

STUDENT BRIEF: HUMAN RIGHTS, ACTIVISM AND THE GAMBIA



Photo: ©Katherine Taylor

WHAT ARE HUMAN RIGHTS?

Human rights are the basic **rights** and **freedoms** that belong to every person in the world regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education and many more. Everyone is entitled to these rights, without discrimination. Without human rights, it would be the law of the jungle!

With the aim of reaffirming faith in human rights, the Universal Declaration was adopted by the United Nations General Assembly in 1948. Since then, the United Nations has gradually expanded human rights law to include specific standards for women, children, persons with disabilities, minorities and other vulnerable groups. These groups now possess rights that protect them from different forms of discrimination which have been common in many societies.



The universal logo for human rights



Scan the QR code to learn about human rights in five minutes

Link- <https://www.youtube.com/watch?v=nDglVseTkuE>

QUESTION

WHEN IS HUMAN RIGHTS DAY?

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

The Universal Declaration of Human Rights sets out universal principles and 30 interdependent articles describing rights and duties. These human rights are:

- Inalienable: rights are innate (in other words, every human being is born with them, and they can neither be given to you nor taken away from you)
- Interdependent: rights are related to one another
- Universal: these rights apply to everyone around the world regardless of traditions and cultural diversity

The Universal Declaration of Human Rights serves as a solid basis for the promotion of human rights through different methods.

Agreements between States have developed on the basis of the Universal Declaration of Human Rights. They not only protect the rights of people but enforce them.

QUESTION

WHAT ARE THE ARTICLES THAT MAKE UP THE UNIVERSAL DECLARATION OF HUMAN RIGHTS?

NAME AT LEAST 2 (WITHOUT USING GOOGLE!)



Struggling to name two articles? Scan the QR code!
Link- <https://www.youthforhumanrights.org/>

THE GUARDIAN OF HUMAN RIGHTS AT AN INTERNATIONAL LEVEL: THE UNITED NATIONS HUMAN RIGHTS COUNCIL

This UN body deals with all issues of human rights. Their resolutions and decisions are not legally binding however, they have important political impacts. This institution is not limited to all participating countries. It also examines human rights violations within countries that have not approved the agreements through the Universal Periodic Review (UPR)¹.

Mission of the Human Rights Council:

- Examine situations of human rights violations in the world in relation to particular countries or particular themes, and then to speak out and make recommendations
- Establish international “standards” in the field of human rights
- Develop legally binding documents (for example the Convention on the Rights of the Child, an agreement by countries who have promised to protect children’s rights²)
- Promote human rights through various means including dialogue and assistance to countries, organisations etc.

WHAT DOES “LEGALLY BINDING” MEAN?

“LEGALLY BINDING” MEANS THAT THOSE WHO HAVE SIGNED THE AGREEMENT ARE EXPECTED TO RESPECT THE AGREEMENT. IF THEY DO NOT, THEY MAY BE PENALISED IN OTHER WORDS, YOU CAN TAKE THEM TO COURT!



THE UNIVERSAL PERIODIC REVIEW

The Universal Periodic Review (UPR) is a unique process, which involves a review of the human rights records of all countries that are members of the UN. The UPR is a State-driven process, overseen by the Human Rights Council. It provides the opportunity for each government to declare what actions they have taken to improve the human rights situations in their territories and to fulfil their human rights obligations. Currently, no other universal mechanism of this kind exists. This mechanism makes it possible to put pressure on governments for them to respect human rights.

In 2010, the Human Rights Council noted in its report that: “The Human Rights Committee has recommended that **The Gambia** investigate the allegation reports of **excessive use of violence by security forces, in particular of lethal force, as well as extrajudicial executions, and bring those responsible for such acts to justice**”.

It was also recommended that **The Gambia** offer each individual a fair trial: “The Human Rights Committee found that the detainees who were opponents of the Government and who were the object of criminal prosecutions did not always benefit from all the guarantees of a fair trial and that some of them had been tried by military courts. It recommended that **The Gambia** ensure that all persons subject to criminal prosecutions benefit from a trial that is fully in accordance with the provisions of the International Convention relating to civil and political rights.”

In 2014, the alarm was once again raised over the numerous human rights violations taking place during the Yahya Jammeh regime. The task force that conducts the country reviews expressed concern for **interference in electoral processes** and treatment of opponents, including the **restriction of exercise of freedom of speech**. They included in the reports acts of **torture, arbitrary arrests, detentions and enforced disappearances**. They also expressed concerns in relation to **discrimination against human trafficking, forced early childhood marriages, child prostitution and child labour**³.



