



TRUTH,
RECONCILIATION
AND REPARATIONS
COMMISSION

THE GAMBIA

REPORT

VOLUME 16

**REPARATIONS AND
RECONCILIATION**

REPORT

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0.1 OVERVIEW

- 0.1.1 Reparations to victims is a key element of the Gambian Transitional Justice Process. The right to reparations for victims of gross violations of human rights is well founded in the 2017 TRRC Act taking cue from the AU Transitional¹ Justice Policy and from international law.² Those who have suffered human rights violations deserve acknowledgement of these violations and appropriate action taken to provide redress.
- 0.1.2 Under Article 20 of the TRRC Act, the Commission is required to grant reparations to victims, and it may issue regulations in furtherance of this objective. The TRRC Act, 2017, stipulates that the Commission: “may grant reparations to an applicant who is a victim upon consideration of the evidence received or obtained, in order to restore the human and civil dignity of the victim” (Article, 20:1) and (Article, 20: 2) that it “may make regulations for the granting of reparations under the Act“.
- 0.1.3 In compliance of these very important provisions in the Act, and with regard to the Section 18 of the TRRC Act, the rules of procedures of the Commission which included adopting the terms of reference, programme of work, policy guidelines and formulation of recommendations to the Commission, a Reparations Committee was established to work assiduously to provide the instruments that guided the work of the Commission on Reparations.
- 0.1.4 The Committee on Reparations was comprised of Adelaide Sosseh (Vice Chair of the TRRC as Chair) and Commissioners, Manyima Bojang, Bishop James Odico, Imam Abdurahman Sey, Lamin J. Sise and received strong legal and technical support from the Secretariat, the Victim Support Unit (VSU) and the Legal Unit.

¹ AU Transitional Justice Policy, Doc AU, 2019, <https://au.int/en/documents/20190425/transitional-justice-policy>

² United Nations, General Assembly. Resolution 60/147 of 2005, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, Principle IX (19-23)

0.2 ACTIVITIES

0.2.1 DEVELOPMENT OF OPERATIONAL MECHANISMS

0.2.1.1 To enable the Commission carry out its work on Reparations in a transparent, accountable, equitable and gender sensitive manner a Reparations Policy and Regulations were developed with the support of partners. Within the framework of its Technical Assistance to the Transitional Justice and Institutional Reform Processes in The Gambia, the Africa and West Asia Programme of International IDEA (AWA IDEA), the Ministry of Justice of The Gambia, the Office of the High Commissioner for Human Rights (OHCHR) and the United Nations Development Programme - The Gambia in partnership with the TRRC organized an Expert Meeting on the Commission’s Reparations Regulations. The meeting took place on December 9 and 10 2019 in Banjul, at the Kairaba Hotel.

0.2.1.2 The Experts Meeting drew on comparative experiences of African (South Africa, Liberia, Togo, Burkina Faso and Morocco) and other countries (Columbia) and the African Court on Human and Peoples’ Rights, to contribute to development of the draft TRRC Reparations Regulations document. The draft document went through various stages of validation including a stakeholders’ workshop on Reparations Regulations under the theme, “What Reparations for Victims of The Dictatorship in The Gambia?” organized by ICTJ in collaboration with the Victim Centre on January 24, 2020. The workshop provided the opportunity for victims’ voices to be heard and taken into account in the design, development and implementation of the TRRC’s reparations process, including through holding follow-up consultations that inform victims on the progress being made.

0.2.1.3 To ensure efficient and effective implementation of the Reparations process a consultant was hired with support of the OHCHR and UNDP through the Transitional Justice and Human Rights Project to harmonise the existing TRRC policy documents, namely, the Reparations Policy, Draft Reparations Regulations, Victim Participation Support Fund Policy, Report



TRRC, ICTJ victims meeting on reparations

on the Experts Meeting on Reparations, and the Regulatory Framework. The consultant, identified gaps in relevant policies, laws, regulatory and institutional frameworks with a view to ensuring a harmonized framework for TRRC reparations and developed a revised, harmonized TRRC Reparations Policy and Regulations and User’s Guide for adoption by the Commission. The harmonized documents were validated on August 31, 2020, through a virtual meeting with key national and international stakeholders including International IDEA, the International Centre on Transitional Justice and The Gambia Centre for Victims of Human Rights Violations and Institute for Integrated Transitions (IFIT).

0.2.1.4 Key recommendations emanating from the validation workshop included the need for the TRRC to work closely with victims’ associations to support in its advocacy work on reparations, particularly with victims in remote areas of the country (by Gambians in the Diaspora and the Victim’s Centre representatives) as well as the need for effective communication by The Gambia Women’s Chamber of Commerce (GWCC). The TRRC was urged to continuously communicate with and engage victims and other stakeholders on reparations and to take cognizance of the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence Fabián Salvioli, which took place in The Gambia from November 20-27 2019. He also emphasised the need for the TRRC to reach out to all victims and develop well designed reparation policies and to ensure that the “TRRC’s mechanisms for registration and census of victims must be clearly understood by all society”.

0.2.1.5 Following the adoption of the policy and reparations, the Ministry of Justice gazetted the TRRC Regulations on Reparations. The User’s Guide was reproduced and widely disseminated. The TRRC’s reparations focus on compensation, satisfaction, restitution, rehabilitation and guarantees of non-repetition and urgent interim measures.



Experts meeting on reparations

0.3 FUNDING FOR REPARATIONS

0.3.1 In living up to its responsibility for the payment of Reparations to victims, the government of The Gambia through the Ministry of Justice disbursed an initial sum of D50 million for Reparations on October 8 2019, and pledged another D50 million to be provided from the sale of assets of former President Yahya Jammeh. Noting that the D50 million fell far short from the amount required for Reparations, the TRRC urged the government to deliver on its promise.³

The government position was that the monies from the initial disbursement should be spent before the second amount would be released. An explanatory note on the state of accounts was given to the Attorney General and Minister of Justice at a meeting held in his office on March 16, 2021. Up to the end of the TRRC the promised amount was not provided as the remainder of the monies was set aside for Final Reparations which could not be determined without having a full assessment of the number of victims eligible for Reparations and the total amount of money available for Reparations.

0.3.2 In compliance with the Financial Provisions of the TRRC Act, Part 5, 27 (1) (b) which allows the Commission to access funds from “donations from any lawful source not inconsistent with the functions of the Commission under this Act,” the TRRC undertook a number of actions that were intended to augment the funds available for Reparations. The Diaspora Engagement that took place in August and September 2019 provided an opportunity to fundraise and a total sum of D895,141.32 was raised for Reparations from Gambians in the Diaspora and friends (D737,339.80 from the USA and D157,801.52 from the European leg). Persons in the Diaspora have continued to support the Reparations process of the TRRC as the details of the Victims Support Account opened for this purpose have been widely disseminated. The most recent contribution was the sum of D60,000 donated to the TRRC from The Gambians in West Midlands in the UK on April 9, 2021.⁴

COMMENTARY ON REPARATIONS REGULATIONS OF THE TRUTH RECONCILIATION & REPARATIONS COMMISSION OF THE GAMBIA
Another important consideration that has a bearing on the scope of the TRRC powers to award reparations is the process involved. For purposes of ensuring that there are adequate resources and funds to issue awards, it would be important to have a record of the total number of beneficiaries. Ideally, this process would be concluded before issuing monetary payments. If not, it would be important that the TRRC determine if and how much monetary awards will be given and to whom to ensure that issuing the awards is actually feasible.

(Ismene Nicole Zarifis, Senior Technical Advisor, American Bar Association, Rule of Law Initiative, 16 December 2019.)

0.3.3 On Tuesday July 28, 2020 the TRRC in collaboration with the Ministry of Justice and the Private Sector with the support of the OHCHR UNDP Transitional Justice Project office organized a Zoom Tripartite Meeting on Resource Mobilization. Twenty-two participants from the Gambia Government, private sector, civil society representatives and parastatals participated in the meeting. The main objective of the meeting was to explore and formulate strategies for the resource mobilization for the transitional justice process in particular the TRRC Victims Reparations Trust Fund. Following the presentations critical questions were raised on accountability mechanisms and transparency and disclosure issues. Several proposals were made by the private sector representatives to enhance the fundraising activities of the TRRC and Memorandum of Understanding (MoU) were drawn up with Trust Bank, JFIN, Yonna and Afrimoney. Unfortunately, none of these MoU were operationalized.

3.4 To ensure that: resources were acquired in a transparent and sustainable manner, a TRRC Resource Mobilisation Policy was developed and adopted by the Commission on November 3, 2020. The policy applies to all personnel: commissioners, staff, resource mobilisation committee members and staff of partner organisations in so far as they are working with the TRRC. The policy document provides a framework upon which the TRRC’s resource mobilisation activities are planned and managed. This included activities undertaken by, or on behalf of the TRRC with the aim of seeking or receiving donations of money, property, assets or technical support. The policy permits solicitation of resources on several levels.⁵ To this end several activities were undertaken to augment the resources available for Reparations.

0.3.5 An internal Resource Mobilisation team comprising Haddy Jallow, Human Resources Director, Satang Dumbuya, Fatoumatta Camara, and Momodou Bah staff of the Commission was set up. A Strategic Planning Meeting was held on November 5, 2020 at the TRRC to adopt the Resource Mobilisation Strategy and plan the way forward for Resource Mobilisation. The Committee Members embarked on implementing the resource mobilisation strategy. In spite of their concerted effort public response was limited. Only three organisations- The Gambia Revenue Authority (GRA), National Environment Agency (NEA) and National Aids Secretariat (NAS) contributed to the fund. Plans to travel overseas did not materialize thus limiting opportunities to increase resources for Reparations.

0.3.6 On Tuesday May 11, 2021, the TRRC organised a zoom meeting with the external resource mobilization team consisting of Omar Drammeh (Norway), Imam Jaiteh (UK), Yunus Hydera, Banka Manneh, Papa Yusupha Njie (Unique Solutions,) and John Njie (Chairperson TANGO). All the persons who participated in the call committed to do their best to support the resource mobilization activities of the TRRC. The TRRC appreciates and acknowledges the supportive role played by Gambians in the Diaspora and at the national level who have reached out to support victims who have testified before the Commission in cash and in kind. Even though this was done on an informal basis it greatly contributed to improving the lives of the victims.

³ Letter requesting for additional funds, addressed to the Attorney General and Minister of Justice dated the 31/03/2021, Ref/TRRC/REPS/MOJ/05

⁴ ‘Explanatory Note on Funds Allocated to Reparations And Other Issues Related to Reparations’ submitted to the Attorney General & Minister of Justice on the 16th March 2021

⁵ TRRC Resource Mobilization Strategy, adopted Tuesday November, 3 2020

0.4 GRANTING REPARATIONS TO VICTIMS

0.4.1 INTERIM REPARATIONS ORDERS

Interim Reparations Orders are limited provisional measures (including urgent medical care, psycho-social support and educational support), which are intended to assist victims in urgent need of assistance. Interim reparations orders have been granted to victims whose quality of life has been severely affected as a result of the violation meted against their person and included the elderly particularly those who were suffering from physical and mental ailments; children and youth who have been orphaned or disabled as a direct result of the violation and have inadequate material support to meet their immediate emotional and material needs and women particularly SGBV Victims.

