



NATIONAL HUMAN RIGHTS COMMISSION

STATUS REPORT ON THE IMPLEMENTATION OF THE GOVERNMENT WHITE PAPER ON THE REPORT OF THE TRRC



PERIOD:

MAY 2023 – MAY 2024

**STATUS REPORT ON THE IMPLEMENTATION
OF THE GOVERNMENT WHITE PAPER
ON THE REPORT OF THE TRRC**

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Submitted to the National Assembly

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Introduction

As stipulated in the National Human Rights Commission Act, 2017, the functions of the National Human Rights Commission (NHRC) include monitoring, receiving, investigating and considering complaints of human rights violations. The Commission also has the mandate to recommend appropriate remedial action to the Government and seek appropriate redress on behalf of victims. Thus, the Truth, Reparations and Reconciliation Commission (TRRC), cognisant of the mandate of the Commission, recommended in its final Report, submitted to the President on 25 November 2021, that the NHRC should be the ***‘natural body to monitor implementation of the TRRC recommendations to ensure that Never Again in the history of The Gambia will such human rights violations and abuses occur’***. This recommendation was subsequently accepted by the Government in its White Paper on the Report of the TRRC, released in May 2022. The White Paper further obliges the NHRC to submit an annual report to the National Assembly on the status of the implementation of the recommendations.

In May 2023, the Government released the Implementation Plan to its White Paper on the Recommendations of the TRRC (2023-2025). The Plan has been developed to ensure timely and effective implementation of the White Paper and to promote accountability and reconciliation. It also establishes a transitional justice coordination mechanism to oversee the implementation of the White Paper, identifies measures to be taken by the Government towards the implementation and indicates key stakeholders responsible for the implementation of the recommendations.¹

In fulfilment of its reporting obligation to the National Assembly, in May 2023 the Commission submitted the first edition of the TRRC Implementation Report which detailed the progress of implementation of the White Paper from May 2022 to May 2023. In May 2024, the Commission’s online Monitoring Dashboard for the implementation of the Government White Paper went online. This initiative enables implementing entities to make direct entries into the monitoring tool, enhances access to information on the status of implementation, eases the tracking of implementation by stakeholders and ensures effective monitoring of the TRRC White Paper.

This second annual Report examines the status of the implementation of the White Paper and the challenges encountered by implementing institutions from May 2023 to May 2024. The Report also makes recommendations to the Government for the effective and timely implementation of the White Paper.

Methodology

To support its monitoring role, the NHRC has established a Multi-stakeholder Monitoring Support Committee consisting of various stakeholders. This Committee meets quarterly during which members provide updates on actions and measures taken to implement recommendations concerning their institutions. It also facilitates the timely and effective monitoring of the TRRC recommendations, identifies obstacles in the implementation process, and provides strategic advice to institutions on what approaches to take to overcome their challenges for the effective implementation of the White Paper. The institutions represented in the Committee are:

¹ Government of The Gambia ‘Implementation Plan to the Government White Paper on the Recommendations of the Truth Reconciliation and Reparations Commission 2023-2027’ p 8.

- a) The Ministry of Justice
- b) The Gambia Police Force
- c) The Gambia Armed Forces
- d) Office of the President
- e) Office of the Vice President
- f) Ministry of Interior
- g) Ministry of Health
- h) Ministry of Gender, Children and Social Welfare
- i) Ministry of Foreign Affairs, International Cooperation and Gambians Abroad
- j) Gambia Armed Forces
- k) Supreme Islamic Council
- l) Gambia Christian Council
- m) Gambia Prisons Service
- n) Office of the Inspector General of Police
- o) National AIDS Secretariat
- p) TANGO
- q) Gambia Bar Association
- r) Gambia Press Union
- s) The Gambia Center for Victims of Human Rights Violations
- t) Women's Association for Victims' Empowerment – Gambia
- u) Women in Liberation and Leadership
- v) African Network Against Extrajudicial Killings and Enforced Disappearances

In preparing this Annual Report, the Commission relied on information provided by members during the quarterly meetings of the Multistakeholder Support Monitoring Committee. The Commission also requested additional information on the implementation of the White Paper from the implementing stakeholders, including Government Ministries, Agencies and Departments, victim-led organisations and relevant Civil Society Organizations. Information on the implementation was also sought from secondary sources, including print and online media.

Following the completion of the draft Report, relevant stakeholders were invited to a validation workshop on 26 September 2024 to review and provide additional information on the Report to ensure its accuracy. Thereafter, the final draft Report was updated for submission to the National Assembly as required.

Overview of Government White Paper on the Report of the TRRC

The White Paper sets out the Government's position on the findings and recommendations contained in the final Report of the TRRC which was submitted to the President on 25 November 2021.

The White Paper maintained the 17 thematic areas addressed in the TRRC Report. It also covered the additional themes addressed by the TRRC Report namely, Reparations, Reconciliation, Memorialisation, the National Human Rights Commission and Amnesty. Out of the 265 recommendations in the TRRC final Report, the Government, in the White Paper, accepted, to varying degrees, 263 recommendations and rejected 2 recommendations.

Aligning the NHRC Monitoring Matrix with the Implementation Plan to the Government's White Paper on the Recommendations of the TRRC 2023-2027

In May 2023, the Government published the Implementation Plan 2023 - 2027 of the White Paper. The Plan is structured into 22 sections that reflect the TRRC Recommendations. Each activity is categorized into a broad thematic area such as Justice and Accountability; Reparations; Legal Reform; and Institutional Reform and is assigned to one (or more) responsible institution that will lead implementation of that activity. Furthermore, the Implementation Plan identifies 59 key implementing entities, and has a timeline and a budget for the implementation of each of the activities.

As the Commission commenced monitoring of the recommendations in May 2022, prior to the Government's release of the Implementation Plan, it structures the annual Report according to the arrangement of the Themes in the final Report of the TRRC. However, to ensure alignment with the Government Implementation Plan which has clustered the TRRC recommendations into several category areas and identified a timeline for implementation, the Commission, with support from the Secretariat to the Steering Committee on the Implementation of the TRRC Recommendation, is currently reviewing and modifying its own online Monitoring matrix accordingly.

Summary of Status of Implementation as of 25 May 2024

The implementing institutions have taken initiatives and efforts to implement the White Paper despite the slow pace of the process. The Government has published the Implementation Plan and established a multisectoral Steering Committee and its Secretariat at the Ministry of Justice to ensure systematic, coordinated and effective implementation of the White Paper. Many legislations such as the Special Accountability (TRRC) Mechanism Act 2024 and the Victims Reparations Act 2023 have been enacted, and stakeholders have implemented activities or undertaken initiatives identified in the White Paper.

The performance summary for the implementation of the White Paper on the Report of the TRRC indicates an overall implementation rate of *approximately 10%*. However, there are notable variations in the implementation rates across the different themes as shown below:

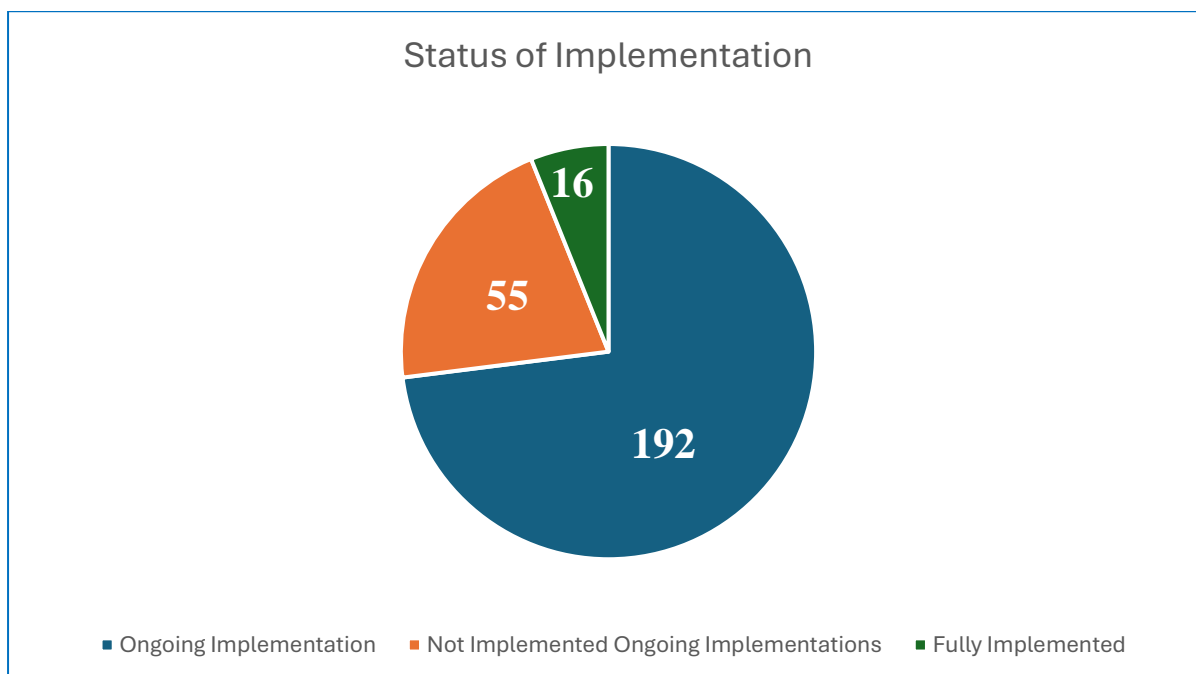
- Theme 6 (Attack on Political Opponents): 14.3%
- Theme 8 (Attack on Religious Freedom): 15.8%

- Theme 10 (The President's Alternative Treatment Programme): 26.1%
- Theme 15 (Institutional Hearings: NIA): 21.4%
- Theme 16 (Institutional Hearings: Prisons): 13.9%
- Theme 17 (Institutional Hearings: Justice Sector Entities): 20%
- Theme 20 (Memorialisation): 22.2%

These variations highlight the differing levels of progress across various the different themes. This information can be found on the NHRC website <https://www.gm-nhrc.org/trrc-dashboard>.

The following is a narrative summary of the progress:

	Status of Implementation	Number of Recommendations
1.	Fully Implemented	16
2.	Implementation Ongoing (at varying stages)	192
3.	Not yet Implemented	55 ²



² No action have been taken on these recommendations at the time of preparing this Report

List of Fully Implemented Recommendations: May 2022 – May 2024

■ Fully Implemented May 2022 – May 2023 ■ Fully Implemented May 2023 – May 2024

s/n	Government White Paper Paragraph Number	Recommendation	Action Taken
Theme 5: Student Demonstrations			
1.	148	Proper training should be provided to the security forces on matters relating to crowd control (riot management), and on security and legal issues concerning the management of violent demonstrations and riots.	The NHRC, GIZ, and other partners have conducted training on the subject for security forces.
Theme 6: Attack on Political Opponents			
2.	171	To take administrative and internal disciplinary measures against Superintendent Almami Manga for unlawfully detaining an infant and her mother without a court or other lawful order.	The Ministry of Justice, in line with the White Paper, referred the recommendation relating to the detention of a mother and infant by Superintendent Almami Manga to the Police for further investigations. Following the investigations, Almami Manga was found not to be culpable and has thus been cleared of the adverse findings made against him. ³
Theme 7: Attack on the Media			
3.	190	A study be carried out on the Criminal Code and the Criminal Offences Bill 2020 and the Criminal Procedure Bill 2019 – with a view to removing/ repealing or amending any provisions contained in it – that are repressive or unduly restrictive or inimical to freedom of expression and of the press in a democratic society.	The Criminal Procedures Bill 2022 and Criminal Offences Bill 2022 are at the Consideration Stage in the National Assembly. An examination of the Criminal Offences Bill 2022 shows that they do not contain provisions that are repressive or unduly restrictive or inimical to freedom of expression and of the press in a democratic society.

³ AG/C378/01 part (114) dated 21/03/23.

4.	197	Repeal Section 173A of the Information and Communications Act 2009 (as amended 2013).	Section 173(A) of Information Act, was repealed in 2021
Theme 10: The President's Alternative Treatment Programme			
5.	289	Impose penalties, criminal or otherwise, on healthcare workers that disclose the status of people living with HIV/ AIDS to anyone, including family members, without obtaining the prior informed consent of the PLHIV.	Section 21 of The HIV and AIDS Prevention and Control Act 2015 provides for the protection of the privacy of PLHIV. The existence of this provision therefore adequately caters for the implementation of the recommendation.
6.	291	Impose penalties, criminal or otherwise, on journalists who disclose the HIV status of a person living with HIV/AIDS to the public without the prior informed consent of the people living with HIV/AIDS.	The HIV and AIDS Prevention and Control Act 2015 prohibits the disclosure of the HIV/AIDS status of any person. The existence of this provision therefore adequately caters for the implementation of the recommendation.
Theme 11: Sexual and Gender Based Violence			
7.	315	Not to prosecute Yankuba Colley, Lang Tombong Tamba and Momodou Hydera for the violations under this theme as they did not appear to have control over the events that were happening at the NIA in March 2006.	The Government has not instituted any legal action against the named persons.
8.	316	Ban David Colley from taking up a government appointed position for 5 years for his roles investigated under this theme.	The recommendation to ban David Coley from taking up a government-appointed position for five years is no longer relevant. Mr. Colley passed away in December 2023 ⁴
9.	324	Expand the One Stop Centre approach for the management of SGBV	Nine (9) One-Stop-Centers have been established in Major and District Hospitals around the country. ⁵

⁴ <https://gambiana.com/gambias-former-prison-service-boss-david-colley-dies/>

⁵ National Gender Policy 2024 – 2025.

Theme 15: Institutional Hearings: National Intelligence Agency (NIA)			
10.	420	Prosecute Yankuba Badjie, Sheik Omar Jeng and Tamba Masireh for their role in the torture against Solo Sandeng and April 14 th 2016 UDP demonstrators at the NIA.	Yankuba Badjie and 6 others former NIA Officers were found guilty of the death of Ebrima Solo Sandeng and the torture of Nogoi Njie and other UDP protesters in 2016. Yankuba Badjie, Sheik Omar Jeng and four others were subsequently sentenced to Death. ⁶
Theme 16: Institutional Hearing: Prisons			
11.	453	Janjanbureh Prisons is also in need of rehabilitation. Whilst the female prison population is small a proper cell needs to be provided for the female inmates.	In June 2022, a modern Prison Wing was built and completed within the Janjanbureh Prison. This Wing houses female inmates and has the requisite facilities such as a Legal Aid Office and a newly constructed Technical and Vocational Training Centre (TVET) to provide livelihood skills to the inmates and facilitate their integration upon release. ⁷
12.	467	The female prison officers who were denied incentives and promotions for refusing to submit to sexual violence by the DG of Prisons David Colley and senior government officials in 2007 should be promoted to the levels of their colleagues who were not subjected to any form of harassment or unfair treatment.	The Female Prison officers who were denied incentives and promotions for refusing to submit to sexual violence by the DG of Prisons David Colley and senior government officials in 2007 due to sexual harassment and unfair treatment were promoted to the next rank. The five victims were promoted to the following ranks: 2 Inspectors, 2 Sub-Inspectors and 1 Sergeant. ⁸
13.	475	A proper cell needs to be provided for the female inmates in Janjanbureh Prison.	The modern Prison Wing that was built within the Janjanbureh Prison in June

⁶ <https://foroyaa.net/court-sentences-yankuba-badjie-co-to-death/>

⁷ Gambia Prisons Services 26th September 2023 Updates

⁸ Updates received from the Gambia Prison Service in 2023

			2022, also has a specific cell that houses female inmates. ⁹
Theme 17: Institutional Hearings: Justice Sector Entities			
14.	495	Guidelines regulating the appointment of foreign judges should also be introduced.	Guidelines regulating the appointment of Judges, including foreign Judges, already exist and continue to be used.
15.	496	The Government should undertake to always respect the Constitutional provisions on judicial independence and the principles of separation of powers as enshrined in the Constitution of The Gambia.	Since the release of the White Paper, the Government has respected constitutional provisions on judicial independence and the principles of separation of powers.
16.	563	The NHRC be given the responsibility of monitoring the implementation of the TRRC recommendations and in that capacity report on the status of implementation and provides an annual report to the National Assembly.	The NHRC is the monitoring body for the implementation of the recommendations and submits annual reports to the National Assembly.

