



UNIVERSITEIT VAN PRETORIA  
UNIVERSITY OF PRETORIA  
YUNIBESITHI YA PRETORIA

Centre for Human Rights  
Faculty of Law

## PRESS STATEMENT

### CENTRE FOR HUMAN RIGHTS CONDEMNS HUMAN RIGHTS VIOLATIONS IN THE GAMBIA AND CALLS FOR RELOCATION OF AU AFRICAN YEAR OF HUMAN RIGHTS CELEBRATIONS AND SEAT OF THE AFRICAN COMMISSION

20 April 2016

---

#### **Background**

The past few days, which have seen calls by the opposition for electoral and democratic reform in The Gambia, lead to disproportionate force and deliberate repression on the part of the state. Since President Jammeh overthrew sitting President Jawara by means of a coup d'état in 1994, he has put in place mechanisms to entrench his power and close off the democratic space. In March, it was reported that the government plans to introduce a Bill at the next parliamentary sitting, likely to be in April, that will extend the term of the Electoral Commission Chairperson and his entire team from an already expired two-year term limit. The Bill proposes an amendment to section 42 of the Constitution which currently provides for 'one further term' and if approved, it would see the electoral Commission members being eligible to serve 'further terms of office.' Legal experts suggest this could amount to indefinite terms, as no term limits are stipulated or alluded to in the Bill. Presidential elections are planned for 1 December 2016 and President Jammeh, who has been in power for 21 years, has indicated his intention to run for a fifth term. His candidacy was approved at a meeting of his Alliance for Patriotic Reorientation and Construction party in February 2016.

The specific events from 14 to 16 April unfolded as follows:

- On Thursday 14 April 2016, Gambian youth and activists held a demonstration to push for electoral reforms in advance of the 1 December 2016 presidential election. According to people present at the protest, the demonstrations were peaceful. The protests were dispersed by police and security personnel, who are said to have opened fire on the crowd. Police arrested 25 demonstrators including several leaders of the opposition United Democratic Party (UDP). Among those arrested was UDP National Organising Secretary Solo Sandeng.
- According to reports, on Saturday 16 April 2016 Solo Sandeng died while in state custody. Another UDP member, Fatoumata Jawara, also arrested on Thursday, is still being detained and is believed to be suffering from serious injuries. Nokoi Njie, also detained, is said to be in a coma.
- Following the news of Sandeng's death, opposition supporters and activists gathered again on

Centre for Human Rights  
Faculty of Law,  
University of Pretoria,  
Pretoria, 0002, South Africa

Tel +27 (0)12 420 3810  
Fax +27 (0)12 362 1525  
Email [chr@up.ac.za](mailto:chr@up.ac.za)  
Web [www.chr.up.ac.za](http://www.chr.up.ac.za)



Saturday 16 April 2016 to call for the release of those in custody. UDP opposition leader Ousainou Darboe, was arrested together with other supporters, all of whom are currently still detained. Darboe is from the majority Mandinka ethnic group of The Gambia, which over the years has suffered political hardship, with many of their political heads either being arrested or forced into exile.

The government has defended the arrests. Sheriff Bojan, the Communications Minister, says that Police permission for the demonstrations had not been obtained and that protesters demonstrated in defiance of the Public Order Act. Section 25 of the Constitution of The Gambia guarantees the right to peacefully protest.

According to a [statement](#) released by the United Nations Secretary-General Ban Ki-moon on Sunday 17 April 2016, two other members of the UDP are suspected to have died while in police custody following the demonstrations. A number of international organisations have called for the immediate release of the detainees and to investigate the alleged police brutality and deaths of the demonstrators. In a [press statement](#) issued by the Gambian Minister of Information, the government does not deny nor condemn the reported unlawful arrests and deaths. The statement merely identified the importance of 'state sovereignty' and stated that it expects the international community to 'desist from interfering in the internal domestic affairs of the country' and that national interest is a primary concern for the government of The Gambia.

