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Front cover photo credit: © Jason Florio
The Gambia’s Truth, Reconciliation and Reparations Commission (TRRC) has heard public testimony from over 200 individuals since January 2019 as it seeks to uncover the truth about human rights abuses that took place during Yahya Jammeh’s 22-year rule. As the Commission moves towards issuing its final report and accompanying recommendations - expected in the first half of 2021 - this study offers some reflections on the work done so far in tackling issues of truth, justice, reparations and reconciliation.

To do so it draws on the views of almost 20 Gambian experts, focus group discussions held with market traders, students and civil society activists and relevant secondary literature. It aims to situate the activities of the Commission in the wider political context of The Gambia as it transitions back from dictatorship to democracy. With ongoing security sector reform, a constitutional review process nearing its conclusion and what are set to be highly contested presidential polls in late 2021, the TRRC is just one part of a complicated transitional justice process.

Truth-telling is a major component of the TRRC’s work. Thousands of Gambians follow the public hearings as they happen on television, radio and social media and the discussions of what they hear span online and offline networks. Undoubtedly the TRRC has provided a platform through which people can tell their stories and be validated for the abuses they or their family suffered under Jammeh. But narratives have also been interpreted through political lenses and given the length of period under review, the issue of perpetrators turned victims has further complicated the quest for a definitive truth.

The TRRC does not have a mandate to instigate a judicial process against any perpetrator who testifies before it. It can only make recommendations with regards to punitive
measures in its final report. But that has not stopped the issue of justice being a major expectation of the TRRC for many Gambians. This confusion, and frustration, has been revealed during the testimony of high-profile perpetrators, who have not yet faced consequences for their admissions of guilt.

Reparations for victims have yet to move beyond ad-hoc measures. Formal regulations are set to be announced in the coming months and communicating those widely will be key, given that reparations were a key part of the process for many victims. The Victims Support Fund has been created, and an initial sum deposited by the government, but greater resources are needed to ensure that compensation is commensurate with victims' experiences. How the fund will be managed when the TRRC's mandate expires remains a critical, yet unanswered, question.

National efforts to foster reconciliation are complicated by strong ethnic and political allegiances. But at the local level, the TRRC's reconciliation efforts are making progress in facilitating dialogue. Community reconciliation is not only less politicised it also deals with issues that are often more manageable. To that end it can play a fundamental role in helping mend issues at the local level, with hope that such processes can have national impacts over time.

As the Commission begins to work towards a conclusion, and the recommendations of its final report, this study encourages that it focuses on building transparency and accountability in the issuance of reparations; that community reconciliation efforts remain to the fore; and that regular engagement with citizens, media and civil society about its mandate, in local languages across print and social media, is sustained so that Gambians take on the mantle of ensuring its recommendations are adopted by government.

But before it can reach any conclusions the Commission must remain focused on the important work it has been doing, listening to, and documenting, the experience of Gambians. This will ensure that it is able to make recommendations that best reflect those experiences, which most Gambians support and that can be used to help push their country in a new direction.
Yahya Jammeh, aged just 29, took control of The Gambia in a military coup in July 1994. He sought popular validation for his rule by holding, and winning, elections in 1996, 2001, 2006, and 2011. Each time securing more than 50% of the vote in polls that were described as "tainted" and "lacking legitimacy" by election observers. But in December 2016, seeking a fifth popular mandate, Jammeh could only muster 39.6% of the vote and was defeated by the candidate of a coalition of opposition parties, Adama Barrow.

Having initially appeared to be willing to accept the results, Jammeh then changed his mind citing ‘abnormalities' and called for the results to be cancelled and fresh elections held. But after over a month of protracted negotiations with leaders from the Economic Community of West African States, and with the threat of regional military action looming, Jammeh left The Gambia for exile in Equatorial Guinea on 21 January 2017.

During Jammeh’s 22-year rule, human rights violations ranging from enforced disappearances, unlawful arrests and killings, torture, sexual and gender-based violence, and persecution of real or perceived political opponents, characterised The Gambia. A 2015 Human Rights Watch investigative report detailed how security services and guerrilla groups routinely used intimidation, violence, arson, and forced disappearances against people who spoke out against those in power. For journalist Mustapha Darboe, "Jammeh was the Gambia, and the Gambia was Jammeh: facts were what he said". 28% of Gambians reported that they or a member of their family had suffered one form of human rights violations in the period of Jammeh’s rule, when surveyed by Afrobarometer in 2018. These violations, as well as the regular dismissal of senior government officials, had a direct effect on state effectiveness; eroding the capacity of the government to deliver basic services.

But the ‘new Gambia’ promised by President Barrow and his allies - who were unable to maintain the coalition's unity once in office - has found it difficult to fully throw off the trappings of the old. That is not to say that The Gambia has not changed significantly. The ability to convene and speak freely - an unimaginable reality under Jammeh - is now a feature of daily life Gambians can enjoy, but reforms to the...
system of how things work have proved more difficult. Barrow's government has struggled to disentangle the state from its authoritarian past. Economic challenges, such as unemployment, remain acute.

A protest in January 2020 against Barrow for not adhering to his coalition promise to serve just three years of his constitutionally mandated five-year term turned violent. 137 protestors were arrested, among them prominent journalists. Two radio stations - Home Digital FM and King FM - were also temporarily shutdown, accused of "allowing their media to be used as platforms for inciting violence". All the protestors were eventually released, and the radio licenses restored, but the government took the opportunity to ban the 'Three Years Jotna' movement, calling it "subversive, violent and illegal". The response of the state to this and other recent protests has raised concerns as to how much has really changed beneath the surface in the 'new Gambia'.

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6 Civicus. 2020. "Three Year Jotna Protests: 137 arrested, two radio stations shut down, protest movement banned". 5 February
7 Jotna translates as enough in Wolof
8 Civicus. 2020. "Three Year Jotna Protests: 137 arrested, two radio stations shut down, protest movement banned". 5 February
GAMBIA’S COMPLICATED POLITICAL OVERHAUL

In January 2017, Adama Barrow promised to “completely overhaul Gambia’s political system”. In June 2018, the National Assembly established a Constitutional Review Commission (CRC) which was tasked with drafting a basic law to replace the 1997 Constitution. Public consultations were a key part of the drafting process, as the 11-member commission, led by Justice Cherno Sulayman Jallow, sought to make the process as inclusive and participatory as possible. A draft document was presented for further public review in November 2019. Several of the draft provisions aligned with citizens preferences. An Afrobarometer survey conducted in mid-2018 found popular support for presidential term limits (85%), a quota system for women’s representation in the legislature (85%) and political independence for the electoral commission (71%). An area of greater contention has surrounded the inclusion of the word secular in the document. With The Gambia’s Christian minority, in particular, concerned that its absence could see a future declaration of the state as an Islamic entity, as Jammeh did in 2015.

