

THE GAMBIA

Who killed Deyda Hydara?



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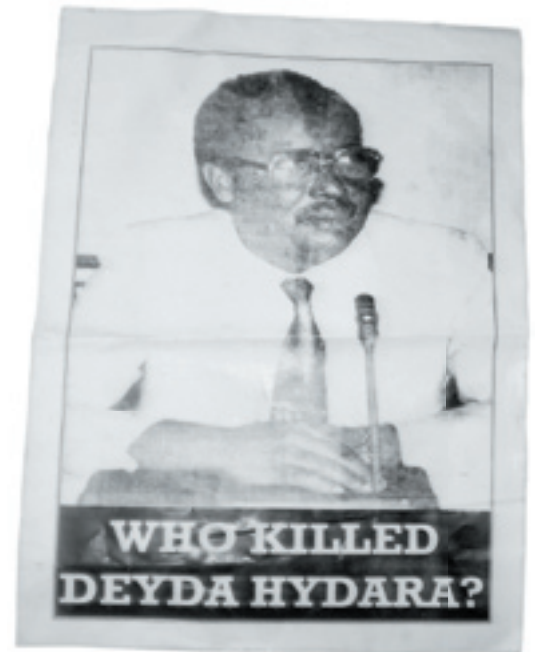
Who killed Deyda Hydara?

Gambian journalist Deyda Hydara was gunned down in cold blood at the wheel of his car on the night of 16 December 2004 and there are many who see the government's hand behind this murder. As soon as Reporters Without Borders learned of his death, it made plans to send a representative to The Gambia to help his family and to press the authorities to conduct a serious investigation. This report presents the findings of that visit to Banjul and surrounding areas, as well as to the Senegalese capital of Dakar, from 21 to 27 December.

"Everyone knows what happened but everyone is afraid to speak," Reporters Without Borders was told by a Banjul journalist who requested anonymity. "This kind of thing will happen again, that's for sure, the only thing they will change is tactics, that's all," said a businessman who also asked not to be identified. This kind of aggrieved remark, often heard in the course of many conversations, illustrates the state of mind in this poor, small country of 1.4 million inhabitants that is an enclave within Senegal. "In the runup to the 2006 elections, they wanted to paralyse everyone with terror in order to be sure of returning to office," a partisan of the political opposition said. "If that was their aim when they killed Deyda, they succeeded."

"Who killed Deyda Hydara?" This was the legend on the posters bearing Hydara's photo which Gambian journalists carried when they marched through the streets of Banjul on 22 December. "Why did you go so far as to kill Deyda Hydara?" is in fact the question that many Gambians put to their government, which denies having anything to do with his death. And why Hydara, anyway? He was a respected intellectual. He had been Reporters Without Borders' correspondent since 1994. He co-founded *The Point* – a tabloid that appears three times a week – in 1991 with his friend of 35 years, Pap Saine. He had also worked since 1974 for *Agence France-Presse (AFP)*, which originally hired him as a translator and gradually made him its local correspondent.

When *The Point* first appeared, it was the only newspaper of its kind. The rest of the print media consisted of just four-page, mimeographed publications. Thoughtful, altruistic and French-speaking, Hydara took clear, humanistic positions in its columns. His opposition to the regimes that have succeeded each other in Gambia was neither acrimonious nor vengeful. He was an enlightened



democrat. Aged 58 at the time of his death, he had no political ambitions.

**Sankung Sillah Street,
Thursday 16 December, 10 p.m.**

Thursday, 16 December was the 13th anniversary of *The Point's* creation by Hydara and his friend Saine, a former radio journalist and the *Reuters* stringer in The Gambia. The newspaper's two co-owners invited the staff to a drink after the latest issue had been put to bed at its office on Garba Jahumpa Road in Fajara, one of the six districts that make up Greater Banjul. That afternoon, US ambassador Joseph D. Stafford paid the newspaper his first courtesy visit and talked with several staff members about their problems as journalists and the financial difficulties of producing the newspaper.

Shortly after 9 p.m. – as on every evening when they finished late – Hydara offered to give his layout editor and his typist a ride to their homes in the district of Kanifing, where he also lived. He also offered to take his partner Saine to the neighbouring district of Westfield from where he would usually get a taxi to his home in the suburbs. But, that evening, Saine had found someone else to give him a ride, so he declined the invitation. Hydara got into the driver's seat of his car, a blue Mercedes. Isatou Jagne, 33, got into the front passenger seat and Niansarang Jobe, 31, sat in the back, behind Hydara.

