

Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders

Ref.: AL GMB 1/2025

(Please use this reference in your reply)

10 December 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 59/4 and 52/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received **concerning allegations of arbitrary arrests and excessive use of force against peaceful protesters, including human rights defenders**, in August and September 2025, where 48 demonstrators were reportedly arrested, allegedly as part of a wider pattern of repression against individuals and human rights defenders exercising their rights to freedom of assembly and expression in the Gambia.

According to the information received:

On 22 August 2025, a peaceful demonstration was held in the Public Utilities Regulatory Authority (PURA) carpark in Banjul. The tariffs — reportedly increased by as much as 275% — were criticized as unfair because they disproportionately burden small businesses and students while benefiting large corporations. The protest was described as non-violent, peaceful, and posing no threat to the public.

It is alleged that riot police forcibly dispersed the demonstration. Between 22 and 23 August, 19 youths were reportedly arrested. During their trial, Chief Inspector testified that there was a large group holding banners and shouting. Superintendent reportedly told the protesters that they were “illegally assembled” and ordered them to disperse. When they refused, police forcibly dispersed the crowd and arrested them. According to the allegations, there was no further de-escalation process. Afterwards, four more individuals were reportedly arrested in Westfield for protesting against the arrests of the 19 youths.

On 25 August 2025, the 23 individuals were arraigned and charged under section 5(5) of the Public Order Act for “Control of Procession,” to which they all pleaded not guilty. They were ordered by Magistrate to be held at Mile 2 Central Prison, awaiting a hearing for their bail application on 4 September. Such a detention constitutes a violation of section 19(3)(b) of the 1997 Constitution of The Gambia, which states that individuals “shall be brought without undue delay before a court and, in any event, within seventy-two hours”.

Later that same day, 21 additional youths were arrested during a peaceful protest at the Kanifing Magistrate Court, where they had gathered to show solidarity with the detained 23 individuals. After the court ordered that the youth be held at Mile 2 Prison, the protesters began chanting, blocking the road, and kneeling in front of the court gate. Police responded by using tear gas and arrested 21 individuals. In total, between 22 and 25 August 2025, 44 peaceful protesters were reportedly arrested while demonstrating against PURA's directive. Those arrested were charged with unlawful assembly, unlawful procession, and public nuisance, offences carrying potential sentences of up to three years.

On 10 September 2025, Auditor General was called to the State House and notified of his appointed as the Minister of Trade, Industry, Regional Integration, and Employment. On 11 September, the Auditor General officially declined the appointment, confirming his intention to remain in his capacity as Auditor General. His statement reaffirmed his commitment to "improve the lives of citizens through public sector auditing." Despite this, on 15 September 2025, the Auditor General was forcibly removed from office by law enforcement under the approval of the President.

Following this, civil society actors declared the removal illegal, citing it as a threat to accountability and transparency in The Gambia's public financial management system. This removal may amount to direct interference of the National Audit Office (NAO) and in violation of the NAO Act 2015, which guarantees the independence of the Auditor General. Specifically, under sections 3(2) and 14(a) of the Act, the NAO "shall not be subject to the direction or control of any person or authority". In addition, the removal of the Auditor General is in violation of section 16 which regulates the tenure of office of the Auditor General. Under section 16(1) the Auditor General cannot hold office for more than nine years. The Auditor General was appointed in November 2022. Furthermore, section 16 (4) states that the removal of the Auditor General is only lawful on grounds of incapacity, misbehaviour or incompetence, and under 16(5),(6),(7) following a report approved by a medical board or a report by a Presidentially appointed Tribunal consisting of a High Court Judge, an Ombudsman, a member of the Public Service Commission and a chartered accountant. The President did not convene such a tribunal, meaning the procedure required by law was ignored. Auditor General's removal therefore appears to be a flagrant violation of the NAO Act and a serious infringement on institutional independence.

