

# FORCED MIGRATION AND TRANSITIONAL JUSTICE IN THE GAMBIA



The Gambia. Image credit: Josep Salvia

## I. INTRODUCTION

The Gambia, mainland Africa's smallest country, is undergoing a transitional justice process after 22 years of dictatorship, which ended when Yahya Jammeh was forced to cede power to Adama Barrow after losing the December 2016 presidential election.<sup>1</sup> As part of the transition, the new government has implemented the Truth, Reconciliation and Reparations Commission (TRRC), a Constitutional Review Commission, security sector reforms and a permanent Human Rights Commission. Under Jammeh, the state security forces, paramilitary forces and the well-known and feared group the Jungulars carried out forced disappearances, torture, arbitrary arrests,<sup>2</sup> summary executions, state-backed witch-hunts<sup>3</sup> and forced HIV treatment, promoted and administered by President Jammeh himself.<sup>4</sup> This led to mass forced displacement in the country and high levels of irregular migration of Gambians.

“I was abruptly picked up from my home by security men on accusations of witchcraft. I was taken away to an unknown location where I met other people, mostly older women and men. We spent a couple of days there drinking concoctions that made us sick. After a week, we were released. When we got back to our homes, a lot of people had already started saying that we were witches and were not supposed to be trusted. This affected my life and my work.”

— **Abducted Woman, Essau, North Bank Region**

This case study assesses the extent of inclusion or marginalization of forced migrants in The Gambia’s transitional justice mechanisms. It focuses on returnees, which are the largest forced migrant group in the country. The research indicates that abuses of economic, social and cultural rights and ongoing socioeconomic exclusion – particularly for marginalized groups including women and youth – have been the driving force of irregular migration in The Gambia, alongside civil and political rights violations, oppressive legislation and a political system that did not allow for dissenting opinions. It also shows that in the myriad processes happening as part of transitional justice in the country, few, if any, consultations with forced migrants have taken place. Little information is publicly available about avenues forced migrants could use to be involved.

The research demonstrates the importance of including forced migrants as active participants in the design and implementation of transitional justice mechanisms. It highlights that a key intervention for transitional justice is to address the root causes of forced migration, including abuses of economic, social and cultural rights, alongside civil and political rights. A recurring recommendation from the forced migrants involved in the study was that equal access to financing and investment opportunities, as well as adequate training, is needed, particularly for women in the informal sector. They also emphasized the importance of prioritizing mental health support and making it accessible to returnees at no cost.

In addition to desktop research, this case study draws on three focus group discussions with Gambian returnees and 10 stakeholder interviews conducted in July, August and September 2021, which focused on identifying the particular needs of migrant communities at the intersection of transitional justice. The focus group discussions were organized with the support of local organizations Activista and Youth Against Irregular Migration (YAIM), which

## **THE GLOBAL INITIATIVE FOR JUSTICE, TRUTH AND RECONCILIATION**

In 2014, the International Coalition of Sites of Conscience (ICSC) launched the Global Initiative for Justice, Truth and Reconciliation (GIJTR), a consortium of nine international organizations focused on offering holistic, integrative and multidisciplinary approaches to issues of truth, justice and reconciliation. GIJTR works primarily with local populations, civil society organizations, survivors and governments to develop transitional justice approaches that are victim-centered, collaborative, and support dignity, respect, inclusion, and transparency in societies emerging from conflict or periods of authoritarian rule. Since its founding, GIJTR has engaged with people from 72 countries, worked with 681 CSOs, and has conducted 323 community-driven projects and supported 5040 initiatives dealing with human rights violations.

For more information, please visit [gijtr.org](https://gijtr.org).



**GIJTR**

Global Initiative for Justice  
Truth & Reconciliation

ensured a wide demographic representation of Gambian returnees and helped facilitate the discussions and analysis. The focus group discussions were conducted in Kanifing municipality, West Coast region and North Bank region, which have among the highest rates of irregular migration in the country.<sup>5</sup> The 16 focus group participants included seven women and nine men of different ages, ranging from youth to middle age, who had used irregular routes to leave The Gambia and returned voluntarily.<sup>6</sup> The majority of the focus group participants from Kanifing Municipality and West Coast region left in 2015, while two left in 2016, all during Jammeh's rule and all returning in 2017. Participants from North Bank region left in 2019 and returned in 2019.

The individual interviews, meanwhile, were held with 10 civil society and migrant community stakeholders, including a program manager for Assisted Voluntary Return and Reintegration at the International Organization for Migration (IOM), a migration focal person at Barra Migration Centre (North Bank), a migration officer at the National Youth Council (Kanifing), a Restoring Family Links focal person at the Red Cross, a former outreach coordinator and lead research assistant at the TRRC, legal counsel at the TRRC, a journalist and media freedom researcher, a political activist and one of the abductees of Jammeh's witch hunts. Despite the limitations presented by the short research period and especially COVID-19, the research provides insight into the experiences of a grossly underrepresented group in The Gambia's transition.