They left Fajara, passed the district of Bakau Kunku, and set off in the direction of Kanifing via the Banjul-Serekunda Highway, the only asphalted road linking the capital with localities to the south, on the Casamance road.



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Hydara reached the crossroads where the Jimpex store is located shortly after 10 p.m. and turned into an unlit, pot-holed dirt street on the opposite side of the highway. The street is called Sankung Sillah after the factory located on it, Alhadji Sankung Sillah Soap & Plastic. Several sources at *The Point* told Reporters Without Borders that Hydara was in the habit of dropping his two employees at the end of this 200-metre-long street, where there is an empty lot on the left and a residential street on the right. He would usually turn round at the end of the street in order to drive to his own home in a neighbourhood that begins on the other side of the highway.

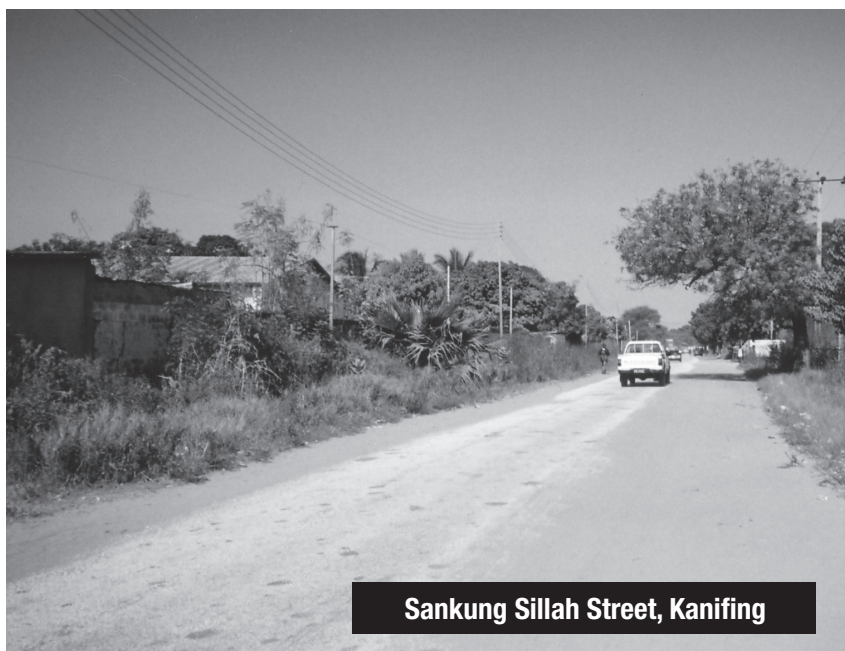
An eye-witness told Reporters Without Borders that a Mercedes taxi with no number plate was parked on the highway that evening, with all its lights turned off. When Hydara's car passed, the Mercedes taxi started up and turned into Sankung Sillah Street behind Hydara. After passing the entrance to a police garage-workshop at the beginning of the street on the right, the taxi drew close to the back of Hydara's car and turned on its headlights. In response, Hydara slowed down and pulled over to the right to let the taxi pass. As the taxi began to pass on the left, Hydara reflexively turned to watch it go by. The taxi never stopped moving, but a man in the passenger seat shot Hydara in the head with a 9 mm bullet, shot him again in the chest, and then fired a shot into the rear door. The eyewitness who spoke to Reporters Without Borders was not sure if only three shots were fired: "You had the impression they wanted to kill everyone inside the car." The taxi with the gunman continued on its way and disappeared.

Hydara died instantly. He was killed by the first bullet fired at almost point-blank range into his

left temple. The shot that went through his chest also hit Jagne – the passenger in the front – in the right ankle. The shot fired through the rear side door lodged in Jobe's left knee. Hydara fell forward onto the steering wheel and the car ended up in the overgrown ditch at the side of the street, level with a large palm beside the perimeter wall of the Afro Hong-Kong Industrial Company plant. The Reporters Without Borders representative went to scene of the murder and saw the marks the car left on the cement of the ditch and the weeds it had flattened.