Government White Paper on the Report of the TRRC: Summary of Status of Implementation

Theme 1: Soldiers with a Difference

To initiate the prosecution of individuals recommended for prosecution by the TRRC, the Government of The Gambia, through the Ministry of Justice, has enacted the Special Accountability Mechanism (TRRC) Act 2024 and the Special Prosecutor's Office Act 2024. These legislation are geared towards prosecuting human rights violations that emanated from the TRRC findings and recommendations, and ensuring perpetrators are held accountable for the violations committed.¹⁰ The Special Accountability Mechanism will have three components: the Special Prosecutor's Office (to investigate and prosecute crimes), the Special Criminal Division of the High Court (to adjudicate crimes of a domestic nature) and the Special Tribunal of The Gambia (to adjudicate international crimes). In addition, the Chief Justice, in January 2024, established the Special Criminal Division of the High Court to hear cases of a domestic nature as per the TRRC recommendations.

Cognizant of the fact that the domestic legal framework may not be sufficient to address international crimes, The Gambia-ECOWAS Joint Technical Committee has been set up and

⁹ Gambia Prisons Services 26th September 2023 Updates

¹⁰ <https://freedomnewspaper.gm/gambia-bills-addressing-human-rights-violations-passed-by-gambian-lawmakers/>

has held several working sessions on the establishment of the Special Tribunal for The Gambia. This mechanism will be a hybrid Court to prosecute serious international crimes such as crimes against humanity, enforced disappearances and torture.¹¹

Although there were no statutory provisions for the crimes of torture for the period covered by the TRRC, the Prevention and Prohibition of Torture Act was enacted in 2023 to ensure legislative reform around torture and related offences.

The Ministry of Justice has also incorporated provisions related to bail into the Criminal Procedures Bill 2022 and Criminal Offences Bill 2022. The two Bills are under consideration at the National Assembly. Furthermore, the Ministry of Justice reported that the International Crimes Bill is being reviewed and will soon be resubmitted to the National Assembly for enactment.¹²

Concerning the ban of certain individuals named in the Government White Paper from holding public office, President Adama Barrow in January 2024 assented to the Ban from Public Office (TRRC) Act 2023 which was passed at the National Assembly in November 2023.¹³ The TRRC recommended the banning of 40 officials from holding public office. The Special Adviser to the Attorney General on Transitional Justice indicated that the implementation or enforcement of the Ban of Public Office Act will commence 6 months from its enactment.¹⁴ To kickstart the implementation, the Ministry of Justice will hold consultations with the Ministry of Public Service, Administrative Reform, Policy Coordination and Delivery which will take the lead in implementing provisions of the Act.¹⁵

Theme 2: November 11, 1994, Attempted Coup

The Government has passed several laws, including the Special Accountability Mechanism Act 2024, and the Special Prosecutor's Office Act 2024 to put in place measures for the prosecution of individuals recommended for prosecution by the TRRC. The Ban from Public Office (TRRC) Act, 2023 was enacted into law in January 2024 to give effect to the TRRC recommendation that people implicated in human rights violations be banned from holding public office for specified durations. The Ministry of Public Service, Administrative Reform, Policy Coordination and Delivery, with support from the Ministry of Justice, is tasked to develop guidelines for the effective implementation of the Ban from Public Office (TRRC) Act 2024. As indicated under Theme 1, the Ministry of Justice envisages that implementation of the Ban from Public Office Act 2023 will commence within six (6) months of its enactment. On 30th June 2022, the Ministry of Justice wrote to all heads of institutions to send on administrative leave all serving staff members recommended for banning from public office or prosecution.¹⁶

The Ministry of Justice has drafted the Vetting Bill 2023 to implement security vetting in The Gambia as an important part of the Security Sector and the Public Service Reforms, and to restore trust and integrity in these sectors.¹⁷ The Bill seeks to establish the National Vetting

¹¹ <https://www.voicegambia.com/2024/03/01/gambia-ecowas-joint-technical-committee-meets-on-internationalized-court-for-gambia/>

¹² Ministry of Justice Updates 27 March 2024.

¹³ <https://www.kerrfatou.com/the-gambia-national-assembly-passes-ban-from-public-office-bill-2023/>

¹⁴ <https://standard.gm/40-banned-officials-to-be-removed-from-govt/>

¹⁵ <https://standard.gm/40-banned-officials-to-be-removed-from-govt/>

¹⁶ <https://standard.gm/40-banned-officials-to-be-removed-from-govt/>

¹⁷ <https://www.moj.gm/news/57e99e9a-7e22-11ee-8b02-025103a708b7>

Agency to administer professional and independent security vetting on post holders and potential post holders in the security sector, public institutions and for connected matters.¹⁸ The Agency would also administer, perform and control the process of security vetting in The Gambia, including the issuance and depository of security clearances.¹⁹

Compared to the last reporting cycle, considerable progress has been made under the recommendations relating to the training of security personnel to enhance their understanding and respect for human rights. During the reporting period, the NHRC conducted training for members of the Gambia Armed Forces (GAF), Gambia Police Force (GPF) and other security apparatuses on International Law, International Humanitarian Law, Sexual and Gender-Based Violence (SGBV) and the Code of Conduct for the Police.

The National Assembly, on 5th June 2023, ratified a military training agreement between The Gambia and Turkey which, according to the Minister of Defence, would enhance and broaden the military knowledge, capacity and efficiency of the Gambia Armed Forces.²⁰ In May 2024, the NHRC, in collaboration with the Office of the National Security, developed modules on Human Rights, International Humanitarian Law and Sexual and Gender Based Violence to be integrated into the curriculum of the training schools of the various security agencies. Through a Training of Trainers workshop, 13 law enforcement officers were trained on these modules.

Theme 3: Unlawful killing of Koro Ceesay

As indicated in Theme 1, the Special Prosecutor's Office Act 2024 has been passed into law by the National Assembly, and The Gambia-ECOWAS Joint Technical Committee is working on ways to bring into existence the Special Tribunal (a hybrid court for The Gambia). These mechanisms, when established, will contribute towards holding accountable the individuals responsible for the death of Koro Ceesay.

Following the enactment of the Ban from Public Office (TRRC) Act 2023, which seeks to ban the forty (40) individuals recommended for banning from holding public office, including Alhagie Kanyi, BK Jatta, and Pa Alieu Gomez, the Ministry of Justice envisages that with the necessary steps being taken by the Ministry of Public Service, Administrative Reform, Policy Coordination and Delivery, effective implementation of the Act can take place by the end of 2024.²¹

Theme 4: The Convoy of The President

The Ministry of Justice is setting up the relevant mechanisms to hold members of the Presidential and Vice Chairman's convoys, including former President Yahya Jammeh, accountable for road traffic offences committed resulting in death.

No action has been taken by the Government to regulate the privileges of Presidential convoys or how such convoys operate while guaranteeing the safety of the public.

¹⁸ See the Long Title of the Vetting Bill, 2023.

¹⁹ <https://www.kerrfatou.com/security-vetting-legislation-introduced-by-justice-minister/>

²⁰ https://thepoint.gm/africa/gambia/headlines/deputies-ratify-gambia-turkey-military-training-agreement#google_vignette

²¹ <https://standard.gm/40-banned-officials-to-be-removed-from-govt/>

Theme 5: Student Demonstrations

In November 2023, the National Assembly passed the Victims Reparations Act to provide reparations for victims of human rights violations and other crimes that occurred between July 1994 and January 2017.²²

The Special Prosecutor's Office Act 2024 and Special Accountability Mechanism (TRRC) Act 2024 have been enacted as part of the Government's commitment to justice and accountability.²³

On the prosecution of Former Vice President, Isatou Njie Saidy, Baboucarr Jatta, and Ousman Badjie, the newly passed Special Prosecutor's Office Act, 2024 allows for the investigation and case preparation for all individuals recommended for prosecution. While the Special Prosecutor's Office has not yet been fully operationalized, there is a Prosecution Strategy in place.²⁴

Gorgi Mboob²⁵ and Karamo Gajaga of the GPF are deceased. Thus, recommendations made against them would have to be reconsidered by the Government.