The final draft which was submitted at the end of March 2020 to the President - who in turn will submit the draft to the National Assembly for scrutiny - does not make explicit mention of The Gambia’s secular identity. However, the document does guarantee the fundamental right of freedom of religion in Part II of the document along with an extensive list of rights and freedoms that, if enforced, can significantly contribute to the rebuilding of democracy in The Gambia.

But with 50% turnout required for the referendum on the new constitution to be valid, and 75% of Gambians required to vote in favour for it to pass, there are concerns that the constitutional review process could fall at the last hurdle given the proposed changes to the electoral system. Clause 97 would mean a presidential candidate would need to win 50%+1 vote, not just a simple majority, to avoid a run-off.

A raft of other legislative reforms are also being debated and discussed by the National Assembly - including an access to information bill, an anti-corruption commission bill, a women’s amendment of discriminatory laws bill, a sexual offences bill, a bill on mutual legal assistance in criminal matters. Security sector reform (SSR) is another key aspect of The Gambia’s political overhaul. Since September 2017, in coordination with the Economic Community of West African States, African Union and United Nations, SSR efforts have been underway to create an effective, professional security sector. The launch of a National Security Policy in June 2019 marked the culmination of nationwide consultations and expert inputs, but implementation of the SSR has been slow. Many members of the security services remain in key positions despite being accused of carrying out or overseeing human rights violations in the Jammeh era. Some have even been reappointed to prominent positions by Barrow.

Speaking in late 2019, the EU Ambassador to The Gambia raised concerns that "tangible changes in the security sector are yet to be felt by the population". The use of what Amnesty International called "excessive force" by security agencies in response to January 2020 protests were a reminder of the challenges that remain.

Challenges that were acknowledged by Minister of Justice Abubacarr Tambadou, who serves as the Chair of the Steering Committee on SSR, in the same month, "one of the biggest challenges to our democratic reform process lies in our security sector reform. There is continuing mistrust between ordinary citizens and our men and women in uniform in spite of the best efforts of individual law enforcement agencies to change their approach to law enforcement in the country".

The promised new Gambia requires an overhaul of the old; one that has been, and is being, complicated by political machinations. The TRRC is a key part of Gambia's post-Jammeh transition but it will have the greatest impact if it is part of a wider move towards a more accountable and democratic society; both of which are core aims of the CRC and SSR. For Sait Matty Jaw, lecturer at the University of The Gambia, although progress is being made and Gambians are now able to enjoy greater freedoms, "we are still, for the most part, governed by Jammeh era laws and institutions".

Even though a multitude of reforms and transitional processes are ongoing questions remain as to whether the government is doing enough when it comes to transparency and accountability. An anti-corruption commission is set to be established in 2020, but the chair will be appointed directly by the President, raising the spectre that it will not be sufficiently independent. Concerns have also emerged about the government's willingness to fully enact the new basic law proposed by the Constitutional Review Commission (CRC); with Barrow rumoured to be keen to adjust a two-term-limit clause so that it would only apply from 2021. The current provision would count a victory in the 2021 election as Barrow's second, and final, term in office. The document will be put a public vote after it undergoes scrutiny in the National Assembly. In the view of one direct victim of the Jammeh regime, "this is not the new Gambia, we haven't yet seen a change to the system of government". Prominent commentator and activist Madi Jobarteh agrees, "there are a lot of abuse of resources, abuse of power...that's a huge frustration and, practically, people have not seen any tangible socio-economic change in their lives". It is in this context that the Truth, Reconciliation and Reparations Commission (TRRC) operates.

A truth commission was promised to Gambians during the 2016 presidential campaign trail by Barrow and the coalition of opposition political parties backing him. After taking office, time was spent reviewing and learning from experiences of other countries on the continent. The Ministry of Justice (MoJ) visited both South Africa and Sierra Leone in 2017 to learn from their experiences of using transitional justice to respond to apartheid and civil conflict, respectively. The Gambia’s experience was not one of conflict, but the duration and hidden nature of abuses had created many victims who wanted truth and, ultimately, justice. For Dr. Baba Galleh Jallow, the Executive Secretary of the TRRC, there was a more hidden, but equally important reason for its creation, “there are certain systemic and cultural factors that enabled the dictatorship that needs to be brought out into the open and discussed...If we prosecute people, but we don't address the systematic cultural causes of the dictatorship, we are likely to slide back into dictatorship at some point”.

WHAT IS TRANSITIONAL JUSTICE?

Transitional justice is a set of judicial and non-judicial mechanisms and recourses aimed at addressing the legacy of past violations or abuses. It is assumed that resorting to these mechanisms and recourses will ensure that societies do not slip back into the previous conflictual dispensations and that there is some measure of social cohesion. Transitional justice has emerged as the dominant normative framework for how to respond to mass violence and within which accountability for past atrocities is discussed. It emerged as a concept following the third wave of democracy in the late 1980s and early 1990s. Transitional justice is “rooted in accountability and redress for victims. It recognises their dignity as citizens and as human beings. Ignoring massive abuses is an easy way out, but it destroys the values on which any decent society can be built.”

18 International Centre for Transitional Justice, ‘What is transitional justice?’
The Gambia’s Truth, Reconciliation and Reparations Act of 2017, assented to by the president on 13 January 2018, provides for “the establishment of a Truth, Reconciliation and Reparations Commission; to investigate and establish an impartial historical record of the nature, causes and extent of the violations and abuses of human rights committed during the period July 1994 to January 2017 and to consider the granting of reparations to victims for connected matters”\(^{19}\). Since the first public hearing was held on 7 January 2019, the Commission has collected 220 public testimonies from witnesses, including 40 from alleged perpetrators. A further 462 statements were collected in 2019, from both victims and perpetrators, during outreach activities according to the TRRC’s interim report\(^{20}\).

Among the Commission’s objectives, as laid out in the Act, are “to promote healing and reconciliation...to provide victims an opportunity to relate their own accounts of the violations and abuses suffered...and to prevent a repeat of the violations and abuses suffered by making recommendations for the establishment of appropriate preventive mechanisms including institutional and legal reforms”\(^{21}\). Justice is not part of the Commission’s mandate. However, it will be able to recommend prosecution for those who bear the greatest responsibility in its report findings.

The 11 commissioners of the TRRC - headed by its Chair, Lamin Sise - were appointed by the president after a rigorous, and public, selection process designed to represent The Gambia’s ethnic and regional make-up. The Commission is supported in investigations and guiding witnesses through their testimony by a Lead Counsel, Essa Faal, and Investigations Unit. Faal was appointed directly by the Attorney General and Minister of Justice in September 2018 even though there is no provision for such a role in the Act. This has led legal experts to suggest that, in this regard, at least, “how it [TRRC] was conceived and how it works in practice is quite different”\(^{22}\).