Although wounded in the ankle, Jagne was able to open the front-right door and tumble out onto the street before their car came to a halt. Her first reaction was to rush to the guard at the entrance to the soap and plastic factory, about 100 metres away in the direction of the highway. He refused to help her, so she then went to two unarmed policemen who were at the entrance to the police garage and who could have seen the murder from there. One of them, whose name is not known, was questioned by Gambian investigators.

In an interview he gave to the privately-owned *Daily Observer* on condition of anonymity, he said he heard shots but initially assumed they were Christmas firecrackers. He said he then heard someone shout in Wolof: "They've killed by boss. Someone help me." Opening the front gate, he found the injured Jagne and led her to his office. He then asked one of his colleagues to inform the police intervention unit and give the alarm at a police barracks several hundred metres away on the highway. Several sources told Reporters Without Borders the alarm was given "after 10 p.m. and before 11 p.m."



Sankung Sillah Street, Kanifing

Several policemen from the nearby barracks arrived at the scene a few minutes after the murder. In accordance with criminal investigative procedure, they did not touch Hydara's body or anything else at the crime scene. According to two matching accounts, they put the two injured women in a taxi and, for unknown reasons, drove them to the central police station in Serekunda, the neighbouring locality, and not to a



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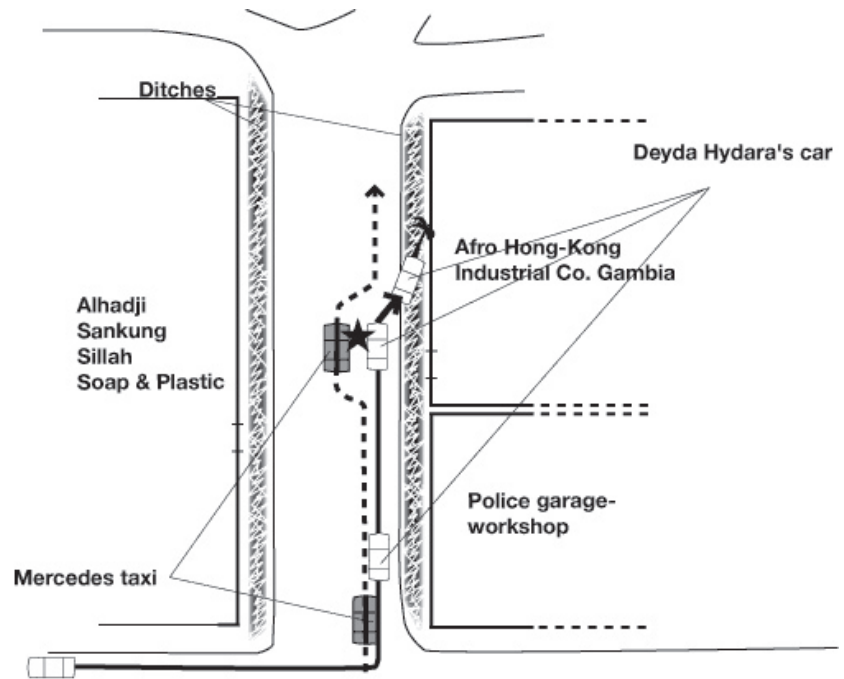
hospital. It was only later that night, after refusing to make a statement, that Jobe and Jagne were admitted to the Royal Victoria Teaching Hospital in Banjul.

They remained there for seven days under observation, and subject to very strict police surveillance. Several family members said their phone calls were monitored by a uniformed police officer and their visitors were made to go to an adjoining room separated from theirs by glass. On the evening of 23 December, they were flown to the Senegalese capital of Dakar at the request of their families, and with the agreement of the Gambian doctors treating them, and were taken to a hospital there. The bullet lodged in Jobe's fractured knee cap was successfully removed. Since then the two young women have kept their location secret, fearing for their safety.

The police ask for "time and cooperation"

The news of Hydrara's death sent an electroshock through Banjul. Police inspector general Landing Badjie told Reporters Without Borders he was informed shortly after midnight. "My first decision was to make sure the sector had been cordoned off." He said he gave orders for the investigation into the Hydrara murder to be made the top priority and he asked for "the best men" to be assigned to the case.