## **II. Forced Migration in the Context of The Gambia's Transition**

The Gambia obtained independence from Britain in 1965, ushering in the First Republic under President Dawda Jawara.<sup>7</sup> Until 1994, The Gambia was the longest surviving multiparty democracy in Sub-Saharan Africa.<sup>8</sup> According to Saine and Ceesay, it had an inclusive society and was on a higher rung of state building than most postcolonial states.<sup>9</sup> The Gambia has undergone three transitional justice processes, in 1981,<sup>10</sup> 1994 and from 2017 to date.<sup>11</sup> The 1981 process was a hybrid tribunal in the First Republic, set up to investigate abuses that occurred during a failed coup in 1981 and to prosecute perpetrators.<sup>12</sup> In 1994, another coup occurred and was successful.<sup>13</sup> The military junta that took over set up five commissions of inquiry to look into the First Republic's dealings.<sup>14</sup>

Under the Second Republic, headed by Jammeh, The Gambia experienced authoritarian rule from 1994 to 2017, when the transfer of power to Barrow occurred.<sup>15</sup> During this time, numerous human rights violations were committed against dissenting voices. There were widespread killings, disappearances and torture of political prisoners and detainees. The media received the brunt of the brutality. In addition, The Gambia was designated as a "least developed country" and was heavily reliant on tourism, agriculture and remittances from the diaspora.<sup>16</sup>

Even with the shift to democracy in 2017, there has not been significant change in the country. There are concerns that corruption and economic stagnation remain deeply rooted. The new government has assured the citizenry that oppressive laws will be repealed, more jobs will be created and a plethora of measures will be implemented to transform The Gambia, but none of these promises has been fulfilled.<sup>17</sup>

For instance, the old constitution is still in force, and limitations on human rights, particularly freedom of expression and peaceful assembly, still exist in The Gambia. This has often been used to suppress dissenting voices and persecute human rights activists and media practitioners. The Court of Justice of the Economic Community of West African States (ECOWAS) delivered a judgment on February 12, 2018, which declared that most Gambian media laws violate freedom of expression.<sup>18</sup> A human rights activist, Madi Jobarteh, was charged with spreading false information under Section 181A of the Criminal Code for stating, during a Black Lives Matter protest in Banjul, that the government had failed to investigate the death of three Gambian citizens allegedly murdered by police officers while in custody.<sup>19</sup>

The Public Order Act still necessitates authorization from the Inspector General of Police to hold protests, which has been used to hinder public gatherings during the past five years. Additionally, although a moratorium was passed on the death penalty in 2018,<sup>20</sup> moving on to even abolish it in the draft constitution, courts continue to hand down death sentences.<sup>21</sup>

## Displaced Populations

The last case of mass displacement occurred in 2016-2017, when Jammeh lost the election and refused to relinquish power to Barrow.<sup>22</sup> This fueled political tension amid the threat of intervention by ECOWAS and the ECOWAS Mission in the Gambia (ECOMIG).<sup>23</sup> It raised fears and spurred the outflow of Gambians into surrounding states. Most of the displaced went to family relations or tribal connections in host communities.<sup>24</sup> A declaration of a state of emergency by Jammeh on January 17, 2017, fueled tensions.<sup>25</sup> In that month, more than 76,000 people sought refuge in Senegal<sup>26</sup> and 3,500 sought shelter in Guinea Bissau.<sup>27</sup> An estimated 150,000 to 162,000 people were displaced in 2017, of whom 65% were children.<sup>28</sup> As data on migration are collected seasonally and inconsistently, and as the country's borders are porous,<sup>29</sup> the exact magnitude of migration in The Gambia is unclear and estimates are tentative.

“The new dispensation seems to be a wasted opportunity, as the time from 2017 to now could have been used to transform institutions, legislation and ways of doing things in The Gambia. People, especially youth have continued to leave the country through irregular means even after seeing news of the maltreatment in Libya. All the hopes and aspiration after Jammeh left have really died over the course of five years.”

— Demba Kandeh, Journalist and Media Freedom Researcher

In the years prior to and around 2017, thousands of Gambians migrated to Europe in pursuit of employment and other opportunities, as a result of the political instability, oppression and the high rate of unemployment under Jammeh. A 2018 Gambia Data Survey<sup>30</sup> shows a huge gender difference for irregular migrants across all the regions in The Gambia and reveals that the number is higher for men than women. More than 35,000 Gambians arrived in Europe seeking refuge between 2014 and 2018, according to the United Nations (U.N.).<sup>31</sup> A significant number of these migrants use the Mediterranean Sea (locally called the back way) as a route to Europe, traveling over sea and land without a valid travel permit as it is generally considered less expensive. The connecting routes are through the Sahara Desert either via Niger to Libya or via Mauritania to Morocco and then Spain as the final destination. However, migrants who take this route are often arrested in Niger or Libya and subjected to harsh conditions and even torture, murder and enslavement.<sup>32</sup>

In recent times, those who make it to Europe find it difficult to acquire asylum and find employment. This has resulted in the return or deportation of migrants in large numbers to The Gambia. Additionally, European Union member states have invested in returning failed asylum seekers and migrants to the country.<sup>33</sup> The COVID-19 pandemic has exacerbated the trend, with unemployment in the destination countries increasing as employees are being retrenched and workplaces are closing down.<sup>34</sup>

As a result of these factors, The Gambia's per capita migration rate is currently one of the highest in Africa. With over 5,000 Gambians voluntarily returning home from 2016 to 2019 after the change in government, the country has among the highest percentage of migrant returnees in proportion to its population size.<sup>35</sup> These returnees and deportees face the stigma of failure as well as economic losses, as they and their families would have invested huge sums of money and resources to fund their failed migration ventures.