0.4.1.1 THE MEDICAL BOARD

The Medical Board was set up by the Ministry of Health, in November 2018 to provide support to the TRRC urgent interim reparations programme by providing medical assessments of victims (emergency and routine checks) and making recommendations for local or overseas treatment; giving prescription for drugs and one-off procurement of medical equipment or gadgets. Prior to referral to the Medical Board, triage is conducted by the Psycho Social Support team and the Paramedics Team at the TRRC who assessed victims and produced individual referral notes. The Medical Board comprised of doctors with different specializations from the public and private sector have provided invaluable service to victims; helped the TRRC to understand the extent of the violations that victims have endured physically, mentally, emotionally during the past twenty-two years. Since its inception the Medical Board has provided quality health care to over one hundred and twenty four (124) patients referred to it by the Victim's Support Unit of the TRRC. For some of the victims it was a little too late for since the establishment of the Board, twelve (12) victims have passed.⁶

0.4.1.2 TREATMENT ABROAD

- a. *Under the framework of the Bilateral Agreement between the Republic of Turkey and Republic of The Gambia (2014), four (4) victims that were recommended for further medical treatment abroad by the Medical Board as they could not be treated in The Gambia, travelled to Turkey with their escorts on the Monday December 16, 2019. Three (3) of the patients – Yusupha Mbye, Abdou Karim Jammeh and Oumie Jagne were victims of the April 10 and 11 2000, incident. The latter two still had bullets in their bodies and Yusupha was paralysed and wheel chair bound as a result of a gun-shot wound. Nokoi Njie was a victim of the April 14 2016 incident, when UDP members that were demonstrating for electoral reforms were brutalized by security forces at the Westfield Junction. Many of them sustained serious permanent injury and Nokoi was one of them.*
- b. *The arrival of the victims in Turkey coincided with the start of the COVID 19 Pandemic. This impacted negatively on their treatment plan and while three of them were able to*

⁶ Victims who died since the start of the UIR include Kumba Jatta, Dembo Mamo Bojang, Alieu Jallow, Lamarana Jallow, Jarra Colley, Kassel Sambou & Fatoumatta Drammeh (Witch Hunts); Bakary Marong, Lang Faye Sonko, Sambou Fatty, Demba Touray & Kekuta Yarbo (political opponents),

access their treatment, one of them who had to go to a specialized military hospital could not be treated in that facility as it was designated as a COVID 19 Treatment Centre. This delayed his treatment. In the end, and in the principle of do no harm he had to be transferred to a private facility so that his trip would not be wasted and his hopes dashed again⁷ thus re-traumatizing him. The support that The Gambia Embassy in Turkey afforded the patients and their escorts in Turkey is acknowledged and appreciated.

- c. *Three (3) other victims also benefitted from treatment abroad. Abdou Chatty, Fatou Sanyang and Sukai Dahaba travelled to Dakar, Senegal with an escort in October 2020 to undergo surgery that could not be undertaken in country.*

0.4.1.3 TREATMENT IN COUNTRY

Over one hundred and twenty four (124) victims benefitted from in-country treatment for various ailments arising out of the violations they suffered. Through the TRRC, Victim Participation Support Fund established by the United Nations Peacebuilding Fund, the UNDP and OHCHR through the Project “Support the capacity of the Government and national stakeholders to establish credible transitional justice processes and mechanisms that promote reconciliation and sustainable peace in The Gambia” (TJHR Project) provided welfare support to victims. In consultation with the VSU, other TRRC Units and the Medical Board victims were “supported to a maximum of \$1000 per for non-recurrent costs such as the procurement of items, inter alia, medical aids (glasses, hearing aids, walking sticks, wheelchairs, and other mobility aids). Welfare also includes the payment of urgent, basic medical interventions, such as the cost of Xrays, MRI, CT-scans and Laboratory Analysis, as well as the payment of medical bills and medication that follow an urgent, basic medical intervention (including “short-term hospitalization)⁸” In some instances the TRRC has had to support victims to travel to Dakar to conduct essential tests when these services were temporarily not available in The Gambia. Welfare also included costs associated with the protection of informants, victims, and witnesses and safe and protected housing has been provided for at least three (3) victims.

0.4.1.4 PSYCHO SOCIAL SUPPORT.

- a) *Mass atrocities leave deep psychological, emotional and physical scars on survivors. Numerous studies show that involving victims in truth seeking processes of truth commissions put them at risk of re-traumatization. Trauma can impact the survivor testimony thus affecting the credibility of the witness and the efficiency of the public hearings. To reduce the negative impacts of re-traumatization, psycho-social support was provided for both victims and perpetrators and their families throughout the duration of the public hearings to witnesses that testified before the TRRC. Out of the four hundred and twelve (412) individuals that were offered psycho social support three hundred and eighty nine (389) - 94% gave their consent and benefitted from the services. The twenty-three (23) - 6% that declined psychosocial support, were mostly perpetrators.⁹*

⁷ Testimonies of Students to the Commission

⁸ Policy On The Implementation Of The Victim Participation Support Fund, Sept. 2019, Updated April, 2020.

⁹ Psycho-social Services Support Report, TRRC 2021

- b) *Even though perpetrators are not entitled to reparations providing their families with psycho-social support is critical to dealing with vulnerable individuals and particularly, the most vulnerable (young people) who are exposed to reprisals in their schools and communities. All witnesses including perpetrators may suffer trauma or be re-traumatised by reliving unpleasant experiences especially their families who were hearing about the atrocities perpetrated by their family member for the first time. A support mechanism is necessary to help the witnesses recover from that experience as more harm can be done to them individually and to the wider reconciliation effort by rekindling their emotional responses to the abuse they have suffered or caused without offering support to manage those emotions. The role of the TRRC is amongst others to enhance the safety, dignity and rights of all persons who appear before the Commission and assist them to recover from the physical and psychological effects of threatened or actual violence, coercion, or deliberate deprivation.*
- c) *The psychosocial support staff have also assisted in the medical review process by conducting a pre-assessment of victims and compiling a report for the Medical Board. This was necessitated by the need to limit the re-traumatisation of victims by helping to reduce the time spent on reliving the traumatic details of the event they endured as well as to assist the Medical Board with the necessary background information. The psychosocial support staff supported several outreach missions of the TRRC where they provided psycho-education on trauma and how it can affect individuals and communities. Psychosocial support services were provided to women victims under Funding provided by Irish Fund of the United Nations Transitional Justice Programme in The Gambia. Through this support seventeen (17) women were supported with sustainable business initiatives including mentoring and training.*

0.4.1.5 EDUCATIONAL SUPPORT

Under Section 6 (F) of the TRRC Reparations Regulations, UIR may be granted to persons “whose education have been interrupted as a result of the violation or abuse committed against them or their parent and their future prospects for education will be jeopardised unless urgent intervention is provided to ensure that they continue their education”. To this end second chance educational opportunities were provided for children of victims that had dropped out of school due to (1) the inability of surviving family members to pay the costs of schooling to keep them in school and enable them to complete a cycle of good quality education or (2) the trauma that the child was going through which resulted in him/her losing an interest in schooling and (3) the taunting that they had to endure emanating from the rhetoric of the former president against his opponents which trickled down to the children. From 2019 to date the TRRC has facilitated the re-entry of sixty nine (69) students back to school ranging from the Lower Basic to Tertiary Level. Of these 44 (64%) are female and 25 (36%) are male. Other forms of direct educational support came from the sponsors directly to the students. The on-going educational support provided by the following individuals and institutions is acknowledged with appreciation - Anya’s Wish, Unique Solutions, MOKI AID, Majula Dabo and New Vision.

0.5 FINAL REPARATIONS ORDERS

- 0.5.1 Only individuals or groups who have been processed and listed as victims in the TRRC Victims Register can access interim or final reparations.¹⁰ Interim and final reparations orders shall be granted by the Commission following the recommendations of the Reparations Committee.¹¹ A rigorous process of granting Final Reparations was adhered to as required by the TRRC Regulations See Box 2.

BOX 2: REGISTRATION PROCEDURES TRRC REGULATIONS, 2

- (1) The TRRC Legal Team shall review each complaint submitted by any person or group to assess their qualification as a victim within the TRRC’s mandate.
- (2) This assessment shall be submitted to the TRRC Human Rights Committee with a recommendation to –
 - (a) **accept and recognise the complainant as a victim;**
 - (b) **request further information from the complainant; or**
 - (c) **reject the complainant for victim status.**
- (3) The Human Rights Committee shall review the Legal Team’s recommendations and recommend a final determination to the Commission regarding the victim status of the complainant and the nature and extent of harm suffered.
- (4) The Commission shall accept or reject the recommendations in with section 18(5) of the Act.
- (5) The Commission’s final decision on each complaint shall be communicated to the relevant person or group.
- (6) Following the Commission’s final decision accepting that a human rights violation or abuse has occurred, the Commission shall submit the complaint and its assessment to the Reparations Committee for final determination of the type and quantum of reparations that may be awarded.

- 0.5.2 Following these procedures the Commission adopted the decision to grant final Reparations to victims on June 28, 2021.¹² The Commission having considered the submission of the Committee on Reparations approved the list of victims presented by the Committee and also approved the grant of reparations in the amounts as per the list. The Decision also requested the Executive Secretary to implement the decision forthwith. A total number of one thousand and nine (1009) victims including the West African Migrants qualified for final reparations. Of these, one hundred and ninety eight (198) received D50,000 and less; seven hundred and fifty seven (757) received more than D50,000. All under the D50,000 and less category were to be paid in full. All those who were to receive more than D50,000 would be paid on a pro-rata basis except for the 54 West African Migrants whose payments amounting to D32, 400,000 are to be paid by government through their respective governments.

¹⁰ TRRC Reparations Regulations, 2020,

¹¹ C Reparations Regulations, 2020

¹² Decision of the Commission, Granting of Reparations, Dated 28 June 2021

0.5.3 These decisions were communicated to the Attorney General and Minister of Justice in a letter entitled, ‘Submission on Payment Plan for Final Reparations to Victims’ dated, 06 July 2021, Ref/TRRC/REPS/MOJ/06. The Hon. Minister was also informed of the funding gap in the granting of Reparations to victims. As a result the Commission has requested the government pursuant to Section 15(5) of the TRRC Act, to pay the additional outstanding cost of the Final Reparations amounting to D168, 820,831 (One hundred and sixty eight million, eight hundred and twenty thousand, eight hundred and thirty one Dalasis) out of a total Reparations bill of D205, 820,780 (Two hundred and five million, eight hundred and twenty thousand, seven hundred and eight Dalasis), to victims in order to complete the final reparations package for all the victims as soon as possible.

0.6 OTHER FORMS OF REPARATIONS

0.6.1 The TRRC Reparations Regulations anticipates other forms of reparations which include restitution, rehabilitation, satisfaction and guarantees of non-repetition.

0.6.2 **Restitution:** With regard to restitution which includes - the restoration of one’s liberty; returning to one’s place of residence; restoration of property and employment where possible; payment of lost earnings and return of identification documents; the TRRC had taken the decision early on that it would not address the issue of unfair dismissals, land and property disputes as there were too many violations of this nature. It would require a considerable longer mandate than the two year mandate to address these issues. However, the Mot Ali case where residents of a community had been forced out of their community due to religious reasons was heard by the Commission and compensation given for deportation. A recommendation has also been made in the TRRC Report that “the members of the Ndiggall Sect still living in exile in Senegal should be returned to live in Kerr Mot Ali (Gambia) and their properties returned to them and that the government should enforce the judgment obtained by members of the Sect in the High Court of The Gambia”.

0.6.3 **Rehabilitation:** This has mostly been provided through urgent interim reparations in the form of medical and psycho-social support aimed at restoring the physical and psychological condition of victims. Out of the seven (7) victims that went abroad for medical treatment four (4) - 57% of them have had successful surgeries and are able to walk again without aids. Three (3) of them (43%) complain that they still have health issues. These are unanticipated, unintended outcomes and in line with its do not harm policy the TRRC will forward these cases to the proposed entity that the government is to set up on Reparations to avoid foreseeable harm to individuals or to society from the award of reparations. With respect to the victims and survivors of sexual and gender based violence, safe housing was provided where needed with on-going psycho-social support as well as the livelihood support provided under the Irish Aid programme of the Peace Building Fund (PBF).