As part of Police reforms, the Gambia Police Force (GPF) plans to establish a Police Training Village which will serve as a one-stop centre for various types of trainings. It has already secured land and is seeking financial support to construct the Village.²⁶

The GPF has developed 18 policies and Standard Operating Procedures (SOPs) in areas such as Code of Conduct, Arrest and Detention Procedures, Community Policing, and Selection and Recruitment.²⁷

The Government is yet to declare April 10th and 11th as public holidays in The Gambia. However, some memorialisation measures have been taken through the memorialization project of the African Network Against Extrajudicial Killings and Enforced Disappearances (ANEKED) which has engaged students countrywide on memorialisation and its importance in promoting non-occurrence.

The International Center for Transitional Justice (Gambia office) is working with six (6) Civil Society Organisations on activities to support the implementation of memorialisation programmes.

Regarding the recommendation for MoBSE and MoHERST to 'implement a structure or process which enables them to meet with student bodies annually and discuss issues which are of concern to the students,' the two Ministries have not set up this mechanism or establish publicly known official channel of communication with relevant student bodies.

²² <https://www.kerrfatou.com/victims-reparations-bill-2023-passed-by-the-national-assembly-of-the-gambia/>

²³ <https://www.moj.gm/news/e43a1aa6-6e79-11ee-8b02-025103a708b7>

²⁴ Input from the Post TRRC Unit of the Ministry of Justice.

²⁵ <https://standard.gm/former-anti-crime-commander-naval-chief-pass-away/>

²⁶ <https://alkambatimes.com/igp-highlights-gains-and-challenges-in-police-reform-efforts-in-the-gambia/#:~:text=While%20substantial%20progress%20has%20been%20made%20in%20the,expressed%20concerns%20over%20the%20misuse%20of%20this%20freedom.>

²⁷ Ibid 7

Regarding the establishment of a rehabilitation center or fund to provide medical assistance and support to victims left permanently incapacitated (be it mentally and/or physically) from the April 10th and 11th incident, there is no evidence that such a center or fund has been established.

Theme 6: Attack on Political Opponents

Concerning prosecution, the National Assembly has passed the Office of the Special Prosecutor's Office Act and the Special Accountability Mechanism Act. These are geared towards holding perpetrators responsible and ensuring victims have justice.

The Gambia Police Force has developed a Standardized Training Manual of Six (6) Volumes. It was adopted on 24 May 2023. It has also developed 18 Standard Operating Procedures that cover various operations such as Arrest and Detention Procedures, and Community Policing.

The National Human Rights Commission conducted a four-day stakeholder training in April 2024 on Victim and Witness Protection for the Ministries of Justice and Interior, the Gambia Police Force, the Gambia Armed Forces, The Association of Non-government Organizations (TANGO), Gambia Press Union (GPU) and the International Centre for Transitional Justice (ICTJ). The training focused on the safety, well-being, and rights of victims and witnesses of crimes.

The NHRC, in the reporting period, conducted specialized human rights training on crowd control, arrest, and detention, for 40 law enforcement Officers. In May 2024, it also conducted a Training of Trainers for 13 law enforcement officers on human rights, humanitarian law and management of Sexual and Gender-Based Violence cases.²⁸

In November 2023 the NHRC conducted a three-day Training of Trainers for 40 security officers on the Code of Conduct for the Gambia Police Force and the Guidelines for Policing Public Assemblies and Demonstrations in The Gambia.²⁹

The Public Order Act is still yet to be reviewed.

The Criminal Offences Bill 2022, which contains provisions that will criminalise some aspects of hate speech, is yet to be passed by the National Assembly. The Peace and Reconciliation Commission is yet to be established by the Government. However, there is a draft Peace and Reconciliation Commission Bill, which is yet to be presented to the National Assembly.

Theme 7: Attack on The Media

The Special Accountability Mechanism (TRRC) Act 2024 and Special Prosecutor's Office Act 2024 have been enacted and they provide the procedures for the investigation and prosecution of perpetrators recommended for prosecution in the TRRC Report.

²⁸ <https://thepoint.gm/africa/gambia/national-news/nhrc-exposes-law-enforcement-officers-to-human-rights-humanitarian-law>

²⁹ <https://thepoint.gm/africa/gambia/national-news/nhrc-wraps-up-security-services-training>

In invoking its universal jurisdiction on war crimes and crimes against humanity, a German court, in November 2023, sentenced Bai Lowe, a former Jungular, to life in prison for his participation in the killing of journalist Deyda Hydara.³⁰

The Gambia Press Union has taken some steps to raise awareness on the Access to Information (ATI) Act 2021, including the development of a simplified Handbook on the Act which was reviewed and validated by stakeholders on 26th September 2023. In December 2023, the Handbook was translated (audio version) into English and 7 other indigenous languages and into a sign language video.³¹ The GPU also conducted a seven-day nationwide town hall meeting (sensitization) on Access to Information and the implementation of the Act. These meetings, held from 4-10 December 2023, were attended by 560 people (490 community members and 70 local Government officials).³²

The Government, through the Ministry of Information, in May 2024, published the names of the five individuals submitted to the National Assembly for consideration and approval as Commissioners of the Information Commission, in line with the Access to Information Act, 2021. The individuals identified to be Commissioners are Neneh MacDouall-Gaye, a former journalist and Information Minister between 2005 and 2008; Bai Emil Touray, a seasoned journalist and ex-President of the Gambia Press Union; John Charles Njie, a notable civil society figure and former Chairperson of TANGO; Baboucarr Cham, an experienced broadcaster and Chairperson of the Media Council of the Gambia; and Ya Amie Touray, an experienced legal practitioner and a lecturer at the Faculty of Law, University of The Gambia.³³

The Government has yet to extend any standing invitation to the UN Special Rapporteur on Freedom of Opinion.

The Criminal Offences Bill 2020 is before the National Assembly. It is now at the consideration stage.³⁴ The National Assembly in March 2024 amended 87 out of 330 sections of the Bill and differed its adoption till further notice.³⁵

Section 173A of the Information and Communications Act 2009 (as amended 2013) was repealed in 2021. This section introduced a 15-year prison term and a fine of 3 million Dalasis (GMD 3M) to any individual convicted of using the Internet to spread false news or make derogatory statements, incite dissatisfaction, or instigate violence against the government or public officials.

³⁰ <https://www.bbc.co.uk/news/world-africa-67577034>

³¹ GPU Updates [Gambia Stakeholders Review Draft Simplified Access to Information Law \(gpu.gm\)](https://gpu.gm/gambia-stakeholders-review-draft-simplified-access-to-information-law/)
<https://gpu.gm/gambia-stakeholders-review-draft-simplified-access-to-information-law/>

³² as above.

³³ <https://alkambatimes.com/gambian-journalists-express-mixed-feelings-over-the-appointment-of-former-jammeh-minister-as-chair-of-the-ati-commission/>

³⁴ <https://foroyaa.net/national-assembly-continues-to-consider-criminal-offences-bill-2020/>

³⁵ <https://thepoint.gm/africa/gambia/headlines/gambias-80-year-old-criminal-law-deferred-for-adoption#:~:text=The%20National%20Assembly%20Standing%20Committee%20on%20Human%20Rights,Code%27s%20first%20comprehensive%20review%20in%20over%2080%20years.>

Theme 8: Attack on Religious Leaders

Activista-The Gambia, in collaboration with ActionAid International The Gambia, on 3rd August 2023, organised a religious tolerance and peaceful coexistence dialogue to address religious indifferences in the country. Members of the Gambia Christian Council and the Supreme Islamic Council participated in the event.³⁶

The Government indicated its commitment to reform the Supreme Islamic Council under a legal framework, to ensure the Head of State or any government official does not have the power to influence the decisions of the Council. However, no action has been taken towards the fulfilment of this commitment.³⁷

The Constitution is yet to be amended to include a provision on the separation of the State and religion.