“During the impasse when Jammeh refused to give up the presidency, there was palpable tension and rumors of war, unrest and violence. And knowing Yahya Jammeh and his crude violence that he had met on the Gambian people, this was a possibility that could help. Also, given that I am a political activist and very vocal on the whole outcome of the elections, my life was at risk. I was warned to leave, as there might be a target on my life. We were all very paranoid about our lives, and being away from my family and familiar surroundings, not knowing when things will subside, was a difficult space for me to be in.”

— A political activist who prefers to be anonymous

“When I was caught on my journey in Libya, I and other Gambians were detained in camps in very heinous conditions. I spent three and a half months in Libya before we were forced into detention camps, where we spent four months. Food was a problem, as well as even space to lie down and medical care. When we got sick, drugs were never available. I was also seriously tortured in the camp by the authorities.”

— Returnee, Kanifing Municipality (Focus Group 1)

Another displaced population in The Gambia is refugees who have fled the civil strife in neighboring countries since the 1990s.<sup>36</sup> The U.N. High Commissioner for Refugees (UNHCR) reports that there were 7,940 refugees and persons in refugee situations in The Gambia in 2017: 7,470 from Senegal, 192 from Côte d'Ivoire, 68 from Liberia, 41 from the Democratic Republic of the Congo and 120 from Sierra Leone.<sup>37</sup> Refugees from Senegal originate from the southern part of the country, Casamance, from a population that has long been struggling for independence. This struggle has led to an extremely long conflict and mass displacement of the population, who find refuge in The Gambia. These refugees have been drifting back and forth between Senegal and The Gambia contingent on the intensity of the conflict. Large numbers moved to The Gambia permanently in 2006 and were issued refugee identity cards for the first time. There are two institutions that handle refugee issues in The Gambia: UNHCR and the Commission for Refugees.

A third displaced population in the country is victims of human trafficking. As The Gambia has porous borders and poor border controls,<sup>38</sup> it has become an easy transit or destination country for human trafficking. Within its borders, people (mostly women and girls) are trafficked into forced labor, sexual exploitation and solicitation for money.<sup>39</sup> Victims are also trafficked for similar purposes from neighboring states such as Sierra Leone and Ghana into The Gambia. In 2017-2018, a global organization repatriated at least 3,500 Gambians from Libya who were vulnerable to trafficking.<sup>40</sup>

## Drivers of Migration

Under Jammeh's regime, the government performed poorly in the areas of human rights, press freedom, good governance and economic growth. The Gambia was on the continuum of negative peace, in that there was no violent conflict but social injustices were rife.<sup>41</sup> Entrenched patriarchal norms, sexual and gender minority discrimination, state-backed nepotism and youth marginalization contributed to irregular migration.

In 2009, approximately 1,000 people were arrested and detained by witch doctors supported by the army and police on Jammeh's orders. The arrested individuals were largely from the North Bank region, a semirural area.<sup>42</sup> They were kept in detention, forced to drink hallucinogenic concoctions for rituals and forced to confess to witchcraft and causing the deaths of people, specifically the murder of Jammeh's aunt, who died in January 2009. The concoctions are reported to have caused kidney failure and death for some.<sup>43</sup> Amnesty International reports that women were also raped by the witch doctors and security forces.<sup>44</sup> The survivors were left to deal with societal stigma and ostracism for being accused of witchcraft.<sup>45</sup> This stigma was particularly heightened for women, who are most commonly associated with witchcraft.<sup>46</sup>

The Gambia also shows high levels of intolerance toward lesbian, gay, bisexual, transgender, queer, asexual and intersex (LGBTQAI) people on the grounds of religion and culture.<sup>47</sup> The treatment of sexual minorities severely deteriorated under Jammeh, giving rise to persecution, harassment, arbitrary arrests and torture of LGBTQAI persons. According to Amnesty International, after Jammeh's government passed a law on "aggravated homosexuality" on August 25, 2014, carrying the punishment of a lifetime in prison, people were detained and subjected to gross human rights violations, including torture and rape, while being held without trial or access to a lawyer.<sup>48</sup> This law is still in effect, and the new government has stated it has no plans to amend these draconian laws.<sup>49</sup>