These protests are part of a longer series of mobilizations that express the public discontent with the general pattern of corruption and took place in response to several cases of alleged corruption that have been exposed in the past years.

Without prejudging the accuracy of these allegations, we wish to express our grave concern at reports of mass arrests in August 2025 on the grounds of unlawful assembly, unlawful procession and public nuisance, in circumstances that suggest the legitimate exercise of rights protected by international law. We wish to remind your Excellency's Government that the right of peaceful assembly, association, expression and freedom from arbitrary detention, are fundamental rights afforded to individuals under articles 9, 19, 21 and 22 of the International Covenant on Civil and Political

Rights (ICCPR), to which the Gambia has acceded.

We wish to take this opportunity to recall to Your Excellency's Government that assemblies held without prior authorisation, including spontaneous assemblies, are protected under international human rights law. Spontaneous assemblies, which often arise in response to unfolding events, fall within the scope of article 21 of the ICCPR.¹ We further recall that the absence of prior notice, as may be required under domestic legislation, does not render an assembly unlawful, nor does it justify the arrest or charging of participants - particularly on criminal grounds - or the dispersal of the assembly. Notification systems are intended solely to enable authorities to facilitate assemblies and requirements amounting to a request for permission undermine the fundamental nature of the right to peaceful assembly.²

We express serious concern regarding the disproportionate penalties of up to three years' imprisonment for the charges of unlawful assembly, public nuisance, and unlawful procession. We are further troubled by reports of mass arrests, police violence, and the apparent targeting of civil society actors, including human rights defenders and anti-corruption activists. These measures may have a chilling effect on the ability of human rights defenders, civil society organisations and political activists to carry out their legitimate work without fear of reprisal and may contribute to broader self-censorship and the suppression of dissenting views. We are particularly concerned that those arrested in connection with the youth-led demonstrations addressing corruption were predominantly young people. We respectfully recall that the interpretation and application of domestic law must not undermine the exercise of the right to peaceful assembly on any grounds, including age.³ States must take measures to enable young people to safely participate in and organise peaceful protests.⁴ Furthermore, we recall that political expression is afforded heightened protection under international human rights law. Therefore, assemblies that convey a political message must be accorded an elevated level of accommodation and protection.⁵

We remain deeply concerned about the escalating incidents of violence during peaceful demonstrations. We wish to remind Your Excellency's Government of its obligations as a State Party to international human rights instruments, including the ICCPR and the African Charter on Human and Peoples' Rights, to respect, protect, promote, and fulfil the human rights of all individuals, including the rights to freedom of expression, peaceful assembly, and of association. We emphasise that journalists, media workers and human rights defenders must never be targeted for monitoring or reporting on protests. Law enforcement agencies have a duty to facilitate their work, even when an assembly has been declared unlawful.⁶

As it is expanded in the Annex below, law enforcement officials and agencies need to restrain from using force in the context of protests, including the use of the so called less lethal weapons; all use of force must comply with the principles of legality,

¹ Human Rights Committee, *General Comment No. 37 on the right of peaceful assembly* (article 21), CCPR/C/GC/37 (2020), paras. 14 and 16.

² *Ibid.*, paras. 70 – 71.

³ *Ibid.*, para. 25.

⁴ Human Rights Council, *Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests*, A/HRC/55/60 (2024), paras. 14-16.

⁵ *Ibid.*, para. 32.

⁶ *Ibid.*, para. 66.

necessity, proportionality, precaution and non discrimination. De-escalation practices need to be prioritized, as well as the respect of the principle of differentiation of participants.

Accordingly, all allegations of unlawful use of force in the context of protests - including the reported use of tear gas on 15 September - must be subject to an impartial, thorough and prompt investigation.⁷ We are concerned about the reported mass arrests and use of force reflects an increasingly repressive pattern against democracy and the enjoyment of human rights in The Gambia.

