



National Human Rights Commission



STATUS REPORT

IMPLEMENTATION OF THE GOVERNMENT WHITE PAPER ON THE TRRC RECOMMENDATIONS

SUBMITTED TO THE NATIONAL ASSEMBLY

25 MAY 2022 – MAY 25 2023

Address: National Secretariat, P. O. Box 2858, Serrekunda,
Kotu, The Gambia

Telephone: (+220) 446 1717 / (+220) 446 1713

Email: info@gm-nhrc.org

Website: www.gm-nhrc.org

Facebook: facebook.com/NHRCGambia

Twitter: @NHRCGambia

Copyright © NHRC 2023

NHRC reserves all rights of ownership of the original materials in this document.

Contents

Abbreviations and Acronyms	4
1. Introduction	5
2. Methodology	7
3. Government White Paper on the TRRC Report	8
4. Status of Implementation as of 25 May 2023	9
5. Government White Paper: Status of Implementation	10
Theme 1: Soldiers with A Difference	10
Theme 2: November 11, 1994, Attempted Coup	13
Theme 3: Unlawful Killing of Koro Ceesay	14
Theme 4: The Convoy of The President	14
Theme 5: Student Demonstrations	15
Theme 6: Attack on Political Opponents	16
Theme 7: Attack on The Media	18
Theme 8: Attack on Religious Freedom	20
Theme 9: Unlawful Killings, Torture and Other Human Rights Violations	23
Theme 10: The President's Alternative Treatment Programme	26
Theme 11: Sexual and Gender-Based Violence	30
Theme 12: Presidents Witch-Hunt Exercise	35
Theme 13: Enforced Disappearances	37
Theme 14: The Killing of The West African Migrants	38
Theme 15: Institutional Hearings: National Intelligence Agency (NIA)	38
Theme 16: Institutional Hearings: Prisons	41
Theme 17: Institutional Hearings: Justice Sector Entities	44
Reparations	45
Reconciliation	48
Memorialization	50
National Human Rights Commission	52
Amnesty	55
6. Challenges	56
7. Recommendations To the Government	58

Abbreviations and Acronyms

ANEKED	African Network Against Extra Judicial Killings and Enforced Disappearances
GAF	Gambia Armed Forces
GPF	Gambia Police Force
GPU	Gambia Press Union
ICRC	International Committee of the Red Cross
IGP	Inspector General of Police
JRR	Justice Rapid Response
LRC	Law Reform Commission
MCA	Medical Control Agency
MDC	Medical and Dental Council
MoBSE	Ministry of Basic and Secondary Education
MoD	Ministry of Defense
MoHERST	Ministry of Higher Education Research, Science and Technology
MoInF	Ministry of Information
MoLRGRA	Ministry of Lands, Regional Government and Religious Affairs
MoJ	Ministry of Justice
Mol	Ministry of Interior
MoGCSW	Ministry of Gender, Children and Social Welfare
MOPs	Ministry of Public Service
NA	National Assembly
NAATIP	National Agency Against Trafficking in Persons
NAS	National Aids Secretariat
NAQAA	National Accreditation and Quality Assurance Authority
NCAC	National Council for Arts and Culture
NCCE	National Council for Civic Education
NMC	Nation Midwifery Council
NYC	National Youth Council
OP	Office of the President
PRC	Peace Reconciliation Commission
SPO	Special Prosecutors Office
WAVE	Women's Association for Victims Empowerment
WILL	Women in Liberation and Leadership
Victim Center	Gambia Center for Victims of Human Rights Violations

1. Introduction

The National Human Rights Commission (NHRC) is an independent and permanent body with the mandate to promote and protect human rights in The Gambia. As part of the transitional justice process, the NHRC was established in 2017 by an Act of the National Assembly in full compliance with the Paris Principles.

In accordance with the NHRC Act 2017, the Commission's powers include monitoring, receiving, investigating and considering complaints of human rights violations, recommending appropriate remedial action to the Government, and seeking appropriate redress on behalf of victims.

Similarly in 2017 as part of its Transitional Justice Process, the Government established a Truth, Reconciliation and Reparations Commission (TRRC) to create an impartial historical record of violations and abuses of human rights that occurred from July 1994 to January 2017, promote reconciliation, strengthen public institutions and recommend for the prosecution of those who bear the greatest responsibility for the violations committed, amongst others.

The TRRC was launched in October 2018 and started its public hearings on 7 January 2019. At the end of its operations in May 2021, the TRRC had recorded 2600 statements, covered 17 thematic areas, and heard testimonies from 392 witnesses. It submitted its final Report to the President in November 2021 and the Government, on 25 May 2022, released its White Paper on the Report. The White Paper outlines the position of the Government on the TRRC recommendation and findings. The White Paper also accepted the TRRC recommendation that recognizes the NHRC as the body to 'monitor implementation of the TRRC Report and make recommendations to the Government on better implementation....' Following the release of the White Paper, the Government released its Implementation Plan during a Stakeholder Conference and Donor Roundtable on the Implementation of the Truth, Reconciliation and Reparations Commission Recommendations, held from 12 to 13 May 2023. The Implementation Plan has been developed to ensure timely and effective implementation of the Government White Paper on the Report of the TRRC.

The Plan establishes a transitional justice mechanism to oversee the implementation of the White Paper, identifies measures to be taken by the Government towards the implementation and also indicates key stakeholders responsible for the implementation.

25th of May 2023 marks a year since the release of the Government White Paper on the Report of the TRRC. As per the role assigned to the NHRC, the Commission is required to report to the National Assembly annually on the status of the implementation of the Government White Paper. In this regard, the NHRC has prepared this Report that documents the status of the implementation of the White Paper and the challenges encountered by the State actors in the implementation process. This Report also makes appropriate recommendations for the effective implementation of the White Paper.

2. Methodology

In the preparation of this Report, the Commission requested information on the implementation of the White Paper from all the implementing stakeholders, which consists of Government Ministries, Agencies and victim-led and victim-focused organisations. Updates were also requested from and provided by the members of the Multistakeholder Committee established to support the Commission in the monitoring of the implementation of the White Paper. Information on implementation was also sought from other sources, including print and online media.

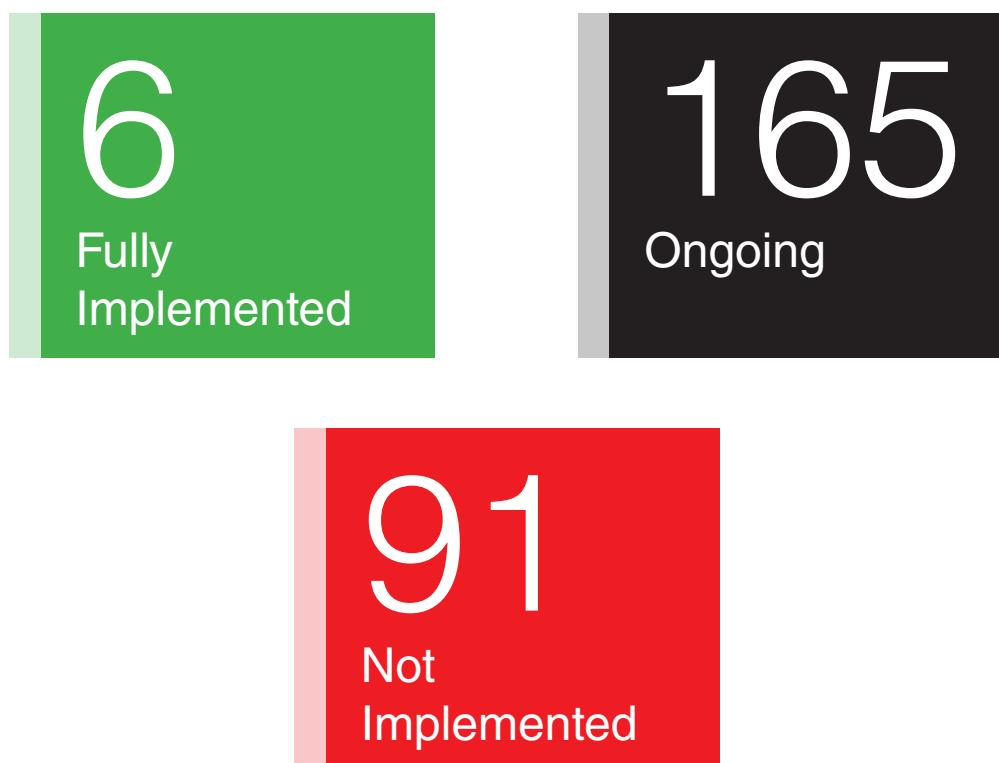
Following the completion of the draft report, relevant stakeholders were invited to a validation workshop held on 29th May 2023 to review, assess and provide additional information and suggestions to the document to enrich it. Thereafter, the final draft was updated for submission to the National Assembly as required.