The Peace and Reconciliation Commission Bill, 2023, which seeks to promote and foster peace and reconciliation, national unity, healing and social cohesion, has yet to be presented to the National Assembly.

Through its “The Duty to Remember Memorialisation Project”, ANEKED, from May 2023 to May 2024, organised exhibitions to sensitise teachers from 35 Senior Secondary Schools and 10 youth groups in KM, WCR, CRR and URR, on the gross human rights violations that happened during the former regime. The exhibitions provided young people with the opportunity to ask questions about human rights and to understand their roles and responsibilities in promoting a culture of human rights and respect for the rule of law.³⁸

ANEKED, in February 2023, signed a Memorandum of Understanding (MoU) with The Gambia College and Beakanyang, a Civil Society Organisation, to actively involve students in human rights education programmes. Through these collaborations, ANEKED has been engaging teacher trainees and establishing human rights-friendly clubs in Senior Secondary Schools.

The Government is yet to establish a Peace Committee for Kerr Mot Ali as recommended by the White Paper.

Theme 9: The Jugulars, Unlawful killings, Torture, and Other human rights violations

The National Assembly in March 2023 passed the Mutual Legal Assistance Act 2023³⁹ which will enable cooperation with foreign law enforcement agencies in the prosecution of offences.

The Ban from Public Office (TRRC) Act was also passed by the National Assembly on 1st November 2023⁴⁰ and assented to by the President in January 2024. The Act seeks to ban individuals adversely mentioned in the Report of the TRRC and accepted in the White Paper from holding public office. The implementation of this Act, including the development of the implementation guidelines, will be done by the Ministry of Public Service, Administrative

³⁶ Gambians to promote interfaith tolerance - The Point

³⁷ Gov't accepts reformation of Supreme Islamic Council - The Point

³⁸ ANEKED Updates 13 December 2023.

³⁹ Ministry Of Justice updates

⁴⁰ R Jawo ‘The National Assembly passes Ban from Public Office Bill 2023’ *Kerr Fatou* 2 November 2023.

Reform, Policy Coordination and Delivery with support from the Ministry of Justice. The Implementation of the Ban from Public Office Act is expected to be done by the end of 2024. In March 2024, the Gambia Center for Victims of Human Rights Violation held an information session on mental and psychosocial support for the families of victims of enforced disappearances and extrajudicial killings.⁴¹

The NHRC, in collaboration with the Office of National Security, from 5th to 7th December 2023, trained 40 law enforcement instructors on freedom of expression and assembly, the Code of Conduct for the Gambia Police Force and the Guidelines for Policing Public Assemblies in The Gambia.⁴²

No action has been taken on the below-mentioned recommendations which await the operationalization of the Special Prosecutor's Office:

1. Put in place a mechanism to identify the burial sites of victims, exhume their remains and conduct their proper identification with a view to handing them over to their families for proper burial.
2. Conduct further investigations into the killings of Mariam Camara and Alpha Jallow with a view to prosecuting those found responsible.
3. Locate Solo Bojang and secure his cooperation in identifying the burial sites.

For the prosecution of the Jungulars and others adversely mentioned in the killing of Sulayman Ndow, the ECOWAS Court in July 2023 found that The Gambia violated the right to life and right to remedy of Sulayman Ndow and ordered the State to pay reparations to his daughter.⁴³

Theme 10: The President's Alternative Treatment Programme

See the progress updates on setting up the Special Prosecutor's Office and Special Accountability Mechanism under Theme 1.

Regarding the recommendation *"Charge and Prosecute former President Yahya Jammeh and Dr. Tamsir Mbowe with murder for intentionally and knowingly causing the death of people living with HIV/AIDS (PLHIV), who were conscripted in the sham PATP and deprived of life-saving treatment"*, there is no evidence to show that the relevant authorities have conducted further investigation to ensure former President Jammeh and Dr. Tamsir Mbowe are dealt with according to law based on the outcome of the investigations. Dr. Tamsir Mbowe's licence to practise has not yet been revoked.

In December 2023, ActionAid International The Gambia, in collaboration with the National AIDS Secretariat, conducted a three-day sensitization for religious groups on the existence, impact, and how to prevent the spread and or contamination of HIV/AIDS.⁴⁴

⁴¹ <https://www.facebook.com/share/p/5h3x3fyT7cFB5F18/>

⁴² The National Human Rights Commission Activity Report 2023 p 35.

⁴³ <https://www.ihrda.org/wp-content/uploads/2023/07/Communique-ECOWAS-Court-judgment-on-Nana-Jo-N-v.-Gambia-case-July-2023.pdf>

⁴⁴ <https://thepoint.gm/africa/gambia/national-news/actionaid-gambia-sensitises-imams-on-hiv-aids>

The capacity of the National AIDS Secretariat (NAS) has been strengthened for the effective delivery of HIV and AIDS service delivery through the training of 120 healthcare workers on stigma and discrimination and how to protect the privacy of PLHIV.

In 2022, NAS and partners developed and submitted a budget under the Global Fund Grant Cycle 7 to support the implementation of HIV response activities in The Gambia, including activities on differentiated Service Delivery Model, index testing, HIV self-testing and treatment for HIV-positive patients. This funding cycle, approved in 2023, is expected to help The Gambia attain the 95-95-95 set targets – to diagnose 95% of PL-HIV, provide antiretroviral therapy (ART) to 95% of the PLHIV diagnosed, and ensure 95% of all those receiving ART achieve viral suppression.

The existing regulations on the use of herbal medical products and the Medicines and Related Products Act 2014 remain poorly enforced. Significant efforts have also not been made to strengthen mechanisms to discipline medical personnel who violate the rules and regulations governing the conduct of medical practitioners.

Although primary and secondary education remain free in The Gambia, there is no evidence to confirm that children orphaned by HIV are given other specific support.

Theme 11: Sexual and Gender-Based Violence

The enactment of the SPO Act 2024 and the SAM Act 2024 lay the blueprints for prosecutions.

On 15th May 2024, a Court in Switzerland, relying on Universal Jurisdiction in International Criminal Law, sentenced Ousman Sonko, a former Minister of Interior of The Gambia between 2006 and 2016, to 20 years imprisonment for his participation in murder, torture, false imprisonment and other crimes. The charges of sexual violence were dropped due to the Court's lack of jurisdiction.⁴⁵ However, the Special Prosecutor's Office Act 2024 has been passed into law and is expected to investigate SGBV cases.

In May 2024, the NHRC conducted a Training of Trainers workshop for 13 security personnel on human rights and Sexual and Gender-based Violence, to integrate gender into the curricula of the various law enforcement agencies.

There is no mandatory requirement for institutions to have SGBV Policy. Much investment has not been made in research, training and behavioural change communication to address SGBV. Education and sensitisation of people on Sexual and Gender-Based Violence through community-based outreach activities, civic education, and women's empowerment initiatives remains low.

Funding for the Child and Gender Protection Units of the Gambia Police Force remains insufficient. Despite the establishment of SGBV Units in some Police Stations, the capacity of the officers, the existence of structures that 'will reflect the new trend', the availability of experts such as psychologists, interpreters, social workers, vehicles and fuel to enable the Units to always embark on sensitization to prevent SGBV crimes remain inadequate or lacking in some instances.

⁴⁵ <https://www.nytimes.com/2024/05/15/world/africa/gambia-crimes-switzerland-conviction.html>

Regarding the prosecution of Foday Barry, Baba Saho, Kawsu Camara (Bombardier), Alagie Martin, Solo Bojang and Sheikh Omar Jeng for the multiple crimes they committed, including the sexualized tortures they carried out, it is expected that the Special Accountability Mechanism and the Special Prosecutor's Office which are being set up would investigate and prosecute them accordingly.