But for Dr. Ismaila Cessay, a lecturer at the University of the Gambia, the main challenge facing the Commission has stemmed from a lack of a grassroots national dialogue about what the TRRC would look like, and try to achieve, prior to its creation. An issue that

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22 Key Informant Interview; Gambian legal expert. 22 February 2020.
continues to have an impact on how it functions, “it would have helped to establish better what Gambians wanted from a transitional justice process, what justice looked like, how reconciliation could and should happen...as it was there was limited public debate on the transitional justice mechanisms to be used in The Gambia, it was imposed from the top-down”.

The TRRC did hold some pre-commission consultations across the country in August 2017 where Gambians views were solicited on a wide range of issues. But the role played by development partners and donors in driving and funding the process was key in shaping the way forward. In the view of a prominent legal practitioner, “Gambia’s TRRC was donor-driven, not driven through in-depth national consultations, and this has created confusion as to its objectives among different people”.

Sait Matty Jaw, a lecturer at the University of The Gambia agrees that donors provided the resources but insists that the policy directive has always been driven by Gambians. His concern surrounds the lack of in-depth public consultations about the TRRC, “they were more about seeking citizen approval for what they wanted to do, rather than asking Gambians to help shape and design the process”.

**Approach**

As the Commission begins to work towards its final report - due in early 2021, though a delay can be requested, and may well be required, in light of the ongoing Covid-19 pandemic - this study looks to understand the progress made so far; highlighting the successes it has been able to achieve in bringing out the truth for victims of the Jammeh regime and drawing attention to challenges encountered that relate to social stigmatisation and political efforts to discredit its work. It also looks at the role played by key figures and critical testimonies in shaping perceptions of the Commission and to situate its work in the broader political context; with presidential elections scheduled for 2021 and social media an increasingly influential force in a country of less than one million voters.

The key findings and recommendations are based on 18 key informant interviews (KII’s) with officials from the TRRC, representatives of civil society and the media, members of political groups and academics; three focus group discussions (FGD) - one with university students, one with market traders and one with members of civil society; and a review of relevant secondary sources which include reports, press coverage and watching video of TRRC hearing proceedings on YouTube. The KII’s and FGDs were conducted in the greater Banjul area and by telephone by the Centre for Democracy and Development research team in February, March and April 2020.

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23 Ceesay, I. 2020. Key Informant Interview; lecturer at the University of The Gambia. 25 February
25 Key Informant Interview; Gambian legal expert. 22 February 2020.
26 Matty Jaw, S. 2020. Key Informant Interview: lecturer, University of The Gambia. 17 April
Key Findings

Matching expectations?

Uncovering the truth

For victims, simply knowing the truth about what happened to a loved one or family member, can be an important part of the healing and grieving process. Before the TRRC process, many simply knew only that they had gone out never to return. An Afrobarometer survey conducted before the start of the Commission found that 30% of Gambians saw "an accurate record of human rights abuses by the past regime" as one of its two most important outcomes.

Efforts have been put in place to ensure that the narratives relayed by the 220 witnesses who have appeared at the TRRC so far have reached as wide an audience as possible. But the TRRC's work is more than just public testimony. Discussions and truth-telling are also happening away from the cameras in ways that can support community level efforts to establish truth led by its community outreach activities and supported by civil society organisations and victim support groups. The Gambia Transitional Justice Working Group, a civil society-led consortium, was established in 2018 to coordinate the activities of non-state actors supporting the TRRCs work.

The TRRC is offering a platform through which people can tell their stories and be validated for what they experienced utilising a victim centred approach. But the decision not to conduct a formal nationwide statement taking exercise will limit the Commission's ability to integrate the stories of victims with other Gambians. Nonetheless, public hearings are broadcast live on television networks and streamed through Facebook and YouTube channels, with as many as 6,000 viewers tuning in to watch testimonies relating to some of the most notorious abuses or controversial issues. "In many cases, more than one person will be watching the same screen, so the number is likely higher," says Essa Jallow, Head of the Communications Unit at the TRRC. To further widen the reach, content is being translated into The Gambia's two main languages - Wolof and Mandinka. Although a lack of resources prevents this being done live, it still offers a valuable resource that is available to Gambians now, and in the future, to hear the testimonies in the language they understand best.

A group of market traders who took part in a focus group discussion for this study relayed how they listened to the proceedings live on radio, with some even watching edited highlights on the television in the evenings. "When there is a key witness at the TRRC, everyone will be talking about it - online and offline," noted one trader. Radio remains a key source of information for Gambians, but in some instances, the unofficial translations undertaken by the programme hosts, to facilitate local language discussions in phone-in shows, can hinder as much as help. Mistranslations and the framing of a debate to highlight segments to fit a certain narrative, can

28 Jallow, E. 2020. Key Informant Interview: Head of Communications & Outreach, TRRC. 25 February
have “implications for how and what people are hearing about what is happening at the TRRC”. Efforts to improve the media’s coverage of transitional justice processes in The Gambia through training and workshops are ongoing and have been supported by the Commission, in partnership with the Ministry of Justice and development partners.

Social media too is allowing for hearings to reach and engage with a wide audience, and for details that emerge to be debated and discussed. 16% of Gambians are active social media users according to 2020 data from We Are Social but WhatsApp messages can penetrate offline and influence wider discussions. The TRRC recognises the critical role it can play in setting the agenda and its Communications Unit included visits to key diaspora communities, active online but living outside of The Gambia, to encourage constructive online engagement. The TRRC’s executive secretary noted that “we had a desire to make the TRRC process as open and transparent as possible from the beginning and social media has certainly played a role in helping us to do this”. The importance of engaging with an online audience was also highlighted by a civil society activist who agreed that “social media cannot be left behind in the search for truth in the Gambia,” but who felt it “needs to be better regulated to stop online abuses”.

Supporters of, and those allied to, the Alliance for Patriotic Reorientation and Construction (APRC) - the former ruling party - are widely accused of spreading false information online that aims to discredit witness testimony and the work of the TRRC. This has included persistent accusations, denied by the Commission, that witnesses, and even perpetrators, were being paid by the TRRC to relay particular narratives at the hearings. Dodou Jah, deputy spokesperson and secretary of the APRC, musing about the testimonies offered by the Junglers asked, “did they do it because it was the truth? Or did they do it knowing that if they told that truth they would be released [for now] from prison”. He claims he knows of people being paid D50,000 [$1,000] to give a certain testimony at the TRRC but produced no evidence to support this claim. These are the sorts of rumours and stories that circulate widely and frequently online during live testimony.

APRC supporters have consistently accused the TRRC of being a “witch-hunt” against Jammeh and his supporters given the time period it is mandated to focus on. They have also questioned how impartial the commission can be when it is composed of those who they see as having a grudge against the Jammeh regime. Jah argues that “there are stories [ones with political ramifications for those still in office] that are not being touched by the TRRC”. Whilst many Gambians accuse the APRC of being in denial about what happened under Jammeh and how much control he directly exercised over those beneath him, there is a general tendency for social media debates and discussions about individual testimonies to be heavily influenced by party political viewpoints.