3. Government White Paper on the TRRC Report

- a) Total number of Themes: 17.
However, the Commission also made recommendations on the following:
Reparations, Reconciliation, Memorialisation, the National Human Rights Commission and Amnesty.
- b) Total number of Recommendations: 265
- c) Total number Accepted in varying degrees: 263
- d) Total number Rejected: 2

4. Status of Implementation as of 25 May 2023

- a) Key of table identifying the level of implementation of the recommendations;



5. Government White Paper: Status of Implementation

Theme 1: Soldiers with A Difference

	Category	Government White Paper	Implementing Agency	Status of Implementation	Actions Taken
1.	Justice and Accountability	Pages 12 to 13 Paras 35, 37	MoJ, SPO	Ongoing	<p>The Government has committed to prosecuting individuals identified as bearing the greatest responsibility for the human rights violations and abuses that occurred. The Ministry of Justice in partnership with The Gambia Bar Association is working to develop a legislative framework for the establishment of a Special Prosecutors Office. Once established, the Special Prosecutors Office will be responsible for the residual investigations and prosecution of persons identified by the TRRC.¹</p> <p>With the domestic courts lacking jurisdiction to prosecute crimes such as torture and enforced disappearances, in October 2022 the Attorney General and Minister of Justice met with the President of the ECOWAS Commission to explore the establishment of a hybrid court. Following the visit, a joint technical working group with ECOWAS has been set up for this purpose.²</p>

¹ Updates from the Ministry of Justice.
² Updates from the Ministry of Justice.

Category	Government White Paper	Implementing Agency	Status of Implementation	Actions Taken
2. Legal Reforms	Pages 13 to 14 Paras 39, 36, 35, 40	MOJ, MOI, LRC, NA,	Ongoing	<p>A prosecution strategy detailing the Government's plan or approach to prosecutions has also been developed and completed.³ The Strategy will also address issues relating to Amnesty.</p> <p>The National Assembly of The Gambia in April passed the Prevention and Prohibition of Torture Act 2023. The Act provides the legal framework for the prohibition, prevention, and punishment of any form of torture and other form of cruel, inhuman or degrading treatment in The Gambia, and provides penalties aimed at ensuring accountability for acts of torture.⁴</p> <p>A legislative framework for the development of a Special Judicial Framework is being developed by the Ministry of Justice.⁵</p> <p>The Government, through the Ministry of Interior, conducted a review of the Prisons Act 1953 and developed the Prisons Bill 2022. Although the Bill was presented for validation, stakeholders could not agree on some of the key provisions on the bill and it was returned to the Prisons Department for further review.</p>

³ <https://theppoint.gm/africa/gambia/headlines/gambia-to-hire-special-prosecutor-for-jammeh-era-crimes>.

⁴ See Prevention of Torture Act, 2023.

⁵ Updates from the Ministry of Justice.

Category	Government White Paper	Implementing Agency	Status of Implementation	Actions Taken
				With regards to the review of legal provisions relating to bail, the Criminal Procedure Bill which addresses these issues is currently before the National Assembly for adoption.
3. Guarantees of Non-Repetition	Page 13 Para 38	MOJ, MOI,	Ongoing	The Ministry of Justice on 5 th September 2022 prepared and circulated a list of suspended Officials recommended to be banned from public office pending the passing of the TRRC (Banning from public office) Bill 2023. The Bill is expected to be submitted to the National Assembly in 2023.

Theme 2: November 11, 1994, Attempted Coup

Category	Government White Paper	Implementing Agency	Status of Implementation	Actions Taken
1. Justice Accountability and Guarantees of Non-Repetition	Page 18 Para 61 Pages 19 – 20 & 39 Paras 62,63,64,143	MOJ, SPO	Ongoing	See Theme 1 (Justice and Accountability)
2.			Ongoing	The Government has prepared and completed its prosecution strategy which will advise on issues relating to Amnesty and prosecutions. Additionally, the TRRC (Banning from Public Office) Bill 2023 has been drafted to provide a legal framework for the banning of those adversely mentioned from holding public office.
3. Institutional Reform	Pages 20-23 Paras 66,67,68,69,70,71,72,73,74,75	MOJ, GAF, NHRC, MOD	Not Implemented	None of these recommendations have been implemented. However, with regards to recommendation 68, where the government accepted to work closely with the NHRC to ensure regular training of GAF officials on Human Rights, and to take necessary steps to review and integrate or review and update human rights into the training curricula of the GAF, the NHRC has written a letter to the Gambia Armed Forces to commence discussions on the way forward for the implementation of this recommendation.

Theme 3: Unlawful Killing of Koro Ceesay

	Category	Government white paper	Implementing Agency	Status of Implementation	Actions Taken
1.	Justice and Accountability	Page 28 Para 100	MOJ, SPO	Ongoing	Regarding other Junta members who are alleged to have participated in the death of Koro Ceesay, the Government has committed to establishing a hybrid court and a special prosecutor's office to prosecute perpetrators who bear the greatest responsibility. See Theme 2 (Guarantees of Non-Repetition)
	Guarantees of Non-Repetition	Page 29 Para 101,102	MOJ	Ongoing	

Theme 4: The Convoy of The President

	Category	Government White Paper	Implementing Agency	Status of Implementation	Action Take
1.	Justice and Accountability	Page 33 Para 121	MOJ, SPO	Ongoing	See Theme 1 (Justice and Accountability)
	Guarantees of Non-Repetition	Page 33 Para 122	OP, GAF, GPF		Concerning limiting the privileges of the Presidential convoys, no action has been taken to implement this recommendation.

⁶ <https://www.justiceinfo.net/en/79933-yankuba-touray-sentenced-to-death-in-gambia.html>

Theme 5: Student Demonstrations

	Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
1.	Justice and Accountability	Page 38 Paras 137, 138, 139, 140, 141, 143	MOJ, SPO	Ongoing	See Theme 1 (Justice and Accountability)
2.	Guarantees of Non- Repetition	Page 38-41 Paras 139, 141, 142, 144, 145, 146, 147, 48, 149, 151, 152	MOJ MOI, GPF, MOBSE, NCAC, NYC, NCCE, MOHERST	Ongoing	<p>The Government has placed all perpetrators serving in the Government, including Gorgi Mboob, on administrative leave. A Bill has also been drafted to ban the perpetrators from holding public office.⁷</p> <p>The GPF administration has placed Momodou Lamin Fatty and Abdoulie Bah on administrative leave. However, Karamo Gajaga is deceased.</p>
3.	Memorialization	Page 40 Para 150	MOJ MOBSE, NCAC, NYC, MOHERST	Not implemented	No progress has been reported by the implementing agencies.

⁷ https://twitter.com/Gambia_MOJ/status/1645369324930990082?ext=HHwWhICwid-rwgUtAAAA

⁸ Updates from the Gambia Police Force.

⁹ As Above.

Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
			However, through the educational activities of its memorialization project (The Duty to Remember), ANEKED has engaged over 2,000 students and young people countrywide to discuss memorialization and its role in promoting non-recurrence. During the session, students were also encouraged to consider additional ways of remembering and honouring those who were impacted by the violations.	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. ¹⁰

Theme 6: Attack on Political Opponents

¹⁰ AG/C378/01 part (114) dated 21/03/23.

Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
2. Reform & Capacity Building	Institutional Reform & Capacity Building Pages 46, 47 Paras 173, 174	MOJ, MOI, GPF	Ongoing	<p>A training manual for the GPF as accepted in the Government White Paper is yet to be developed. However, in line with the government's response to work with the NHRC to ensure training programs are developed to train security personnel on crowd control and use of force during riots and protests, the NHRC has written to both the MoI and IGP requesting a meeting to discuss modalities for the successful implementation of this recommendation, but it is yet to receive replies from these institutions.</p> <p>In addition, basic training on crowd control is offered by the Police Training School which every police officer undergoes. Other GPF partners such as DCAF and GIZ have also facilitated a series of training on Public Order Management.¹¹</p> <p>The German Police Support Team (GPST) has also reviewed the GPF training curriculum to align it with human rights and International best practices.¹²</p> <p>Furthermore, the GPF has revealed their training manuals have been drafted and sent to Germany for expert review.¹³</p>

¹¹ Updates from the Gambia Police Force.

¹² As Above.

¹³ As Above.

Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
Legal Reform 3.	Page 47 Para 176	PRC	Ongoing	The Criminal Offences Bill which criminalizes hate speech, ¹⁴ including making derogatory remarks against any ethnic group, is currently at the Committee stage of the National Assembly for consideration. ¹⁵
4. Peace & Reconciliation	Page47 Para 175	PRC	Ongoing	Steps have been taken to develop a Peace and Reconciliation Commission Bill to establish the Peace and Reconciliation Commission which will oversee the reconciliation agenda. ¹⁶

Theme 7: Attack on The Media

Category	Recommendation	Implementing Agency	Status of Implementation	Action Taken
1. Justice and Accountability	Pages 52, 58 Paras 188, 189, 210	MOJ, SPO	Ongoing	See Theme 1 (Justice and Accountability). Additionally, Bai Lowe, a former member of the Junglers, is currently being prosecuted in the city of Celle, Germany, in connection with his participation in the 2004 murder of Deyda Hydara, driving the Junglers to kill opposition politician Dawda Nyassi in 2006 and the attempted assassination of lawyer Ousman Sillah. ¹⁷
2. Guarantees of Non- repetition	Pages 54, 57 Paras 195, 205	MOJ	Not Implemented	No action has been taken yet.

¹⁴ Government White Paper On The Report Of The Truth Reconciliation And Reparations Commission 25 May2022.

¹⁵ Updates from the National Assembly.

¹⁶ Draft Peace and Reconciliation Commission Bill.

¹⁷ <https://thepoint.gm/africa/gambia/headlines/baba-hydara-testifies-in-germany-as-junglers-trial-deepens>

Category	Recommendation	Implementing Agency	Status of Implementation	Action Taken
3. Institutional Reform & Capacity	Page 54 Para 194 ,	MOJ, MOI, MOD, GAF, GPF	Not Implemented	No action has been taken yet.
4. Legal Reform	Pages 53 - 58 Paras 190, 192, 193, 196, 197 , 198, 199, 200, 201, 202, 203, 204, 206, 207, 208, 209, 211	MOJ, MOInF	Ongoing	<p>No information was received from the implementing agencies.</p> <p>However, following the enactment of the Access to Information Act 2021¹⁸, the GPU in September 2022, paid a courtesy visit to the Ministry of Information to discuss the status of implementation of the Act.¹⁹</p> <p>The GPU also hired a team of consultants who drafted a roadmap for the implementation of the Act. The roadmap was reviewed and successfully validated during a 2-day retreat held from 18-19 November 2022.²⁰</p> <p>Furthermore, in collaboration with the Ministry of Information and with support from the National Democratic Institute, the GPU organised three consecutive workshops (9-10 February, 23-24 February, and 2-3 March 2023) on the Access to Information Act 2021 for 20 Journalists, 20 Civil Society Activists, and Government Information Officers.²¹ The workshops were also aimed at increasing participants' knowledge and understanding of the right to access information, including the duties and obligations of public bodies to disclose information.</p>

¹⁸ <https://www.article19.org/resources/the-gambia-access-to-information-bill-is-a-step-towards-transparency/>.

¹⁹ Updates from the Gambia Press Union.

²⁰ As Above.

²¹ As Above

Category	Recommendation	Implementing Agency	Status of Implementation	Action Taken
			<p>The Ministry has received support from Freedom House and the National Democratic Institute for the implementation of the Access to Information Act²², but the Commissioners have not been nominated or selected.</p> <p>With regards to the repeal of S173(A) of the Information Act, as per the White Paper, this section was repealed in 2021.²³</p> <p>With regards to libel and defamation not being considered criminal offences, the Draft Criminal Offences Bill does not include libel and defamation as offences.²⁴ The Bill is currently at the Committee stage at the National Assembly.²⁵ The GPU has, however, raised concerns about the continued retention of offences such as “inciting to sedition” and “false publication and broadcasting” in the Criminal Offences Bill.²⁶</p>	

Theme 8: Attack on Religious Freedom

Category	Recommendation	Implementing Agency	Status of Implementation	Action Taken
1.	Justice and Accountability	Page 62 Para 227	MOJ, SPO Ongoing	See Theme 1 (Justice and Accountability; and Legal Reform).

²² <https://www.article19.org/resources/the-gambia-access-to-information-bill-is-a-step-towards-greater-transparency/>.

²³ Government White Paper On The Report Of The Truth Reconciliation And Reparations Commission 25 May2022.

²⁴ Updates from the Gambia Press Union.

²⁵ As Above.

²⁶ As Above.

Category	Recommendation	Implementing Agency	Status of Implementation	Action Taken
2. Guarantees of Non-Repetition	Page 63 -64 Para 231,232,233, 233A	MOBSE, MOHERST, MOJ, OP, MOLRGRA	Ongoing	<p>The Ministry of Justice, with regards to the recommendation on establishing a rule that the Head of State should not hold any substantive or honorary position in the Supreme Islamic Council, in February 2022 conveyed an advisory opinion to the President in line with the said recommendation.²⁷</p> <p>The Ministry of Justice has also notified the Supreme Islamic Council of the recommendation on reforming and remodeling the Council under a proper legal framework. Following the notification, the Supreme Islamic Council hired a consultant to draft a law regulating the construction and management of mosques in The Gambia. The Draft will be shared with relevant stakeholders, including the NHRC and the GBA for comments.²⁸</p> <p>The Council has also prepared a Memorandum of Understanding with the Ministry of Justice and the Ministry of Lands, Regional Administration and Religious Affairs to support the Council in the implementation of the recommendations relevant to the institution.²⁹</p> <p>No steps have been taken to implement this recommendation. However, the Government has committed to working to revive the 2020 Draft Constitution. Thus, issues of the separation of</p>
4. Legal Reform	Page 62 Para 228	MOJ	Not implemented	

²⁷ Updates from the Ministry of Justice.

²⁸ Updates from the Supreme Islamic Council.

²⁹ As Above.

Category	Recommendation	Implementing Agency	Status of Implementation	Action Taken
5.	Peace and Reconciliation	Page 63 Para 229, 230,	MOJ, MOLRGRA, MOI	<p>Ongoing</p> <p>The Government, through the Ministry of Interior, has developed the Peace and Reconciliation Commission Bill which was validated on 28th March 2023.³¹ The Bill, amongst other things, seeks to establish a Peace and Reconciliation Commission to promote peace, reconciliation, national unity, healing and foster social cohesion.³² It is, however, yet to be placed before the National Assembly.</p> <p>Additionally, WAVE, in collaboration with the CRR Technical Advisory Committee, has also conducted community dialogues for social cohesion and peaceful coexistence among satellite villages around Kerr Mot Ali.³³</p> <p>From 26 to 28 August 2022, WAVE embarked on a three-day peace talk between representatives of Gambians deported from Kerr Mot Ali and Government officials, chiefs, and local and religious leaders to facilitate ways of fostering peace amongst members of the community and call on the Government to enforce the 2017 judgment of the High Court³⁴ of The Gambia which calls for the return of those exiled into state and religion may be addressed during that process.³⁰</p>

³⁰ <https://thepoint.gm/africa/gambia/headlines/govt-working-to-revive-lifeless-crc>.

³¹ Ministry of Interior invitation to the NHRC to attend Validation of the Bill.

³² Peace and Reconciliation Commission Bill.

³³ Updates from WAVE.

³⁴ <https://foroyaa.net/high-court-delivers-verdict-in-kerr-mot-hali-case/>.

Category	Recommendation	Implementing Agency	Status of Implementation	Action Taken
				In addition, the National Council for Civic Education conducted sensitization programmes in nine communities in North Bank and Central River Regions. ³⁶ (Pakau Njogu, Jokadu Darsilameh; Saaba; Sanjally Sara Kunda; Tento Malick Bah; Jarumeh Koto; Niani Sukuta; Boiram; & Niamina Sotokoi) from 23 June to 1 July 2022. They were aimed at sensitizing and reconciling communities that were deeply divided due to religious differences and beliefs. ³⁷
Category	Recommendation	Implementing Agency	Status of Implementation	Action Taken
1. Justice and Accountability	Pages 71-72 Paras 262, 263, 266, 267	MOJ, SPO	Ongoing	The Government has committed to establishing a hybrid court, including setting up a Special Prosecution Office to prosecute those who bear the greatest responsibility for human rights violations, including President Yahya Jammeh. A TRRC (Banning from public office) Bill 2023 has also been drafted to provide for the banning from public office of specified persons. ³⁸

Theme 9: Unlawful Killings, Torture and Other Human Rights Violations

³⁵ <https://gainako.com/deported-kerr-mott-ali-gambians-call-for-peaceful-return-and-childrens-education/>

³⁶ Updates from the National Council for Civic Education

³⁷ As Above.