0.6.4 **Satisfaction:** While a study has not been done to determine the level of satisfaction amongst victims there is anecdotal evidence to show that some of the victims are satisfied about knowing the about the actors and circumstances of a victim’s mistreatment or death. The wife of one of the November 11 1994 Victims sent a text message through the Legal Team during

the testimony of Sanna B. Sabally indicating that she forgave him for participating in the killing of her husband as she now had clear information about the circumstances surrounding his death when for years it was all shrouded in mystery. Promoting public disclosure of the truth by rewriting the false narratives during the public hearings also contributed to bringing about some satisfaction on the part of victims. Having their loved ones labelled as traitors and enemies of the state and having to live with the hate that this brought about and now having the myths being dispelled brought about not only satisfaction but relief. This is a major outcome of the public hearings which has contributed greatly to this aspect of reparations. The public apology, including acknowledgement of the facts and acceptance of responsibility has also contributed to bringing about some level of satisfaction on the part of victims. While many victims are satisfied that they know what happened to their family member they would still like to know the fate or whereabouts of disappeared victims, including identifying and recovering the bodies of loved ones and providing support for reburial ceremonies in accordance with religious, cultural or other practices of the victims’ families. The TRRC has not been able to deliver on this important aspect of its mandate due to lack of resources.

0.6.5 **Memorialization:** Memorialization is a vital component of the Transitional Justice process. The TRRC Reparations Policy recognizes that it contributes to the preservation of historical memory, restoration of the dignity of victims, the recognition of victims as rights-holders and guarantees of non-repetition. It also forms a crucial part of the National Strategy Document for Transitional Justice in The Gambia (2017-2021).¹³ As a medium of symbolic reparations, memorialization can play a pivotal role in moving societies towards reconciliation and transformation by providing opportunities for dialogue, understanding, apologizing, acknowledging and addressing past violence between divided societies. Thus, memorialization initiatives have a significant potential to prevent recurrence of past violations. To this end the TRRC developed a memorialization concept note “Remembering the Past to Build a Safer and More Secure Gambia.” The draft concept note was widely shared with partners and the input of the following persons and institutions into the document and their participation in the validation of the workshop are widely acknowledged. These include Brenda Vukovic of the office of Mr. Fabian Salvioli, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Yvonne Masarakufa, Human Rights Officer, Mam Ndeban Jobe and Marianne George of the OHCHR; Ida Persson and Awa Peters of Transitional Justice & Human Rights Specialist and UNDP, UN Projects Office and Reuben Carranza and Didier Gbery of the ICTJ. According to Mr. Fabian Salvioli, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence “It is important that memorialization initiatives feature predominantly in the country’s transitional justice process, as a form of satisfaction to victims and as a guarantee of non-recurrence for Gambian society¹⁴”.

¹³ National Strategy Document For Transitional Justice in The Gambia (2017-2021)

¹⁴ OHCHR | Preliminary Observations from the Official Visit to The Gambia by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabián Salvioli from 20 to 27 November 2019,

0.6.6 MEMORIALIZATION PROJECTS:

- i. *The TRRC in collaboration with partners developed two memorial projects which unfortunately did not materialize due to matters outside the control of the Commission. These were (1) to build a National Media Center for the Gambia Press Union National Media Center and (2) The Memory Project “Renaming of Arch 22.*
- ii. *The first was intended to be a collective reparation for the media. In its quest to suppress freedom of expression, Yahya Jammeh clamped down heavily on the media. Individual journalists, media houses and Gambia Press Union (GPU) were targeted for gross human rights violations including unlawful killing, enforced disappearances, torture, physical assault and arson attacks, arbitrary arrests and detentions and the passing of draconian laws designed to silence the media by creating an atmosphere of fear or self-censorship. Considerable work was done by the GPU and the Transitional Justice and Human Rights Project in supporting the Project. Unfortunately due to the imminent closure of the Project and “delays in finalizing the land allocation to GPU¹⁵” the UNTJ Project were unable to proceed with the NMC construction.*
- iii. *Plans to rename Arch 22 Memory Arch did not materialise. From a historical, socio-cultural, educational and locational perspective, no site or space can be a better location for a memorial dedicated to the victims of the violations and abuses and human rights during the Jammeh era than the Arch 22 space. The Arch is located strategically at the entrance of the Gambian capital and is visible to all persons entering and leaving the city. It is also a popular site for tourists and schools and lends itself easily to keeping the memory regarding the victimisation of Gambians and other nationals alive.*
- iv. *Renaming Arch 22 is intended to honour all victims of human rights abuses and to serve as a constant reminder to all persons passing under the Arch of the gross human rights violations that occurred in the country and motivate them to commit to non-recurrence. By renaming the arch and using its spaces to exhibit and commemorate events that happened, the victims will be recognized, their suffering acknowledged, their stories retold and the wider public and future generations will be sensitized and educated about the violations that occurred in the country in the 22 (twenty two) years under Jammeh.*
- v. *The National Council for Arts and Culture (NCAC) is the natural body for the implementation of this very important project. The TRRC has worked extensively with the NCAC in the planning of this very important project. In 2002, the management of Arch 22 was put under the control of the NCAC. Earlier in 2000, the Arch was Gazetted as a National Monument which according to Gambian law makes it a protected site of national significance. The NCAC is the natural body that should be responsible for the Memorial Arch.*

¹⁵ Email address from Mam Ndeban Jobe, Jobe, National Human Rights Officer, OHCHR to Adelaide Sosseh, Hussein Thomasi, Ida Persson, Lamin Jahateh and Saikou Jammeh dated 17.03.2021

0.7 CONCLUSIONS

- 0.7.1 The TRRC has within the limits of its mandate put in place the necessary structures and mechanisms to ensure that Reparations are granted in an equitable and transparent manner. Victims’ organisations were involved at all the stages of developing these instruments. Urgent Interim Measures have been provided to victims needing urgent medical care or those whose schooling were interrupted. It is evident that many of these victims will need long term care and continued support as the damage to their physical and mental health is permanent in many instances.
- 0.7.2 Final Reparations orders have been granted and in the absence of a survey on victim satisfaction it is difficult to know the level of satisfaction on the part of those who have received compensation. The TRRC has made a request to the government to pay the outstanding balance to victims who were granted reparations on a pro-rata basis. This is critical to ensuring that they get the totality of the reparations. It is important that the government pays the outstanding balances on those that are on pro-rata payments as soon as possible.
- 0.7.3 The TRRC received over 1500 statements out of which only 1009 were eligible for victim status under the mandate of the TRRC. The right to reparations for victims of gross violations of human rights and abuses is well founded in TRRC Act, 2017. Section 20 (2) of the Act requires the Commission to grant reparations to victims, and to issue regulations in furtherance of this objective. Those who have suffered human rights violations deserve acknowledgement of these violations and appropriate action taken to provide redress. To this end and acting in accordance with their mandate, the TRRC developed a Policy on Reparations and the Reparations Regulations which were Gazetted by the Ministry of Justice in February 2021.
- 0.7.4 In discharging its responsibility to grant reparations to victims and to respond to the needs of the victims of gross human rights violations and abuses the Government on October 8, 2019, gave the TRRC D50 000 000 for reparations with a promise to give an additional D50 000 000. Out of the D50 000 000 that was given, the Commission paid approximately D13 000 000 for urgent interim reparations in medical assistance for the victims who needed urgent medical attention. In a decision made by the Commission on June 28, 2021 the balance of the D50 000 000 was allocated to 955 (nine hundred and fifty) victims or their families. This was not enough to meet the total monies to be granted to victims as final compensation based on guidelines developed by the Commission for the granting of reparations to victims.
- 0.7.5 It is evident that many persons do not understand the mandate of the TRRC and were interested only in getting redress for what they perceived to be a violation of their right to employment or to land. In addition, many victims have not publicly testified or submitted a written complaint to the TRRC. This is particularly true for victims of sexual and gender-based violence, people living with HIV/AIDS, persons accused of witchcraft. Even though the TRRC has set in place confidentiality and anonymity mechanisms for taking testimonies, these are not clearly understood by the victims many of whom have decided not to testify or whose

families or communities have prevailed on them not to testify. Many have chosen to remain silent for fear of reprisals. It is important that the new entity on reparations is cognizant that there are laggards and that their cases are considered when they do decide to make a complaint. As a census of victims was not done during the start of the TRRC it is not possible to ascertain the number of victims in the Gambia and the violations they have suffered.

0.7.6 The search and identification of disappeared persons has proven difficult so far. The remains of about seven (7) persons have been recovered through exhumations in Yundum Barracks and these are yet to be identified through DNA for handing over to their respective families. The lack of proper forensic facilities is a major impediment to the realization of this important goal. Other persons buried in Tintiba Forest and other sites are yet to be found.

0.7.7 It is important that memorialization initiatives feature predominantly in the country's transitional justice process, as a form of satisfaction to victims and as a guarantee of non-recurrence for Gambian society. Survivors of the 22 years of tyranny in The Gambia have narrated their stories to the TRRC and to a wider audience through the public hearings. It is important that their stories are preserved and retold in a manner that is befitting, compelling, meaningful and appropriate so that they resonate with future generations, while remaining sensitive to the victims and being mindful of their interests.

0.8 RECOMMENDATIONS

0.8.1 Put in a place a mechanism to identify the burial sites of victims and conduct proper identification of their remains to be given to their families for proper burial.

0.8.2 Post TRRC the new entity on Reparations should adopt all necessary measures to ensure the universal registration of victims in order to know the full extent of victimhood in the country and provide them with reparation.

0.8.3 Ensure that victims for reparations should continue beyond the conclusion of the work of the TRRC to ensure all victims are part of the reparations programme, even if they make a complaint at a later stage.

0.8.4 Reparations: As a result of the funding gap in the granting of Reparations to victims the Commission now herein with reference to Section 15(5) of the TRRC Act, requires the Government of The Gambia to pay the outstanding amounts as indicated below to complete the final reparations package for all the victims as soon as possible.

1. *Pay the outstanding cost of the pro-rata payments for final Reparations amounting to D168, 820,831 (One hundred and sixty eight million, eight hundred and twenty thousand, eight hundred and thirty one Dalasis) out of a total Reparations bill of which stands at D205, 820,780 (Two hundred and five million, eight hundred and twenty thousand, seven hundred and eight Dalasis),*

2. *Pay the sum of D32, 400,000 (Thirty two million, four hundred thousand Dalasis) to the West African Migrants and other non-Gambian nationals. This amount is not reflected in the outstanding payment indicated in 1 above. These reparations payments to these victims are to be paid through their respective governments as soon as possible.*

3. *Recognise the supplementary list of victims provided and grant them reparations in line with the provided guidelines on reparations*

0.8.5 Victims who are permanently incapacitated and are suffering from physical and mental conditions should be provided with free medical care in public facilities for the rest of their lives.

0.8.6 Scholarship schemes should be provided for students who have had their schooling interrupted to enable them complete their education and become productive and self-reliant members of society.

0.8.7 The Gambia National Army should grant honorable discharges to those officers who were unlawfully dismissed from the army.

0.8.9 The personnel management office should look into the cases of those civil servants who were unlawfully dismissed and denied their pensions and make arrangements so that they get their pension benefits.

0.8.10. Renaming of Arch 22 to Memorial Arch: The government should rename Arch 22 to Memorial Arch and give the NCAC overall responsibility for the management and execution of the project.

0.8.11 Engage with the international community to seek technical assistance in providing support to accelerate the identification of new mass graves and provide the necessary equipment to detect their location, as in several areas the identification of mass graves was not possible.

0.8.12 Seek support to provide capacity building and develop technical and human resources on forensic investigations. This capacity-building should include training and certification for personnel on forensic anthropology, in accordance with international standards.