In testimony given to the Commission in October 2019, Bintou Nyabally - a supporter of the long-time opposition United Democratic
The decision to appoint Essa Faal as the Commission’s Lead Counsel was controversial given the lack of provisions for the position in the TRRC Act. Faal’s qualifications are not in question. Having held several prominent positions at the United Nations, he joined the International Criminal Court in 2006, where he worked on investigations into abuses in Darfur before switching sides to defend those accused by international courts and tribunals, including Kenyan President Uhuru Kenyatta and former Liberian President, Charles Taylor. This commitment to defending those accused of human rights abuses has, however, provided ammunition to APRC supporters wanting to throw doubt on whether Faal is really interested in the truth or simply working to achieve political objectives.

The Commission’s Executive Secretary, Dr. Jallow opined that the investigations team has provided invaluable support to the TRRC enabling it to function more effectively. ”Having a lead counsel, and his team, has helped in terms of eliciting accurate evidence from witnesses, ensuring the commission thinks through potential investigations and by bringing expertise and knowledge to lead these proceedings that commissioners do not have”. Faal does not have the mandate to decide what is truth and what is not, that is a decision to be taken by the Commissioners, but his position does mean he influences the way the truth is told and heard.

But Gambians are more divided over what has been seen, particularly in the testimonies of perpetrators, as the adversarial approach used by Faal. ”It is supposed to be a truth-telling
platform but Faal has regularly challenged testimonies, particularly of perpetrators, in a way that is more prosecutorial," argued one lawyer. Others are more supportive of Faal’s approach, “in theory people should be given a platform to share their testimony as they see it, but I think we need someone like Faal to bring out the truth when people are not forthcoming with it especially when another testimony contradicts their claims." Whilst some say that when he is pressing people giving testimonies, he is doing so to make them say what he wants to hear, others say he is simply ensuring the testimony given is accurate.

In February 2020, during the testimony of the Secretary-General of the Supreme Islamic Council of Gambia (SIC), Imam Fatty, Faal’s approach came in for scrutiny. He was seen to be questioning and challenging the Islamic interpretations offered by the Imam. In Gambia’s deeply religious society, this was not well received, with Faal’s line of questioning seen by some as “more about his own agenda [winning the testimony battle] and less about finding the truth." For others, Imam Fatty’s denial “of being enablers of Jammeh seemed to ring hollow but was lost in debates that focused around Faal’s questioning of the approach to Islam of the Council”.

The point of bringing the SIC to the TRRC was to draw clear links between its role in endorsing some of Jammeh’s policies and the human rights abuses they helped facilitate. However, the online and offline debates that followed became focused primarily on religious interpretation, not on the SICs links to past abuses. The big, and unanswered, question that surrounds Faal’s approach is whether it is bringing healing and reconciliation closer in The Gambia or is it simply entrenching divisions?

“For some, the way in which social media has increasingly individualised the TRRC has made it more a personality contest than a quest for the truth.”

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40 Key Informant Interview; Gambian legal expert. 22 February 2020.
42 Key Informant Interview; Gambian legal expert. 22 February 2020.
Building a narrative around victims and perpetrators in The Gambia is complicated by the longevity of the period under review, in which some perpetrators became victims. The Commission’s Executive Secretary, Dr. Jallow, recognises that “the perpetrator or victim dichotomy remains a challenge for us, people can be both, and this is something we will have to consider in the recommendations; in weighing whether they should be seen as more than one over the other”.

In November 2019, Ensa Badjie, the former Inspector General of Police under Jammeh, appeared at the TRRC. Badjie was sacked, charged with drug and armed robbery offences and imprisoned for life in 2010 - though he was pardoned and released in 2015 - making him both an enabler and victim of the regime. A few weeks after he gave his testimony to the TRRC, Badjie was appointed as the Police's Crime Management Coordinator by President Barrow. Yet Badjie could still return to the Commission to testify as a perpetrator for the role he played in "witch-hunts" that Jammeh ordered to take place within the police force whilst he was in charge. An illustration of the complex political environment in which the TRRC operates given The Gambia's small elite.

The "selective bringing or participation of perpetrators has been a problem" in the view of civil society activist Madi Jobarteh, "those close to the current regime, regardless of their history, seem to have largely escaped scrutiny so far". In February 2020 Lamin Karbou detailed to the TRRC his experience of being tortured by two men at the notorious National Intelligence Agency headquarters. He identified one of his torturers as Jim Ebrima Drammeh, his current boss at the Drug Law Enforcement Agency. Drammeh remains in that position and has so far not appeared at the TRRC. Rumours swirled that the government asked Karbou not to go through with his testimony because they knew who it would implicate. For victims of the Jammeh regime the fact that some of the powerful officials under his regime are now still employed by the government in prominent positions does have an impact on the trust people have in the truth of the narrative emerging at the TRRC. "We are asking, is the government doing what it can to try and control the TRRC narrative?"

Efforts to politicise the TRRC from outside remain a concern but not one that the Commission can control. Instead, it must work diligently and as transparently to complete its chronological gathering of information without listening to outside voices. That will go a long way to uncovering the truth and producing as detailed a historical record as possible of what happened during the era of Jammeh. "The TRRC is a very delicate thing to try and do" notes Jobarteh, "up to now, even many of the perpetrators have tried to dodge elements of the truth when they can. It will be important that in the final report, it assesses where testimonies given have questionable truths. A concern that was shared at its outset by researcher Abdul-Jalilu Ateku, who noted that "through testimonies and the collection of information, the commission will come across many truths of what happened. The complex task will be how to establish what's truthful, and what is not."

But for many Gambians whilst the truth-telling is important in confirming what many had only ever heard as rumours, establishing the truth is laying the groundwork for a process of retributive justice that must follow. "Those who committed crimes should be punished...and justice needs to happen faster..."
The 2018 Afrobarometer survey found that 68% of Gambians wanted the perpetrators of crimes and human-rights abuses during Jammeh's regime to be tried in court, irrespective of the work of the TRRC; 28% saw the prosecution and punishment of persons found guilty of crimes against humanity as one of the two most important outcomes of the TRRC’s work. As one individual, who had close family members that were disappeared by the former regime said, "the key thing for me, as a victim, is justice. I would want Jammeh to come back and stand trial for what he did".

The TRRC is not mandated to try and convict individuals for crimes they admit to but remains able to indict them for the human rights abuses they participated in at the conclusion of the two-year process in its recommendations. However, the testimony provided by members of the 'Junglers' in July 2019 raised questions about consequences for previous actions. Testimony given by 'Junglers' Omar Jallow, Amadou Badgie, Malick Jatta and Pa Ousamn Sanneh, in which they admitted to direct involvement in the killings of dozens of Ghanaian migrants; the murder of journalist Deyda Hydara, a former president of the Gambia Press Union and a critical voice of the regime who was shot in 2004; and shed new light on the killing of country’s former spy chief Daba Marenah, former military chief Colonel Ndure Cham, former lawmaker Ma Hawa Cham and dozens of others who had disappeared under mysterious circumstances during the dictatorship, gripped the nation. But their subsequent release from prison, without charges being levelled against them, was met with confusion and anger.