³⁸ Updates from Ministry of Justice.

Category	Recommendation	Implementing Agency	Status of Implementation	Action Taken
			<p>The National Assembly on 30th March 2023 passed the Mutual Legal Assistance Act 2023. The law enables cooperation between The Gambia and foreign law enforcement agencies in investigating and prosecuting crimes such as requests for assistance in obtaining evidence and witnesses amongst others.³⁹ This Act can support the efforts of the Special Prosecutor's Office when established to locate Solo Bojang and other perpetrators to ensure their cooperation in the identification of burial sites of missing persons.</p>	<p>A prosecution strategy already developed by the Government will determine issues relating to Amnesty. The Government has, however, reiterated that perpetrators who bear the greatest responsibility will not be eligible for amnesty.</p>
2. Institutional Reforms & Capacity	Page 72 Para 264, 265	MOJ, GAF, MOD, NHRC, SPO, MOH, GPF	Ongoing	<p>In line with the Government's White Paper recommendation for the incorporation of human rights into the training curricula of the GAF, the NHRC, in May 2023, wrote a letter to the GAF to commence discussions on the way forward for the implementation of this recommendation. but no response has been received.</p> <p>ANEKED has been collaborating with the Ministry of Justice, the Argentine Forensic Team (EAAF) and the Global Human Rights Clinic of the Law School of the University of Chicago to assist in sensitization and training relating to the forensic investigation of human rights violations,</p>

³⁹ <https://www.moj.gm/news/be7b1924-cf07-11ed-8b02-025103a708b7>.

Category	Recommendation	Implementing Agency	Status of Implementation	Action Taken
				<p>to ensure evidence preservation, the possibility for scientific identification and return of remains to families, and the determination of cause, manner, and circumstances of death.⁴⁰</p> <p>In October 2022 the EAAF and the Global Human Rights Clinic of the Law School of the University of Chicago also conducted an initial virtual training for family members of victims of November 11th, 1994, and stakeholders working on the cases of enforced disappearance.</p> <p>From 12 to 16 June 2023 ANEKED will facilitate an in-person mission which is expected to carry out the following: facilitate in-depth training for families of victims of November 11th and stakeholders working on enforced disappearance; conduct a feasibility assessment of the cost and expertise needed to identify the seven remains exhumed by the TRRC in April 2019, as well as a full analysis of the remains; and conduct further exhumation or investigation, if required.⁴¹</p> <p>Furthermore, during the National Stakeholder and Donor Conference organized by MoJ in May 2023 , ICRC, JRR and the Guatemalan Forensic Team pledged support in the area of forensic investigations and exhumations.⁴²</p>

⁴⁰ Updates from ANEKED.

⁴¹ As Above

⁴² Updates from

Theme 10: The President's Alternative Treatment Programme

	Category	Recommendation	Implementing Agency	Status of Implementation	Action Taken
1.	Justice and Accountability	Pages 77, 79 Paras 286, 287, 280A, 281A	MOJ, SPO	Ongoing	See Theme 1 (Justice and Accountability; and Legal Reform page 3).
2.	Guarantees of Non-repetition	Pages 78-81 Paras 282A, 283A, 284A, 290 , 296,	MDC, MOJ, MOH, MCA, NAQAA, MOHERST , NMC, MOInf,	Ongoing	The Medical and Dental Council has commenced steps towards implementing the Government White Paper recommendation regarding disciplinary measures against Dr. Tamsir Mbow.

Category	Recommendation	Implementing Agency	Status of Implementation	Action Taken
			Practitioners Act ⁴³	<p>Regarding Mr. Ansumana Jammeh, the MDC has indicated that he is not a Medical Practitioner and as such the Council as per the Medical and Dental Practitioners Act (MDPA) 1988 cannot investigate his case.⁴⁴</p> <p>The MDC on 22nd March 2023 formally wrote to Dr. Tamsir Mbowe informing him that he has been adversely mentioned in the Government White Paper on the TRRC Report and urged him to submit to the Council a written explanation of why disciplinary action(s) should not be taken against him.⁴⁵ Dr. Mbowe responded on 28th March 2023. Following this the Council requested and received a legal opinion on Dr. Mbowe's submission from the Attorney General's Chambers and Ministry of Justice on the 25th of April 2023. The legal advice received from the AG's Chambers indicated that the Council should proceed with disciplinary proceedings as per section 29 of the MDPA 1988.⁴⁶</p>

⁴³ Updates from the Medical and Dental Council

⁴⁴ As Above

⁴⁵ As Above

⁴⁶ As Above.

Category	Recommendation	Implementing Agency	Status of Implementation	Action Taken
3. Institutional Reform / Reparations/Capacity Building	Pages 78, 81 Paras 286A 284A, 285A, 287A, 292, 293, 294 , 295	MOH, MCA, NAS, MOHERST,	Ongoing	<p>According to NAS, measures have been taken to ensure access to treatment, care and health services for PLHIV through ongoing support from the Global Fund grants since 2019.⁴⁷ NAS also indicated that all health facilities in the country are offering such services to PLHIV. In the current New Funding Model grant being implemented by NAS, there are nearly 33 new treatment sites to ease access.⁴⁸ Additionally, in partnership with USAID, Hands on Care and The Gambia Armed Forces, a clinic has been opened at the Fajara Barracks to serve as a new treatment centre servicing both the military and civilian population.⁴⁹</p> <p>Regarding training for healthcare workers in The Gambia on HIV and AIDS stigma, discrimination, privacy, and confidentiality NAS stated that these are ongoing but should be increased subject to the availability of funds. Currently, the National AIDS Control Programme under the Ministry of Health provides training to healthcare personnel on stigma and discrimination and protects the right to privacy and confidentiality of PLHIV.⁵⁰</p> <p>In line with the recommendation on supporting PLHIV, there is currently ongoing support in this area. According to NAS, 10 support groups and</p>

⁴⁷ Updates from National Aids Secretariat.

⁴⁸ As Above.

⁴⁹ As Above.

⁵⁰ As Above.

Category	Recommendation	Implementing Agency	Status of Implementation	Action Taken
				<p>2 Networks of People Living with HIV and AIDS had been established with the support of the Global Fund grants since 2010.⁵¹ The Support Groups provide counselling and testing services across the country and were provided with funds for monthly meetings, food for the centres, rental payment, and other office-related support.</p> <p>Despite the existence of these support groups and networks, NAS has indicated that insufficient funding is adversely affecting their effective functioning. In this regard, there is a need for further funding to ensure they are revitalized.⁵²</p>

⁵¹ As Above.
⁵² As Above

Category	Recommendation	Implementing Agency	Status of Implementation	Action Taken
				<p>suggestions were provided towards the review of the MDPA 1988.⁵³ Additionally, steps have been taken to amend the Medical and Dental Practitioners (Disciplinary Proceedings) Rules, 2019 as well as to draft Rules of Appeal as per section 32 of the MDPA 1988.⁵⁴</p> <p>Furthermore, in line with the recommendation on disclosure of the status of a PLHIV without prior informed consent, the HIV and AIDS Prevention and Control Act 2015 makes provision for the medical confidentiality of a person's HIV status under Section 21 (1).⁵⁵ Penalties are also imposed on any person who contravenes this provision under Section 21 (2) on conviction to a fine not exceeding fifty thousand dalasi or imprisonment for one year or both.⁵⁶</p>

Theme 11: Sexual and Gender-Based Violence

Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
1. Justice and Accountability	Pages 86-87, 93 Paras 310, 311, 312, 313, 314,	MOJ, SPO	Ongoing	The Government has committed to establishing a hybrid court in collaboration with ECOWAS and setting up a Special Prosecution Office to prosecute those who bear the greatest responsibility for human rights violations including President Yahya Jammeh. ⁵⁷

⁵³ Updates from the Medical and Dental Council.

⁵⁴ As Above.

⁵⁵ HIV and AIDS Prevention and Control Act 2015.

⁵⁶ As Above.

⁵⁷ Updates from the Ministry of Justice.

Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
				Since 2017, Ousman Sonko has been in detention in Switzerland for crimes he may have committed during the period, including SGBV-related offences. In April 2023, he was formally charged with crimes against humanity for alleged crimes committed in The Gambia between 2000 and 2016. ⁵⁸ The Government of The Gambia is cooperating with the Swiss authorities in the matter. ⁵⁹
2. Non-repetition	Guarantees of Pages 87, 90-93 Paras 316, 329 , 330, 331 , 337,338	MOJ, MOGCSW, NHRC, MOHERST, NCCE, NAQAA, MOI, GPF	Ongoing	Efforts to identify one officer Badjie (a PIU Officer implicated in the torturing of a student) have been unsuccessful. However, the GPF has undertaken to continue efforts in ascertaining the full identity and whereabouts of the officer. ⁶⁰ The MoJ has drafted the TRRC (Banning from Public Office) Bill 2023 to support the banning of individuals recommended for the same, including David Colley. ⁶¹

⁵⁸ <https://www.swissinfo.ch/eng/former-gambian-minister-charged-with-crimes-against-humanity/48444196>.