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A. INTRODUCTION

1. Section 13 (a), (i) of the Truth, Reconciliation and Reparations Commission (TRRC), Act 2017 mandates the Commission to “*promote healing and reconciliation.*” The TRRC is also mandated 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.*”(Section 13 (a), iv).
2. **In line with its mandate, a Reconciliation Committee consisting of Imam Ousainou Jallow, Chair of the Committee and Commissioners Jammeh Ceesay, Lang Kinteh, Bishop James Yaw Odico. Lamin Sise (Chair of the Commission) and Adelaide Sosseh was established to foster social cohesion and national healing in order to achieve reconciliation.**
3. A Reconciliation Unit (the Unit) provided technical support and backstopping to the Reconciliation Committee to lay a foundation for development, peace, and security through a transitional justice framework by:
 - a) Ensuring a nationwide understanding of reconciliation within the TRRC’s reconciliation process for public ownership.
 - b) Engaging with different stakeholders and amplifying the “Never Again” Campaign.
 - c) Raising public awareness about the mandate of the TRRC to promote social cohesion and healing as well as to clear misconceptions about the reconciliation process.
 - d) Disseminating the aims and objectives of the work of the Unit to a wide audience.
4. **The key stakeholders for the Reconciliation Committee were the victims and perpetrators, Government and non-governmental organisations, political/religious and traditional leaders, influential individuals, victims’ groups, civil society organisations (CSOs), community based organisations (CBOs), children, youth and women’s groups, Gambians in the Diaspora and international organisations.**

B. ACTIVITIES OF THE RECONCILIATION COMMITTEE

5. Part VI, Section 3a of the TRRC Act, requires the Commission to submit a report to the President containing among others the measures that were “aimed at reconciliation and peace building.” To this end the Commission implemented activities that were geared towards promoting healing and reconciliation. These included the public hearings of the TRRC which served as the springboard for reconciliation. Truth telling can be an important step to reconciliation as in many instances knowing the truth inspires the aggrieved person to forgive and to reconcile. Other actions included the granting of reparations and the promotion of the Never Again agenda of the Commission.

6. Reconciliation is a complex concept and there is little agreement on its meaning. Irrespective of the meaning one adopts, it is important to note that reconciliation is both a goal and a process. It is a process through which a society moves from a divided past to a shared future. It is a long-term process that takes time and requires consensus. There are differences of opinion and thought among theorists about the nature and degree of improvement in a relationship required to qualify as reconciliation for any particular context. Also, to the reasons why relations have improved may play a role in determining whether reconciliation has genuinely taken place. This according to some accounts is when: *“two parties will count as reconciled only if their better future relations result from their having satisfactorily dealt with the emotional, epistemic, and/or material legacy of the past. While the outcome of reconciliation is oriented toward a future marked by peaceful and just relations, the processes of reconciliation are typically oriented towards the continuing bad feelings, suspicions, or harms that were created by the conflicts and injustices of the past”*¹.

I think reconciliation is the process of securing justice and reparations for victims, and then their forgiveness toward their violators. Absent justice, any so called reconciliation will be transient and old wounds will resurface once again in the future at the slightest provocation. I think violators should face the law, and that the government should not issue them blanket amnesty, forgiveness on behalf of victims. At the end of the day, the government is among the violators and violence was carried out at its behest, and so, none of the organs of the state, including its constituted Commissions and panels should forgive injuries done to individuals. The top brass MUST account for the illegal orders they gave to security personnel.

**Alieu Darboe,
former Student Leader, currently:
Independent Consultant in Public
Policy, Education and National
Security matters.**

7. Five categories of improvement in relationships contained in the literature which are in line with the mandate of the TRRC include: (i) changes in institutional structures, (ii) changes in external behaviors, (iii) changes in belief, (iv) resolving negative emotions and attitudes and (v) adopting or resuming positive emotions and attitudes. All these were evident in the reconciliation activities of the TRRC which were implemented during the life span of the Commission. It is expected that these activities will continue post TRRC through the creation of institutions conducive to the development of stable and democratic society as well as the institutional, administrative and legislative measures which should be taken in order to prevent occurrences of violations and abuses of human rights.

8. The activities conducted by the Reconciliation Committee with technical support of the Unit are detailed below:

- i. *Interpersonal reconciliation.*
- ii. *Community reconciliation.*

¹ Reconciliation (Stanford Encyclopedia of Philosophy) First published Mon May 11, 2015; substantive revision Fri Aug 2, 2019

- iii. *Engaging with Faith Based Organisations to promote reconciliation.*
- iv. *Politics and reconciliation.*
- v. *Socio-cultural factors in the wider society.*
- vi. *Capacity building of the Commissioners and staff on peace building and social cohesion.*
- vii. *Social cohesion for national unity and peace-building.*
- viii. *Partnerships and networking.*

C. INTERPERSONAL RECONCILIATION

9. Section 18 (5) of the TRRC Act stipulates that: *“A Reconciliation Committee shall make recommendations to the Commission for approval which is drawn from engagements with various stakeholders especially victims and perpetrators.”* In essence this means that after giving their testimonies at the TRRC, perpetrators can request that the TRRC facilitate reconciliation with their victims or between themselves. The TRRC’s approach to interpersonal reconciliation focused on the relationship between victims and perpetrators and perpetrators turned victims and the offenders of the rights violations.

10. CRITERIA FOR INTERPERSONAL RECONCILIATION

- i. **Acknowledgment:** The first step in the interpersonal reconciliation process is an acknowledgment on the part of the alleged perpetrator that s/he has done wrong. S/he will acknowledge what s/he did to the victim in detail. When perpetrators publicly acknowledge what they have done, knowledge becomes, in a sense, truth, and victims are (to some extent) assured that the past will not repeat itself. This in itself contributes to victims’ healing and, thereby, facilitates dialogue. However, for the act of acknowledgment to be effective the explanation must be complete and detailed. The victim cannot accept the omission of any painful episode of loss by the acknowledging side; otherwise, the good faith of the acknowledgment will be suspect.
- ii. **Contrition:** The next step is for the perpetrator to take responsibility for past actions, to express regret, and to directly request forgiveness. Again, sincerity, as judged by the victims, is the key to the success of this step.
- iii. **Forgiveness:** The last but not the least step in individual reconciliation is forgiveness. The first two steps by the perpetrator prepare the ground for the final step, which is the victim’s voluntary forgiving of past injuries and sufferings. It may take time for victims to express their forgiveness, but true acknowledgment and contrition on the part of the wrongdoer will in itself have a positive effect on relations between the parties.

11. Inter-personal reconciliation activities were carried out at the level of the Commission both in private and public. The private reconciliations that were carried out were self-initiated and spontaneous and were held out of the purview of the Reconciliation Committee and Unit

and out of the public glare. After the event, the Unit in collaboration with the Victim Support Unit followed up on the reconciling parties to provide psycho-social support to them and their families if needed. Some of the public reconciliations described below.

a) THE RECONCILIATION BETWEEN SANNA B. SABALLY AND EDWARD SINGHATEY.

12. The reconciliation between the two former Vice Chairmen of the defunct Armed Forces Provisional Ruling Council (AFPRC) was initiated by **Sanna B. Sabally** himself. The Commission accepted his request to facilitate the reconciliation with his former “buddy” and colleague **Edward Singhatey**. From being friends, they became enemies. **Edward Singhatey** admitted to participating in the arrest and detention at the Security Wing No. 1 of Mile II Central Prison of **Captain Sanna B. Sabally** (Vice Chairman) and **Captain Sadibou Hydara** (Minister of Interior) of the AFPRC on January 27, 1995 on the false accusation that they planned to kill then **Chairman Yahya Jammeh**, the head of the Junta. They were subjected to severe brutal, cruel, inhumane and degrading forms of torture while in detention. **Sadibou Hydara** died in Prison and **Sanna B. Sabally** was released nine years after serving a prison term of nine (9) years. **Edward Singhatey** replaced **Sanna B. Sabally** as **Vice Chairman**.
13. The reconciliation ceremony took place on Wednesday October 23, 2019 in the public hearing hall of the TRRC. The Chairman of the Commission, **Lamin Sise** informed the public that the reconciliation between the two parties was organized at the request of **Sanna B. Sabally** in line with the Commission’s mandate to promote healing and reconciliation. As such, it was incumbent on the Commission to provide the platform for the reconciliation.
14. This activity was misunderstood by many Gambians who felt that it was wrong for the



TRRC to facilitate the reconciliation between two persons perceived to have caused the country much harm. These misconceptions were further fueled by a misunderstanding about the different dimensions of reconciliation. Lessons learnt from other countries show that reconciliation, which is very much forward-looking in nature may require different efforts to deal with grievances and injustices in the past. . Thus, if the two persons who played a pivotal role in bringing so much of harm to the country were willing to openly reconcile and acknowledge the wrongs that they did to the country, and to each other, the TRRC was obligated to facilitate the process in the context of its “Never Again” agenda. In addition, the definition of reconciliation as “restoring the right relationship between people” should

not be misconstrued to going back to the period of tyranny when mistrust, anger and hatred prevailed. In this context, the transcendental religious conception of reconciliation based on forgiveness was also applied.

15. At the reconciliation ceremony which was presided over by Commissioner **Imam Ousainou Jallow**, chair of the Reconciliation Committee. **Sanna Sabally** said: *“I initiated the reconciliation talks with the view of reconciling with my brother here, **Edward Singhatey**. I have said it from the day I left the prisons that I have forgiven you all. Even if **Jammeh** was here today, I will tell him the same.”* In response, **Edward Singhatey** acknowledged his close friendship with **Sanna Sabally** during their days in the Barracks and described as **unfortunate what happened between them** He added: *“We should not have been in this situation right now. This is not what we decided in 1994. I can remember both of us said this country will be a paradise. I thank God for bringing this day in my life. I cannot express the regret that I feel for my contribution of putting you through and what your family went through.”* The Commission finds it significant that **Singhatey** made the reference to the “promised paradise”. A promise which they failed to deliver on due to transgressions on their side which resulted in gross human rights violations, misrule and lack of democratic processes in the country.

b) RECONCILIATION EVENT AT THE TRRC ON JULY 1, 2020

16. On July 1, 2020, three sets of reconciliations were facilitated at the TRRC premises under the supervision of the chairperson of the Reconciliation Committee **Commissioner Imam Jallow**. **All three reconciliations were requested by the perpetrators in order for them to apologise and to seek forgiveness from their victims, who consented to these requests. These reconciliations were mainly premised on three (3) out of the five (5) categories outlined in paragraph seven (7) above which can be** characterized as an improvement in the relationship between two (2) or more parties who were previously in conflict.
17. These are (i) the changes of the other party occasioned by the loss of the belief that the other party is inherently evil or is perceived to be the enemy; the acceptance that the narrative of the past was wrong and the belief that the other party is no longer likely to pose an unreasonable threat to oneself. (ii) The victim overcoming negative emotions and attitudes such as the resentment, fear, hate or anger toward the wrongdoing party; as well as managing his or her own shame or guilt and (iii) the adoption of positive emotions and attitudes towards the other person such as mutual respect, compassion, love, a shared sense of identity and empathy.

(i) RECONCILIATION BETWEEN HONOURABLE OMAR JALLOW (O.J. JALLOW) AND MAJOR ABUBACARR BAH

18. The reconciliation between **Honourable (Hon.) Omar Jallow (O.J. Jallow)** and **Major Abubacarr Bah** amply demonstrated these aspects of reconciliation. **Major Abubacarr Bah** was one of those who had tortured the civilian detainees and former ministers of the People’s Progressive Party (PPP) who were detained at the Fajara Barracks after the military take-over in July 1994. Detainees were subjected to severe torture and inhumane and degrading treatment during their period of detention at Fajara Barracks. **Major Bah**

in his public testimony to the TRRC on December 2, 2019 confessed that while on duty at the Fajara Barracks sometime in 1996, he was involved in the torture of PPP detainees, especially **Hon. O.J. Jallow**. He expressed regret for his actions and solicited the TRRC to facilitate reconciliation with the **Hon. O.J. Jallow**.

19. During the ceremony **Major Bah** thanked God that **Hon. O.J. Jallow** was able to witness this auspicious day as he had been waiting for this day for a while now. He mentioned human imperfections and having been a misguided youth at the time he tortured **Hon. O.J. Jallow** in 1996.