While young people in The Gambia have been a major force for political and social change,<sup>50</sup> youth movements were severely curtailed under Jammeh after the student massacre of April 11, 2000,<sup>51</sup> when security forces opened fire on peaceful student protesters, killing 14 and injuring many.<sup>52</sup> These events had an impact on democracy and freedom of speech and association and on issues like employment, education, the usage of state resources and budget allocations in relation to young people. The squandering of state resources by Jammeh's government and lack of job opportunities have heavily affected young people.<sup>53</sup> The Gambia has a population of 2.3 million, of which 59.6% are youth, while the national unemployment rate is 41.5% and the youth unemployment rate is 35.2%.<sup>54</sup>

Jammeh's corrupt rule weakened The Gambia's economy and sank it into debt.<sup>55</sup> Some of Jammeh's biggest sources for eliciting funds were the Gambia Telecommunications Company and the Social Security Housing Finance Corporation, which manages payments of pensions, disability and housing, among other things.<sup>56</sup> The Organized Crime and Corruption Reporting Project further revealed that Jammeh formed alliances with foreign businesspeople to secure millions in illicit timber revenue.<sup>57</sup>

## Current Situation

The Gambia is politically stable under the new regime of Barrow. However, there have been setbacks regarding the transitional justice process, particularly the rejection of the newly drafted constitution by parliament after a public consultation process. The draft constitution introduced important provisions, such as S.66, which explicitly provides for gender balance and fair representation of women in public institutions and state-owned enterprises, and S.294, which talks about principles of youth development and the importance of their training, participation and affordance of opportunities. This is particularly relevant because the primary driving force of youth irregular migration is lack of opportunities and economic hardships, as highlighted above.

Barrow also launched an inquiry into the financial and other activities of public bodies, enterprises and offices regarding their dealings with Jammeh. The commission found that the damage Jammeh caused to government institutions, public resources and state-owned enterprises is of a serious nature and recommended that the government bring charges against Jammeh for theft, economic crimes and corruption. Based on the recommendations of the commission, actions taken by the government would generate nearly a billion dalasis from the assets forfeited to the state and sold.<sup>58</sup> However, nothing has been heard of any efforts to implement the recommendations.

“We have not interacted with any openly LGBTQA+ persons during the course of our work. But I strongly believe that it might be as a result of the stiff legal environment in The Gambia and more so fearing for their lives.”

— Interview with IOM Program Manager, Assisted and Voluntary Return and Reintegration

Principle 9 of the U.N. secretary-general's guidance note on transitional justice calls on U.N. member states to ensure that transitional justice mechanisms address the root causes of conflict and repressive rule, including violations of socioeconomic rights.<sup>59</sup> Former U.N. High Commissioner for Human Rights Louise Arbour argues that transitional justice must assist the transformation of oppressed people through measures that address human rights violations that predated or contributed to it.<sup>60</sup> Socioeconomic rights abuses are usually the root causes of conflict, and the Gambia is no different.

### III. Situation of Displaced Populations

#### Displaced Gambians During the Political Impasse of 2016/2017

During the political impasse in 2016-2017, when ex-President Jammeh refused to concede the election results, there was growing fear that war would break out.<sup>61</sup> Gambians left The Gambia in 2017 to neighboring Senegal and Guinea-Bissau, using tribal and familial connections there. UNICEF supported the safe movement of Gambian migrants and returnees at the border towns between The Gambia and Senegal in partnership with the Gambia Red Cross. The two jointly helped with water, sanitation and health activities in 225 host communities across the country.<sup>62</sup>

During this political impasse, Gambian political activists in Senegal contributed to shaping the civic space by continuing the movement #GambiaHasDecided, which started out as a hashtag when Jammeh refused to hand power to Barrow. Members of the movement operated underground, distributing T-shirts and continuing the activism online.<sup>63</sup> Other similar movements and civil society organizations continued to operate outside The Gambia via online social media channels and online radio to apply pressure on Jammeh.

#### Returnees

Returnees are spread all over The Gambia but concentrated mostly in the North Bank, Kanifing and West Coast, as indicated above. The returnees who were focus group participants indicated that they live in their homes with their extended families in most cases. They also indicated they have access to basic needs like food and housing. Most participants indicated access to medication as an issue.

“I am sick despite going under an operation, and my child is also critically sick, as we are both returnees. I have gone everywhere for support but to no avail. All my earnings I have invested in trying to cure him.”

— Returnee, Brikama, West Coast Region (Focus Group 2)

The participants noted that they face discrimination and sometimes aggression. One participant shared how her community perceives her as a sex worker because of her status as a returnee and how this perception creates more stigma and isolation.

“I am treated badly and taunted to be a witch because I was on the boat that sank. People say I am the reason why the boat sank and it is as a result of my bad luck.”

— Returnee, Barra, North Bank Region (Focus Group 3)

## Socioeconomic, Psychosocial and Reintegration Challenges

Returnees in The Gambia face socioeconomic and psychosocial challenges. Support services come primarily from the International Organization for Migration (IOM), as the government has not been proactive in this respect.<sup>64</sup> During the focus group discussions, all the returnees confirmed having interacted with IOM.