Photo: ©Katherine Taylor

A victim of the Jammeh regime shows scars on his leg from the torture he was subjected to.

THE HUMAN RIGHTS COUNCIL REPORTS REFLECT A SAD REALITY: IN THE GAMBIA, HUMAN RIGHTS VIOLATIONS INCREASED DURING THE REIGN OF YAHYA JAMMEH (1994 TO 2017). YAHYA JAMMEH CONTINUED TO IGNORE THE RECOMMENDATIONS OF THE HUMAN RIGHTS COUNCIL.

However, the UPR's final report for the period 2015-2019 highlights some of the changes that have occurred since the departure of Yahya Jammeh, under the new government. For instance, since 2017, various measures have been taken to catch up on the long delay in reporting to treaty bodies. The measures include:

- setting up a Commission of Inquiry (Janneh Commission) which scrutinised the financial activities of public bodies, enterprises and offices of the Jammeh regime.
- setting up a Constitutional Review Commission to draft a new constitution that mirrors the new Gambia's wants and needs. It is important to note that the 1997 Constitution could be considered a progressive constitution but revisions made by the Jammeh government resulted in it being a constitution that benefitted only a few instead of the whole nation.
- setting up a truth commission known as the Truth, Reconciliation and Reparations Commission (TRRC) with the aim of uncovering all the human rights violations committed under the Jammeh regime from 1994 to 2016.
- setting up the National Human Rights Commission (NHRC). One of its core functions is to investigate any human rights violations, at its own initiative or on a complaint made by any person or a group of persons.

QUESTION

DO YOU FOLLOW THE NEWS?

**GIVE THE LATEST
INFORMATION REGARDING
WHAT IS HAPPENING WITH :**

**-THE JANNEH COMMISSION
-THE CONSTITUTION
-THE TRRC**

DID YOU KNOW? TWO YOUNG MEMBERS FROM THE GAMBIA CENTER FOR VICTIMS OF HUMAN RIGHTS VIOLATIONS (BOTH VICTIMS OF THE JAMMEH REGIME) PARTICIPATED IN THE UPR REVIEW PROCESS IN GENEVA IN 2019.



Scan the QR code to check out the Universal Periodic Review for The Gambia

<https://www.ohchr.org/EN/HRBodies/UPR/Pages/GMindex.aspx>

ADVOCACY: WHAT ROLE DOES CIVIL SOCIETY PLAY IN THE IMPLEMENTATION OF HUMAN RIGHTS AGREEMENTS?

Civil society and non-governmental organisations (NGOs) such as Amnesty International, The Gambia Center for Victims of Human Rights Violations (Victims' Center), African Network against Extrajudicial Killings and Enforced Disappearances (ANEKED), Women's Association for Victims Empowerment (WAVE), Article 19 Senegal, Human Rights Watch, and many others as well as individuals often called activists (who are not formally organised) can also put pressure on governments to apply the human rights agreements they signed.

As noted earlier, the Universal Declaration of Human Rights is not binding on states. This is why civil society and NGOs such as ANEKED have an essential role to play in the realisation of human rights. NGOs report on the situation of these rights in general, investigate rumoured violations in specific cases, assist victims and intervene on their behalf before the competent authorities. NGOs try to mobilise public opinion against governments that violate human rights, publish reports on human rights to the UN bodies and do a lot of work to try and make sure politicians act.

NGOs denounce human rights violations by governments and inform civil society, who in turn are able to put pressure on those governments to respect human rights, while reminding them of their commitment to agreements.

For example, in 2016 Adama Barrow was declared winner of the presidential election of **The Gambia**. A few days after conceding to Barrow, Yahya Jammeh denied the results of the election and declared he would not step down from office. NGOs and civil society engineered the **#GambiaHasDecided** movement which demanded that Yahya Jammeh accept the results of the election and stepdown. Many women and young people took part in the **#GambiaHasDecided** movement. **#GambiaHasDecided** pushed several international organisations to put pressure

on Jammeh to step down. Furthermore, in January 2017, the Economic Community of West African States commonly known as ECOWAS sent troops of soldiers to oust Jammeh out of office.



Fatou Jammeh, sister of Lamin LF Jammeh, one of the soldiers who was unlawfully executed during Yahya Jammeh's regime.