⁵⁹ <https://theppoint.gm/africa/gambia/headlines/govt-working-to-revive-lifeless-crc>

⁶⁰ Updated from The Gambia Police Force.

⁶¹ Updated from the Ministry of Justice.

Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
				<p>objectives of the Centre is to facilitate training and multi-disciplinary research on transitional justice and sustainable peace through collaboration with colleges and universities globally.</p> <p>In line with the recommendations for the Government to intensify its efforts in strengthening the implementation of existing laws and policies on SGBV and the NHRC as the independent body to set up and lead a multi-sectorial SGBV working group, the NHRC has written to the Ministry of Gender, Children and Social Welfare requesting for a meeting to discuss modalities for the successful implementation of this recommendation. The NHRC is yet to receive any feedback on the proposed meeting. Furthermore, efforts have been made by the Government and CSOs to address Sexual and Gender-Based Violence in The Gambia. In 2022, the SGBV Unit of the MoJ conducted public sensitization on the Sexual Offences Act 2013, the Criminal Code, the Domestic Violence Act 2013 and the Women's Act 2010 in the Central River Region and the Upper River Region.⁶² With support from the Ministry of Gender, Children and Social Welfare, the MoJ were also sensitised two hundred (200) participants from both regions about the social support and remedies available to victims of SGBV.⁶³</p>

⁶² NHRC State of Human Rights Report 2022.

⁶³ As Above.

Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
				<p>WAVE has been conducting awareness-raising campaigns on SGBV in schools and on-air to supplement the efforts of the State.⁶⁴</p> <p>FANTANKA is also raising awareness of SGBV through community dialogues and radio programmes, and has also developed a comprehensive manual for awareness-raising activities.⁶⁵</p> <p>Additionally, WILL is creating safe spaces for young women and girls on SGBV-related issues. It is also recording statements of victims who did not participate in the TRRC process.⁶⁶</p> <p>Furthermore, YAKAR Justice has conducted SGBV surveys in 10 schools across the country to establish causes of SGBV and raise awareness of SGBV among women and girls.⁶⁷</p> <p>On 17th November 2022, the PF Initiative, formerly Paradise Foundation, in collaboration with the Ministry of Gender, Children and Social Welfare and with support from UNFPA, launched the 'Speakout' campaign against SGBV and popularised the 1313 helpline.</p> <p>In line with its response under the White Paper, the Government, through the Ministry of Justice.</p>

⁶⁴ Updates from WAVE.

⁶⁵ Updates from FANTANKA.

⁶⁶ Updates from WILL.

⁶⁷ Updates from YAKAR Justice.

⁶⁸ the-point.gm/africa/gambia/national-news/pfi-launches-speakout-campaign-to-popularise-gbv-helplines, published on 22 November.

Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
				has developed and validated the Victims Reparations Bill 2023. ⁶⁹ The Bill establishes the reparations fund to finance individual and collective restitution for victims, provide compensation directly to victims and support the rehabilitation of victims. ⁷⁰
4. Legal/ Institutional Reform	Page 89 Para 323	MOJ, MOTIE, NHRC, MOPS	Ongoing	In line with the recommendation for the Government to adopt and enforce the Sexual Harassment in the Workplace Policy in both private and Public Institutions, the NHRC has written to the Ministry of Gender, Children and Social Welfare, TANGO, GCCI, PMO and the Ministry of Trade, Industry, Regional Integration and Employment requesting meetings to discuss modalities for the successful implementation of this recommendation. Aside from a response and subsequent meetings with TANGO, the other institutions did not respond.

⁶⁹ <https://www.moj.gov/news/e8263cf3-b36b-11ed-8b02-025103a708b7>.

⁷⁰ Victims Reparations Bill 2023.

Theme 12: Presidents Witch-Hunt Exercise

	Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
1.	Justice and Accountability	Page 98 Paras 355, 356, 357, 358	MOJ, SPO, GPF	Ongoing	Concerning the recommendation relating to Tamsir Bah, the GPF has confirmed that Tamsir Bah has retired. ⁷¹ In line with the Government's acceptance of the banning of Ensa Badjie and Omar Jawo from holding public office, as previously reported, the TRRC (Banning from Public Office) Bill 2023 has been drafted to provide a legal framework for the banning of those adversely mentioned from holding public office. ⁷² Updates from the GPF have also indicated that the GPF has placed Ensa Badjie on administrative leave whereas Omar Jawo has been 'out of the system' since 2017. ⁷³
2.	Guarantees of Non-repetition	Pages 98-99 Paras 360 , 361,	MOJ, NA, NHRC, MOD, MOI, NCCE, CSO	Ongoing	The NCCE organized campaigns on 13 and 15 October 2022 in three of the affected communities (Sintet, Makumbaya and Essau) to raise awareness and sensitize communities on the human rights violations including the Witch-hunt exercise and the negative impact of

⁷¹ Updates from the Gambia Police Force.

⁷² Updates from Ministry of Justice

⁷³ Updates from the Gambia Police Force

Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
				<p>branding individuals as witches and wizards in accordance with the TRRC report.⁷⁴ Another engagement was conducted in Makumbaya in collaboration with WAVE between 8 September to 6 October 2022. This was followed by a radio program on 7 October 2022.⁷⁵</p> <p>Since 2020, WAVE has also organized initiatives to promote social cohesion and reconciliation through its Peace Talks for Peace Building, Individual and Community Healing and Reconciliation Programmes. Engagements such as radio programmes and listening and talking circles with victims of human rights violations have been held in schools in communities affected by the witch hunt exercises.⁷⁶ Its most recent programme was held in February 2023.</p>
3.	Legal Reform	Pages 99, 100 Paras 359, 362	MOJ, NA, MOI, MOD	<p>Ongoing</p> <p>The Criminal Offence Bill which has been submitted to the National Assembly does not criminalise referring to an individual as a witch or wizard. However, MoJ⁷⁷ has committed to making suggestions to the National Assembly to include the labelling of persons as witches or Wizards as an offence under the Criminal Offences Bill when it is being considered.⁷⁸</p>

⁷⁴ Updates from the Nation Council for Civic Education

⁷⁵ As Above

⁷⁶ Updates from WAVE

⁷⁷ Updates from the Ministry of Justice

⁷⁸ As Above

Theme 13: Enforced Disappearances

	Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
1.	Justice, Accountability and Reparations	Pages 104, 106, 113, 151 Paras 380, 381, 383, 402, 531, 532	MOJ, SPO, MOH, MOI, Judiciary, MOFA	Ongoing	Regarding the Prosecution of Former President Jammeh and Disappearances and killings, See Theme 1 (Justice and Accountability Page 3)
2.	Institutional Reform & Capacity Building	Page 105 Para 382	MOJ, MOI, MOD	Ongoing	Although the Ministry of Justice is yet to set up a task force on Enforced Disappearance or develop an Enforced Disappearance Strategy, it has committed to implement them from the 3 rd Quarter of 2023. ⁷⁹
3.	Legal Reform	Page 104 - 105 Para 382,	MOJ, NA, MOH	Not Implemented	With regards to the training of Justice and Security Sector personnel on the illegality of enforced disappearances conducted during the reporting period, See Theme 9 (Institutional Reforms and Capacity).

⁷⁹ Updates from ANEKED

Theme 14: The Killing of The West African Migrants

	Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
1.	Justice and Accountability	Page 111 Para 400, 401 , 402	MOJ, SPO	Ongoing	Regarding the Prosecution of Former President Jammeh, his enablers, and accomplices for their roles in the unlawful killings of the West African Migrants, See Theme 1 (Justice and Accountability)
2.	Institutional Reform	Pages 113-114 Paras 403 , 404	MOJ, MOI, MOD, NHRC,	Not Implemented	With regards to the implementation of recommendation 402 see Theme 13 Enforced Disappearances (Justice, Accountability and Reparations).