Mr. Etienne Micallef (program manager, Assisted Voluntary Return and Reintegration) shared that IOM support includes a specialized team of a psychologist, a counselor and two Gambian nurses who are specialized in mental health. They conduct individualized counseling and group activities such as sports, roundtable conversation, dance, drama, peer-to-peer support and attaya, sessions which are leisure gatherings where green tea is brewed and served in the community. IOM also provides support for certain medical conditions.

“I was part of a group that received some business training and got certified. We were given some micro-funding to hairdressing and others poultry. However, not all of us were interested in these trades, and I think IOM should ... try to tailor-make these interventions. Also, the support that comes takes a long time for implementation. This makes some of us discouraged.”

— Returnee, Barra, North Bank Region (Focus Group 3)

Some returnees reported that they received mental health support from IOM, when they had sessions with a counselor a few times. Two returnees highlighted that these conversations with the counselor helped to calm them down after their traumatic experiences. Two others were neutral about their experiences and did not find the sessions particularly impactful.

In terms of monitoring and evaluation, the IOM conducts seven samplings and surveys during its engagement with each returnee. The IOM also makes use of a score and index to gauge the impact of its programs, and the results have so far been positive.

In addition, the IOM conducts economic reintegration interventions in which they offer training and in-kind assistance such as tools if returnees are already trained. They also support returnees to acquire national identity documents.

IOM staff shared that a major issue the organization has not been able to provide significant help with is missing or dead Gambian migrants on these perilous journeys. A lot of Gambian migrants die along the way or in the detention camps in Libya or Mauritania. This gives rise to the challenge for families in deciding whether to bring the body back to The Gambia or liaise with individuals in those countries to assist with burying the body. This has often been difficult for both the families of the victims and the government when it is involved.

“When vulnerable groups are encountered, such as children or individuals who may have faced some sort of abuse (physical or sexual), the matter is sent to social welfare or the relevant authority.”

— Interview with IOM Program Manager, Assisted and Voluntary Return and Reintegration

## Mental Health, YAIM and Other Networks

At the moment, a few organizations focus on mental health support in The Gambia, such as Fatanka,<sup>65</sup> the Organization for Psychosocial Innovation (OPI),<sup>66</sup> the Gambian Association on Mental Health and Substance Abuse<sup>67</sup> and Mobeegambia.<sup>68</sup> There is one national in-patient psychiatric institution, Campama. The national institution is understaffed, overcrowded and under-equipped.<sup>69</sup> However, the returnees who did not get the support from the IOM were not aware of organizations working on mental health or how to access them. As a result of fear and misconceptions regarding mental health in The Gambia, many mental disorders or illnesses go undetected or untreated and are sometimes attributed to supernatural forces (witchcraft).

Some of the returnees shared that they are part of a formal network, YAIM. They shared that it was a turning point for them upon joining the organization, as it opened up many opportunities for them. A young man shared how YAIM helped him in overcoming his trauma and renewing his hope for a better future.

“Upon my return back to The Gambia, I used to hallucinate and have nightmares of the boat and the waters. For almost a year, I could not sleep properly, and I preferred to stay away from people lest people begin to call me a mad person.”

— Returnee, Barra, North Bank Region (Focus Group 3)

Others shared how informal networks in their communities have helped with their mental health and created networks of sharing opportunities. The informal networks include community

“We have a structure that works on addressing some of our needs, and it has been so helpful to all of us who are members. It has given us space to air our views and also is supporting some of our projects.”

— Returnee, Kanifing Municipality (Focus Group 1)

groups of young men who share hobbies and often come together to brew green tea in the neighborhood, occasionally play football and have conversations that ease their stress.<sup>70</sup> Family members and football associations were also mentioned as networks for returnees to find calm and ease.

## Refugees From Neighboring Countries

Refugees from the Casamance region of Senegal live between the borders of The Gambia and Senegal. They previously lived in assigned houses but are now integrated and live in their own houses. These refugees do not have Gambian nationality but were issued refugee cards. During Jammeh's regime, the president was at loggerheads with Senegal and would often fuel the conflict in the Casamance region. At present, there are no tensions between The Gambia and Senegal or any of the other countries of origin of refugees. Support for the refugees often comes from UNHCR and other organizations.

## IV. Transitional Justice in The Gambia: Current Realities and Opportunities

Jammeh's exit laid the foundation for a political transition and a convergence of efforts from international actors, civil society and government toward the democratization process of The Gambia. As noted above, the new dispensation has implemented accountability mechanisms, including a commission on the financial dealings of Jammeh and his associates and the TRRC. At the same time, a permanent Human Rights Commission has been established. There have also been attempts to pass a new constitution that failed at the parliamentary level.

“We have seen some proceedings of the TRRC, and it is a welcomed development, but we do not know about the other processes. We have not been consulted, and therefore we feel left out of the entire process of rebuilding the country.”