HUMAN RIGHTS IN THE GAMBIA: THE JAMMEH YEARS

Yahya Jammeh's 22-year reign in The Gambia was known for its human rights violations and abuses. The Jammeh government committed several crimes in violation of the Universal Declaration of Human Rights in particular by use of **torture, extrajudicial killings, enforced disappearance, and arbitrary detentions** of people seen as opponents. Jammeh is also accused of **sexual and gender based violence** and of ordering the murder of more than 50 West African migrants who were travelling through The Gambia to Europe in July 2005.

Many of the crimes were committed by the death squad the "Junglers" but also by the National Intelligence Agency (NIA), the police and the army. The judiciary was also used as a tool to allow for such crimes. Furthermore, some government ministers were accomplices of Yahya Jammeh and contributed to the long list of human rights

violations that took place in the country. One such person is Ousman Sonko⁴, former Minister of Interior under Yahya Jammeh. A Swiss NGO called TRIAL International submitted a complaint against him with the Swiss authorities⁵.

HOW GROSS HUMAN RIGHTS VIOLATIONS PREVAILED FOR 22 YEARS

Under Yahya Jammeh, **The Gambia** was under the weight of a brutal dictatorship. According to testimonies given before the TRRC, Jammeh considered himself God's chosen one: to go against his regime was like defying God. What Jammeh said became the law of the land. State institutions such as the police, the army and the NIA served Yahya Jammeh. Jammeh managed to stay in power for so long for several reasons including socio-economic, religious and cultural reasons.

He knew how to influence corruption because the country was poor. He corrupted the religious leaders and used them to solidify his power by playing on the religious beliefs of the people and was able to repress any speech opposed to his ideas. Under Jammeh, journalists were **persecuted**. A monitoring system was set up, people became paranoid and no one trusted anyone anymore. In addition, he supported the rebels in Casamance, Senegal destabilizing the sub-region. Between 2014 and 2017, **The Gambia** illegally exported nearly \$163 million worth of rosewood timber (a protected species)!

THE GAMBIA POST JAMMEH

Since 2017, The Gambia has a new government nevertheless, the social, economic, psychological and emotional consequences of Jammeh's rule are still being felt. The TRRC has shown to the larger public the atrocities committed and made recommendations based on those.* One thing that is for sure is that victims have been calling for justice. In the case of those forcibly disappeared, their families and loved ones find themselves left on their own to deal with the trauma and find it difficult to move forward, especially when they have not been able to perform burial rites, thus making the grieving process terribly painful.



Photo: ©Katherine Taylor

WHAT IS AN ENFORCED DISAPPEARANCE?

AN ENFORCED DISAPPEARANCE OCCURS WHEN A PERSON IS ABDUCTED OR IMPRISONED BY STATE AGENTS (OR SOMEONE ACTING WITH THE CONSENT OF THE STATE). THIS ACT IS FOLLOWED BY DENYING THAT THE ABDUCTION/IMPRISONMENT OCCURRED OR REFUSING TO SAY WHAT HAS HAPPENED TO THE PERSON AND WHERE THEY ARE. THE DISAPPEARED ARE FREQUENTLY TORTURED. MANY ARE KILLED. ENFORCED DISAPPEARANCE IS CONSIDERED A CRIME AGAINST HUMANITY.

*To see any updates from the TRRC including its final report, check out their Facebook page @moj.trrc.

I Cannot Bury My Father



A.N.E.
K.E.D.  A film by
Nana-Jo N'dow



Scan the QR code to watch the documentary I Cannot Bury My Father, which tells the story of Isaac Mensah, whose father was disappeared during the Jammeh regime. This documentary was directed by ANEKED Founder and Executive Director Nana-Jo N'dow. Link- <https://www.youtube.com/watch?v=sb8v3RXX10g>

In addition, those responsible for enforced disappearances in Gambia often represented institutions that were supposed to protect the population and the country such as the police and the army that acted with consent (or under the orders) of those in power.

Under Yahya Jammeh, the majority of those who were disappeared were men. Women comprised the majority of those who were left behind to pick up the pieces after a disappearance, haunted by the hope that their loved one may still be alive. Today many women in Gambia continue to fight to know what exactly happened to their loved ones and are asking for justice.