In a statement on the morning of 17 December, the Gambian government condemned "this cowardly act" and pledged "to do its utmost best to apprehend the culprits and bring them to book". It added that the security agencies had begun an investigation and urged the public to provide any information liable to help ensure justice was done. An autopsy carried out on Hydrara's body at the Royal Victoria Hospital, where it was taken during the night, revealed nothing new. In accordance with Muslim tradition, he was buried on the evening of 17 December in Old Jeshwan cemetery in



Banjul - Serekunda Highway

Banjul in the presence of almost the entire press corps. Justice minister Sheikh Tidiane Hydrara and information and communication minister Amadou Scattered Janneh represented the government at the funeral.

Badjie, the police inspector general, told *AFP* on 18 December that the police did not yet have a suspect. "We hope one day we'll have a breakthrough, there must be a clue somewhere," he said, adding that, "everything is possible." He said the borders were being watched and he had asked the Senegalese police for help. At an interview he gave to Reporters Without Borders on 23 December, Badjie said the government was putting a great deal of pressure on the police. "I've cancelled all my trips. The president calls me every three hours to find out how the investigation is progressing."

Asked what hypotheses were being explored, he said there was occasional violence in Gambia but "not cold-blooded murder like this." He said it bore the hallmarks of an "alien method" and was clearly carried out by "a professional with the skill of an SAS," referring to the British elite Special Air Service. He concluded: "Deyda Hydrara's murder is a tragedy for everyone. I assure you that we will find the person responsible, arrest him and bring him to justice. For that I need time and the public's cooperation."

The police arrested Njaga Jagne, a resident of Had-dington Street in Banjul, on 24 December because he had publicly threatened Hydrara and Saine over a June 2004 article about a conflict between

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imams in the capital. Aged in his 50s, he supported Imam Gaye, who was disputing the choice of another imam to succeed Alhaji Abdoulie Jobe, and he had reportedly been enraged by the article in *The Point*. He was interrogated by the Serious Crime Unit at police headquarters in Banjul and then released on 29 December without being charged. Saine confirmed that he had verbally attacked them at the start of November. "But he had nothing to do with Deyda Hydara's death," he told Reporters Without Borders. "This is an unemployed man who does not have the resources to organise an operation like this."

Harassment mechanisms

Since the 2001 presidential election, Reporters Without Borders has tracked recurring violence against the privately-owned media in The Gambia ranging from arson to arbitrary arrest. The National Intelligence Agency (NIA) has been the perpetrator or leading suspect in these repeated attacks. None of the police investigations has come up with anything. As a result, under The Gambia's British-derived legal system, no indictment has ever been brought by the justice minister, who also fulfills the role of attorney general. As a result, the prevailing feeling among all witnesses of press freedom violations in Gambia is fear.

The Independent, a privately-owned biweekly, was the target of a series of attacks in 2003 and 2004 that have never been solved by the police. Editor Abdoulie Sey was arrested by three men while alone at the newspaper at around 6 p.m. on 19 September 2003 and was taken to an unidentified place aboard a black Ford Pajero with no number plate. His staff and the Gambia Press Union (a journalists' union) immediately demanded an explanation from the NIA, which was suspected of being responsible. The NIA told his wife and the representatives of the journalists it was not involved. Sey was finally released four days later. One of his colleagues told Reporters Without Borders at the time that Sey had indeed been detained by NIA members who questioned him about several articles they considered critical of the president.

The Independent's premises were set on fire a month later, on the evening of 17 October 2003, although it was no longer so critical in its articles and its editor, who fell ill after being detained, had not gone back to work. At a press conference the next day, acting editor Sidi Bojang said three men came, sprayed the caretaker with a chemical and hit him with an iron bar. While he was being taken to hospital, four men climbed over the newspaper's perimeter wall and set fire to it through the windows. They fled on the arrival of several em-

ployees of the Uncle Sam Security Agency, which is contracted to protect the newspaper. The fire brigade arrived a few minutes later.

Further violence was set off by the fall into disgrace in December 2003 of Baba Jobe, the leader of the parliamentary wing of the president's party, the Alliance for Patriotic Reorientation and Construction (APRC). It prompted a murder attempt that nearly succeeded, one that was similar to Hydara's murder a year later.

Ousman Sillah – Jobe's attorney and the dean of Gambia's lawyers – was shot several times in the back outside his home in South Atlantic, a district of Fajara, on his return from a wedding party on the night of 26 December. The shots were fired by an individual or individuals who left in a car. The next morning a neighbour told a journalist with the *Daily Observer* he saw a green pickup with tinted windows and no number plate parked not far from Sillah's home at around 10 p.m., and that he also saw a tall, strange-looking man with a green T-shirt and black trousers in the immediate vicinity. Sillah was quickly evacuated to Dakar for treatment in a private clinic. After recovering from his injuries, which included a damaged kidney, he opted for self-imposed exile in the United States where his daughter is studying medicine.