As Essa Jallow of the commissioned explained, "the TRRC does not have the power to release individuals, that is a decision made by the Ministry of Justice, but many people understood that the commission had directed for the Junglers to be released after they gave their testimonies, this was not the case. The decision to release the 'Junglers', who had been held without charge, and therefore unlawfully, according to Justice Minister Abubacarr Tambadou, for almost two years, came as a surprise to the TRRC, as it did the general public. The MoJ’s decision was met by public opposition, as many saw the release of the Junglers, so soon after their testimony, as setting them free and not in keeping with the TRRC’s promise of a victim-led process. Particularly given the lack of consultation with the TRRC or victim support groups prior to their release. "A lot of Gambians lost hope about the prospects for justice when the Junglers were released as it created a sense that people can say anything in their testimonies and then walk free" was a view shared by a focus group respondent that captured the sentiments of many.

The issue was further complicated by what had happened in the month previous when key junta member Yankuba Touray - accused of killing the former finance minister, Ousman Koro Ceesay, in 1995 - came to the TRRC but refused to testify. Although Touray did not cite any provisions of the 1997 constitution, it contains an immunity clause. Section 13 (1) protects members of APRC or their ministers or appointees from answering before any court or authority for their action or inaction in the performance of their official duties. Although it

52 Former President Yahya Jammeh’s elite force of secret operatives who meted out much of his extra judicial justice.
is hard to make the case that torture and murder is not part of their duties; Section 13 (4) states that even if such action was taken not in accordance with any procedure prescribed by law, it cannot be questioned\(^{55}\). Touray was arrested shortly after appearing at the TRRC and charged with Ceesay’s murder. That trial is ongoing but has left many Gambians asking why such a case can proceed, when the MoJ has released some of the Junglers, saying that any prosecutions will only happen at the conclusion of the TRRC process. Especially as the latter have already admitted their guilt. The mixed messages being sent by the MoJ have made it harder for the TRRC to convey that its mandate is not the pursuit of justice, but the pursuit of truth that can inform how it proposes justice is sought.

"People expect a lot from the TRRC, but not all of it, the TRRC is mandated to deliver,"\(^{56}\) says communications head, Jallow. There is an ongoing challenge of explaining its mandate to ordinary Gambians, "sometimes when we engage with journalists we try and make broader points about the functions of the commission and its mandate, but journalists want our take on specific testimonies, there is rarely space for us to explain the more day-to-day work we do to Gambians through public platforms"\(^{57}\). But he acknowledged that "for victims this is a lengthy process and they are eager for justice and reparations; they want it now, not in a couple of years"\(^{58}\).

Truth on its own is not enough for Ebrima Jammeh, whose father was killed by the Junglers, "I can never forgive what they did. I want to see the released Junglers behind bars. I cannot accept someone who killed my dad walking free"\(^{59}\).

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\(^{56}\) Jallow, E. 2020. Key Informant Interview: Head of Communications, TRRC. 25 February
\(^{57}\) Jallow, E. 2020. Key Informant Interview: Head of Communications, TRRC. 25 February
\(^{58}\) Jallow, E. 2020. Key Informant Interview: Head of Communications, TRRC. 25 February
\(^{59}\) Jammeh, E quoted in Hunt, L. 2019. "The truth is not enough for Gambia’s regime victims". The New Humanitarian. 23 September
“Women should be and are playing an absolutely central role in our reform processes in The Gambia. We are making sure that women participate fully in all of the transitional justice processes that we are currently engaging in, from the constitutional review process to the TRRC, to the national human rights commission, women are at the centre of all these reform processes. These were the words of Minister of Justice Abubacarr Tambadou in 2018. Gender equality is set to be a key part of the new constitution. But testimonies – less than a quarter of which have been given by women - provided to the TRRC on the issue of sexual and gender-based violence (SGBV) has highlighted how entrenched patriarchal views remain in the country. A combination of factors explains these views, and the challenge of getting women to testify publicly, according to a 2019 report by the International Centre for Transitional Justice. "Fear, a lack of awareness of rights, a culture of intimidation against women, a culture of impunity that normalises violations against women and a patriarchal and religious society that gives little space to women in the public sphere have converged to create a wall of shame and silence around violations against women, in particular sexual violence."

The TRRC was aware of the sensitivity of broaching the subject of SGBV but remained determined from the outset that it should be an integral component of all its work. It created a SGBV taskforce - composed of individuals from all the units of the Commission - to ensure that its work mainstreamed, and was sensitive to, SGBV concerns. "In dialogues with communities we have tried to pre-empt likely responses by engaging citizens on issues of sexual and gender-based violence, but these are long-held, ingrained attitudes that can't be changed overnight" noted one TRRC official.

Some of the responses to the testimony provided to the Commission in October 2019 by Fatou Jallow, as part of three weeks of sessions devoted to the SGBV, illustrated these entrenched attitudes. Jallow’s testimony detailed the way in which she was groomed by former President Jammeh after winning a beauty pageant in 2014 and accused him of raping her, multiple times, over a sustained period. But online voices claimed that "she must have consented if it [rape] happened so often", with others attacked her for being "too strong a victim."

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63 Author watching Jallow's testimony on YouTube playback which allows live comments to be seen as they were expressed live.
Two other women, one choosing to do so privately, also testified of experiencing sexual abuse at the hands of members of the former regime. These testimonies marked one of the first times that conversations around these issues were taking place in public in The Gambia. Horejah Bala-Gaye, then the TRRC’s deputy lead counsel and who led the witnesses through their testimony, felt this was a chance for The Gambia to grapple with the issue in a way it previously had not. “Hopefully, this will be the impetus for transformative change,” she said to reporters after Jallow’s testimony, “people are confronted with the reality and now, it’s a question of, as a nation, what can we do to deal with this?”

Outside of the public eye, psycho-social support and anonymous, or behind closed doors, testimonies are also a key part of the TRRC’s continuing work on SGBV. The Gambia is a small country and many perpetrators remain at large. For that reason, several people who wanted to testify did not want to do so in public, either for their own protection or to avoid bringing shame on their families. The TRRC Executive Secretary acknowledges that “there has been a stigmatising of witnesses who were labelled a witch under Jammeh, who were part of his HIV cure programmes or who have alleged being victims of SGBV.” But the TRRC has found ways to include more reluctant female voices. They can still give evidence, in-camera or even in their communities, in a way that keeps their identity hidden but that is still amplifying the prominence of SGBV issues in the TRRC. “I strongly believe these experiences will come out more clearly in the report”, one TRRC official noted. Working through local women’s groups and mothers’ clubs, civil society groups have also found ways of drawing attention to these issues in reports that should help shape the final TRRC report. But even here more socially taboo subjects - for example, the abuse of lesbian, gay, bisexual, trans and queer individuals under Jammeh - have not yet been grappled with effectively.