In asking for forgiveness from **Hon. O.J. Jallow** and by extension his family, **Major Bah** said: *“as a human being, you should not hesitate to recognize and correct your mistakes, repent and ask for forgiveness.”*



MAJOR ABUBACARR BAH APOLOGISES TO AND RECONCILES WITH HON. O.J. JALLOW

20. **Hon. O.J. Jallow** acknowledged that everybody makes mistakes and accepted the apology of his torturer. He said: *“if someone seeks forgiveness from you, whether a Muslim or Christian, you are bound to forgive”* and noted that they had family ties. **Hon. O.J. Jallow** also described his close relationship with **Ousman Bah**, **Major Bah**’s brother and said he has completely forgiven **Major Bah**.. During his testimony at the TRRC **Hon O.J. Jallow** had said that he holds no grudges against **Major Bah**. **Hon OJ Jallow** extended an open invitation for **Major Bah** to visit him.

(II) SORIBA CONDE (RAMSES) AND ENSA BADJIE (JESUS)

21. It was in the same spirit of forgiveness and change of attitudes and beliefs that the second reconciliation ceremony for the day was effected between **Soriba Conde (Ramses)** and **Ensa Badjie (Jesus)** a former Inspector General of Police. **Soriba Conde (Ramses)** gave false testimony at the trial of **Ensa Badji (Jesus)** which led to the conviction of **Mr. Badjie**, for a six-year prison sentence with hard labour.



22. **Soriba Conde** acknowledged that he had lied against **Ensa Badjie (Jesus)** and that his lie led to **Jesus**’ imprisonment. **Soriba Conde** asked forgiveness of **Ensa Badjie** and added that he even sent people to **Ensa Badjie** whilst he was in prison to ask for forgiveness on his behalf as he was full of guilt. **Conde** was visibly remorseful while asking **Ensa Badjie** for forgiveness.

23. **Ensa Badjie** on his part expressed gratitude for witnessing this day. A day that he would never forget. He did not blame **Mr. Conde** whom he says he knows he was used to falsely testify against him.

Highlighting the difficulties he faced during his trial and for being sentenced for something he knew nothing about, **Ensa Badjie** said that he forgave **Soriba Conde** and anyone who participated in his torture and prison sentence. He also offered **Soriba Conde** with a place to stay after his release from prison, if he has no place to go.

He further stated that even though he has lost everything as a result of this wrongdoing against him, he has taken heart as he cannot change what had happened.

24. **Ensa Badjie** also took the opportunity to urge other senior security officers who were guilty of human rights abuses to come to the TRRC and make known their role in aiding and abetting the **Jammeh** dictatorship and apologise to their victims and the Gambian people.

(III) RECONCILIATION BETWEEN PRISON OFFICERS EBRIMA JAMMEH AND MALANG TAMBA AND PRISONERS SORIBA CONDE, LAMIN JAH AND FALLOU CEESAY WHOM THEY TORTURED AT MILE II CENTRAL PRISONS

25. **Soriba Conde (Ramses)**, **Lamin Jah** and **Fallou Ceesay** were mercilessly tortured as inmates at Mile II Central Prisons by the Operations Commander, **Ebrima Jammeh** and **Malang Tamba** along with other wardens. **Ebrima Jammeh** was so cruel that the prisoners nicknamed him *“Chief Torturer.”* During the institutional hearings on the Prisons held in June 2020 the Commission heard testimonies from both the officials and the prisoners about

how these tortures were meted out on prisoners and how torture was frequently used as a tool to punish prisoners. The severity of their torture resulted in injury for which they received no treatment. During their testimonies at the public hearings of the TRRC, **Ebrima Jammeh** and **Malang Tamba** accepted responsibility for torturing the victims and apologised publicly. The reconciliation event at the TRRC afforded them the opportunity to reconcile.

26. Seeking forgiveness from **Soriba Conde (Ramses)** and **Lamin Jah.**, **Ebrima Jammeh** said his actions against them was based on anger as a huge quantity of drugs and mobile phones were found in their possession. However, he deeply regretted his actions and requested that they forgive him. Both of them forgave him and they reconciled.

27. **Malang Tamba**, expressed his shame as he had betrayed the trust of The Gambian people. He was being paid by taxpayers' money and instead of acting properly he broke the trust reposed in him by torturing **Soriba Conde, Lamin Jah** and **Fallou Ceesay**. He also expressed his deepest regret and apologised to his victims and Gambians at large. He said it was difficult to face his victims but that it was the right thing to do as he is the one who wronged them. **Soriba Conde, Lamin Jah** and **Fallou Ceesay** accepted his apology and said they forgave him.



MALANG TAMBA APOLOGISES TO AND RECONCILES WITH LAMIN JAH

28. After each set of reconciliation a calabash full of kola nuts² was presented to the victims by the perpetrator. Wherever reconciliation is possible, the result is relief from bitterness for the victims and release from guilt for the perpetrators. This was indeed the case after all three reconciliation sessions, the victims and perpetrators were seen shaking hands and laughing together. Some were even cracking jokes and laughing. It was reassuring

C.2 RECONCILIATION BETWEEN NATIONAL INTELLIGENCE AGENCY (NIA) OPERATIVES AND THEIR VICTIMS

29. **Omar Cham** and **Basiru Sey** staff of the National Intelligence Agency (NIA) who testified at the public hearings of the TRRC were posted to the National Water and Electricity Company (NAWEC) and the Special Operations Unit (SOU) respectively. The duo like most of the other NIA personnel wielded power that they used over other people by torturing and terrorising them. These human rights violations were revealed to the TRRC by various

² The kola nut is an important cultural symbol for many ethnic groups in The Gambia and has several traditional significances. It symbolises peace, welcome and hospitality. The first thing served in every function or ceremony and settlement of disputes and personal or communal agreements is the kola nut. The presenter of the kola nut offers it in good faith to the aggrieved person and s/he in turn accepts it in a gesture that is free from malice. It is a very symbolic but sombre ceremony at the Commission.

witnesses who had been victimised by the two men. They also on their own volition confessed to these violations. After several years of committing human rights violations **Omar Cham** and **Basiru Sey** say they had now changed their beliefs, expressed regret for their bad behaviour and apologised to the victims. They also asked the TRRC to facilitate a reconciliation between them and their victims.

30. **Omar Cham** had admitted to the Commission that as NIA liaison officer to NAWEC, he had tortured **Famara Naso, Musa Oldie Jawo, Sainabou Keita** and **Simon Grant** between 2001 and 2003.



OMAR CHAM APOLOGISES TO AND RECONCILES WITH MUSA JAWO

The reconciliation event between Omar Cham and his victims took place at the TRRC on March 10, 2021.³ He apologised to his victims for the harm that he had caused them based on the erroneous belief that they had done wrong. He expressed regret and his victims accepted his apology and forgave him. **Sainabou Keita** was unable to attend the ceremony but acknowledged and accepted his apology.

31. On the same day, **Basirou Sey**, reconciled with **Amadou Jogo Sowe** and **Sarjo Touray**. The Commission noted the candour and respect demonstrated by **Basirou Sey** in his testimony to the Commission and appreciated and recognised the presence of his mother at the reconciliation event. Mother's play a significant influencing role in the lives of the children



BASIROU SEY APOLOGISES TO AND RECONCILES WITH SARJO TOURAY

and accompanying her son to the event indicated that she acknowledged that her child had done wrong and was willing to make amends for his wrongdoing. In addition to this she was now aware of her son's illegal activities and would assume some responsibility in ensuring that he would refrain from such actions in the future.

³ Testimony of Omar Cham 11th January 2020 line 1939- 1984

C.3 RECONCILIATION BETWEEN ARMY PERSONNEL

(I) RECONCILIATION BETWEEN ALAGIE MARTIN AND BABOUARR SANYANG

32. Lieutenant Colonel (Lt. Col.) Baboucarr Sanyang was the Regimental Sergeant major (RSM) at Yundum Barracks at the time of his arrest on January 27, 1995. He was arrested along with Captain Sanna Sabally and Captain Saidibou Hydara and detained at the Mile II Central Prisons where he was severely tortured by a team led by Brigadier General (Brig. Gen.) Alagie Martin then Warrant Officer 2. Alagie Martin had previously denied the torture of Sanna Sabally, Sadibou Hydara and Baboucarr Sanyang but admitted to beating his victims during his public testimony to the Commission on June 20, 2019. As Warrant Officer 2, Alagie Martin claims he led the torture sessions on the trio - Sanna Sabally, Sadibou Hydara and Baboucarr Sanyang – on the instructions of former President Yahya Jammeh.



Brig. Gen. Alagie Martin (right) apologises to and reconciles with Lt. Col. Sanyang

33. At the reconciliation with Lt. Col. Baboucarr Sanyang, Brig. Gen. Alagie Martin apologised to Baboucarr and his family citing the situation at the time as a reason for his actions. He said that in spite of what happened however, Baboucarr worked under him as his second in command with respect. Martin pledged ‘never again’ would it happen as stated in the TRRC slogan and asked Lt. Col. Baboucarr Sanyang to find a place in his heart to forgive him.⁴

⁴ TRRC RECONCILIATION 19.05.21 - YouTube Alagie Martin: 22:15-27:19/1:16:10 accessed 10.10.2021

34. In response, Lt. Col. Baboucarr Sanyang accepted his apology and said he had forgiven Alagie Martin and had put everything behind him and it was a closed chapter of his life.⁵
35. The reconciliation between Alagie Martin and Baboucarr Sanyang demonstrates that changes in institutional structures like the GNA resulting in resumption/building the rule of law; that promote alienation from the existing institutional order such as those that required the staff to carry out illegal orders (such as torture of detained persons) and renewed participation in shared institutional good practices and values can lead to positive outcomes.

(II) PA MODOU SARR AND BABOUARR SANYANG

36. The reconciliation between Pa Modou Sarr and Lt. Col. Baboucarr Sanyang also took place on the same day May 19, 2021. Pa Modou Sarr was among the team led by the WO2 Alagie Martin to Mile II Central Prison to torture Baboucarr Sanyang.

Pa Modou Sarr admitted to torturing Baboucarr Sanyang by putting a plastic bag over his head. He also acknowledged that he kicked and beat him on the orders of Alagie Martin.

- 37.



PA MODOU SARR APOLOGISES TO AND RECONCILES WITH LT. COL. SANYANG

Pa Modou Sarr described the reconciliation between Lt. Col. Baboucarr Sanyang and himself as the happiest day in his life for even though he wanted to ask Baboucarr for forgiveness a long time ago he was not confident enough to approach him on his own. He was therefore, grateful to the Commission for facilitating the reconciliation. He revealed that his participation in the torture of Baboucarr Sanyang was the reason why he left the Army. Even though he had served only six years and had no job to go to and remained unemployed for two (2) years after leaving the Army he preferred that, than to

work for an organisation whereby he may have to continue to carry out illegal orders. He apologised to Baboucarr and asked for his forgiveness.⁶ Pa Modou Sarr has proven to be a conscientious objector as Sanna Sabally testified that even though Pa Modou Sarr was present at his torture sessions he did not participate in his torture.

38. Lt. Col. Sanyang in accepting Pa Modou Sarr’s plea for forgiveness, said he never knew it was Pa Modou Sarr who put the plastic bag over his head until he heard it during his public testimony at the TRRC. He praised Pa Modou Sarr for coming out to testify truthfully about his role in his torture. He accepted the apology on behalf of the three clans of his family and in special reference to the ‘joking relationship’ between the Jola and Serer ethnic groups. He further prayed for Pa Modou Sarr so that whatever losses he had as a result of quitting the

⁵ TRRC RECONCILIATION 19.05.21 - YouTube Baboucarr Sanyang 30:08-39:01/1:16:10 accessed 10.10.2021

⁶ TRRC RECONCILIATION 19.05.21 - YouTube Pa Modou Sarr 41:29-45:25/1:16:10 accessed 10.10.2021

Army would be replaced.⁷ This aspect of **Lt. Col. Sanyang's** acceptance of **Pa's Modou Sarr's** plea for forgiveness is an important cultural practice that should be recognised as a significant contribution to maintaining inter-personal, inter-family, inter-ethnic and inter-regional peace in the Senegambia region.