Jobe, the president's former right-hand man and majority leader in parliament, was arrested the same day along with several members of his family and accused of tax evasion. He was alleged to have used his political influence to have basic staples imported through Banjul port without paying customs duty. At his trial, he said the importing company, the Youth Development Enterprise (YDE), was set up on President Yahya Jammeh's initiative to compete with the private sector and bring down rice and sugar prices, and to provide jobs to members of the ruling APRC's youth wing.

The situation deteriorated on 13 January 2004 when *The Independent* managing editor Alagi Yorro Jallow received a letter signed by a group called the "Green Boys" threatening to kill him and destroy his newspaper because of its coverage of Jobe's trial. The following is the text of the letter, with the spelling and grammar of the original:

LEAVE BABA JOBE This is a final warning to you. The Independent Newspaper especially Alhagi Yero Jallow you are now be influence by FJC to write about Yahya Jammeh if you publish anything on Baba Jobe again or FJC to use you to said anything about our leader you will regret it, you and FJC have been finally warn or we will elimante her stop it now or else you will never see a newspaper again. We have also warn you and FJC to be very very very care-



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ful of us stop telling lies and writing about Baba Jobe or you will regret it. As for FJC we can simply get out a public prove that she is a Gambian but a Mauritanian, her father comes from Mauritania. Signed GREEN BOYS

An exiled Gambian journalist explained that the "Green Boys," who get their name from the presidential party's colour, consist of young activists who were sent to Libya in the mid-1990s at Jobe's initiative to be instructed in the use of firearms and receive fundamentalist training. Initially called the "22 July Movement" after the coup that brought Col. Yahya Jammeh to power on 22 July 1994, the group served as back-up force for the presidential party, the APRC. Officially, it was dissolved in 1999. The day of the attempt on Sillah's life, seven of its former members were arrested. According to police spokesman Supt Jallow, they were arrested for being "part of those who went to train in Libya." The seven – Wandifa Fofana, Seedy Sanneh, Lamine Fofana, Alhaji Fabou Ceesay, Lamine Manjang, Jerreh Sonko and Ismaila Kasama Darboe – were all freed on 13 January 2004 without being charged.

Jobe was found guilty of "economic crime" on 29 March 2004 and was sentenced to nine years and eight months in prison. Three weeks later, *The Independent's* printing press was torched. Several witnesses questioned by Reporters Without Borders at the time said six armed, masked men came to the printing works at about 2 a.m. on 13 April, fired shots in the air and ordered the employees to lie on the ground. One of them then set light to the new press that had been bought in January, a Heidelberg Kord 64, completely destroying it. Sports

journalist Namory Traoré reacted by spraying gasoline on the intruders, causing them to flee. One, who was badly burned, dropped his firearm.

A person who lives on the same street as the printing works told Reporters Without Borders he saw a "man in uniform" fleeing, apparently burned on the back. During a national assembly session on 23 July, parliamentarian Hamat Bah of the opposition National Reconciliation Party (NRP) claimed that two members of the national guard, Cpl. Sanna Manjang and Sherif Guisseh, participated in the operation and that Manjang afterwards received treatment for his burns at the home of the presidential guard commander, Maj. Bajinka.

The situation took another sudden turn for the worse on 7 July when Demba Ali Jawo, the president of the journalists' union, received a threatening fax with no signature or originating number. Reporters Without Borders has a copy, which reads as follows, with the spelling and grammar of the original:

"7th July 2004

Dear D.A Jawo

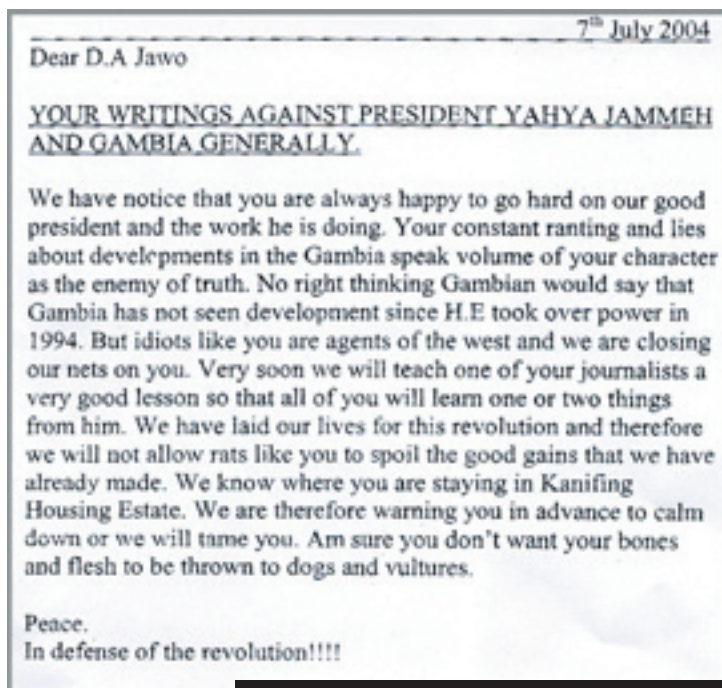
YOUR WRITINGS AGAINST PRESIDENT YAHYA JAMMED AND GAMBIA GENERALLY

We have notice that you are always happy to go hard on our good president and the work he is doing. Your constant ranting and lies about developments in the Gambia speak volume of your character as the ennemy of truth. No right thinking Gambian would say that Gambia has not seen developments since H.E took over power in 1994. But idiots like you are agents of the west and we are

closing our nets on you. Very soon we will teach one of your journalists a very good lesson so that all of you will learn one or two things from him. We have laid our lives for this revolution and therefore we will not allow rats like you to spoil the good gains that wa have already made. We know where you are staying in Kaninfinfing Housing Estate. We are therefore warning you in advance to calm down or we will tame you. Am sure you don't want your bones and flesh to be thrown to dogs and vultures. Peace.

In defense of the revolution!!!!"

The last incident before Hydera's murder was an arson attack at about 3 a.m. on 15



Fax received by the Gambia Press Union



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August on the home of *BBC* stringer Ebrahima Sillah. Someone broke the living room windows, poured gasoline through them and set it alight.

Opposition parliamentarian Sidia Jatta put a question to interior minister Samba Bah in a plenary session of the national assembly on 2 December. According to the *Daily Observer's* report the next day, Jatta asked about the state of the investigations into the attempted murder of Ousman Sillah and the three arson attacks on *The Independent* and Ebrahima Sillah's home. The minister replied that, "investigating crimes is not an easy task because when the acts were being committed, the police were not present and they are relying on good citizens for information." When another opposition parliamentarian, Kemeseng Jammeh, asked if the authorities would respond to Hamat Bah's allegations about the identity of the arsonists in the attack on *The Independent's* printing press, the minister replied: "I think I have made it clear. At this time I cannot say anything to prejudice the ongoing investigations."

Gag laws for a critical press

The 16 December fatal ambush on Sankung Sillah Street came at a time of extreme tension between the privately-owned press and the authorities. Two days before, on 14 December, the national assembly passed two laws that made deep inroads into press freedom. The first, an amendment to the criminal code, abolished fines for press offences and replaced them by sentences of three months to three years in prison for defamation, sedition, dissemination of false news and "derogatory language." Hawa Sise Sabally, the Gambia Press Union's lawyer, said it concerned politicians as well as journalists.

The second one, the Newspaper Amendment Act 2004, had been fiercely criticised by the handful of opposition parliamentarians. It did away with the existing registration of all the country's news media and, from the moment of taking effect, would require newspaper proprietors to buy an operating licence that had risen fivefold in price – from 100,000 dalasis (2,571 euros) to 500,000 dalasis (12,855 euros) – and to register their homes as security for the payment of any fines. If they did not comply, they could not continue publishing.

As Reporters Without Borders' correspondent, Hydera had faxed a dispatch to the Reporters Without Borders Africa desk in Paris on the evening of 14 December. He telephoned the international secretariat on the morning of 16 December to make sure it had all the necessary information to draft a press release protesting against the new laws,

which had been severely criticised in *The Point's* 15 December issue.

