



## Media Foundation for West Africa

Fondation pour les Médias en Afrique de  
l'Ouest (FMAO)

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November 2, 2016

President Ellen Johnson Sirleaf  
Chair,  
Economic Community of West African States (ECOWAS)  
Monrovia  
Liberia

### **Petition: Request for Suspension of The Gambia from ECOWAS**

Your Excellency, the Media Foundation for West Africa together with the undersigned freedom of expression and human rights organisations in West Africa present our compliments to you. Madam, we are writing to you as West Africa's leading free expression and press freedom advocacy organisations to express our concerns about the acts of impunity and non-fulfilment of treaty obligations by the Republic of The Gambia and the threats posed by such acts to the peace, stability, and security in the region.

Over the last two decades, The Gambia has witnessed gross and systematic human rights violations including killings, enforced disappearances, tortures, arbitrary arrests and detentions, and other serious free expression rights violations. These violations have been and continue to be perpetrated with impunity. The lack of accountability for such crimes contravenes the fundamental principles enshrined in Article 4 of the ECOWAS Revised Treaty. Press freedom violations, including violence against journalists, which have been rampant in The Gambia over the years, constitute a breach of The Gambia's specific commitment to respect journalists' rights and safety under Article 66 of the ECOWAS Revised Treaty.

Your excellency, impunity poses serious challenges to promoting and protecting human rights, as required by Article 4 of the ECOWAS Revised Treaty. In order to help address impunity and mitigate its consequences on regional peace, stability, and security, civil society groups, including the MFWA, have sought redress for victims and received judgments from the ECOWAS Community Court of Justice. In each of the three cases—*Chief Ebrimah Manneh v. The Gambia* (2008), *Musa Saidu Khan v The Gambia* (2010), and *Deyda Hydara Jr. and Others v. The Gambia* (2014)—the Court ruled against The Gambia. In fact, our organisation was directly involved in the *Manneh* and *Saidu Khan* cases. Unfortunately, The Gambia has failed to comply with any of these binding Court judgments, in violation of Article 15 of the ECOWAS Revised Treaty. We are therefore highly concerned about the blatant non-compliance with judgements of the Community Court of Justice.

As you know, progress and development cannot occur in the absence of accountability for human rights abuses. Furthermore, justice is a fundamental element in the promotion of peace, stability, and security. Socio-political and economic growth in West Africa, thus, necessitates a strong regional judicial mechanism to punish violators and provide remedies and reparations to victims.

The Court has been recognised as an important institution for the promotion of peace and justice in the region. Indeed, the expansion of the Court's mandate through the adoption of the 2005 Supplementary Protocol to hear cases of human rights violations and grant community citizens access to the court without the requirement of exhaustion of local remedies, gave the hope that citizens can seek redress on violations of their rights.

However, although the Court has been proactive and bold in delivering its judgments on behalf of citizens whose human rights have been violated, the continuous disregard for its judgements (particularly human rights decisions) by member states, especially, The Gambia could ultimately derail its significance and influence.

Consequently, we are deeply concerned about the absence of ECOWAS-imposed sanctions against The Gambia for its persistent non-compliance with the Court's judgments. The inability or unwillingness of the ECOWAS to apply the sanctions provided by Article 77 of the ECOWAS Revised Treaty encourages impunity to fester and may even reduce public confidence in the Court as a judicial mechanism and ECOWAS as a rights protector.

Your Excellency, given the centrality of justice to the pursuit of the aims, objectives, and guiding principles of the ECOWAS and Member States, we are calling on you to fight impunity by impressing on The Gambia to comply with the judgments of the court. If the state fails, we urge the ECOWAS to invoke the sanctions provisions of Article 77 of the ECOWAS Revised Treaty. The ECOWAS has already imposed sanctions, including suspension, against other countries such as Sierra Leone (1997), Guinea (2009), Niger (2009), Togo (2009) Côte d'Ivoire (2010), Guinea-Bissau (2012), and Mali (2012) —for violating their obligations as ECOWAS Member States. We are very impressed at the success of ECOWAS sanctions in impacting and ending political crises, violence, and human rights abuses in the aforementioned countries. Thus, we are hopeful that ECOWAS' sanctions against The Gambia will force the State to comply with its treaty obligations, including the implementation of binding judgments by the ECOWAS Community Court of Justice.

We appreciate your time and consideration of our request and would welcome any opportunity to discuss these issues with you or your representatives in greater depth.

Sincerely, the undersigned

1. Media Foundation for West Africa (MFWA) – Ghana
2. Center for Media Studies and Peace Building (CEMESP) – Liberia
3. Gambia Press Union (GPU) –The Gambia
4. Réseau Guinéen des Journalistes contre la Corruption et pour la Promotion de la Bonne Gouvernance (REGUIJOC) – Guinea
5. Media Reform Coordinating Group (MRCG) – Sierra Leone
6. Observatoire Nigérien Indépendant des Medias (ONIMED) – Niger
7. l'Institut des Médias pour la Démocratie et les Droits de l'Homme (IM2DH) – Togo
8. National de Presse Norbert Zongo (CNP-NZ) – Burkina Faso
9. l'Observatoire de la Déontologie et de l'Ethique dans les Medias (ODEM) – Benin
10. International Press Centre (IPC) – Nigeria
11. La Convention Des Jeunes Reporters Du Senegal (CJRS) – Senegal
12. Maison de la Presse du Mali (MP) – Mali
13. Sindicato De Jornalistas e Tecnicos De Comunicacao Social Guinea Bissau (SINJOTECS) – Guinea Bissau
14. Human Rights Advocacy Centre (HRAC) – Ghana
15. West Africa Civil Society Forum (Regional Secretariat) – Nigeria
16. Amnesty International (AI)– Ghana
17. Perfector of Sentiments Foundation (POS Foundation) – Ghana
18. Network Movement for Justice and Development (NMJD) – Sierra Leone
19. Legal Resources Centre – Ghana
20. Centre for Accountability and Rule of Law (CARL) –Sierra Leone
21. Ghana Center for Democratic Development (CDD-Ghana) – Ghana
22. Women Advocates Research and Documentation Center (WARDC) – Nigeria
23. Centre for Coordination of Youth Activities (CCYA) – Sierra Leone
24. Northern Sector Action on Awareness Centre (NORSAAC) – Ghana
25. Foundation for Sustainable Development in Africa (FSDA-Ghana) – Ghana
26. Society for Democratic Initiatives (SDI) –Sierra Leone
27. Forum des Organisations de la Société Civil de l'Afrique de l'Ouest (FOSCAO) – Togo
28. United Civil Society Organisations for National Development (UCSOND) – Ghana
29. Forum des Organisations de la Société Civil de l'Afrique de l'Ouest (FOSCAO)- Guinea Bissau
30. West Africa Civil Society Institute (WACSI) – Ghana
31. Institute of Governance Reforms (IGR) – Sierra Leone
32. Campaign for Good Governance, (CGG) – Sierra Leone
33. Ghana Integrity Initiative (GII) – Ghana
34. Sierra Leone Association of Journalists (SLAJ) –Sierra Leone
35. Socio-Serve Ghana –Ghana
36. Social Initiative for Literacy and Development Programme (SILDEP) – Ghana