— Returnee, West Coast Region (Focus Group 2)

## Truth, Reconciliation and Reparations Commission

The TRRC was set up in 2017 with a two-year mandate, which was extended by the president.<sup>71</sup> Its primary mandate and objective is to establish an unbiased record of the abuses that occurred under Jammeh's rule from July 1994 to January 2017. The TRRC at the end of its mandate would submit a final report to the government with a set of

recommendations in terms of prosecutions and measures for the way forward in pursuance of state building. Upon consideration of the evidence received, and where the TRRC is convinced someone is a victim of human rights violations, reparation would be made. It also has the role of fostering healing and reconciliation by engaging in community dialogues, self-healing programs and citizen participation.<sup>72</sup>

The TRRC is accessible to the public, and through its public hearings, victims have the opportunity to share their testimonies with the public. However, there is a provision to have closed-door testimony sessions when the victim wants to remain anonymous. The TRRC has had a diverse list of participants, including witnesses, perpetrators and Gambian diaspora witnesses who gave testimonies via Skype. A former TRRC staff member noted that one of the ways the commission got in touch with people in the diaspora – which covered a mix of asylum seekers, refugees and migrants who used either irregular or regular routes to leave the Gambia – was through police investigators who had contacts of key witnesses or knew how to get the contacts.

“Whenever the team wanted to reach out to an individual, these police officers always had a way of getting these contacts. We had a list of witnesses who then led us to more witnesses. I was assigned to create the first list for the first theme meant for the public hearings – the incidences that led to the 1994 coup by Jammeh. Ebrima Chongan was our first witness, and he was a great lead because he documented everything. He even wrote a book. I was assigned to go through the book and list the names of everyone mentioned, which I did. This was wonderful, as that gave us all the names of witnesses we needed both in The Gambia and abroad. Luckily, Chongan was in touch with most of them and the remaining contacts we couldn’t find, the police investigators did.”<sup>73</sup>

— Interview with Roheya Sanyang, Lead Research Assistant 2018-2019, TRRC held on August 20, 2021

## TRRC Outreach to the Diaspora

In terms of outreach, the commissioners of the TRRC, in partnership with the U.N. Development Program, led outreach to the United Kingdom, Norway and Sweden and four states in the United States in 2019 after the TRRC started its proceedings. Participants in the outreach activities in Britain were mobilized through the Gambian embassy, and those in Sweden and Norway were reached through Gambian associations in those countries. The participants in the United States were mobilized through word of mouth and personal connections.<sup>74</sup> The outreach

to the diaspora was to receive testimonies of victims in the diaspora and solicit financial and technical support from Gambian migrants/institutions in the select countries.<sup>75</sup> So far, only financial support has been received from them since the outreach happened.<sup>76</sup> During this outreach, statement takers and investigators were involved to document the testimonies. A large number of Gambians in the diaspora approached the TRRC to give their witness statements before and during the outreach.<sup>77</sup>

The diaspora made recommendations that they wanted to see in the TRRC's final report. They made contributions in terms of prosecutions (for example, those they thought should not receive amnesty or that the Jungulars were not to be released, etc.). Some of the focus group participants from Kanifing municipality shared that they heard about this diaspora engagement and thought it was an inclusive effort.

The outreach activities mainly involved town hall meetings and separate meetings with international organizations or government institutions like the United States State Department. However, these activities, like the hearings and other processes of the TRRC, streamlined their focus on physical harm and arbitrary detention. This is because of the broad nature of human rights, and given the short time period to deliver its mandate, any other addition would not have been addressed adequately.<sup>78</sup> Issues of housing, property and land rights were left to be dealt with by a planned land commission.<sup>79</sup>

The TRRC mandate does not include migrant issues, including those of refugees, returnees or victims of trafficking. The TRRC's Mr. Darboe confirmed that neither did probing occur into forced migrant issues, inequalities and other harms that may have occurred during the period under review before they left The Gambia and in their various host countries. The reparations fund has also not conducted a mapping to ensure reparations factor in returnees or forced migrants in general. The only mention of migrants by the TRRC was of West African nationals murdered on Gambian seas on Jammeh's orders.<sup>80</sup>

## Failed Draft Constitution

As part of the transition, a Constitutional Review Committee (CRC) was set up with a two-tiered mandate: to review the 1997 constitution and draft a new one, and to develop a report on the new constitution. To a great extent, the CRC employed a participatory method by consulting Gambians nationally and even Gambians in the diaspora to get their take on matters they wanted addressed constitutionally.<sup>81</sup> The draft constitution centered on the strengthening of democracy and protection of human rights. It included measures to ensure more political inclusion and participation of marginalized groups such as women, youth and persons with disabilities and introduced an element that was notably missing in the old constitution – a presidential term limit.

The Gambian populace had high aspirations for real change in how the country would be governed. Unfortunately, those aspirations came to an abrupt end when the Constitutional Bill was rejected by the National Assembly. Dr. Nabaneh,<sup>82</sup> relying on a review of the parliamentary debate notes, is of the view that the government may have had issues with the introduced limitations and scope of the executive powers in the draft constitution, and with the knowledge that the presidential term limit would be implemented retroactively.