We emphasise that individuals and organisations must be permitted, and the State must facilitate their ability, to engage in peaceful protests, including where such protests are directed against government policies or actions, so long as it remains peaceful.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the legal and factual basis for the arrest, pre-trial detention and charges brought against several protesters and explain how this is in conformity with Your Excellency's Government's obligations under international human rights law, including the rights to freedom of expression, peaceful assembly, association, and the right to be free from arbitrary detention.
3. Please outline the measures your Excellency's Government is taking to ensure the safety and security of human rights defenders and civil society activists so that they are able to carry out their legitimate work and exercise their rights in a safe and enabling environment without fear of retaliation.
4. Please outline the steps for the immediate and unconditional release of detained persons, and the dropping of charges against those.
5. Please outline any measures your Excellency's Government is taking or plans to take to ensure that individuals expressing their fundamental freedoms including the freedom of expression and peaceful assembly, including human rights defenders, are protected as provided for in international human rights law, including by law enforcement.

⁷ CCPR/C/GC/37, para. 90.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Gina Romero
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw attention to articles 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR), acceded by Your Excellency Government in 1979.

For the purpose of article 21 of the ICCPR, “peaceful” should be understood as the absence of “violence”, meaning the absence of physical force against others that is likely to result in injury, death, or serious damage to property.⁸ Acts such as chanting, kneeling or temporarily blocking roads do not amount to violence and therefore, do not justify dispersal. Blanket restrictions on peaceful assemblies are disproportionate and incompatible with international human rights.⁹ Any restrictions must meet the criteria of necessity and proportionality in a democratic society and may only be imposed for the legitimate aims exhaustively listed in Article 21, namely: national security; public safety; public order (*ordre public*); the protection of public health or morals; or the protection of the rights and freedoms of others.¹⁰ Charges of control of procession, unlawful assembly, unlawful procession, or public nuisance do not constitute legitimate grounds for restricting assemblies under article 21 of the ICCPR.

We further recall that only law enforcement officers who have received specialised training in the policing of assemblies and relevant human rights should be deployed to protests.¹¹ This obligation extends to all state organs involved in decision making related to assemblies.¹² We wish to emphasise the necessity of ensuring victim-centred accountability mechanisms, prompt and effective remedies, community-oriented policing and transparent communication by law enforcement before, during and after protests.¹³

It is a well-established principle of international human rights law that States must tolerate a significant degree of disruption resulting from peaceful assemblies.¹⁴ In this regard, we draw attention to the assembly held outside the National Audit Office and underscore the importance of public spaces as venues for protests. Peaceful assemblies should be permitted in public areas as participants must be able to determine the location of their demonstrations as to achieve the greatest impact.¹⁵

In addition, we underscore that the use of indiscriminate force other harmful measures by law enforcement – including the deployment of tear gas – is incompatible with international standards. Any use of force must fully comply with the fundamental principles of legality, necessity, proportionality, precaution and non-discrimination applicable to articles 6 and 7 of the Covenant and must be subject to accountability.¹⁶ We emphasise that law enforcement officials are obliged to use de-escalation

⁸ Ibid., para. 15.

⁹ Ibid., para. 38.

¹⁰ Ibid., para. 41.

¹¹ Ibid., para. 80.

¹² Ibid., para. 35.

¹³ A/HRC/23/39, paras. 36 and 46.

¹⁴ CCPR/C/GC/37, para. 44.

¹⁵ A/HRC/23/39, para. 66.

¹⁶ CCPR/C/GC/37, para. 78.

techniques based on communication, negotiation, community engagement and restraint before resorting to any form of force.¹⁷

Furthermore, we would like to refer to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration, which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. We further wish to stress the following articles of the declaration:

- Article 5(a), which provides for everyone's right to meet and assemble peacefully.
- Article 6(a) and (b), which state that everyone has the right to freely to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, and to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms.
- Article 12(2), holding that States shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in the declaration.

¹⁷ A/HRC/55/60, para. 72.