Theme 15: Institutional Hearings: National Intelligence Agency (NIA)

	Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
1.	Justice and Accountability	Pages 119-121 Paras 419, 420, 421, 422, 423, 424	MOJ, SPO, IGP, Judiciary, MOFA, GAF	Ongoing	With regards to the prosecution of Yankuba Badjie, former Director General of NIA, and Sheikh Omar Jeng for the unlawful detention, torture and handing over of Tumani Jallow and Abdoulic Gaye to the junglers, and the prosecution of Lamin Darboe, head of the Special Operations Unit of the NIA, for his role in torture committed by Special operations at the NIA See Theme 1 (Justice and Accountability).

Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
				<p>In line with the government's response to collaborate with relevant authorities in securing the arrest and return of Edriissa Jobe (Alagie Mor) see Theme 9 (Justice and Accountability) on the Passing of the Mutual Legal Assistance Act, 2023. In addition, the Government has made an application for mutual assistance to Interpol for his arrest and eventual extradition.⁸⁰ His current location is, however, still unknown.⁸¹</p> <p>In line with the White Paper recommendation for the prosecution of Yankuba Badjie and others for the death of Ebrima Solo Sandeng, in July 2022 seven (7) former NIA officers were found guilty of his death. Yankuba Badjie and four other former NIA Officers were subsequently sentenced to death following their conviction for Solo's murder in 2016.⁸²</p> <p>Following the conclusion of the case, the Government, in January 2023, handed over the remains of Ebrima Solo Sandeng to his family and conducted a State funeral and tribute service in his honour.⁸³</p> <p>Regarding the reprimand for the torture they committed as members of the Special Operations Unit which the Government</p>

⁸⁰ Updates from NALA

⁸¹ As Above

⁸² Foroyaa, 14th July 2022: [Court Sentences Yankuba Badjie & Co to Death | Foroyaa Newspaper.](#)

⁸³ <https://twitter.com/SoloSandengFoun/status/1611306832118644736?ext=1>=HHwWgIC8idvBwdwsAAAA>

Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
				noted, it has been reported that Basiru Sey has been deployed to the Fonis as a form of reprimand. ⁸⁴ It is, however, unclear how this move constitutes a reprimand and whether Mr. Sey is maintaining his salaries/remunerations.
				With regards to the Government's response directing authorities to make further investigations to dismiss and ban Lt. Col Amadou Bojang, it has been reported that Lt. Col Bojang is still serving in the GAF. ⁸⁵
2. Guarantees of Non-repetition	Pages 121-122 Paras 426, 427 ,	MOJ	Ongoing	The Ministry of Justice has reported that all security personnel adversely mentioned by the TRRC have been placed on administrative leave pending the passing of the draft legislation banning officials adversely mentioned from holding public office. ⁸⁶ All security service institutions have also been instructed to institute disciplinary hearings against personnel that were recommended to be reprimanded by the TRRC. ⁸⁷
3. Institutional Reform		NIA, MOJ, NHRC	Ongoing	The NIA policing powers have been suspended. According to the Director General of the National Intelligence Agency, Mr. Ousman Sowe, the powers of arrest and or detention by the NIA have been suspended and since 2017, no arrests or detentions have been executed. ⁸⁸

⁸⁴ Updates from NALA.

⁸⁵ As Above.

⁸⁶ Updates from the Ministry of Justice.

⁸⁷ As Above.

⁸⁸ <https://goodhumanrightsstories.net/stories/the-gambia/>

Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
Legal Reform	Page 122 Para 428	MOJ, NIA	Ongoing	Following a review of the NIA Act with support from key stakeholders and partners, including DCAF, on 28 September 2021, a draft SIS Bill was sent to the NIA for comments and observations. However, up to the reporting date, the MOJ has not received any comments from the institution.
4.				
Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
1. Justice and Accountability	Page 134 Paras 466, ⁴⁶⁷	MOJ, SPO, MOI, GPS	Fully implemented	With regards to the prosecution of David Colley, Ebrima Jammeh, Yahya Jarju, Saikouba Jarju and Muhammed Jabbie for torture meted out on prisoners such as Samba Doro Bah, please See Theme 1 (Justice and Accountability Page 3).
2. Institutional Reform	Pages 13, 129, 130, 131, 132, 133, 134, 135, 136	PMO, MOI, GPS, Social Welfare, MOFA, MOI,	Ongoing	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 Principal Officers, 2 Principal Officers and 1 Sergeant respectively. ⁸⁹ Regarding the recommendation to improve facilities, newly built structures have been put in place at Jeswang Prison's remand wings to minimise congestion.

Theme 16: Institutional Hearings: Prisons

⁸⁹ Updates from Gambia Prison Service

Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
	Paras 36, 448 , 450 , 451 , 452 453 , 454 , 455 , 456 , 457 , 458 , 459 , 460 , 461 , 462 , 463 , 464 , 465 , 468 , 469 , 470 , 471 , 472 , 473 , 474 , 475 , 476	NA, FSQA, MOH, Cabinet, Judiciary, MOJ, GPF, NALA, GBA, GLC		<p>The Gambia Prisons Service has stated that Modern cooking facilities have been installed at Mile II Prison. Cooks at the Prisons are also receiving training in cooking. There has been refurbishment at the Jeshwang Prisons. Prisons rehabilitation service programmes have also been developed.⁹⁰</p> <p>Fantanka, in November 2022, organized a training for social workers and prison wardens on tools and techniques to support the rehabilitation and skills acquisition of child offenders for better reintegration into society.⁹¹</p> <p>Regarding the recommendation on the need for Government to regularly inspect the prisons, there is a Prison Visiting Committee for each Prison that meets regularly.⁹² The NHRC also conducts regular visits to prisons and other places of detention.⁹³</p> <p>With regards to introducing community sentences for certain offences to reduce overcrowding in the prisons, the Criminal Procedure Bill which seeks to introduce such provisions⁹⁴ is currently at the committee stage of the National Assembly.⁹⁵</p>

⁹⁰ As Above

⁹¹ Updates from Fantanka

⁹² Updates from the Gambia Prisons Service

⁹³ Updates from the NHRC

⁹⁴ Government White Paper On The Report Of The Truth Reconciliation And Reparations Commission 25 May2022

⁹⁵ Updates from the National Assembly

Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
				<p>In line with the Government's acceptance to put in place rules to prevent torture in prisons, the National Assembly of The Gambia in April passed the Prevention and Prohibition of Torture Act 2023. The Act provides the legal framework for the prohibition, prevention, and punishment of any form of torture and other form of cruel, inhumane, or degrading treatment in The Gambia and provides penalties aimed at ensuring accountability for acts of torture.⁹⁶</p> <p>The Judiciary of The Gambia, in line with the Government's acceptance to develop sentencing guidelines to ensure sentences are commensurate to the crimes committed, has developed a Draft Sentencing Guidelines for Offences of Assault and Theft and Offences Allied to Stealing. These guidelines were reviewed by stakeholders during its legal year on 10th February 2023, but they are yet to be adopted.⁹⁷</p> <p>In relation to the recommendation for repeal of the prison laws, a Prisons Bill has been drafted and is awaiting validation and submission to the National Assembly.</p>
3.	Legal Reform	Page 129 Para 449	MOI, MOJ, GPS, NA	Ongoing

⁹⁶ See Prevention of Torture Act, 2023.
⁹⁷ RE: Invitation to a One Day Stakeholders Forum on the Draft Sentencing Guidelines for the Offences or Assault and Theft

Theme 17: Institutional Hearings: Justice Sector Entities

	Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
1.	Guarantees of Non-repetition	Page 141 Para 500	MOJ, GLC	Ongoing	On 30 th June 2022, the Ministry of Justice notified the GLC of the recommendation against former Attorney General and Minister of Justice, Lamin A.M.S. Jobarteh. Upon receipt of the letter the GLC, on 20 July 2022, replied requesting further information and documents that led to the TRRC findings against Counsel Jobarteh. ⁹⁸ The GLC is yet to receive the information and documents from the Ministry and as such no action is yet to taken on this issue. ⁹⁹
2.	Institutional Reform	Pages 140-142 Paras 494, ⁴⁹⁵ , ⁴⁹⁶ , 498, 499, 504,	Judiciary, MOJ, MOLRG	Ongoing	Since the release of the White Paper, the Government has respected constitutional provisions on judicial independence and the principles of separation of powers. Furthermore, as indicated in the White Paper there are already in existence regulations for the appointment of judges, including foreign judges. The Government has also committed to reviving the constitutional review process. The separation of the Office of Attorney General and Minister of Justice may be addressed during that process as

⁹⁸ Updates from the General Legal Council
⁹⁹ As Above

	Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
3.	Legal Reform	Pages 139, 142 Paras 493, 501, 502, 503 ,	MOJ, LRC, NA	Ongoing	Concerning the introduction of a new constitution that adequately reflects the aspirations of the people, the Government has committed to reviving the constitutional review process. ¹⁰¹ It is also expected to address the retention of section 7(c) of the 1997 Constitution in the constitutional review process once it kickstarts. ¹⁰² Reparations
	Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
1.	Institutional Reform	Pages 72, 147 Paras 265, 520	MOJ, SPO, MOH	Ongoing	On steps taken toward the search and identification of remains See Theme 9 (Institutional Reforms and Capacity). ¹⁰³
2.	Legal Reform	Pages 41, 148 Paras 153, 521	MOJ, RC, NCCE, CSO, MOFEA, NA, OP	Ongoing	The Government has taken steps to develop a legal framework to guide the implementation of reparations. A Victims Reparations Bill 2023 has been drafted and was validated on 21 st February by the Ministry of Justice in collaboration with Stakeholders in the transitional Justice Process. ¹⁰⁴ The Bill, amongst other things, seeks to establish a Fund for the provision of reparations (including medical care) ¹⁰⁵ and a

¹⁰⁰ <https://thepoint.gm/africa/gambia/headlines/govt-working-to-revive-lifeless-crc>
¹⁰¹ <https://thepoint.gm/africa/gambia/headlines/govt-working-to-revive-lifeless-crc>

¹⁰² The Government White Paper
¹⁰³ As Above.