Whilst SGBV remains a challenging topic to grapple with, the TRRC has made a strong effort to ensure it is not ignored, despite prevailing social attitudes. As Fatou Jallow told Al-Jazeera after her testimony to the TRRC, “it would be a missed opportunity and very unfair to generations to come that we were not bold enough to make sure this part of our history is documented.” Sentiments shared by those who prefer to share their experiences at the community level, “our stories should be told to prevent the repetition of the violations that happened in the former government of Yahya Jammeh.”

64 Bala-Gaye, H quoted in Hunt, L. 2019. “#IamToufah: Breaking the silence on sexual assault in Gambia”. Al Jazeera. 12 November.
65 Jallow. B. G. 2020. Key Informant Interview: Executive Secretary, TRRC. 20 March.
66 Sambo, B. 2020. Key Informant Interview: Youth Unit, TRRC. 24 February.
The Liberia Truth and Reconciliation Commission recommended that a form of both individual and community reparation was desirable to promote justice and genuine reconciliation. But the implementation of this recommendation has been a major challenge. Sierra Leone’s truth and reconciliation process had a reparations programme, but it was largely seen as a failure. It was not set up in a timely or efficient way, and reasonable reparations have not been paid to those most severely affected by the war. Even though reparations were arguably the aspect of the transitional justice programme that were most important to a majority of Sierra Leoneans.

In an effort to learn from the experiences of its neighbours, the TRRC Act in The Gambia, Section 20 (1), grants the Commission the direct power, "to grant reparations to an applicant who is a victim upon consideration of the evidence received or obtained, to restore the human and civil dignity of the victim". In the 2018 Afrobarometer study, five types of reparations were mentioned when asking individuals about their two main expectations for the TRRC. When taken together, 43% of respondents believed some form of reparations was a key outcome of the work of the Commission.

Regulations to guide the reparations process have been discussed with leading international experts. They are now undergoing a review process and should be in place in the first half of 2020. According to TRRC Executive Secretary Dr. Jallow, "we are working on rules to determine what amount of money goes to murder victims, torture victims and victims of other types of human rights violations. We are fast-tracking this process so that we can have a clear way of what to do. How much one gets will be determined by, to a large extent, how many people will need reparations. We don't know yet how many victims there are. There are many families that will need help. These are all important considerations and the fact that time has been taken to ensure that they are well captured in the regulations is a positive as getting reparations right will be a vital part of the TRRC’s work and legacy.

It must also ensure that sufficient funding is forthcoming for the many victims. Otherwise, there is a danger that reparations will not be commensurate with the suffering endured. So far, reparations have taken place on an ad-hoc and interim basis using a portion of the Ds50 million (US$ 1 million) paid by the government into the Victims Support Fund of the TRRC in October 2019. Minister of Justice, Abubacarr Tambadou, hinted that more funds could be made available as more of Jammeh’s assets were sold, though he cautioned that the process might take time. That initial deposit was raised from selling some of Jammeh’s assets in line with the findings of the Janneh Commission - an inquiry set up by the current administration to probe into the financial dealings of Yahya Jammeh, and his close associates, from July 1994 to January 2017.

The September 2019 report of the Janneh Commission established that Jammeh owned...

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72 Help victims and their families overcome long-held pain (16%), Return seized property to victims or immediate families (12%), Offer token monetary compensation to victims whose rights were abused by agents of the state (8%), Offer non-monetary compensation such as free education or medical care for victims or immediate families (3%), organise proper burials for the victims, including the disappeared (2%).
281 properties in the country, as well as assets abroad and found that disproportionate amounts of resources were wasted, misappropriated and diverted amounting to over Ds1 billion and US$300 million. However, the government has been criticised for its selective implementation of the Commission's recommendations. Key individuals in the current administration who had also been a part of the previous regime - most notably Finance Minister Mambury Njie and Chief Protocol Officer Alhagie Ousman Ceesay - were absolved of responsibility in the government white paper that pushed back against the Commission's findings. "The government has failed in its responsibility in acting appropriately on the recommendations of the Janneh Commission in good faith" was one view shared by many. Matty Jaw is also concerned about the wider implications, "the reinstatement of individuals deemed to have committed crimes particular with the Janneh commission is making people believe that nothing will come from the various transitional justice processes."

Interim reparations have filled the gap whilst the regulations are developed and finalised. This has included paying school fees to support children of victims, healthcare for those who have medical conditions brought about by torture and even a few grants issued to support small businesses that were decimated by Jammeh. Four victims, who were shot during a protest in April 2000 and still live with health complications, were partially sponsored by the TRRC to receive treatment in Turkey in late 2019. The TRRC also provides ongoing psychosocial support to victims as part of its work through a dedicated unit. There have even been ad-hoc cases of ordinary Gambians crowdfunding support to victims following their testimonies, to allow them to seek medical attention for ailments suffered as a result of abuse and torture at the hands of the Jammeh regime. The interim TRRC report notes that as part of its diaspora engagement over $25,000 was raised and contributed to the Victims Support Fund from Gambians in Sweden, Norway, the United Kingdom and the United States.

But the forthcoming, and more comprehensive, formal reparations scheme is needed to ensure an equitable distribution of funds in a way that is seen as fair by victims. The Gambia Center for Victims of Human Rights Violations, an advocacy group set up in 2017 to represent the collective voice of victims, is compiling a register, to be forwarded to the TRRC, as well as supporting the Commission's efforts to take victim statements across the country, in the hope that "they [victims] will benefit from the reparations made available. With two representatives in each of The Gambia's regions they are also involved in supporting citizen awareness of the work of the Commission and in working to provide counselling and psychosocial support to victims and their families. Center staff are concerned about the need to manage victims' expectations believing that many victims have chosen to come forward to give public or private testimonies not just to tell their side of the story but expecting some form of compensation. At the end of 2019, the TRRC's Victim Support Unit had registered 941 victims of human rights abuses.

The TRRC will need to produce clear and transparent guidelines as to how claims would be made and processed if they want to avoid accusations of exclusion and bias. "It is still not

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78 Matty Jaw, S. 2020. Key Informant Interview: lecturer, University of The Gambia. 17 April
26 February.
clear how reparations are going to be given out and how those costs will be fully met. So far Ds50 million has been set aside for reparations but it is not clear how that will be allocated and how they will judge the level that you have been affected: will it cover medical or education fees or returning of land or money for lost income? noted one civil society representative. Answers to these questions should be clearer when the TRRC releases its guidelines but communicating these messages to all Gambians and ensuring those who want to make claims are able to do so, will be critical. So too will be ensuring that transparency is to the fore in the issuance of payments to avoid accusations that the commission is showing favour to individuals and to ensure that there is accountability.