The failed draft constitution is big on inclusion, particularly of marginalized communities, but discussions with the focus group participants and stakeholders indicate that returnees were not consulted in the nationwide consultations. This is a gap that needs to be filled when another attempt is made to pass the draft constitution into law.

“We would have liked to see more migrant issues in the draft constitution. The government and stakeholders should pay more attention to our plight in terms of legislation and institutions that support us.”

— Returnee, Kanifing Municipality (Focus Group 1)

## V. Conclusions and Recommendations

It is imperative to consider justice as encompassing economic empowerment, material reparations and other economic rights and needs. In many countries, priority is placed on setting up criminal justice mechanisms or truth commissions, which are often not planned to cater to all victims,<sup>83</sup> such as returnees and other forced migrants. In 2005 the U.N. adopted the Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of Gross Human Rights Violations and Serious Violations of International Humanitarian Law, which lays out states’ duties in terms of victims’ right to a remedy.

Another significant document is the African Union Transitional Justice Policy, adopted in 2019, which looks at current transitional justice issues with the objective of serving as a road map to inform countries’ conceptualization and implementation of transitional justice processes.<sup>84</sup> The policy specifically provides for standards and benchmarks that lay the foundation for the recommendations in this report, particularly the right of migrants (refugees, internally displaced persons [IDPs] and stateless persons) to be consulted about transitional justice processes and that investigative processes in both criminal and other mechanisms should include violations that IDPs, refugees and stateless persons suffered. For the purposes of this report, this should include returnees. The policy also highlights the importance of including displacement as a violation of human rights and the provision of reparation programs with appropriate benefits to refugees and displaced persons for the violations that caused them to flee and those they suffered while displaced, with due regard to marginalized groups.<sup>85</sup>

### Participation of Forced Migrants in Transitional Justice

Typically, transitional justice processes are set up to acknowledge what went wrong in the past and hold those responsible accountable. However, they have often failed to see forced migration as a human rights concern and have omitted refugees, IDPs and returnees in getting their voices included and heard, regardless of the vital role they should play in transitional justice processes.<sup>86</sup>

For transitional justice processes to be more responsive to the needs of forced migrants in The Gambia and elsewhere, they should include forced migrants in preliminary consultations and data gathering. This will ensure that their needs are understood and can be integrated into the mechanisms to be created. In the case of The Gambia, the focus group participants indicated they were not consulted for any of the processes that are currently ongoing. While the TRRC had a total of 26 themes that informed its operations,<sup>87</sup> only Theme 16 spoke to migrants and only because it involved the killing of 56 West African migrants on the shores of The Gambia. The TRRC should have explored the nexus between the oppressive regime, economic hardship and forced migration and brought it in as a theme. This way, forced migrants could have been included in the processes and recommendations of the TRRC.

The TRRC has started issuing reparations to victims of gross human rights abuses, which include victims from the 26 themes. Forced migrants may have missed out on this opportunity for redress. Given that the violations that occurred under Jammeh were systematic and on a wide scale, the Gambian government needs to look at reparations on a broad scale with the objective of institutional and societal reform. The government should provide forced migrants with targeted livelihoods training and economic support. The main issue to address from a transitional justice viewpoint in The Gambia is youth marginalization and deprivation of socioeconomic development amid a failure of employment-generation and poverty alleviation programs under the Barrow administration.

## Contextualized Transitional Justice Processes

The U.N., states and international actors sometimes have a one-size-fits-all approach to transitional justice processes. It is important to assess the needs and gaps of people, particularly vulnerable groups like children, sexual minorities, women, people with disabilities and migrant groups. Assistance can then focus on strengthening national capacity to lead the process and also be able to build a sustainable post-transitional society. In this role, the National Human Rights Commission of The Gambia can play an important role, which may include encouraging national participation in the processes and the implementation of recommendations from some of the transitional justice mechanisms, like the TRRC. Therefore, it is recommended that transitional bodies work in partnership with one another to ensure interventions are impactful and not duplicative.

In addition, after the failure of the draft constitution and the Jammeh Commission of Inquiry, the measures were not publicly reviewed or critiqued objectively. There were a few commentaries online and on social media by political and human rights activists, but no formal steps were taken to hold the government accountable. The Gambia did not draw lessons from these failures to enhance the other processes happening in the country, such as the TRRC. This can potentially become a circle of redundant processes with minimal impact on the broader Gambian society.

## Victim Ownership of Transitional Justice

Nationwide outreach and inclusion of conventionally excluded groups in transitional justice mechanisms will be effective in ensuring their ownership of these processes and allow them to table their views on issues that affect them. In The Gambia, returnees indicated how their opinions have not been sought during the transitional period. Within this outreach, transitional justice processes should also strive to address the root causes of forced migration, including economic, social and cultural rights abuses and exclusion. Strategic and effective approaches to transitional justice would require looking at issues like youth marginalization or systematic discrimination, corruption, inadequate provision of social services and so on to ensure there is sustainable peace and stability, even after the transition ends. This can contribute to reducing the irregular migration of Gambians leading to their voluntary or involuntary return, often in precarious conditions, as this research has established.

