personal matter, adding that it was not, and never had been, an issue in The Gambia. The priorities for the country were economic and social matters. \(^{(559)}\)

Human rights activists have criticised Barrow, saying that he has not made his position towards the Gambian legislation on homosexuality clear enough. Isatou Touray, the new Gambian Employment Minister and a well-known human rights activist, was asked how the President’s position should be understood. She replied that Barrow believed people had a right to whichever orientation they chose. It was a question of the indivisibility of rights and of course everyone had a right to exist. \(^{(560)}\) Foreign Secretary Ousainou Darboe has supported the repealing of the laws against LGBT individuals, denying the existence of homosexuality in the country. \(^{(561)}\) None of the criticised laws has been amended to date. \(^{(562)}\)

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\(^{(550)}\) BuzzFeed News, This Gay Man Survived Torture In One Of Africa’s Most Horrific Dictatorships, 25 August 2015 (url); Washington Blade, Gambian men charged under anti-gay law acquitted, 1 August 2015 (url).

\(^{(551)}\) AI, Gambia must stop wave of homophobic arrests and torture, 18 November 2014 (url); allAfrica, Gambia: Lesbians Flee to Senegal As Gambia Cracks Down On Homosexuality, 21 November 2014 (url).

\(^{(552)}\) HRW, State of Fear, 16 September 2015 (url), p. 53; Reuters, Lesbians flee to Senegal as Gambia cracks down on homosexuality, 21 November 2014 (url).


\(^{(556)}\) Niang, Cheikh Ibrahima et al., Targeting Vulnerable Groups in National HIV/AIDS Programs, September 2004 (url); Stahlman, Shauna, et al. Suicidal ideation among MSM in three West African countries, p. 526.


\(^{(559)}\) Point (The), Homosexuality not an issue in Gambia, says President Barrow, 14 February 2017 (url); allAfrica, Homosexuality Not an Issue in Gambia, Says President Barrow, 14 February 2017 (url); Deoxy, The New Gambia: What’s on and off the aid agenda, 17 February 2017 (url); MambaOnline, Relief as Gambia’s new president says homosexuality <not an issue>, 15 February 2017 (url).


3.4 Female Genital Mutilation/Cutting (FGM/C)

Female Genital Mutilation/Cutting (FGM/C) has been banned in The Gambia since December 2015. (563) Any person who, despite the ban, carries out, requests, incites or promotes mutilation or cutting or provides tools for the procedure will be punished by imprisonment for up to three years and/or a fine of 50,000 dalasi (around EUR 1,000). Any person who knows about mutilation or cutting and fails to report the banned procedure must pay 10,000 dalasi. The sentence for anybody who carries out mutilation or cutting which results in the death of the girl concerned is life imprisonment. (564)

Despite the ban, it should prove difficult to eliminate the practice in The Gambia soon because FGM/C is deeply embedded in the Gambian society. (565) There is also a significant lacuna which can be used to bypass the Act: the text of the Act does not explicitly ban cutting which takes place in another country (especially in nearby Senegal). (566)

According to the Gambian Demographic and Health Survey 2013, 75% of all women between the ages of 15 and 49 had been cut in some way. In women above 15, the prevalence of FGM/C varies little by age group. (567) Statistics show that cutting is done during childhood, with 55% of women reporting that they were circumcised before the age 5, and 28% who were cut between age 5 and 9. Another 7% said they were circumcised between the ages of 10 to 14. (568) In 2010, 42.4% of girls under 15 had undergone some sort of FGM/C. (569)

The survey shows that FGM/C is more common in rural (79% of women aged 15-49) than in urban areas (72%). The prevalence was highest in Basse (97%) and Mansakonko (94%) and lowest in Banjul (47%). (570) The main interventions involved cutting and removal of flesh, which correspond to FGM type 1 and 2 according the World Health Organization typology.

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Cutting is generally performed by a traditional circumciser. An older survey revealed significant differences between different ethnic groups. Rates were highest among the Mandinka (96.7%) and Serahule (97.8%); for Wolof the rate was 12.4%. There have been accusations against the new President Barrow, claiming that some of his supporters are involved in illicit FGM/C practices and regard the ban primarily as the previous president’s law. Barrow has promised his full support for implementation of the FGM/C ban.