(III) RECONCILIATION OF LT. COL. LAMIN FATTY AND ALAGIE KEBBEH

39. **Lt Col. Lamin Fatty** apologized to **Alagie Kebbeh** and asked for his forgiveness for the inhumane and degrading treatment he meted out against him on November 11, 1994. During his testimony to the Commission on April 10, 2019, **Lt. Col. Fatty** admitted to dragging **Alagie Kebbeh** and putting him in the boot of the car as well as making harsh and callous statements to his wife during the arrest. This was despite the fact, that he was a family friend and had shared a meal at the **Kebbeh** household on a number of occasions.⁸



40. In accepting the apology, **Alagie Kebbeh** used the religious dimension to forgive. He told **Fatty** that: *“every day we do wrong and God forgives us for our wrongdoings. In that case who are we not to forgive one another?”* Having said that he gracefully accepted **Fatty's** apology and they reconciled.⁹

D. COMMUNITY RECONCILIATION

41. **Reconciliation** in the context of building **community** relationships assumes a need, a will, or an actual effort made on the part of an individual or a group of people to live side-by-side in peace with a person or another group they had considered to be their enemies in the past. In this regard reconciliation lies at the heart of building and maintaining peace especially in promoting local reconciliation initiatives between divided communities. This was the intended outcome when the TRRC facilitated the reconciliation activities for the communities of Jambur and Si-Kunda. In the case of Jambur the community requested that the TRRC facilitate the reconciliation and that it be held at the TRRC premises. In the case of Si-Kunda observing the deteriorating trend of community relationships and the possibility of it escalating into conflict the Chair of the TRRC Reconciliation Committee tasked the Unit with the responsibility of approaching the Community to set the ground for the reconciliation.

7 TRRC RECONCILIATION 19.05.21 - YouTube Baboucarr Sanyang 46:00-51:50/1:16:10 accessed 10.10.2021

8 TRRC RECONCILIATION 19.05.21 - YouTube Lamin Fatty 54:00-1:04:14/1:16:10 accessed 10.10.2021

9 TRRC RECONCILIATION 19.05.21 - YouTube Alagie Kebbeh 1:06:29-1:10:21/1:16:10 accessed 10.10.2021

I) JAMBUR COMMUNITY RECONCILIATION

42. The 2009 witch-hunt exercise by former **President Yahya Jammeh** fractured many communities by bringing about fear, mistrust and divisions in families and communities that were once cohesive through family kinships and social relationships. After the coming of the witch hunters to **Jambur** the community experienced a rupture and a break down in social relationships. Many of the persons that were identified as witches/wizards by the witch hunters blamed the late **Alkalo** for wrongfully pointing them. An act they saw as a great injustice for which they suffered great harm. Others believed that they were targeted because of their political affiliation to the United Democratic Party (UDP).
43. Whatever the reason for their persecution the witch hunts had negative implications on social relationships fueled by suspicion, resentment, fear, hate or anger toward the wrongdoing party; and on the part of the victims' shame, stigma and discrimination. Having lived in such a situation for more than a decade, relationships deteriorated even further when the son of the late **Alkalo** who upon hearing the accusations made against his late father (that he identified the persons to be captured by the witch hunters) became angry and threatened to kill all those who mentioned his father, including the Imam.
44. This did not go down well with the elders and community as a whole. They had already suffered enough from the witch hunt exercise through health complications acquired after drinking the concoction given to them by the witch hunters, loss of income and livelihoods and stigma and discrimination in their village. Having to suffer abuse and threats of violence by the son of the wrongdoer was unacceptable and the matter was reported to the Farato Police station. The Community Police at the Station did not want the problem to escalate and tried as much as possible to address it at the community level. This resulted in a withdrawal of the police report by the elders to give peace and reconciliation a chance. The Community police officers at Farato Police Station played a critical role in maintaining peace between the two sides in conflict at Jambur.
45. The elders of the community contacted the TRRC and requested that the Commission facilitate a reconciliation event. With the authorisation of the Chair of the Reconciliation Committee, **Imam Jallow**, the Unit started the process with community dialogues between the families of the **late Alkalo of Jambur, the Imam**, and other **elders of the community**. After the groundwork was completed through the community dialogues the two sides met at the TRRC premises and had a difficult but frank discussion over the issue. The **son, family and clan of the late Jambur Alkalo** expressed remorse over the incident that left the community deeply divided. They presented cola nuts and apologised to the **Imam** and the **elders**. The **Imam** and the other elders accepted the apology and agreed to reconcile and forge ahead for the social cohesion of the community of Jambur. These were people who had strong kinship ties and this conflict in their community should not have occurred.
46. The process of repairing relationships is an important and valuable contribution to reconciliation because of the other benefits it enables individuals and communities to achieve. In the Jambur context, the benefits of relational repair include the avoidance of further harms to one's interests, including the psychological burden of resentment. These were people with strong family ties whose reconciliation is intrinsically valuable or morally appropriate. The repair of a relation that has been ruptured acquires derivative intrinsic value namely the

resumption of a relationship of mutual respect and a reasonable degree of trust in the other's ability and willingness to and love based on family considerations

47. While the people of Jambur recognised the rupture in their community and wanted to be reconciled the TRRC also recognises that some of the communities in the Foni area, particularly Sibanor and Sintet are deeply divided by the witch hunt exercise. In Sintet, no one would testify either privately or publicly about the witch hunt except for one woman whose husband died as a result of being forced to drink the concoction. In Sibanor, none



AN EMOTIONAL MOMENT DURING THE RECONCILIATION BETWEEN THE FAMILY OF THE LATE ALKALO AND THE ELDERS OF JAMBUR

of the indigenes testified at the public hearing. All the witnesses came from surrounding villages. Cognisant of the need to reconcile communities in the Fonis the Chair of the Reconciliation Committee, **Commissioner Imam Jallow**, during the regional hearing in Sibanor held a reconciliation meeting and invited the Chief of the Area and the youth leader to brainstorm on how the TRRC could broker peace and reconciliation. The Chief advised that the TRRC should first engage the five (5) National Assembly Members (NAMS) of the area and the Chiefs of the area and based on the outcomes of the meeting with these two important constituencies develop a road map for the promotion of sustainable peace in the Fonis. Unfortunately, these meetings did not hold and the roadmap was not developed.

II) SI-KUNDA COMMUNITY RECONCILIATION

48. The community of Si-Kunda were a target of former **President Yahya Jammeh's** dictatorial regime and the District **Chief Yahya Jarjusey** played a key enabling role in promoting the violations. One of the major violations was the imposition of an Alkalo on the people of Si-Kunda against their will. This was not only illegal but in addition the people who protested against the Chief's action by refusing to pay their taxes to Alkalo imposed on them were

tried and sentenced to prison by the Chief. This was a gross violation of the rule of law and good governance as the Chief could not have been the judge in a case in which he had a vested interest.

49. The eleven (11) victims from Si-Kunda that were treated in such a manner were bewildered and angry at the treatment that was meted against them. Due to their imprisonment, some of them had developed health problems and others suffered from loss of income. **Chief Yahya Jarjusey** appeared before the Commission on the May 19, 2021 and admitted to have unlawfully installed an Alkalo in Si-Kunda against the will of the community. He claimed that he did not know that it was unlawful. The Lead Counsel informed the Chief that when he was imposing the Alkalo on the community the law for the appointment of Alkalo's had not changed and the power was still with the people to elect their own Alkalo.
50. **Chief Yahya Jarjusey** accepted his error and apologised to the people of **Si-Kunda**. The Unit authorised by the Reconciliation Committee organized a reconciliation event in Si-Kunda on August 14, 2021. The event was held in the Si-kunda community square and was well attended by people from the community.



CHIEF YAHYA JARJUSEY APOLOGISES TO AND RECONCILES WITH THE ALKALO AND COMMUNITY OF SIKUNDA

51. In his apology to the community **Chief Yahya Jarjusey** asked for the community's collective forgiveness and promised to never repeat such actions again. The community in turn accepted his apology as he is originally from Si-kunda and he has family members in Si-kunda and above all he is their chief. These sentiments were re-echoed by all the villagers present at the solemn gathering. They also praised the Chief for his courage and humility in coming all the way to their village to seek for their forgiveness. The programme was concluded with the traditional presentation of cola nut in a calabash to the people of Si-kunda.
52. **Commissioner Imam Jallow, Chair of the Reconciliation Committee thanked the Chief for his magnanimity and humility. Apology is perhaps the most explicit way in which wrongdoing can be acknowledged.** The Chief had acknowledged his wrongdoing, taken responsibility for being the wrongdoer, and had expressed regret or remorse for his actions. The acceptance of the apology by the community was also a positive move on their part and a significant contribution to the reconciliation process in their community.

E. ENGAGING WITH FAITH BASED ORGANISATIONS TO PROMOTE RECONCILIATION

53. Cognisant of the fact that religion plays a very important role in the socio-cultural dimensions of Gambian society, the Reconciliation Committee supported by the Unit engaged with mosques and churches in the West Coast and Greater Banjul Areas during the Holy months of Lent (March-April 2019) and Ramadan (May-June 2019). These periods were chosen for the engagement due to the emphasis that both Christianity and Islam place on forgiveness and reconciliation during these times. In any discussion about forgiveness and reconciliation it is important to make a distinction between the two before applying them in a given situation. On the one hand, a person can forgive but forgiveness does not necessarily mean reconciling with the wrongdoer. Reconciliation is a choice. There may be good reasons why the person does not wish to reconcile. No one can force a person to reconcile if she/he does not want to. To persuade people to reconcile who have no interest in such processes can place yet another burden on victims.
54. Knowing that churches and mosques do carry out reconciliation activities at the family, inter-personal and communal level and have the knowledge, competence and skills to carry out these activities the TRRC sought their support in carrying out this important part of its mandate.
55. Events were held at the Abiding Word Ministries (AWM), the Catholic Churches in Brikama, Kanifing and Fajikunda and the Anglican and Methodist Churches in Banjul. There was a big turnout in all the churches and after the welcome statements by the hosts, the TRRC team stated the objective of their visit and highlighted the activities that had been undertaken so far. They concluded by soliciting the Christian community to support the work of the TRRC. In the question and answer sessions the participants sought clarification about the work of the TRRC and some narrated their own victimisation at the hands of security agents. Even when they were easily identified by their attire as being clergy the security would still have cause to arrest and detain them.
56. Important lessons were learnt particularly the need for on-going psycho-social support for the families of both victims and perpetrators. A teacher at the AWM gave an example of how a child with the surname **Kanyi** was being called ‘*mofala*¹⁰’ after the testimony of **Alagie Kanyi** thus requiring the school to take measures to protect the child from emotional and physical violence.



TRRC RECONCILIATION ENGAGEMENT AT AWM

10 Mofala, meaning killer in the Mandinka language

57. In her vote of thanks to the AWM the Vice Chair of the TRRC, Adelaide Sosseh, acknowledged the significant support that AWM gave to the TRRC from the beginning of the public hearings when the AWM presented fifty boxes of bottled drinking water to the Commission for use during the public hearings. This was the first of a monthly donation from the Church to the TRRC which was to continue throughout the hearings. The Church also presented the Holy Bible that was used to swear in witnesses at the public hearings. This was based on the AWM’s desire to “*see the TRRC succeed.*”¹¹ The AWM also reached out to some of the victims through the TRRC Reconciliation Committee after hearing their testimony to give financial, material and spiritual support. Premised on these actions by the AWM in support of the TRRC processes, the Vice Chair expressed hope and expectation that this support would continue post TRRC.
58. In the month of Ramadan (May –June 2019) members of the Reconciliation Committee and Unit shared “*Iftar*” with the Brikama Central Mosque in West Coast Region, Pipeline, Latrikunda and Bakau Mosques in the Kanifing Municipality and Lasso Wharf and James Senegal Mosques in Banjul. Apart from the symbolic act of breaking the fast with these communities the spiritual dimensions of *Iftar* were also taken into consideration to demonstrate to the religious leaders and their communities that traditional and religious practices, values and norms are also important to the TRRC.
59. *From the spiritual perspective there are many benefits associated with ‘Iftar’, one of which is forgiveness for sins which can only be attained through forgiving one another. As the mission of the TRRC team was to seek the support of the religious leaders in spreading the message of forgiveness and reconciliation it was believed that through sharing ‘Iftar’ a platform would be created to maximise the reconciliation efforts of the TRRC.*
60. In all the Mosques that the TRRC went to for *Iftar* they were well received by the Imams or their deputies and the Mosque Reconciliation Members. The message was the same that: “*Islam is a message of truth and forgiveness*” At the Lasso Wharf Mosque in Banjul, the



11 (20+) Truth, Reconciliation and Reparations Commission - TRRC – Posts | Facebook: Pastor Alhagie Tiayana, January 5, 2019.