The TRRC will also need to communicate how reparations will be provided once its mandate expires given that it is unlikely the process can be completed before then. In November 2019 the Attorney General mentioned that the newly established National Human Rights Commission (NHRC) will take over the legacies of the TRRC, “so this may mean the NHRC will oversee reparations” notes Sait Matty Jaw, a lecturer at the University of The Gambia, “but like many things with the legacy of the TRRC things aren’t clear...what is clear is that when the commission is dissolved, it won’t be in existence.”

According to one legal expert familiar with the work of the Commission, “the funding issue coupled with the complexity of awarding reparations means that there has to be a mechanism for the TRRC’s reparations framework to be implemented even after the Commission completes its mandate”. In their view, “the modalities of how to do that would likely be part of the Commission’s recommendations in its final report.”

82 Key Informant Interview. 27 February 2020.
83 Matty Jaw, S. 2020. Key Informant Interview: lecturer, University of The Gambia. 17 April
84 Response to email query. 20 April 2020
34% of Gambians expect national peace, reconciliation, forgiveness and healing to be one of the major outcomes of the work of the TRRC. Promoting healing and reconciliation is one of the core objectives of the Commission, but, at the national level, this has proved to be quite difficult in practice, in part because of the fast-changing political landscape in which the TRRC operates.

The coalition which defeated Jammeh, and which supported the transitional justice project, lasted only a few months before political infighting and a lack of a common enemy, broke it apart, though it held together formally much longer. In January 2020, Barrow launched his National People’s Party (NPP), under whose banner he will contest the 2021 elections, marking a formal split with the UDP, the leading opposition party during the Jammeh era and the holder of 31 of the 58 seats in the current National Assembly. But this was a confirmation of reality, especially after Barrow dismissed long-time UDP leader, Ousainou Darboe, from his position of vice-president in March 2019. This political split, combined with the fact that Barrow has brought back, or retained, some key officials who served under Jammeh has further complicated the work of the TRRC.

Political parties in The Gambia could do more publicly to show their support and commitment to the process, beyond simply saying that they support its work and will let it run its course. One victim felt that the president specifically “needs to do more to make Gambians feel like he is supporting the process, rather than using it for political gains”. The decision of the government to grant a permit to the APRC to rally in support of Jammeh’s return in January 2020 was seen as an insult by many victims. This followed on from remarks Barrow made in December 2019, when visiting Jammeh’s home region of Foni, that the former president could be allowed to return to The Gambia, but only if he agreed to live as a private citizen. That prospect was quickly dismissed by the Minister of Justice, but not before it caused uproar among victims, particularly those fearful of what such a return would mean for their own safety and the ability of the TRRC to continue to do its work.

Efforts to interfere, albeit indirectly, in the TRRC process have also been attempted by leading figures in other political parties. People’s Democratic Organisation for Independence and Socialism leader, Halifa Sallah wrote a public letter reflecting on what he believed was contradictory statements at the TRRC by ‘Jungler’ Omar Jallow. That is not to say that the work of the TRRC is being shaped by political pressures, but the efforts of political actors to alter perceptions of the Commission, particularly on social media, are having impacts on Gambians’ perceptions. Indirectly, “political parties do have a very big influence on how people perceive the work of the TRRC” was the view of one focus group respondent.

The APRC’s online and offline opposition to the TRRC process since its inception has been consistent: they believe that it is a witch-hunt against Jammeh. The party retains a strong base of support in the Foni region, home to the majority of ethnic Jola - of which Jammeh is a member. Even though they won just 5 seats in the 2017 parliamentary elections, this amounted to 16% of the vote share.

86 Key Informant Interview. 27 February 2020.
The challenge of including and engaging victims from Foni in the TRRC is pronounced. Some are supporters of the exiled former leader; others feel they have been unfairly blamed for his actions; and many feel as though they cannot speak out against their fellow Jola even if they wish to. Efforts to engage these communities remains challenging, despite regular outreach visits from the Commission. "When we [TRRC] went to Sibanorr, in Foni region, not a single person from that town came to our consultations to give testimony, even in other parts of the region when we did consultations turnout was very low for outreach; people were either afraid to turn up because this is an APRC stronghold or they don't believe the TRRC is valid". But efforts to continue to engage communities across the region are ongoing.

A failure to engage with Jola will only exacerbate a sense of victimisation. One which the APRC is keen to reinforce and one which does have some grounding in reality. Historically the Jola, and their home region, were one of the most marginalised and impoverished groups in Gambian society, but under Jammeh they gained a more elevated status. Now things are slowly returning to how they were and Jola's feel increasingly marginalised. According to one respondent, "it is certainly true that many senior government officials and army members from the Jola ethnic group have been removed from office since Barrow took power". The support previously given to the people of the Foni region under Jammeh has not been replicated under the new regime. This is understandable as it would be difficult to justify to other Gambians, "but this has only fostered further feelings of neglect. Ethnicity remains a key identifier for most Gambians, with ethnic divisions in society increasingly being reflected in political party allegiance".

Here the Commissions ‘unseen work’- it’s dedicated Reconciliation Unit, regularly holds community dialogues, women’s circles and town hall meetings across the country, and similar work being done by civil society and community based groups, is arguably doing more for reconciliation than the very public televised hearings which have become, particularly when perpetrators testify, quite adversarial. Community reconciliation is not only less politicised, it deals with issues that are often more manageable. To that end community reconciliation can play a fundamental role in helping mend issues at the local level, with hope that process can permeate up to a more national setting over time.

At the national level, "I think many people are interested in hearing the details of cases but I am not sure this is going to help unify Gambians; who remain divided on political and ethnic lines" is how one legal practitioner sees it.

There is recognition that such a process will take time, and that the timing of the 2021 elections will further complicate a national reconciliation process. But others are more optimistic that national initiatives led by the Commission, such as the #NeverAgain campaign which aims to improve dialogue between citizens, can start conversations that will support broader reconciliation and build on community efforts.

89 Jallow, E. 2020. Key Informant Interview: Head of Communications & Outreach, TRRC. 25 February.
90 Key Informant Interview; Gambian legal expert. 22 February 2020.
93 Key Informant Interview; Gambian legal expert. 22 February 2020.
The political backdrop

The need for the government to act on the recommendations made by TRRC will be vital for its credibility. But there are concerns that the lack of action to implement the recommendations of the Janneh Commission was a worrying signal for what might happen with the TRRC, “the TRRC could become another Janneh: marred by selective implementation of recommendations”94. Others were concerned that, “implementing recommendations made by TRRC may well be driven by what is most politically expedient given that they will come out in the same year as a presidential election. The formation of political coalitions could have significant influence on how recommendations are implemented”95.