The recommendation to ban David Coley from taking up a government-appointed position for five years is no longer relevant. Mr. Colley passed away in December 2023.⁴⁶

The Victims Reparations Act 2023 has been enacted but neither the Victim Support Fund nor the Commission are yet to be operational.

The recommendations to establish and strengthen safe spaces for victims of SGBV, especially female victims, is not yet implemented.

The Government is yet to take steps or put in place measures *'to make it mandatory for all institutions, including private and civil society, to put in place sexual abuse and harassment policies in place as required by the Women's Act 2010 and the National Women's Policy'*.

Paragraphs 330 and 331 of the White Paper which recommend ensuring a special focus on research and partnering with agencies in researching SGBV are not implemented.

The NHRC has not yet implemented the recommendation on paragraph 337 of the White Paper which requires it to set up and lead a multisectoral SGBV Working Group that periodically investigates, promotes, reports and monitors State institutions' implementation of laws that protect women.

Theme 12: President's Witch Hunt Exercise

The Government of The Gambia has enacted legislation (Special Accountability Mechanism and Special Prosecutor's Office Acts) to establish the mechanisms to prosecute perpetrators adversely mentioned in the Report of the TRRC.

The Gambia Police Force has not reported any measures taken against Tamsir Bah for unlawful arrest and detention of Nyima Jarju and her mother-in-law during the Witch-hunt in 2009. The incident took place at the Sibanor Police Station.

The Ban from Public Office Act 2023 has been passed and is expected to be fully implemented within six months of its enactment.

ANEKED continues to provide civic education to young people in schools and youth groups in all the regions through its memorialisation awareness-raising education programmes and travelling exhibition project. For this reporting period, ANEKED engaged over 538 students and 12 teachers from 35 Senior Secondary Schools, and 10 youth groups. Through these memorial exhibitions these young people were informed of the gross human rights violations that happened during the former regime. They also discussed human rights and the roles and responsibilities of young people in the promotion of a culture of respect for human rights and the rule of law in The Gambia.

⁴⁶ <https://gambiana.com/gambias-former-prison-service-boss-david-colley-dies/>

The Criminal Offences Bill 2023 as presented to the National Assembly did not criminalise the labelling of people as witches. However, the Government intends to introduce such a provision at the consideration stage. The Bill is now at the Consideration Stage but there is no evidence that the provision has been introduced or included in it.

There has not been specific training for security officers on the negative impact of witchcraft in society and how damaging it is to individuals accused of being witches/wizards.

Theme 13: Enforced Disappearances

As already indicated, the National Assembly on 6th March 2023 passed the Victims Reparations Act 2023.⁴⁷ Legislation has also been enacted to establish mechanisms to prosecute perpetrators of human rights violations, including former President Yahya Jammeh and the ‘Jungulars.’⁴⁸

In May 2023, the Government established a Task Force on Enforced Disappearance with the main mandate to seek information and determine the whereabouts and fate of individuals who cannot be located due to actions taken during the rule of former President Yahya Jammeh. However, the process of ascertaining the identities of the missing babies and investigating their fate and whereabouts has not commenced.

The Ministry of Justice, in collaboration with ANEKED, in June 2023, held a training with forensic experts (Argentine Forensic Anthropology Team and the University of Chicago Law School Global Human Rights Clinic) to help victims identify their missing loved ones. The experts engaged families of the victims of November 11th, State prosecutors, legal practitioners, doctors, academics and the Gambia Police Force on the need to begin investigations of missing persons.⁴⁹

In August 2023, ANEKED, in collaboration with the Forensic Academy of Guatemala, conducted training for family members of victims of enforced disappearances on approaches and strategies to obtain “*Certificates of Absence and Death Certificates*” for their missing ones.⁵⁰

Theme 14: The Killing of The West African Migrants

The Special Prosecutor’s Office Act 2024, the Special Accountability Mechanisms Act 2024, and the Ban from Public Office (TRRC) Act have been enacted.

In May 2024, Ousman Sonko was sentenced to 20 years imprisonment by a court in Switzerland for multiple counts of intentional homicide, torture and false imprisonment that were committed in The Gambia.⁵¹ In November 2023, Bai Lowe, a Jungular, was also sentenced to life imprisonment by a German Court in Celle for crimes against humanity.⁵²

⁴⁷ Update from the Ministry of Justice

⁴⁸ This was a name for Yahya Jammeh’s hit squad.

⁴⁹ <https://www.moj.gm/news/f7ffb4b5-1003-11ee-8b02-025103a708b7>

⁵⁰ https://www.facebook.com/story.php?story_fbid=681396634031568&id=100064837112559&rdid=3wSHjka1CcNTwjGL

⁵¹ <https://www.nytimes.com/2024/05/15/world/africa/gambia-crimes-switzerland-conviction.html>

⁵² <https://www.bbc.co.uk/news/world-africa-67577034>

Regarding Paragraph 404 of the White Paper, there is no evidence to show that the Government has worked with the National Records Services to institutionalise the modern forms of record keeping for the police as well training security personnel on the accurate collection, documentation and preservation of data obtained during investigations.

Theme15: Institutional Hearings: National Intelligence Agency (NIA)

Yankuba Badgie, Sheikh Omar Jeng, Baboucarr Sallah, Masireh Tamba and Lamin Darboe have already been tried and sentenced to death by the High Court of Banjul for the murder of Solo Sandeng.⁵³

Edrissa Jobe (Alhagie Morr) who is outside of the jurisdiction is reported to have been arrested in Scotland⁵⁴ but is yet to be extradited to The Gambia or tried outside of The Gambia for torture as an international crime.

On February 29, 2024, The Gambia-Economic Community of West African States (ECOWAS) Joint Technical Committee held its inaugural meeting on the establishment of a hybrid court to hold to account those responsible for gross human rights violations committed between July 1994 and January 2017 during the regime of former President Yahya Jammeh. The Court, when established, will support efforts to deliver criminal accountability to the victims.⁵⁵

The security forces are undergoing regular training on international human rights instruments ratified under AU, ECOWAS, and UN.⁵⁶ Collaborations with relevant institutions for regular human rights training and instruments have been developed.⁵⁷

The Ban from Public Office (TRRC) Act has been enacted.

The Government has not yet taken any action regarding paragraph 424 which recommends the reprimand of Lt. Col Amadou Bojang, Ebrima Ceesay, Babucarr Trawally, Alpha Bojang and Babucarr Singhateh for the torture and unlawful detention of Pa Alasan Jallow, Ebrima Keita and Musa Fofana.

The Government has not yet repealed the National Intelligence Agency (NIA) Act.

The NIA, like other security agencies, continues to benefit from human rights training organized by NHRC and other partners. This effort is towards the implementation of the recommendation which requires the staff of the NIA to undergo adequate and comprehensive training to inculcate a culture of discipline and values that promote respect for fundamental human rights and freedoms and uphold the rule of law in a democratic system.

⁵³ EX-NIA DG, 4 OTHERS SENTENCED TO DEATH – The Standard Newspaper | Gambia

⁵⁴ <https://freedomnewspaper.gm/scotland-alleged-torturer-alagic-morr-jobe-arrested/>

⁵⁵ <https://www.ictj.org/latest-news/gambia-opts-hybrid-court#:~:text=On%20February%2029%2C%202024%2C%20The,and%20January%202017%20during%20the>

⁵⁶ <https://www.gm-nhrc.org/trrc-dashboard>

⁵⁷ <https://www.gm-nhrc.org/trrc-dashboard>

Theme 16: Institutional Hearings: Prisons

The Government has not yet developed an approved Scheme of Service for the Prison Services.

The Vetting Bill which is “expected to guarantee the right people serve in the right positions” is yet to be presented to the National Assembly.

The Government is yet to develop a strategy and a roadmap for the modernization of the prison system in line with The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

The Government has not yet implemented the recommendation on the provision of adequate subvention to the Prison Services to ensure proper provision and maintenance of food and the general upkeep of the prison.