Two cases of FGM/C practices were reported between January 2016 and June 2017. In the first case, in which a young child died, the court at Mansankonko charged the mother and grandmother. In the second case, the girl’s grandfather and a circumciser were arrested but were released on bail. Judgment is pending in both cases. The human rights organisation Asylum Research Consultancy (ARC) stated that although it could be considered a success that two cases had been brought to court just a few months after the ban on FGM/C, far more evidence has to be gathered to actually convict the perpetrators, and more resources (financial and human) have to be allocated to the competent authorities. Other organisations or researchers believe that two cases is too low a number and see this as proof that the relevant state authorities are only implementing the law half heartedly.

Civil society organisations which seek to end FGM/C in The Gambia, such as The Gambia Committee on Traditional Practices Affecting the Health of Women and Children (GAMCOTRAP), Safe Hands for Girls, Think Young Women, The Girls Agenda, Tostan, YesWeCan Foundation and Foundation Wassu, carry out awareness-raising campaigns and also use the media for this purpose.

### 3.5 Discrimination against the Mandinka under Jammeh

During his time in power, ex-president Jammeh played off the ethnic groups against one another. This stoked existing latent tensions between his own ethnic group, the Jola, and the biggest ethnic group, the Mandinka. The leaders of the main opposition party, the

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(P574) Standard (The), Barrow asks Ministers to declare Assets, 23 June 2017 (url).
(P575) SmbcNews, Gambia’s president to maintain good Jammeh laws, 16 May 2017 (url).
(P579) GAMCOTRAP, Main Areas of Focus for GAMCOTRAP, 28 June 2016 (url).
(P580) Think Young Women, First National Youth Forum on Female Genital Mutilation (FGM), 6-9 October 2014, n.d. (url); AllAfrica, Gambia: 22 Villages Abandon FGC, Early and Forced Marriage in Urr, 19 January 2016 (url); Point (The), Zero Tolerance Day to FGM: Rescue our sealed girls, 09 February 2017 (url); Point (The), TGA wins 10,000 euros grant on FGM, child marriage, 22 June 2017 (url); Safe Hands for Girls, The Gambia Student Outreach Program, n.d. (url); Point (The), YesWeCan Foundation sensitises Tobra Kuta community on FGM, 13 July 2017 (url); Tostan, The Gambia, n.d. (url); Foundation Wassu, Knowledge Transfer, n.d. (url).
(P581) Foroyaa Newspaper, Media Personalities Fighting Against FGM Honoured, 10 July 2017 (url).
People’s Progressive Party (PPP), were originally mainly Mandinka, although this changed over time.\(^{583}\) As a Jola, Jammeh repeatedly filled key posts in the cabinet, army and \textit{National Intelligence Agency} (NIA) with his own people. In June 2016 he seriously threatened the Mandinka in a speech. This speech was later condemned by the UN Special Advisor on the Prevention of Genocide.\(^{584}\) Jammeh said the Mandinka were Malians, not Gambians. He would send them back where they came from and send the army to wipe them out. Three politicians who publicly protested against his polemic were detained.\(^{585}\)

Adama Barrow and his government have repeatedly spoken out against tribalism.\(^{586}\)

\subsection*{3.6 Witchcraft}

Following the death of an aunt in 2009, Jammeh brought in professional witch-hunters from Mali and Guinea who would allegedly identify those responsible.\(^{587}\) Hundreds were thrown into prison, ill-treated and forced to drink hallucinogenic substances. Two people are said to have died.\(^{588}\) It is thought that the Green Boys played a significant role in the witch-hunt (see \textit{Section 1.9.4 Junglers, Black Boys, Green Boys}). In 2016 Jammeh is said to have used witch-hunters again against alleged magicians.\(^{589}\)

When Barrow was in exile in Senegal for a short time during the constitutional crisis, his son Habibu was bitten to death by a dog. There were rumours that Jammeh was behind it and that witchcraft was involved. Barrow did not respond to these rumours and so far has not publicly addressed witchcraft as an issue during his administration.\(^{590}\)
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Annex 2: Maps

Map 2: Regions and districts of The Gambia in 2003

Map 3: Ferries across The Gambia (592)