¹⁰⁴ <https://www.moj.gm/news/e8263cf3-b360-11ed-8b02-025103a708b7>

¹⁰⁵ https://twitter.com/Gambia_MOJ/status/1645369335672627200?ctx=HHwWgICzka-sw9UtAAAA

Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
				Commission responsible for the management of funds and connected matters. ¹⁰⁶
3.	Reparation	Pages 62, 135, 143, 148, 150 151, Paras 227, 472, 505, 522, 529 , 530 , 532	MOJ, MOH, GAF, MOD, RC, MOFEA, MOPS, PMO	<p>Pending the enactment of the Victims Reparations Bill, other measures are being put in place to address the plight of victims requiring urgent medical health care, particularly the victims that were involved in the April 10 and 11 student demonstrations.¹⁰⁷ A Medical Board has been set up by the Ministry of Health upon the request of the Ministry of Justice through a letter sent on 12th December 2022 to provide urgent medical care for victims. A request was also made to the Ministry of Finance on 12th December 2022 to provide GMD10,000,000 to fund these urgent medical interventions.¹⁰⁸</p> <p>Following her wrongful dismissal as a Judge of the Appeals Court in 2016, Justice Na Ceesay Sallah-Wadda was sworn in as the President of the Court of Appeal on the 2nd June 2022.¹⁰⁹ However, with the TRRC report requesting for Justice Wadda to be “reinstated and her reinstatement backdated” as per the Government White Paper, the MOJ, on 20th April 2023, referred the recommendation to the Judicial Service Commission for review. Upon receipt of the letter, JSC responded on the 26th April 2023</p>

¹⁰⁶ <https://www.moj.gm/news/e8263cf3-b36b-11ed-8b02-025103a708b7>

¹⁰⁷ Updates from the Ministry of Justice.

¹⁰⁸ As Above

¹⁰⁹ <https://standard.gm/justice-na-ceesay-sallah-wadda-takes-oath-as-appeals-court-president/>

Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
				<p>The Victims Reparations Bill 2023, in line with the Government White Paper, provides for education, psychosocial support, legal aid and social services.¹¹¹ The Bill also caters for new victims not identified by the TRRC.¹¹²</p> <p>With regards to seeking support from development partners and institutions for technical assistance for the search and identification of mass graves, ANEKED has been engaging the Ministry of Justice, the International Commission on Missing Persons, (ICMP), and other stakeholders to explore assistance regarding known burial sites and identification of new ones; exhumation and proper investigation to identify missing victims; enhancing the capacity of local personnel on forensic investigations; training of justice and security personnel on the illegality of enforced disappearances and other measures around enforced disappearance recommended by the TRRC.¹¹³</p>

¹¹⁰ Updates from the Ministry of Justice.

¹¹¹ <https://www.moj.gov/news/e8263cf3-b36b-11ed-8b02-025103a708b7>.

¹¹² Victims Reparations Bill 2023

¹¹³ African Network Against Extra-Judicial Killings and Enforced Disappearances.

Reconciliation				
	Category	Government White Paper	Implementing Agency	Status of Implementation
1.	Institutional Reform	Pages 156 – 158 Paras 545, 547, 548, 550, 551 ,	NCAC, NCCE, MOJ, PRC, MSDG, GCC, SIC, PRC, MOYS, NYC	Ongoing
				The Government has drafted a Peace and Reconciliation Commission Bill 2023. The Bill was validated on 28 th March 2023. The Bill seeks to provide for the establishment of the Peace and Reconciliation Commission, to promote peace, reconciliation, national unity, healing and foster social cohesion. The Bill, however, is yet to be tabled before the National Assembly. ¹¹⁴ The National Reconciliation Strategy will be developed following the passing of the Bill to ensure consistency between both documents.

The NCCE has also engaged several communities from 17 to 24 November 2022 to promote peace, reconciliation and social cohesion, focusing mainly on hot-spot communities and those highlighted in the TRRC report.¹¹⁵ In the respective engagements, positive traditional practices such as joking relationships were utilized to promote reconciliation and maintain peace.¹¹⁶

¹¹⁴ The Peace and Reconciliation Commission Bill 2023.

¹¹⁵ Updates from Updates from National Center for Arts and Culture.

¹¹⁶ As Above.

Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
			In line with the government's response to recognize the role of traditional and faith-based organizations in inspiring healing and renewing relationships in the peacebuilding agenda, the Gambia Christian Council has indicated that both the Christian Council and the Supreme Islamic Council have organized meetings on the 16 th August 2022, 2 nd September 2022 and 24 th February 2023 to promote dialogue between the faiths and to foster unity amongst Gambians. ¹¹⁷ The theme for these meetings has been 'Give Peace a Chance'.	<p>With regards to NYC's role in promoting national healing and reconciliation, NYC has indicated that it has organized dialogues and sensitisation initiatives in Banjul (Bil), Kanifing (KM), Brikama (WCR), Soma (LRR) Farefenni (NBR), Brikamaba (CRR) and Basse (URR), particularly during the Local Government elections to promote peaceful elections. The participants in these activities included Alkalos, Chiefs and Women Kafos.</p> <p>In addition, the NYC has also conducted post-election dialogue to combat hate speech, tribalism and enhance social cohesion in the following communities: Banjul (Bil), Kanifing (KMC), Soma (VCR), Jappineh (LRR), Kerewan (NBR), Dankunku (CRR) and Garawol (URR).</p>

¹¹⁷ Updates from the Gambia Christian Council

Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
				The NYC has indicated that it operates a monitoring system where it has 7 monitors across all the regions who record and report incidents of violence. The incidents are recorded on the NYC dashboard to assist the Council mitigate violence. According to the NYC, only six incidents have been recorded which were amicably resolved with the intervention of NYC. Furthermore, the Council has also indicated that it organises radio programs on peacebuilding across all seven regions using the community radios such as Kaira FM, Capital FM, Polico FM, Soma FM, Kerewan FM, Brikamaba FM, and Taxi FM. ¹¹⁸
Memorialization				
Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
1. Institutional Reform	Page 161 Paras 557, 558,	MOJ, MOTC, NCAC	Ongoing	The National Centre for Arts and Culture (NCAC) has taken steps to implement its leading role in memorialization initiatives in collaboration with victim-led organizations.
The Solo Sandeng Foundation in collaboration with the NCAC conducted a photo exhibition from 12 th to 15 th February 2023 at the Westfield Monument. The purpose of the exhibition was to highlight the effects of torture on victims and				

¹¹⁸ Updates from National Youth Council.

Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
2.	Reparations	Page 160 Para 556	MOJ, NCAC	Ongoing

¹¹⁹ Updates from Solo Sandeng Foundation.

¹²⁰ As Above.

¹²¹ <https://gainako.com/victims-ndogou-to-commemorate-april-10-11-2000-victims-set-for-11th-april-2023/>

¹²² As Above.