The following paragraphs from the Government White Paper have not yet been implemented:

Paragraph 456: Provision of appropriate training to cooks necessary to be able to discharge their responsibilities effectively and efficiently; Putting in place a system to provide regular medical check-ups for cooks and food handlers to ensure that they do not transmit communicable diseases

Paragraph 459: Provision of all Prisons with adequate quarantine cells to contain infectious diseases or persons suffering from these diseases should be removed from prison and placed under adequate care until they recover to continue their prison term.

Paragraph 461: All prisons should have an ambulance for quick and easy referrals to the nearest health facility.

Paragraph 463: Review and revise existing sentencing guidelines to avoid imposing long custodial sentences for misdemeanours and other petty offences, especially those committed by young people.

Paragraph 464: Develop alternative systems to imprisonment to ease overcrowding in prison such as probation, community service etc.

The National Assembly has passed the Ban from Public Office (TRRC) Act, 2023.⁵⁸ The Act contains substantive provisions for the banning of public officials as recommended in the Report of the TRRC. However, its implementation is yet to commence.

In June 2021, Justice Defenders, an international NGO, set up paralegal services in all three prisons of the country to expedite the court proceedings of inmates.

The Ministry of Interior has also reported that the Gambia Prisons Service has in place operational health clinics to attend to the needs of the inmates.⁵⁹

⁵⁸ <https://www.kerrfatou.com/the-gambia-national-assembly-passes-ban-from-public-office-bill-2023/>

⁵⁹ Gov't Says Prisons Reforms Ongoing – The Standard Newspaper 24 August 2023| Gambia

In October 2023, sixty-eight (68) inmates and two (2) officers of the Mile 2 Central Prison graduated after completing training on tailoring, electrical installation and bicycle repairing which was conducted by Insight Training Institute as part of its efforts to provide rehabilitation to inmates.⁶⁰

In June 2022, a modern Prison Wing was built and completed within the Janjanbureh Prison. This Wing houses female inmates and has the requisite facilities such as a Legal Aid Office and a newly constructed Technical and Vocational Training Centre (TVET) to provide livelihood skills to the inmates and facilitate their integration upon release.⁶¹

The Gender Unit of the Prisons Services has been trained on Gender-Based violence. Five (5) Prison officers benefitted from human rights training and 10 officers were sent to Nigeria for training on leadership.⁶²

In May 2023, the Chief Justice, Hassan B. Jallow, established the Judiciary Prison Visiting Committee in line with section 143 (1) of the 1997 Constitution. The Committee has visited prisons to review cases of individuals held in remand with the hope of expediting their court proceedings.⁶³ In July 2023, the Judiciary, in accordance with the practice of allocating one month annually to expedite criminal cases before the courts, concentrated on the trial of criminal cases to expedite the conclusion of criminal cases.

The Ministry of Interior has reviewed the Prisons Act 1953 and, in 2023, developed the Prisons Bill 2023. However, the Bill is still undergoing further review. It is not known when it will be submitted to the National Assembly.

The Special Prosecutor's Office Act and the Special Accountability Mechanism Act have been enacted to initiate the process of prosecuting perpetrators adversely mentioned in the Report of the TRRC. The Special Criminal Division of the High Court is also in operation.

Theme 17 Institutional Hearing: Justice Sector Actors

While the Judicial Service Commission remains the sole body that oversees the affairs of judicial officers, section 141 (2) (c) of the 1997 Constitution which grants power to the President to dismiss Judges has not been repealed to ensure the security of tenure of Judges, as recommended in the Report of the TRRC.

In September 2023, the Ministry of Justice released its first edition of "Nna Nyanto"⁶⁴ Newsletter which focuses on legal matters, and transitional justice. The newsletter also provides updates on the post-TRRC.⁶⁵ Two (2) other editions have been published so far.

The recommendation against former Attorney General and Minister of Justice, Lamin A.M.S Jobarteh, is still pending before the General Legal Council.

⁶⁰ Inmates And Officers Graduation At Prisons | The Gambia Prison Service (gov.gm) <https://gps.gov.gm/inmates-and-officers-graduation-prisons>

⁶¹ Gambia Prisons Services 26th September 2023 Updates.

⁶² The Gambia Prison Services 1st Quarter 2024 Updates

⁶³ Committee Expresses Concern About Incarcerating Mentally Ill People at Mile 2 Prison – Foroyaa Newspaper

⁶⁴ 'A Mandinka term which translates as 'My Rights'

⁶⁵ <https://www.moj.gm/news/e43a1aa6-6e79-11ee-8b02-025103a708b7>

In December 2023, a Special Adviser on Transitional Justice to the Minister of Justice was appointed.⁶⁶ The official has since assumed office and is coordinating the implementation of the Government White Paper on the Report of the TRRC.

The positions of Attorney General and Minister of Justice remain fused. Section 141 (2) (c) of the 1997 Constitution remains unchanged.

Since the failure of the Draft Constitution in the National Assembly in September 2020, efforts to revive the constitutional reform process remain futile.

Reparations

The Government has not yet put in a place a mechanism to identify the burial sites of victims and conduct proper identification of their remains to be given to their families for proper burial.

In November 2023, the National Assembly passed the Victims Reparations Act. However, the Commission to facilitate its implementation is not yet set up. The Ministry of Justice, since March 2024, has been supporting the Selection Panel to develop and implement a methodology for the selection of Commissioners for the Reparations Commission. The Call for Applications and Nominations for Commissioners of the Reparations Commission was launched on 19 March 2024, with an initial application deadline of April 9, 2024, which was later extended to 30 April 2024. A selection process in line with the Act was conducted and there are plans to interview the successful applicants.

The Alliance of Victim-led Organizations on 5th April 2024 met with President Adama Barrow to discuss matters regarding the implementation of the Government White Paper on the Report of the TRRC. The President informed the group of the commitment of the Government to fully implement the recommendations. Some of the victims informed the President that the remains of the November 11 Coup d'état victims remain at the EFSTH in Banjul awaiting forensic examination.

No action has been taken by Gambia Armed Forces to honourably discharge soldiers who were unlawfully discharged.

In March 2024, the Gambia Center for Victims of Human Rights Violation held an information session on mental and psychosocial support for the families of victims of enforced disappearances and extrajudicial killings.

The Government unveiled the cost of renovating the Arch 22, to be renamed Never Again Memorial, amounting to D12 million.⁶⁷ However, the renaming of the Arch 22, which was scheduled for the second quarter of 2024, has not yet happened.

There are no reports of MoHERST and MoBSE announcing educational support packages to students who have had their schooling interrupted to enable them to complete their education.

The Victim Center, in collaboration with the Forensic Academy of Guatemala, implemented a three-month project (March 2024 – May 2024) that seeks to ease the legal and emotional

⁶⁶ <https://thepoint.gm/africa/gambia/national-news/ag-chambers-appoints-transitional-justice-adviser>

⁶⁷ <https://thepoint.gm/africa/gambia/headlines/renovation-and-renaming-of-arch-22-to-cost-12m>

burdens of 21 families of enforced disappearances by facilitating their access to certificates of absence/dead certificates.

On 13 March 2024, the NHRC validated the National Victims and Witness Protection Policy.⁶⁸ It also conducted a four-day stakeholder training on the Policy in April 2024 for the Ministries of Justice, Interior, the Gambia Police Force, the Gambia Armed Forces, The Association of Non-government Organizations, The Gambia Press Union and the International Centre for Transitional Justice. This provided participants with knowledge of the safety, well-being and rights of individuals who suffered from crimes or are witnesses to such crimes.⁶⁹

ANEKED Gambia, in December 2023, conducted a travelling exhibition in Basse where schools (Nasir Ahmadiyya Muslim High School, St. George's Technical Junior Senior Secondary School), the Basse Area Council and communities participated in promoting remembrance and honouring of the victims. It also conducted weekly engagement with students and youth organizations in The Gambia and share victims' stories with people who visit its Memory House.⁷⁰

The Women Association for Victims Empowerment (WAVE) and Social Change Factory from November 2023 - May 2024 conducted a six-month-long training for 20 young people on transitional justice, gender analysis in reparations, human rights, youth peace and security agenda amongst others.