The Gambia Press Union thought the two laws were all the more cynical as they had been presented to parliament at the end of a battle between independent journalists and the government over its media commission. Since 1999, The Gambia's journalists had been resisting a media commission that was supposed to "guarantee the impartiality, independence and professionalism of the media." It was closely controlled by the government, which named the main members. Hydera used to call it a "thought tribunal." It had the power to impose a broad range of sanctions on journalists, ranging from fines and imprisonment to censorship. The Gambia's journalists fought it using legal measures and awareness campaigns and they thought they had won when the government announced that it was scrapping the commission on 13 December. But the same day, the ruling majority in parliament presented the two new bills that were passed the next day.

President Jammeh's hostility to journalists is well-known and long-standing. A recent example was his comment in May 2004 when independent media refused to comply with the media commission's latest injunctions. "Either they register, or they stop writing or they go to hell," he said. Hydera immediately wrote to the president condemning his "repugnant and reprehensible" remarks. "The president is in the habit of making scathing comments," Reporters Without Borders was told by a European diplomat based in Banjul. "He is irascible, he fires people left and right and has never hesitated to say things in public that are bordering on the offensive. That's also his personality."

An example of this came on 16 November when Jammeh, who is also defence minister, fired army chief of staff Baboucar Jatta and his deputy, Momodou Bajie, without any explanation. The two were immediately retired. An ally of Jammeh for years, Baboucar Jatta was replaced by Vincent Jatta, who was himself fired for no apparent reason less than a month later, on 22 December. For all these reasons and many others, Hydera was one of the president's most persistent detractors, especially in his column "Good morning Mr. President," in which he wrote with the authority of someone who was the dean of Gambia's journalists, a former president of their union, and someone who was respected and listened to by all his colleagues.

But information minister Amadou Scattered Janneh said this climate of hostility does not mean one can make a link between the new repressive laws and Hydera's murder. "I don't necessarily see a link between the passage of the law and the shooting



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because the bill has already been passed by the national assembly," he said on *Radio France Internationale (RFI)* on 17 December. "He wasn't the only critic," he added. "There were also members of the national assembly who were vehemently opposed to it, even some members of the ruling party voted against it and the other independent newspapers also criticized the bill, so I don't see any link between the law and the shooting."

The Reporters Without Borders representative is not in a position to say at the end of this visit that Hydara was working on a particularly sensitive subject or that a private dispute had pitted him against anyone in particular. "He was used to being threatened, by letter or phone," his partner Saine said. "It had even become the subject of jokes." The only recent threats Hydara had publicly alluded to were anonymous telephone threats. He had mentioned them to a close friend during two lunches, on 13 and on 15 December, the eve of his death. According to Badjie, the police inspector general, Hydara said the threats came from "those who don't like what I publish."

Conclusions and recommendations

Everything suggests that Deyda Hydara was murdered by well-organised professionals in a premeditated operation. As his partner, Pap Saine, should also have been in his car that evening, The Point's entire management may have been targeted. The manner in which the shots were fired at the car indicates there may have been a desire to kill everyone inside. The context of this murder includes the fact that individuals claiming to support President Jammeh had already threatened leading representatives of the independent press in Gambia.

In view, inter alia, of the strong similarities in method of operation, it is not unreasonable to presume a link between Hydara's murder, the attempted murder of lawyer Ousman Sillah, the abduction of Abdoulie Sey, the arson attack on *The Independent* and the arson attack on Ebrahima Sillah's home. Reporters Without Borders noted during its visit that most of the persons it talked to, both journalists and others, regard the police with suspicion. Most of the witnesses cited in this report were afraid of being questioned by the authorities as they were convinced that the state, in one way or another, was involved in Hydara's murder.

Reporters Without Borders therefore recommends the immediate creation of an independent commission of enquiry to establish the circumstances of Hydara's murder and determine who was responsible, with guarantees for the investigation's impartiality and the protection of witnesses.

Reporters Without Borders also noted that Gambia's privately-owned press is under threat, indeed its very existence may be threatened, if the two new laws voted by parliament on the eve of Hydara's murder are promulgated by the president.

In conclusion, Reporters Without Borders once again urges President Jammeh, as it did in a letter on 15 December, not to sign these two acts into law. Together with the Gambia Press Union, it proposes that the government should open negotiations with Gambia's journalists to determine a legislative framework in which the press can function in a professional and untroubled manner. It believes the two laws not only violate press freedom but also constitute a cruel and unjust sanction on the press after the loss of one of its leading representatives.

The organisation wrote to President Jammeh on 5 January 2005 requesting a meeting as soon as possible in order to present this report and its recommendations.