QUESTION

**HOW CAN ENFORCED
DISAPPEARANCES BE PREVENTED?**

TRY TO SUGGEST TWO IDEAS

**CLUE-YOU CAN SUGGEST IDEAS
BASED ON THIS DOCUMENT BUT
ALSO WHAT YOU THINK YOU AS AN
INDIVIDUAL CAN DO**

QUESTION 1

DO YOU KNOW WHAT IMPACT AN ENFORCED DISAPPEARANCE HAS ON WOMEN? LIST A FEW EXAMPLES

CLUE—THINK OF ECONOMIC, LEGAL, SOCIAL, AND PSYCHOLOGICAL IMPACT

WHO IS IN CHARGE OF THE CHILDREN? WHAT HAPPENS TO THE LAND OR THE HOUSE? WHAT ABOUT THE WOMAN'S STATUS? DO YOU THINK THE WOMAN CAN BE CALLED A WIDOW? IS SHE ALLOWED TO REMARRY?

QUESTION 2

DO YOU KNOW ANYBODY WHO IS A VICTIM OF ENFORCED DISAPPEARANCE? IT CAN BE THE PERSON WHO DISAPPEARED OR THEIR FAMILY MEMBERS

THE CURRENT SITUATION IN THE GAMBIA REPRESENTS THE HEART OF THE WORK OF **ANEKED** GAMBIA, WHICH CAMPAIGNS AGAINST **EXTRAJUDICIAL KILLINGS** AND **ENFORCED DISAPPEARANCES** THAT TOOK PLACE DURING THE YAHYA JAMMEH REGIME, CALLING FOR **JUSTICE** FOR VICTIMS AND THEIR FAMILIES.

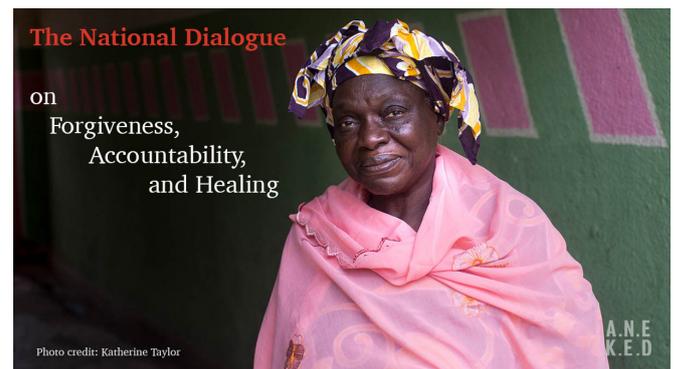


Photo: © Claire Bargeles

Victims of the regime march in Gambia demanding justice for their loved ones.

To find out more about:

- the human rights violations that took place in The Gambia under the Jammeh regime, read our **Truth, Reconciliation & Reparations (TRRC) Digests**. The Digests are also translated into the main local languages of the country: Fula, Jola, Mandinka and Wolof and disseminated countrywide. You can find all the publications here- www.anekeed.org
- expectations post-TRRC, check out our **National Dialogue on Forgiveness, Accountability and Healing**, a four-part series of discussions and dialogue, designed to engage victims, their families and the general public in the vital process of preparing for post TRRC. [Part one](#) was aired in September 2020, [part 2](#) and [part 3](#) both aired in December 2020 and [part 4](#) aired in March 2021.⁶



NOW DO YOUR PART!
BECOME AN ADVOCATE FOR HUMAN RIGHTS. HOW? YOU TELL US!

STAND UP FOR HUMAN RIGHTS

#STANDUP4HUMANRIGHTS

ENDNOTES

1- The Human Rights Council-

<https://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx>

2- Check out the **Convention on the Rights of the Child** here

<https://resourcecentre.savethechildren.net/library/united-nations-convention-rights-child-childrens-version>

3- UN Human Rights Council

<https://www.refworld.org/docid/54f826824.html>

4- Ousman Sonko is awaiting trial in Switzerland for crimes against humanity including rape at the time of publication of this brief.

5- For more details, please check TRIAL International

<https://trialinternational.org/latest-post/ousman-sonko/>

6-Scan the QR codes to check out the National Dialogue on Forgiveness, Accountability and Healing

PART 1



PART 2



PART 3



PART 4



This brief is made possible thanks to support from the International Coalition of Sites of Conscience (ICSC), a global network of over 300 museums, historic sites and grassroots initiatives dedicated to building a more just and peaceful future through engaging communities in remembering struggles for human rights and addressing their modern legacies. ICSC supports these members through grants, networking and training. ICSC leads the Global Initiative for Justice, Truth and Reconciliation, a consortium of nine organisations around the world dedicated to multidisciplinary, integrated and holistic approaches to transitional justice