Chairman of the Mosque Committee expressed the belief that if the religious leaders are put at the forefront of the reconciliation process they could contribute to national healing and reconciliation. They have congregations and they can use the pulpit to preach peace and forgiveness. According to him those that have faith will try and forgive. He urged people to be patient as the TRRC had made some very important revelations through the public hearings. This information was startling even for religious leaders who are used to hearing about atrocities.

61. On his part, the **Imam Ebrima Sillah**, said the work of the TRRC is centred on uniting people and this is something ordained by Allah. He quoted the Quranic verse: “*And hold fast, all together by the rope which Allah (stretches out for you), and be not divided among yourselves. And remember the favour of Allah upon you - when you were enemies and He brought your hearts together and you became, by His favour, brothers*”. *Quran 3:103* The Imam said that this was an important verse about forgiveness. We should learn to forgive so that in turn Allah will forgive us. In his opinion the TRRC is advocating for forgiveness and that cause should be supported. He said whether you were beaten, or a family member of yours killed or suffered a loss and now that you are told the truth and the violator seeks for forgiveness you should have the heart to forgive. This is what the TRRC is all about he said. He prayed that the mission of the TRRC will be accomplished.

62. At James Senegal Mosque, the Imam described the TRRC as an eye-opener. He confessed that he himself had an apology to make to the people of Casamance and to ask for their forgiveness. Before the public hearings of the TRRC he like many others believed that the atrocities that were being narrated were carried out by non-Gambians and by people from Casamance. It was inconceivable then to believe that a Gambian would carry out such violations against a fellow Gambian. Now that the truth was known it was obligatory on all Gambians not only to seek for forgiveness of their Casamance brothers but also to help The Gambia to heal and reconcile. While some people would want justice the punishments would only come at the end of the TRRC process. He enjoined his congregation to be patient and to support the TRRC process. A member of the congregation added his voice to that of the Imam’s and said the most important pillar in the TRRC process is the “Never Again” campaign because if the violations are not repeated and with time people will forgive.

63. At Pipeline Mosque, Imam **Ousainou Jallow**, Chairman of the Reconciliation Committee thanked members of his community for welcoming the TRRC and asked for continued prayers so that the process of the TRRC will be guided. He explained the reconciliation process and solicited the other Imams at the Mosque to support the TRRC by preaching about peace and reconciliation. **Imam Jallow** concluded by thanking the United Nations Transitional Justice (UNTJ) Project for the food packs for the *Iftar at the*



Iftar at Pipeline Mosque

Mosques and for the Church

engagements. Their support for this initiative was much appreciated taking into consideration the important role that religion plays in the life of Gambians.

64. The engagement with the Mosques and Churches gave the Reconciliation Committee the opportunity to explain at first hand the other aspects of the TRRC work and in particular the reconciliation process. The overall objective of the programme was attained as religious leaders committed to the reconciliation process during the TRRC process and post TRRC. With this commitment they can help their congregations to deal with the past and repair relationships and by so doing promote national healing and reconciliation.

F. POLITICS AND RECONCILIATION

65. The public hearings of the TRRC on the theme “attack against political opponents” showed zero tolerance for the opposition parties by the former president **Yahya Jammeh**. This intolerance trickled down into state institutions and communities. The main target was the United Democratic Party (UDP) but other parties suffered as well from attacks against their members, denials of permits to hold rallies and unequal access to the media particularly Gambia Radio and Television Services - the state media. Private radio stations and newspapers that gave space to the opposition were victimised. At the community level members of the APRC would attack supporters of other parties with impunity. People like **Tata Camara** of Janjangbureh, **Kassamanding Keita**, Soma, **Tida Jallow**, Sanyang and many others were assaulted by APRC militants and their properties destroyed.

66. In line with its mandate of “*promoting national healing and reconciliation*” the TRRC in collaboration with the UNDP held a very successful Stakeholders Meeting in the TRRC Conference Room on February 14, 2020 to prepare for a National Dialogue on Social Cohesion, Security and Peace. The meeting brought together the top leadership of the leading political parties in the country, religious and traditional leaders, representatives of civil society and victims organizations, national security institutions and agencies, UNDP and the TRRC. Discussions around the three main divides- politics, ethnicity and religion - that have the potential of leading the country into conflict resulted in some very significant recommendations.

67. Only three parties - UDP, APRC and PPP- were present at the meeting out of the currently twenty (20) or more registered parties in The Gambia. The meeting recommended that the best way forward in addressing the deep political divisions in the country is to organize an inter-party dialogue, using the Inter-Party Committee (IPC).

68. The IPC is of one of the fundamental pillars of the democratization process in The Gambia and an indispensable tool for consolidating peaceful co-existence among political parties. It is therefore an important platform to engage with to promote dialogue, cooperation and peaceful co-existence between the political parties and democracy in the country. The proposed TRRC meeting with the IPC did not hold due to unavailability of resources. This was a lost opportunity as the upcoming Presidential elections in December 2021 show signs of conflict. The abuse, the ethnic divide and fake information amongst others entrench alienation rather than reconciliation.

69. In addition some persons maybe candidates for the Presidential and National Assembly elections which follow shortly after the Presidential elections who have been classified as perpetrators by the TRRC and recommended for punitive actions against them. In the interest of promoting peace and democracy such persons should not be allowed to hold or run for public office. Many victims who testified before the Commission lamented at the status quo where they see the perpetrators of violations against them still holding office while they are suffering. This is a genuine concern on their part and needs to be addressed.
70. While at this stage it is too late to carry out lustration for the Presidential elections there is still time to apply it for the National Assembly elections and the local council and municipal elections. Lustration refers to legal measures that permit or require the investigation of individuals running for election, serving in the military, or working in government agencies, CSOs, academia or the media. Individuals found to have connections to past injustices or perpetrating groups may then be publicly exposed or excluded from serving in public roles.¹² Adopted by countries transitioning to democracy, defenders of lustration see it as forward-looking and as a means of securing peace or a political transition as well as reestablishing trust in government by assuring the public that past wrongdoers will no longer be in power.¹³ Critics of lustration as a means of pursuing political reconciliation highlight the potential for biased application of the law, warn of the difficulties of re-establishing a functional government when much of the experienced and educated workforce is excluded from participation,¹⁴ and are concerned that lustration encourages the continuation of suspicion rather than cooperation among former enemies.¹⁵
71. Whatever model is used to keep former perpetrators out of political leadership even if only for a temporary period is important to send a strong signal that persons who violate the human rights of other people cannot and should not be allowed to lead them.

G. SOCIO-CULTURAL FACTORS IN THE WIDER SOCIETY

72. Apart from the political divide in The Gambia a consultative research conducted by the Reconciliation Unit of the TRRC and the Conflict Development Analysis conducted by WANEP in 2019 revealed that The Gambia is deeply polarized and requires collective actions for peace and stability. These divisions include ethnic, religious, gender and wealth divides. It can be argued that inclusiveness and equality are at the heart of our national reconstruction process. For the country to move from the atrocities of human rights violations of the past twenty two years (1994-2017) people need to adopt a culture of tolerance, forgiveness and healing. The key stakeholders for this process include the National Human Rights Commission, religious and traditional leaders, youth and women groups, educational institutions, NGOs/CSOs, the media and victims organisations.
73. The public hearings of the TRRC revealed several truths not only about the brutal regime but

¹² David, Roman, 2011, *Lustration and Transitional Justice: Personnel Systems in the Czech Republic, Hungary and Poland*, Philadelphia: University of Pennsylvania Press.

¹³ Chiu, Yvonne, 2011, "Liberal Lustration," *The Journal of Political Philosophy*, 19(4): 440-464.

¹⁴ Hollywood, Dana Michael, 2007, "The Search for Post-Conflict Justice in Iraq: A Comparative Study of Transitional Justice Mechanisms and their Applicability to Post-Saddam Iraq," *Brooklyn Journal of International Law*, 33(1): 59-124.

¹⁵ Govier, Trudy, 2006, *Taking Wrongs Seriously: Acknowledgment, Reconciliation and the Politics of Sustainable Peace*, Amherst, NY: Humanity Books.

about the true nature of Gambians who were willing to kill, maim and lie against a fellow Gambian based on weak excuses that 'I was young', 'I was afraid' and I thought that the other 'person was the enemy'. It was easy for people to stay in their comfort zones and turn a blind eye to the atrocities that were going on. It was easy to shift the blame on the victim than on the perpetrator(s). People were also unwilling or scared to speak out for themselves much less in support of someone else. In his testimony **Emmanuel Joof**, Chairman of the NHRC told the Commission the sad situation of April 10/11 2000, when only one person had the courage to speak out publicly against the killing of the students. Not even the parents of the killed students protested. The culture of silence is a deterrent to reconciliation. According to Emmanuel Joof the fact that people did not speak out emboldened **Jammeh**.¹⁶

74. In addition there were the harmful traditional practices and beliefs which still continue to plague Gambian society. The caste system, labelling people as witches, stigmatisation of PLHIV and gender stereotypes all still continue to have a stronghold on Gambian society. All these issues came out in the public hearings and attitudes and behaviours have to change if the nation is to heal and people reconcile.
75. On the other hand some positive aspects of traditional socio-cultural practices such as joking relationships still exist. Several witnesses made reference to their joking relationship such as the relationship between the *Jolas* and the *Serers* referred to by both **Baboucarr Sanyang** when he was reconciling with **Pa Modou Sarr** and **Ngorr Secka**, in his testimony about **Musa Jammeh (Malia Mungu)**. These relationships are customary ties that link various groups and individuals. Joking relations can be found in many parts of The Gambia and Senegambian region. In The Gambia, such associations exist between the members of different ethnic groups, between the people of different villages and regions, between kinfolk such as cousins and grandparents and grandchildren. A joking relationship is an effective socially institutionalized tool that mediators can employ and are particularly intriguing because they have been instrumental in the transformation of long-standing conflicts that were resistant to prior intervention efforts. Joking relationships can play an important role in the TRRC reconciliation processes.

H. CAPACITY BUILDING OF THE COMMISSIONERS AND STAFF ON PEACE BUILDING AND RECONCILIATION

76. Social cohesion is defined as the glue that bonds society together. It is essential for achieving peace, democracy and equitable development. A cohesive society is one where all groups have a sense of belonging, participation, recognition and legitimacy. Such societies are not necessarily homogeneous but by respecting diversity, they harness the potential residing in their societal diversity. (UN) Social cohesion is the state of a society's convergence, or the common bonds that unify different people and groups that share space and territory. In July 2019, the Catholic Relief Services (CRS) organised a two (2) day (18 and 19) Bridging Training for Social Cohesion for Commissioners and staff of the TRRC to build their capacity in promoting social cohesion. The course requires a much longer period but due to the busy schedule of the Commissioners their training was condensed to two days. The training was so useful that the TRRC incorporated it into its ways of working.