In December 2023, the Ministry of Health set up a Medical Board to facilitate the treatment of the victims. Every week, the Board is expected to review a minimum of four victims.⁷¹

Reconciliation

The Ministry of Interior is leading the drafting of the Peace and Reconciliation Bill.⁷² The Bill provides for the establishment of the Peace and Reconciliation Commission, and promote and foster peace, reconciliation, national unity, healing and social cohesion.

The Ministry of Interior, in August 2023, established a functional Peacebuilding Unit (PBU) which serves as the fulcrum for the coordination of Government peacebuilding and reconciliation efforts. Between 8th May and 5th June 2024, the Ministry also identified and trained 38 Insider Mediators who are based in all the Regions of the country.⁷³

The EU-UNDP Partnership Project on Insider Mediation for Conflict Prevention and Peace Building in the Gambia, in August 2023, convened a two-day consultative conference to develop the draft Eligibility Criteria to guide the identification of Insider Mediators at the national and decentralised levels.⁷⁴

The Supreme Islamic Council in February 2023 commenced the drafting of a Memorandum of Understanding to be entered into with the Ministry of Justice and the Ministry of Regional

⁶⁸ <https://thepoint.gm/africa/gambia/headlines/nhrc-endorses-robust-protection-measures-for-victims-and-witnesses>

⁶⁹ <https://thepoint.gm/africa/gambia/national-news/nhrc-ends-victim-witness-protection-training>

⁷⁰ https://www.facebook.com/story.php?story_fbid=759308832895182&id=100064482172633&rdid=fn4GVNTZD1HhUbgn

⁷¹ Updates from the Ministry of Justice 27 March 2024.

⁷² Updates from UNDP 25th September 2024.

⁷³ Updates from Ministry of Interior.

⁷⁴ As above.

Administration, Lands and Religious Affairs to support the Council with the implementation of recommendations relevant to it.⁷⁵ However, this MoU has not been signed as the parties continue to examine it.

Memorialisation

The Arch 22 in Banjul is yet to be renamed. The Government is yet to erect a permanent plaque on the Arch with the names of the victims who lost their lives and has also not set up exhibitions of relevant themes covered by the TRRC for continuous sensitisation and awareness creation.

The Government has not yet consulted with victims and victim led organisations on the development and implementation of a comprehensive national memorialisation framework that represents all victim groups.

During the reporting year, the National Council for Arts and Culture was in the process of establishing a Steering and Technical Committees on Memorialisation. They are also hiring a consultant to develop a strategy for the implementation of the recommendations.

Amnesty

The Ban from Public Office (TRRC) Act has been enacted to ban some of the named perpetrators from holding public office.

The implementation of the Government Prosecution Strategy will guide the granting of amnesty and prosecution.

The National Human Rights Commission

The NHRC's online monitoring matrix, which was developed in 2022, is now accessible online. This monitoring tool will ease the tracking of recommendations implemented by stakeholders.

The NHRC, in May 2024, conducted Training of Trainers for various security officers on human rights, Humanitarian Law and handling of SGBV cases.

The NHRC also continues to popularize the Government White Paper on the Report of the TRRC.

The NHRC is not assigned the sole responsibility of archiving the records by the Government. On 3 April 2024, the Government inaugurated the Task Force on Archiving. This Task Force includes the Attorney General's Chambers and Ministry of Justice (Chair), Ministry of Information, Ministry of Communications and Digital Economy, National Human Rights Commission, National Intelligence Agency (State Intelligence Service (SIS), National Records Service (National Archives), Gambia National Library, Alliance of Victim-led Organisations, and Gambia Radio and Television Services (GRTS). The Task Force is to ensure proper and comprehensive archiving and preservation of TRRC and other Transitional Justice national documents to ensure their long-term accessibility and protection.

⁷⁵ Updates from the Supreme Islamic Council.

Challenges

The Commission commends the Government and other implementing entities for their continued efforts to implement the White Paper on the Report of the TRRC despite the slow pace of implementation. A significant contribution to the implementation process has been the appointment of a Special Adviser to the Minister of Justice on Transitional Justice and the establishment of the Post-TRRC Unit at the Ministry of Justice. These developments greatly contributed to enhancing coordination and collaboration in the implementation process.

The Commission, however, is concerned that since the White Paper was released in May 2022 and at the end of its reporting period, only 16 recommendations have been fully implemented. The Commission urges the National Assembly to call on the Government to accelerate the implementation of the White Paper to illustrate its commitment to the transitional process, and to commit the necessary budgetary support to the process.

Challenges highlighted by implementing entities and other stakeholders in the period under review include:

- a) **Lack of Political will:** Victims and their families have raised concerns about the lack of political will to implement recommendations which they believe is hampering the effective implementation of the White Paper.
- b) **Human Resources:** The Gambia Prisons Services have decried the lack of resources to enhance the capacity of its personnel on human rights and effect better prison management.
- c) **Inadequate Communication and information dissemination:** Engagements with communities show that they are not regularly kept updated about the progress of implementation of the TRRC recommendations.
- d) **Slow Pace of implementation:** The prolonged delay in the establishment of the Reparation Commission and the inadequate human resources at the Post-TRRC Unit is hampering effective implementation.
- e) In town hall meetings organised by the NHRC and partners, victims continue to express growing frustration over the slow pace of the implementation process.
- f) **Inadequate Financial Resources:** Many of the implementing institutions expressed the unavailability of adequate financial and human resources to support them in implementing recommendations pertaining to them.
- g) **Weak Coordination:** There remains weak coordination between and amongst implementing institutions which is affecting the implementation process. This also hinders the ability of the NHRC to access data or information from implementing institutions.

Recommendations

1. **Prioritisation and Approving of Earmarked Financial Allocations:** The Ministry of Finance, and subsequently, the National Assembly, should prioritize and approve the allocation of financial resources earmarked for implementing entities for the implementation of the White Paper on the Report of the TRRC, including for more effective coordination of, and communication on the implementation process.
2. **Expediting Justice Sector Reforms:** The Ministry of Justice should expedite the Justice Sector Reform process and revive the Law Reform Commission to make it more effective and actively functional. Overall, the Government should prioritize the revision and/or introduction of laws aimed at accelerating the implementation of the White Paper on the Report of the TRRC.
3. **Revival of the Steering Committee on Security Sector Reform:** The Minister of Justice should revive the Steering Committee on Security Sector Reform to expedite the Security Sector Reform process.
4. **Provide Adequate Resources to the Office of National Security:** The Office of National Security should be provided with adequate technical, financial and human resources to enhance collaboration and coordination on the implementation of the SSR Strategy.
5. **Security Agencies to ease NHRC access to them:** Security institutions should be more transparent and accessible to the National Human Rights Commission as a monitoring institution, especially regarding the submission of information on the status of their implementation of the recommendations assigned to them.
6. **Holding Perpetrators Accountable:** The Government should explore further domestic and international accountability options to ensure that perpetrators are investigated and held accountable.
7. **Operationalisation of the Reparation Commission:** The Ministry of Justice, Ministry of Finance and all other relevant Ministries should expedite the operationalization of the Reparations Commission.
8. **Intensifying Awareness Raising Efforts:** Stakeholders should intensify efforts to raise awareness of the TRRC Recommendations, the Government White Paper and the status of implementation.
9. **Supporting Mental Health Rights of Victims:** The Ministry of Health, in collaboration with the Ministry of Gender, Children and Social Welfare, to build the capacity of existing structures to support victims' mental health and psychosocial wellbeing and rehabilitation.
10. **Integration of the Human Rights Modules into the Curricula of the Training Schools:** The Office of the National Security and Ministry of Interior to encourage all the security agencies to integrate the developed IHL, IHRL and SGBV modules into the curriculum of their various Training Schools.
11. **Rolling out the human rights trainings:** The National Human Rights Commission should continue to roll out human rights training for the security sector, regularly and systematically.

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