If Gambia moves from a first past the post presidential election system to one in which a candidate must win 50%+1 vote, as is proposed in the draft constitution, the likelihood of a candidate winning without forming a coalition, or at least seeking endorsements of others ahead of a second round, is slim. This will make the APRC, along with the Gambia Democratic Congress - which holds the second largest number of seats in the National Assembly - potential key powerbrokers, particularly for Barrow’s newly constituted NPP. The fact that the ruling party has retained several key Jammeh figures in government has led to fears that they could selectively apply the recommendations based on political calculations. Here there is a critical role for the National Assembly and civil society organisations to ensure appropriate scrutiny of the actions of the executive.

The APRC, publicly at least, has said it will not make coalitions with any party during the 2021 elections. But as one Jammeh-era victim notes that “if Barrow was to join forces with the APRC [for 2021 election] that would be a huge problem and it would destroy the credibility of the TRRC”96. On the other hand, if the opposition wins power in 2021 “it will be keen to adopt many, if not all, of the TRRC recommendations directed at individual prosecutions as many of its members were victims”97. But with the TRRC focused more on reconciliation than justice, such an approach could risk undermining those wider efforts.

Towards a conclusion

Will the recommendations be implemented by the government? This is a question already being asked by Gambians concerned about future political developments and frustrated at the poor provision of basic services that they feel have been neglected as the government devotes much of its focus to the various transitional justice processes. But arguably the more important question is whether the TRRC will make the right recommendations. Whilst political jockeying is not something that the Commission has any say over, they can ensure that the report clearly articulates its findings and outlines steps aimed at addressing them that includes recommendations for institutional reform as well as its take on who bears the greatest responsibility. As Madi Jobarteh notes, “this report can make or break The Gambia.”98.

If the TRRC is going to be successful it needs to grapple with key and difficult questions like what justice means and how it can be victim...
centred. It will also need to ensure that the recommendations it makes are legitimised by the public, as they will be key allies in pushing the government to include them in its white paper. The TRRC report will be a public document and to that end it will be crucial to build momentum behind a citizen-driven movement to ensure that whichever government is in power acts on its findings. Along with citizens, the National Assembly can also do more to ensure the TRRC report findings are actioned, "for now it [the Assembly] hasn’t really found its voice having been suppressed under Jammeh, as such it isn't properly representing those they are elected to serve."

Building relationships with civil society groups, community leaders, media, and lawmakers has been a feature of the TRRC's work but more can be done in the coming months to better explain how the process will conclude and the ways in which various groups and citizens can support and champion the TRRCs work. An extension to the TRRC's mandate may be requested, particularly if the Commission’s plans to hold public hearings and engagements at the community level are further affected by the Covid-19 outbreak. Public hearings were temporarily suspended but restarted on 8 June although the work of the Commission continued behind the scenes throughout.

Reparations, a critical part of the Commission’s mandate, must also be a key focus in the coming month as regulations to guide a more comprehensive framework are made public. Communicating how citizens can seek reparations is one of several critical components. The TRRC will also need to build a transparent and accountable system through which reparations are paid to avoid accusations of bias and work closely with MoJ to ensure more funds are secured, in a timely manner, that means the compensation provided is in some way reflective of the abuse suffered.

What TRRC will achieve will be extraordinarily complex and not everyone will be happy with its outcomes. For some people being able to tell their stories is enough, others are happy they have seen senior officials coming to the TRRC, apologising and admitting fault. "What justice means to different people is different", but for many Gambians, like journalist Mustapha Darboe, even if they only prosecute a few people, one of those has to be Jammeh given his all-encompassing control of the state, "if Jammeh is not prosecuted people will see the TRRC as a failure."

But before it can reach any conclusions the Commission must remain focused on the important work of listening to, and documenting, the experience of Gambians. This will ensure that it is able to make recommendations that best reflect those experiences and that a majority of Gambians can support and use to help push their country in a new direction.

Recommendations

Based on its findings the report makes seven key recommendations:

1. Awareness

Awareness not just of the work of the TRRC but its mandate - and the limits of that mandate - is important to communicate to Gambians. Continued sensitisation efforts by the TRRC in partnership with media organisations and civil society groups, in local languages, should focus on explaining to people in advance how the recommendation process will work, so that citizens can work with the Commission to push the government to enact them.

2. Building on the work

Building on the work that has been done by the TRRC in bringing the issue of SGBV into the public arena, the National Human Rights Commission should make SGBV a key focus of its work in its first annual or strategic plan.

3. Community level reconciliation

Community level reconciliation efforts should continue to be a key focus of the TRRC’s work in its final few months. Identifying community reconciliation champions who can then support the Commission’s work in other regions of the country will further improve Gambians’ sense of ownership of the process. This could include adapting and drawing lessons from the Palava Hut and Fambul Tok approaches used in Liberia and Sierra Leone.

4. Reparations

Reparations should be a critical area of focus.

- Once reparation regulations are finalised the details should be simplified and communicated across media - print, radio, TV, social media - in local languages so that Gambians are aware of the process of how to apply and the timelines to do so. This can be done in partnership with media houses and organisations like the Gambia Center for Victims of Human Rights Violations.

- Monetary compensation is important, but the TRRC should also consider restitution of properties including land seized by the former regime. Another option would be for the consideration of community reparations especially for regions that were deprived of essential social services due to their resistance to the former regime. The TRRC must continue to ensure there is trauma counselling, healthcare and psycho-social support for victims.

- Create a Victims Support Fund tracker that will allow citizens to see how funds are being dispersed in a transparent and accountable way, but that still ensures individuals’ privacy is retained.

- Privately the TRRC and development partners should apply pressure on the MoJ to release more funds to support the payment of reparations. In addition to using funds raised from the sale of Jammeh’s assets, other individuals and businesses that benefited from Jammeh’s rule should also pay for reparations, especially if they are explicitly mentioned by the TRRC.

- The TRRC should establish and communicate clear guidance on how the reparations fund will operate. If that timeframe extends beyond the life of the Commission, this should include clear direction on who will be responsible for managing the distribution of funds. The National Human Rights Commission would be an obvious choice.
Document TRRC best practice and experiences that can be shared with, and learned from, by other countries undertaking similar transitional justice processes after decades of dictatorship.

As part of the #NeverAgain campaign, the government should explore how the TRRC building can be converted into a museum that can be used as an educational tool, documenting the work of the Commission and its findings, for future generations. This and memorials for some of the worst atrocities would serve as a lasting reminder of the abuses.

Write a final report with clear and well-articulated recommendations and provide a plan for how these approaches can be implemented in practice. This should involve working closely with civil society and media organisations to develop a mechanism to track the implementation of recommendations in a way that sustains public engagement. Ensuring that the recommendations are clearly communicated across traditional and social media in local languages will be critical to their legitimacy and to empowering citizens to ensure that the government listens to the TRRCs findings and adopts its recommendations.
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