



Plenary sitting

B8-0595/2016

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 the Gambia
(2016/2693(RSP))

Pier Antonio Panzeri, Victor Boștinaru, Josef Weidenholzer, Knut Fleckenstein, Eric Andrieu, Nikos Androulakis, Francisco Assis, Zigmantas Balčytis, Hugues Bayet, Brando Benifei, Goffredo Maria Bettini, José Blanco López, Vilija Blinkevičiūtė, Simona Bonafè, Biljana Borzan, Soledad Cabezón Ruiz, Nicola Caputo, Andrea Cozzolino, Andi Cristea, Viorica Dăncilă, Nicola Danti, Isabella De Monte, Jonás Fernández, Monika Flašíková Beňová, Doru-Claudian Frunzulică, Enrico Gasbarra, Lidia Joanna Geringer de Oedenberg, Neena Gill, Maria Grapini, Theresa Griffin, Enrique Guerrero Salom, Sylvie Guillaume, Jytte Guteland, Sergio Gutiérrez Prieto, Richard Howitt, Cătălin Sorin Ivan, Liisa Jaakonsaari, Agnes Jongerius, Eva Kaili, Cécile Kashetu Kyenge, Krystyna Lybacka, Costas Mavrides, Marlene Mizzi, Alessia Maria Mosca, Sorin Moisă, Victor Negrescu, Demetris Papadakis, Vincent Peillon, Pina Picierno, Tonino Picula, Miroslav Poche, Inmaculada Rodríguez-Piñero Fernández, Daciana Octavia Sârbu, Siôn Simon, Carlos Zorrinho, Monika Smolková, Tibor Szanyi, Claudia Tapardel, Marc Tarabella, Elena Valenciano, Julie Ward, Flavio Zanonato
on behalf of the S&D Group

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

The European Parliament,

- having regard to its previous resolutions on Gambia;
 - having regard to several parliamentary questions regarding the situation in the Gambia;
 - having regard to the European Union External Actions (EEAS) statement of April 17, 2016 on human rights situation in the Gambia;
 - having regard to several statements by the EU Delegation to the Gambia;
 - having regard to the African Union Commission’s resolution of 28 February 2015 on the Human Rights situation in the republic of the Gambia;
 - having regard to Articles 4 and 5 of the African Charter entitle every individual to respect of their life and the integrity of their person, and prohibit torture and other cruel, inhuman and degrading treatment or punishment;
 - having regard to the UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Addendum : Mission to The Gambia, 2 March 2015, A/HRC/28/68/Add.4;
 - having regard to the UN Declaration of 1981 on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;
 - having regard to the Universal Declaration of Human Rights of 1948;
 - having regard to Rule 123(2) of its Rules of Procedure;
- A. Whereas the African Charter on Human and Peoples’ Rights guarantees the basic rights and freedoms enshrined therein, and confers the African Commission with the mandate to monitor, promote and protect human and peoples’ rights on the continent;
- B. Whereas the Gambia is a Member State of the African Union, State Party to the African Charter and signatory to the African Charter on Democracy, Elections and Governance;
- C. whereas on 14 and 16 April peaceful protestors against were unduly arrested, tortured and detained, and opposition activist Solo Sanding died during custody;