¹²³ <https://allafrica.com/stories/202205260440.html>

National Human Rights Commission

	Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
1.	Coordination	Page 163 Para 564	NHRC	Ongoing	<p>The Government of The Gambia, in its White Paper on the TRRC report, designated the NHRC as the institution to monitor the implementation of the White Paper. As part of the Commission's efforts to implement this recommendation, the NHRC has developed an online monitoring framework to track \ progress in the implementation of the White Paper. The online monitoring matrix includes:</p> <ul style="list-style-type: none"> a. Themes and Recommendations (shadowing the Government White Paper) b. Lead and co-implementing partners for each recommendation and supporting activity. c. A set of activities/actions required to successfully implement each recommendation; and d. Timeframes for the implementation of all recommendations in the TRRC Whitepaper and associated activities. <p>Due to the diverse nature of the recommendations, the NHRC constituted a national committee to support it in the monitoring process.¹²⁴ The inaugural meeting of this</p>

¹²⁴ <https://www.voicegambia.com/2022/12/02/nhrc-inaugurates-stakeholder-monitoring-committee-on-implementation-of-trrc-recommendations/>

Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
				<p>Committee was held on 1st December 2022 during which the members reviewed and adopted their TOR. It was decided during the meeting that the committee will be named the “NHRC Multi-Stakeholder Committee to Support the Monitoring of the Implementation of Recommendations of the Truth, Reconciliation and Reparations Commission”.</p> <p>Since the inaugural meeting, the Committee has met twice, in December 2022 and March 2023. During the March which a presentation was made on the online system being developed by the NHRC to monitor the implementation of the White Paper to the Committee members and updates provided by the various institutions on steps taken to implement the White Paper.</p> <p>Following a recommendation from the Committee, a meeting was held in March 2023 between the NHRC and the Ministry of Justice during which the online monitoring system being developed by the NHRC was presented to the Ministry.</p> <p>In addition to its monitoring role, the NHRC has taken steps to popularize the White Paper on the TRRC Recommendations. Between October and December 2022, the Commission conducted a Caravan around the five regions and held a popularization activity for regional authorities, women and youth groups. These activities were implemented in collaboration with the Ministry of</p>

Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
			Justice and victim-led organizations such as WILL, WAVE, Victim Center, ANEKED and Survivors of PAPT.	The NHRC has also developed an audio and video recording to popularize the TRRC recommendations. ¹²⁵ The video, which has a sign language insert, contains music and entertainment to popularize the White Paper through messages developed by the NHRC and victim-led organizations, and is translated into English, Mandinka, Wolof, Fula, and Serahule. The recorded audio was broadcast over West Coast FM Radio, Choice FM, QTV Radio, and GRTS.
				The video was broadcast on QTV, GRTS, and Paradise FM as well as online platforms such as Kerr Fatou ¹²⁶ and Fatou Network.
2.	Institutional Reform	Page 163 Para 565	MOJ, NLS	Not Implemented No Action has been taken yet.
3.	Archiving	Para 565	NHRC, National Library	The NHRC notes with concern the limited steps taken so far by the Government towards implementing the recommendation on archiving of the TRRC records. The NHRC has taken steps to engage the Ministry of Justice through a letter to the Solicitor General dated 7 th April 2022 and emails to the Attorney General and Minister

¹²⁵ <https://www.facebook.com/kerrfatou/videos/popularization-of-the-government-white-paper-on-the-trrc-recommendations/1579408752500982/>

¹²⁶ <https://www.facebook.com/kerrfatou/videos/popularization-of-the-government-white-paper-on-the-trrc-recommendations/1579408752500982/>

Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
				of Justice. The NHRC shared a concept note on archiving with the Ministry of Justice. A meeting between the Commission and representatives of the Ministry of Justice was subsequently held on the matter in May 2022. However, the NHRC is yet to receive any concrete feedback on steps taken towards implementation of this recommendation. Given the historical and legal significance of archiving of the TRRC materials and data, the NHRC, pursuant to its advisory mandate, urges the Government to equip the National Library to enable it to implement this recommendation effectively and fully. The NHRC also wishes to offer its availability for parallel archiving of the TRRC records to strengthen the preservation of these historical documents.
Amnesty				
Category	Government White Paper	Implementing Agency	Status of Implementation	Action Taken
1. Amnesty Applications	Pages 166 – 173 Para s572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596,	MOJ	Ongoing	The Government has prepared and completed its prosecution strategy. The strategy will advise on issues relating to Amnesty and prosecutions.

6. Challenges

The successful implementation of the Government White Paper on the Report of the TRRC depends on a range of factors, including political commitment, availability of resources, victim participation, and the cooperation of all relevant stakeholders. Since the release of the White Paper, the Government has taken positive steps towards its implementation. However, the delayed release of the Implementation Plan has contributed to the slow pace of implementation. During the reporting year, the Government expressed concerns regarding limited resources available for implementation. In June 2022 the Attorney General and Minister of Justice, Hon. Dawda A. Jallow, disclosed before the National Assembly Standing Committee on Human Rights and Constitutional Matters that the Government has experienced setbacks in the implementation of the recommendations due to limited resources and challenges in resource mobilization.¹²⁷ Notwithstanding, the Attorney General assured the Committee that the “Government is sensitive to the plight of victims” who remain at the center of the process.¹²⁸ Another challenge to the implementation process has been linked to limited human resources, coupled with a limited understanding of the transitional justice process by all stakeholders who are expected to support the implementation process.¹²⁹

Victims, victim-focused organisations and other key stakeholders have raised concerns about the limited communication from the Ministry of Justice regarding the progress in the implementation of the White Paper, especially information about recommendations being implemented and the number that have been fully implemented.¹³⁰ The challenges regarding communication have been attributed to the absence of an appropriate medium or means of communication to enhance access to information by stakeholders and particularly victims who are spread across the country. Other concerns raised by victim-led organizations include the lack of national or public ownership and interest of the post -TRRC process, with victims and other national stakeholders left with the responsibility to follow-up on the implementation process.

¹²⁷<https://thepoint.gm/africa/gambia/headlines/no-resources-to-implement-trrc-recommendations-this-year>.

¹²⁸As Above.

¹²⁹Updates from the Ministry of Justice

¹³⁰Updates from Multistakeholder Committee supporting the NHRC to monitor the implementation of the Government white paper.

Despite the Government ‘noting’ the recommendation for the NHRC to be responsible for ‘the archiving and digitalisation of documents, information and materials emanating from the TRRC to help in the preservation of the impartial historical record of human rights violation that the TRRC was mandated to establish’, the Government however expressed in the White Paper its intention to build the capacity of the National Library to be able to effectively carry out the tasks of archiving and digitalization of the TRCC documents. This recommendation has not been implemented thus far. The NHRC reiterates its willingness and ability to implement this recommendation and is open to parallel archiving where necessary. Lastly, The Gambia Armed Forces have also raised challenges in instituting disciplinary hearings against personnel who are no longer in active service with the Army and thus would not be able to hold such officers accountable.¹³¹

¹³¹As Above

7. Recommendations to the Government

1. The Ministry of Justice to table before the National Assembly the Victims Reparations Bill 2023 and the National Assembly to expedite the passing of the Bill;
2. The Ministry of Interior to table before the National Assembly the Peace and Reconciliation Commission Bill 2023 and the National Assembly to expedite the passing of the Bill;
3. The National Assembly to expedite the passing of the Criminal Offences Bill and the Ministry of Justice to ensure that branding of people as witches or wizards and hate speech are criminalized in the Bill before it is passed;
4. Government institutions and relevant stakeholders identified by the White Paper should take necessary steps for the expeditious implementation of the White Paper;
5. The Government to allocate adequate financial resources for the implementation of the White Paper, including allocating funds for implementation in the national budget;
6. The Ministry of Justice should recruit the necessary personnel to support the implementation of the White Paper;
7. The Government, through the Ministry of Justice, to take necessary steps to domesticate the International Convention for the Protection of All Persons from Enforced Disappearances it ratified in 2018;
8. The Ministry of Justice to prepare a comprehensive communication strategy to ensure stakeholders, victims and the public are informed and engaged throughout the implementation process.
9. The Government to prioritize capacity building for stakeholders, including government officials and victim-led organizations, for effective implementation of the Government White Paper.

10. The Government and victim-led organizations to continue raising awareness among the public on transitional justice and the need for public ownership during the process.
11. The Government to consider giving the NHRC the responsibility to archive and digitalise the documents and records of the TRRC to preserve the historical records of the process pending the capacity building and equipping of the National Library as provided for in the Government Whitepaper. The NHRC also remains open to parallel archiving and digitalisation of the records.
12. The Government of The Gambia to take the necessary steps to equip the National Library for the preservation and archiving of documents and material emanating from the TRRC. These steps should include training and capacity building for the National Library staff, development of an online archiving system, and furnishing the National Library to archive hardcopies of documents and hardware from the TRRC process.



National Secretariat,
P. O. Box 2858, Serrekunda,
Kotu, The Gambia



(+220) 446 1717
(+220) 446 1713



info@gm-nhrc.org



www.gm-nhrc.org



facebook.com/NHRCGambia



@NHRCGambia