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*Plenary sitting*

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**B8-0598/2016**

10.5.2016

## MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on Gambia  
(2016/2693(RSP))

**Xabier Benito Ziluaga, Malin Björk, Kostas Chrysogonos, Tania González Peñas, Kateřina Konečná, Stelios Kouloglou, Kostadinka Kuneva, Jiří Maštálka, Lola Sánchez Caldentey, Barbara Spinelli, Estefanía Torres Martínez, Miguel Urbán Crespo, Marie-Christine Vergiat**  
on behalf of the GUE/NGL Group

**European Parliament resolution on Gambia  
(2016/2693(RSP))**

*The European Parliament,*

- having regard to the Universal Declaration of Human Rights of 1948,
  - having regard to the International Covenant on Civil and Political Rights of 1966,
  - having regard to the 1951 Geneva Convention and the 1967 Pact of New York,
  - having regard to the African Charter on Human and People’s Rights of 1981,
  - having regard to the United Nations Sustainable Development Goals of September 2015,
  - having regard to the United Nations Working Group on Arbitrary Detention report of March 2016,
  - having regard to the statements made by the Secretary-General of the United Nations, Ban Ki-moon on 17 April 2016,
  - having regard to the ACP-EU Partnership Agreement, signed in Cotonou on 23 June 2000, and its democracy and human rights clause,
  - having regard to Article 208 TFEU, which establishes taking into the principle of policy coherence for development in all European Union external policies,
  - having regard to Rule 135(5) of its Rules of Procedure
- A. Whereas Gambia is holding in December 2016 its fifth Presidential Election since Mr. Jammeh took power in a coup in 1994; whereas the Economic Community of West African States (ECOWAS) refused to send observers to the last poll in 2011, citing intimidation of the opposition and the electorate;
- B. Whereas a broad range of opposition groups have long called for electoral reform, including an independent election commission and equal access to public media;
- C. Whereas Solo Sandeng, a prominent leader from the main opposition United Democratic Party (UDP), was detained on 14 April 2016, during a peaceful demonstration in favour of electoral reform ahead of December’s presidential elections; whereas Mr. Sandeng died in detention shortly after his arrest for participating in this protest; whereas the circumstances of his death are as yet unknown;

- D. Whereas members of the UDP party gathered again on April 16 to demand justice for Sandeng's death and the release of other members of their party; whereas police fired tear gas at the demonstrators and arrested a number of people, including at least five UDP executive members and Ousainou Darboe, the leader of the UDP;
- E. Whereas Fatoumata Jawara, a youth leader from the UDP, is also under detention and is believed to have suffered life-threatening injury; whereas a number of protesters arrested at the same time remain in custody;
- F. Whereas Members of Sandeng's party allege that he died after being tortured by Gambia's National Intelligence Agency and that two other party members have also died in custody in recent days; whereas Sandeng's senseless death in custody appears to be the latest in a long line of abuses against the political opposition in Gambia;
- G. Whereas Alhagie Ceesay, managing director of the independent radio station Teranga FM, was arrested on 2 July 2015, by the National Intelligence; whereas Mr. Ceesay has been charged with sedition and "publication of false news"; whereas despite his poor health, his hospitalisation on April 13 was his third visit to the hospital in 2016; whereas Mr. Ceesay has been denied bail on at least four occasions;
- H. Whereas in March 2016, the United Nations Working Group on Arbitrary Detention released an opinion, adopted during its last session in December 2015, stressing that Mr. Ceesay had been arbitrarily deprived of liberty and calling on Gambia to release him and drop all charges against him;
- I. Whereas Teranga FM has been closed down several times over the past years being a clear example of the restriction to free media in the country;
- J. Whereas Gambian authorities routinely target voices of dissent, including journalists, human rights defenders, political opponents and critics, as well as LGBTI people;
- K. Whereas since Mr. Jammeh took power in 1994, Gambian Authorities have routinely and ruthlessly repressed all forms of dissent in the country; whereas State security forces and shadowy paramilitary groups carry out unlawful killings, arbitrary detentions, torture, and other human rights violations, towards people seen as a threat to the government as concluded by the two UN special rapporteurs, who in 2014 gained access to the country for the first time; whereas hundreds of people have been forced to flee the country of 1.8 million people due to these reasons;
- L. Whereas Gambia's Penal Code has been amended recently to add the crime of 'aggravated homosexuality' with a lifetime prison sentence for any person found guilty; whereas the vague wording of the amendment makes it open to wide-ranging abuse by the authorities; whereas the law thereby discriminates against LGTBI persons and exposes an already vulnerable group to further harassment and abuse;
- M. Whereas Gambia ranks 172 out of 187 countries on the 2014 UNDP Human Development Index, being one of the poorest countries in the planet;

- N. Whereas the EU relations with Gambia are based on the Cotonou Agreement;
- O. Whereas Gambia, is an ECOWAS member; whereas in July 2014 an Economic Partnership Agreement (EPA) has been conclude between European Union (EU) and the ECOWAS and will be ratified in 2016; whereas EPAs shall not only strength fair trade but also human rights and the achievement of Sustainable Development Goals;
- P. whereas the European Development Fund (EDF), managed by the European Commission and the member States, is the main channel of financial support to Gambia;
1. Strongly condemns the ongoing and increasing violence against political opposition in Gambia and deplores the attacks occurred on 14 and 16 April against peaceful demonstrators;
  2. Condemns the death of political activist and opposition United Democratic Party (UDP) member Solo Sandeng and the fellow party members who died following their arrest on 14 April 2016 for participating in a peaceful protest;
  3. Calls for the setting up of an independent commission of inquiry that can truly investigate those crimes, end impunity and bring the perpetrators to justice; urges the Gambia government to take immediate steps to disband the shadowy paramilitary groups operating in the country;
  4. Expresses its deep concerns about the repression against opposition in Gambia; deplores the violence and the arrests against demonstrators in Gambia; urges on authorities to immediately and unconditionally release all political prisoners;
  5. Reiterates its condemnation of the government of Gambia, led by Mr. Jammeh, continuous crackdown and tortures against members of the political opposition, human rights defenders and journalists; insists that basic democratic rights, such as the right of freedom of assembly and freedom of speech must be respected protected and fulfilled at all times not limiting media freedom and independent reporting; emphasizes the State's obligation not only to protect, but also facilitate, the exercise of these rights;
  6. Recalls the paramount importance for good governance of free media and of enhancing civil society role in policy-making, advocacy and in promoting accountability;
  7. Urges the Gambian government and the international community to increase their efforts to ensure December 2016 elections fulfil all democratic requirements needed to ensure the fair and transparent development of the elections;
  8. Expresses its serious concern over the dramatic situation of LGBTI people in Gambia; deplores, in particular, the passage in October 2014 of an amendment to Article 144 of the Criminal Code, foreseeing life imprisonment for consensual, private sexual activity between adults of the same sex; calls on the Gambian government to fully

decriminalize homosexuality by repealing Article 144 of the Criminal Code and work to end stigma and abuses against LGBTI people and ensure their right to privacy, to freedom from discrimination and freedom from arbitrary arrest and detention; encourages the High Commissioner to continue fighting discriminatory laws and practices;

9. Call on the European Union, in line with Cotonou Agreement and the EPA EU - ECOWAS, to take all the necessary diplomatic measure to effectively enhance Human Rights respect and democracy by Gambian's authorities;
10. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the government and parliament of Nigeria, the Representatives of ECOWAS and the African Union;