The Assembly of Heads of State and Government of the Organisation of African Unity (OAU) in 1987 decided that the Secretariat of the African Commission on Human and Peoples' Rights (African Commission) should be based in Banjul, The Gambia. It has been located in Banjul ever since. At the time this decision was taken, the choice of Banjul made much sense. Much of the drafting of the African Charter on Human and Peoples' Rights (African Charter) took place in Banjul, to the extent that the African Charter is often referred to as the 'Banjul Charter'. In fact, The Gambia was one of the few states in Africa that at the time had any claim to democratic credentials. The Head of State at the time, President Jawara, strongly supported the drafting process of the Charter, and assisted in overcoming political difficulties that arose in the drafting process.

The African Commission, the University of The Gambia and the Centre for Human Rights have partnered to organise the 25th African Human Rights Moot Court Competition in The Gambia, from 16 to 21 October 2016. The African Union has declared 2016 the African Year of Human Rights, and will commemorate the 30th anniversary of the entry into force of the African Charter. On this occasion, the three African Union human rights bodies – the African Commission, African Court and African Children's Committee – have planned to hold simultaneous sessions, with the Moot as the common denominator to this large human rights gathering.

Over the last 25 years, the Moot has trained a generation of lawyers to challenge human rights violations in Africa and promote the idea of an Africa based on development, peace and human rights. It was hoped that the Moot Competition would generate the same debate and discussion on burning human rights issues in Africa, including those for which The Gambia has become known. The recent events have, once again, confirmed The Gambia's utter disregard for human rights and laid bare the impunity of the country's leadership.

**Against this background, the Centre therefore makes the following statement:**

**We express our alarm and sadness at the reported events**, in particular the death in detention of opposition politicians and the detention of peaceful protesters, in violation of their rights to life, fair trial, association and free speech, guaranteed under the Gambian Constitution and international human rights treaties to which The Gambia is a party. We call on the government of The Gambia to investigate all these incidents, bring to justice and punish those responsible; release from detention those engaged in peaceful protest; and provide adequate medical attention to those injured in the protests and in detention.

**We reject the Gambian government's reliance, in response to these reports, on the principle of 'state sovereignty and non-interference in its internal affairs'** to negate its obligations, freely undertaken, under the human rights treaties to which it has become a party, including the African Charter and the International Covenant on Civil and Political Rights. We deeply regret the silence of the government on the allegations, and its apparent attempt to justify its actions as being 'in the national interest'.

**We call on the African Commission**, as it meets in Banjul, The Gambia, for its 58th Ordinary Session, to express its grave concern about the reported death in detention of opposition politicians and the detention of peaceful protesters, and to use its presence in The Gambia as a basis to urgently engage with the Gambian authorities with a view to an independent and prompt investigation into the circumstances, and the release of the peaceful protesters.

**We call on the South African government** to condemn the reported death in detention of leaders of the political opposition in The Gambia, and the detention of peaceful protesters, and to call for an urgent and independent investigation into the circumstances of these deaths, and for the release of peaceful protesters.

**We call on the African Union** to express its grave concern about the reported death in detention of opposition politicians, and the detention of peaceful protesters, and to call for an urgent and independent investigation into the circumstances of these deaths, and for the release of peaceful protesters.

**We call on the AU's Governance Architecture (AGA), and its component institutions**, to use all the means at its disposal to engage with the government of The Gambia to ensure the protection of the rights of all persons and to uphold commonly accepted international standards of good governance, democracy and human rights.

**We call on the AU political organs** to include on its agenda for discussion at its upcoming session in Kigali, Rwanda, the human rights record of the Gambia, to consider the appropriateness of The Gambia as the seat of the AU's principal human rights body, the African Commission; and to invite other Member States willing to host the African Commission to come forward as potential host countries for the Commission's Secretariat.

**We call on the relevant bodies of the AU** to relocate the joint celebration events elsewhere in Africa in order to avoid tainting this singularly important gathering with the stigma of appearing to endorse a history of some of the worst human rights violations in contemporary Africa. We commit ourselves to work with our partners – the African Commission and the University of The Gambia – in endeavouring to relocate the 25th African Human Rights Moot Court Competition out of The Gambia.

---

For more information, please contact:

**Prof Frans Viljoen**

Director

Centre for Human Rights

University of Pretoria

Tel: +27 (0) 12 420 3228 / 3810

Mobile: +27 (0) 73 393 4181

Email: [frans.viljoen@up.ac.za](mailto:frans.viljoen@up.ac.za)