¹⁶ EMMANUEL DANIEL JOOF TRRC PT2 20.05.21 - YouTube 1:08:07-1:55:35/2:03:49

77. A step down training was conducted in the different regions of The Gambia. The training in Koina and Garawol in the Upper River Region, was held from September 8 -12, 2020. The four day training which was funded by the CRS brought together sixty (60) participants in the two communities which are recognised as hotspots in the country where conflicts of social class including the caste system still exist. For this reason, the Unit deemed it necessary to intervene in reconciling the conflicting parties in both these communities. Participants were trained on the importance of maintenance of peace, reconciliation and social cohesion.

78. **Commissioner Jammeh Ceesay**, a member of the Reconciliation Committee represented the Committee at the meetings. In his opening statement at the training workshop in Koina, **Commissioner Jammeh** emphasised the importance of reconciliation, social cohesion and peace building as a fundamental tool for societal development. The training focused on the binding and bonding components and the bridging exercise was implemented through tree planting exercises by the Garawol and Koina communities who are divided by caste.



TREE PLANTING AT GARAWOL AND KOINA

79. For the sustainability of the reconciliation and healing process in The Gambia, CRS signed a Memorandum of Understanding (MoU) to support the TRRC in capacity strengthening for social cohesion and resource mobilisation during and post TRRC.

80. The TRRC undertook a Diaspora Engagement to Europe and the USA in September 2019. One of the objectives of the engagement which was supported by the UNTJP was: “to discuss with Gambians in the Diaspora the role that they can play in the reconciliation and reform processes.” Out of the four (4) Commissioners who were on the European Leg of the Diaspora engagement three (3) were members of the Reconciliation Committee. This represents seventy five (75) percent of the group and twenty seven (27) percent of the total number of Commissioners and by sheer numbers can have an influencing impact on the thinking of the Commission in relation to reconciliation. These were, the Chair of the Reconciliation Committee, Commissioner **Imam Jallow**, Commissioners **Bishop James Odico** and **Adelaide Sosseh**. The group visited the Nansen Centre for Peace and Dialogue where **Mr. Alfredo Zamudio** Director of the Centre gave a presentation on peace and dialogue and explained the background to the setting up of the Nansen Centre. He emphasised that reconciliation is a slow process and dialogue is one of the processes for peace. Dialogue is not just about justifying but it is also a listening process.

81. Dialogue is the important first step in enabling people to embrace tensions in the process of reconciliation. Dialogue can take place in many settings including within communities across divisions of race, religion, or gender. Dialogue can be held in schools, communities, prisons, the work place and at the national level through conferences and symposia. For dialogue to be effective, it has to include:

- Genuine exploration of self and the “other”
- Addressing the roots of conflict
- Building closer bonds between individuals and groups
- Promoting systemic and structural change

82. Reconciliation often builds on grassroots initiatives, such as music, and sport, so that barriers between people can be addressed and broken down. Other examples might include initiatives such as workshops that promote psychological healing, perhaps offering safe spaces for narrative sharing and storytelling; or social projects that bring together individuals from diverse groups and communities. By so working to effect social change, people also learn to respect each other and to coexist peacefully.

83. Inspired by the powerful presentation the Deputy Chair, of the TRRC, **Adelaide Sosseh** asked if such an initiative could be implemented in The Gambia. She found the model presented by **Alfredo** to be a useful pathway for the TRRC to use in its quest to find common ground in difficult areas in The Gambia. If this can be achieved through dialogue then the TRRC would be very grateful if the Nansen Centre could train staff of the Reconciliation Unit on how to use the model to build cohesion in our communities. The Director of the Nansen Centre, **Mr. Alfredo Zamudio** expressed the willingness of the Nansen Centre to assist the TRRC in capacity building and **Mr. Omar Drammeh** a member of The Gambian Association in Oslo is happy to do the groundwork to follow up on this request.

I. PARTNERSHIP AND NETWORKING

84. Reconciliation works best when people are brought together, work together in association on concrete activities to solve their day-to-day problems. Messages such as peace-building, reconciliation and building mutual trust are more effective when people are involved in some concrete action. Such activities aim to prepare victims, perpetrators and other stake holders, including the Gambian populace to discover the truth and then engage in a dialogue through activities that assist in healing, mediation and reconciliation. The Reconciliation Committee worked in collaboration with the different Units of the TRRC which expanded its networking to other organisations outside the TRRC.

85. **Youth:** Young people are an important constituent in the promotion of reconciliation and peace. The Youth and Children’s Unit played a key role in ensuring that they participated in the TRCC processes both in and outside the Commission. The short film on youth participation produced by the Unit in partnership with the International Centre for Transitional Justice (ICTJ) entitled “Our Nation, Our Voice” is an important contribution to the reconciliation process. On the February 4, 2018, the Youth and Children’s Unit embarked on a ten-day

nationwide caravan tour using music, poetry and art to sensitise communities on transitional justice and nation-building. These songs, poems and artworks are an important collection for any reconciliation activities.

86. **Women:** Women play important roles in nurturing peace by virtue of their positions in society as mothers, sisters, aunties, and grandmothers and through the socialisation processes within the family and community. Women can act as agents of peace and change agents through positive behaviour change communication. All the negative concepts about caste, ethnicity, PLHIV and witches can be dissipated with proper messaging in the homes, schools and communities. There is overwhelming evidence that women have been involved in initiatives that promote peace and reconciliation or contribute to the process, even though most of their contributions remain unknown or invisible. The joint training by the Reconciliation Unit and the Women’s Affairs Unit on *Women and Reconciliation* in September 2020, built the capacity of women on social cohesion and reconciliation.
87. The signed MoU between the Women Affairs Unit of the TRRC with ten Women Civil Society Organizations in The Gambia is an important contribution to the post TRRC agenda on reconciliation. The MoU dated July 13, 2020 signed by the following organisations: Think Young Women, Network Against Gender Based Violence, Women In Liberation and Leadership (WILLS), West Africa Network for Peace building- The Gambia (WANEP), The Girls’ Agenda, Gambia Federation for the Disabled, Forum for African Women Educationist Gambia, (FAWEGAM), Female Lawyers’ Association Gambia (FLAG), Women’s Association for Victims Empowerment (WAVE) and Gambia Centre for Victims of Human Rights Violations is aimed at continuity of the TRRC’s post agenda work “*on social cohesion, peace and reconciliation to address polarisation and grievances amongst the people of The Gambia.*”¹⁷ The signing was supported by the UN Transitional Justice Project in The Gambia so there is interest on the part of the UN Office in The Gambia to see that these organisations play their role in implementing the MoU.
88. The victims are a major and the most important stakeholder in the reconciliation process. Healing is important for victims to overcome trauma and this needs to be addressed at individual and collective level. Suitable interventions include trauma counselling, victim support and advocacy groups. The Victim’s Support Unit has provided this support during the TRRC process and has worked with the Reconciliation Committee to provide the necessary psycho-social support to both victims and perpetrators and their families during the reconciliation process. It is important for the personal safety and security of the victims that there is reconciliation at the inter-personal and community levels as the safeguards that the TRRC had provided such as “safe houses” for the protection of the victims will no longer be available. It will be necessary for Victims Organisations and other groups to continue the support.

¹⁷ Memorandum of Understanding between the TRRC and 10, Women’s Organisations July 13, 2020, TRRC.

J. FINDINGS

89. **Misconceptions about the meaning of reconciliation:** The concept of reconciliation is not understood by many Gambians. For many reconciliation is synonymous with forgiveness - that perpetrators seek forgiveness after committing atrocities to victims. For those working to promote forgiveness and reconciliation like the TRRC it is important to remember that a person can choose to forgive but not to reconcile.
90. **Lack of consensus on the reconciliation process:** Within the context of the TRRC while there is agreement that through the truth processes reconciliation must acknowledge the wrongs of the past and the proper standing of victims, and through its Never Again agenda that these wrongs must not recur there is little agreement or convergence on what process of reconciliation is adopted in a given context and on how to measure effectiveness of these processes.
91. **Witnesses constrained to come forward to testify either publicly or privately to the TRRC:** Ethnic, religious, family and gender considerations influenced many witnesses not to participate in the TRRC processes. Misplaced loyalty, fear of reprisals, stigmatisation and discrimination as well as family honour prevented both men and women from testifying before the TRRC even though systems were in place to protect their identities. Without their stories being told it would be difficult for them to engage in any type of reconciliation.
92. **Positive traditional practices that promote reconciliation:** Joking relationships still play an important role in maintaining peaceful relationships and averting conflict. This emerged during the public hearings and in the banter that went on between Commissioners, staff, legal team and witnesses and perpetrators. This mechanism is understood by Gambians and is an important tool that can be used in reconciliation activities.
93. **Lack of/inadequate resources:** Planned reconciliation activities could not be implemented due to lack of or inadequate resources.
94. **Participation of women and children:** Only men participated in the reconciliation activities facilitated by the TRRC. There were no reconciliation activities between perpetrators and the women and children. Women suffered greatly as the grandmothers, mothers and wives of the unlawfully killed and disappeared. Children became orphans and lost their fathers or mothers or a loved one who took care of them. They also needed closure. Some women are still taking care of the sick and the disabled with very little or no support. This is a long term problem for caregivers of the mentally sick and physically handicapped and apart from reconciliation they need systems in place that will give them the support to lead lives of dignity.
95. **Truth-telling can promote forgiveness.** When **Sanna B. Sabally** testified on the 10/11 November 1994 killings one of the widows of the victims sent a message to the lead counsel saying that on behalf of her family and herself she forgave him. For years they were in the dark about what happened to their loved one. Now that they knew that he was dead they forgave him for telling the truth and for taking responsibility for his actions.
96. **Decline of Social Networks in Rural Gambia:** That villagers in rural Gambia who previously had shared so much in common due to their multiple relationships and social and economic networks had now broken down into separate units and were not talking to each other out of fear for the other person or the perception that they were ‘the enemy’ and so on. Rebuilding relationships in such spaces will be a daunting task but not insurmountable.

97. **Capacity of Commissioners, staff and communities** have been built in social cohesion and other ways of bringing society together. The knowledge and skills acquired have to be utilised to ensure cohesive societies.
98. **Reconciliation** generally requires multiple interventions. No single intervention is likely to solve all problems but collectively diverse approaches could help build reconciliation. However, inadequate time and resources can impose constraints on what can be done; political and other considerations can also influence reconciliation processes.
99. **Reconciliation** is both a process and an outcome. It is a long-term process that entails bringing about profound changes in attitudes, and thus cannot be rushed. It applies not just to victims and perpetrators but to everyone in society, and takes place at all levels from national to grassroots.
100. **Lustration** can be an alternative or supplement to retributive justice by disqualifying agents/officials of the former regime responsible for the human rights violations by excluding them from public service and disqualifying them from holding political office.

101. K. RECOMMENDATIONS

- i. The Government should establish a Peace and Reconciliation Commission with a clear mandate to promote peace, reconciliation and healing and foster social cohesion. The Commission should have structures at the decentralised level to ensure that all parts of the country are involved.
- ii. The institutional reforms proposed by the TRRC should be implemented as they are an important component in the reconciliation processes of the country.
- iii. The National Council for Arts and Culture (NCAC) and the National Council for Civic Education (NCCE) should work together to revitalise the joking relationships culture to enhance indigenous knowledge of shared norms and values that are central to peace making and to averting conflict.
- iv. The faith based organisations should play a frontline role in promoting healing and reconciliation in The Gambia.
- v. Partners who have signed MoU's with the TRRC need to respect the agreements in their respective MoU to ensure that the gains made are not lost and that the country heals and reconciles.
- vi. The National Youth Council should promote national healing and reconciliation through its peace organisations and networks.
- vii. Gambian organisations in the Diaspora need to follow-up on agreements and recommendations emanating out of the 2019 Diaspora engagement.
- viii. The United Nations system in the country and the international community who have invested so much in the TRRC processes have an important monitoring role to ensure that post TRRC agreements and mechanisms are implemented.