- D. Whereas human rights defenders and journalists are victims of abusive practices and repressive legislations; they constantly face harassment and intimidation, arrest and detention, enforced disappearance or are forced into exile;
- E. Whereas there has been 14 475 Gambian asylum applicants in the EU since 2015;
- F. Whereas torture and other ill-treatment are regularly used in the Gambia; people are reported to have been brutally tortured or otherwise ill-treated as a routine in order to extract “confessions” which are then used in court; as evidenced in the report following the UN Special Rapporteur on Torture 2014's visit to the Gambia;
- G. Whereas arbitrary detentions by the NIA and the police are routinely carried out, individuals are often held without charge and beyond the 72-hour time limit within which a suspect must be brought before a court, in violation of the Constitution;
- H. Whereas Alagie Abdoulie Ceesay, the managing director of the independent radio station Teranga FM, who was arrested on 2 July 2015 by the National Intelligence Agency (NIA) has been denied bail for 3 times despite his poor health condition;
- I. Whereas homophobic legislation and attacks against LGBTI people under the current legislation in Gambia provide for long prison terms and hefty fines for “aggravated homosexuality”; whereas LGBTI people are often victims of attacks, threats or arbitrary arrests by security forces that some of them have been forced to leave the country for their own safety;
- J. Whereas Gambia’s government commits serious human rights violations against perceived critics and political opponents, perpetuating a climate of fear and repression in the country;
- K. Whereas Mr Jammeh, has self-declared himself a spiritual healer, when he claimed to have invented his own herbal cure for HIV, which required that patients give up conventional retroviral treatments and therefore created a threat to public health;
- L. Whereas in June 2015 President Jammeh abruptly expelled the EU's Chargé d’Affaires to Gambia, Agnes Guillard; whereas he gave no reason for the decision, but it came six months after the EU blocked some £8m in aid to Gambia because of its poor human rights record, in particular anti-homosexual laws;
1. Calls for the immediate and unconditional release of all protestors arrested in relation to the April 14 and 16 protests, calls on the authorities of Gambia to guarantee their physical and psychological integrity in all circumstances;
 2. Expresses grave concern about the reported death in custody of opposition activist Solo Sandeng and fears for the health of several other protestors still in detention;
 3. Strongly condemns the forced disappearances, arbitrary detention, torture, and other human rights violations targeted at voices of dissent, including journalists, human

rights defenders, political opponents and critics, as well as lesbian, gay, bisexual, and transgender people under the government of President Yahya Jammeh;

4. Calls on the EU and the African Union to work with Gambia to put in place safeguards against torture, ensure independent access to prisoners, and reform all legislation interfering with the rights to freedom of expression, association, and peaceful assembly, including the offenses of sedition, criminal libel, “spreading false information” in the Criminal Code, and the amendment of the Information and Communication Act of 2013 that includes censorship of online expression.
5. Requests the Government of the Republic of The Gambia to ensure due process for any suspects detained on allegations of participating in the attempted unconstitutional change of government;
6. Calls on the EU Delegation in the Gambia to use all tools at its disposal, including the European Instrument for Democracy and Human Rights, to actively monitor detention conditions in the Gambia, and to accompany and monitor investigations into the government’s suppression of the April 14 and 16 protests and treatment of protestors in detention, and to further step up efforts to engage with political opposition members, student leaders, journalists, human rights defenders, trade union officials, and LGBTI leaders;
7. Calls on the Government of Gambia to investigate the evidence on the NIA’s human rights violations; also develop a legislation that addresses equal rights to citizens including the issues of inequalities; and Calls on the Government of Gambia to continue with plans to establish a National Human Rights Commission, in line with the Paris Principles on human rights institutions, to investigate and monitor alleged human rights abuses;
8. Calls on the EU and the Member States to consider the imposing of travel bans or other targeted sanctions on officials responsible for serious human rights abuses;
9. Urges the Government of Gambia and regional authorities to take all necessary measures to stop the discrimination, attacks and criminalisation of LGBTI people and to guarantee their right to freedom of expression; including for the removal of provisions criminalizing LGBTI persons from the Gambian criminal code;
10. In advance of December’s presidential elections, urges the Government of the Republic of The Gambia to ratify the African Charter on Democracy, Elections and Governance; calls on the government of Gambia to engage in genuine dialogue with all opposition political parties about legislative and policy reforms that will ensure a

free and fair election and guarantee respect for respect freedom of association and assembly, in line with Gambia's international obligations;

11. Urges the EU and its Member States to conduct public consultation under Article 96 of the Cotonou Agreement, and to consider freezing of all non-humanitarian assistance to the Government of the Gambia;
12. Calls on Gambia's president regime to focus on upholding human rights dignity in all policies to ensure peaceful coexistence amongst citizens irrespective of their race, believe, political affiliations or gender orientations;
13. 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 African Union, the governments of the countries of the ECOWAS, the Government and Parliament of the Gambia, the Secretary-General of the United Nations, the UN Human Rights Council, and the ACP-EU JPA.