## Transformative Education and Training

Returnees and other forced migrants face much stigma in their communities. Education and training is one way to dismantle this. The Gambian Ministry of Education should include training for teachers to deal with migrant groups who are students and then incorporate it into the school curriculum to enlighten students on how to be more compassionate toward migrants.

Efforts must also be undertaken to engage with broader society on addressing discrimination and stigma at the grassroots level (homes and communities). Some of these engagements can be done through art, such as music or drama. These tools can be used to raise awareness and dismantle the circle of stigma.

## Economic Participation of Forced Migrants

A key and recurring recommendation on redress for forced migrants is equal and equitable access to financing and investment opportunities, as well as adequate training, particularly for women in the informal sector. This includes the creation of entrepreneurship avenues, provision of capital that facilitates employment and decent work for them.

Another key step for the government is to invest in local markets and manufacturing. The Gambia must shift from heavily depending on finished products from China and invest in training the youthful population of The Gambia, financing industries and entrepreneurship and encouraging the populace to consume local. Also, the reliance on the tourism industry, which has often proved to be volatile, should shift to other sectors that have the potential to thrive if adequately supported, such as agriculture, technology and solar energy.

## Prioritizing Mental Health and Psychosocial Support

Victims of conflict or authoritarian regimes may present with a range of mental health issues, such as posttraumatic stress, depression and anxiety disorders.<sup>88</sup> This is particularly the case with migrant women who may have encountered gender-based discrimination or abuse. It

is also conceivable that others may experience mental health challenges as a result of living under sociopolitical repression.

Therefore, mental health support should be made accessible and free to every Gambian who seeks these services. As highlighted above, a few organizations deal with mental health alongside the one main mental health institution, Campama. Several individuals, including some of the returnees who did not get support from IOM, are not aware of organizations working on mental health in The Gambia or how to access them.

The Ministry of Health and Social Welfare can start by raising awareness of the causes of mental health challenges, indicators of mental health and the help available and how to access it. Collaborations should be formed between mental health organizations and the relevant government ministries to ensure adequate synergy. It would be instrumental for the government and stakeholders to develop a strategic plan or a policy document that would include how mental health can be proactively tackled in The Gambia. Including migrants would help to provide direction to stakeholders.

A recurring recommendation was to have gardens and parks across the country to help in freeing returnees' minds of their worries and relax and be lost in nature.

## Relief and Rehabilitation Programs for Forced Migrants

Most of the returnees, especially the ones who fled the country as a result of political persecution, return home to nothing. This makes it difficult for them to reintegrate into society. Programs that help them reintegrate would ease some of the challenges they face and might also provide them with a support system that would connect them to other programs, such as those supporting mental health, economic empowerment and skill development.

This case study, "Forced Migration and Transitional Justice in The Gambia," is part of GIJTR's project on Forced Migration and Transitional Justice conducted by Consortium partners, the International Coalition of Sites of Conscience and the Centre for the Study of Violence and Reconciliation. This project addresses the disenfranchisement of forced migrants, including Internally Displaced People (IDPs), refugees, and asylum seekers, in national transitional justice processes in countries of origin. By looking beyond humanitarian approaches to addressing victimhood and human rights violations, this project examines forced migration as a transitional justice issue and the extent to which it has been integrated into transitional justice processes, developing recommendations for improving responses to forced migration. Through case studies of diverse country contexts in different phases of transition, and the experiences and activism of a variety of forced migrant groups – from refugees resettled in the diaspora and IDPs displaced by insurgency to trans-border migrants in regional conflicts – the project provides evidence-based policy solutions for addressing forced displacement through inclusive and holistic transitional justice processes, which are responsive to the needs and demands of affected populations. This case study was authored by Fatou Bintou Sallah, independent researcher.

## ENDNOTES

- 1 BBC 'The Gambia Country Profile' 14 February 2018 <https://www.bbc.com/news/world-africa-13376517> (accessed 21 August 2021).
- 2 Trial International 'What does Trial International Do in The Gambia' <https://trialinternational.org/countries-post/gambia/> (accessed 22 July 2021).
- 3 Human Rights Watch 'Gambia's Commission Uncover Ex-Dictator's Alleged Crimes' <https://www.hrw.org/news/2019/12/04/gambia-commission-uncovers-ex-dictators-alleged-crimes> (accessed 22 July 2021).
- 4 'The Impact of the Presidential Alternative Treatment Program on People Living with HIV and the Gambian HIV response' <https://www.hhrjournal.org/2019/06/the-impact-of-the-presidential-alternative-treatment-program-on-people-living-with-hiv-and-the-gambian-hiv-response/> (accessed 21 July 2021).
- 5 Gambia Labour Force Survey 2018, pg 16 <https://www.gbosdata.org/downloads/gambia-labour-force-survey-29> (accessed 20 August 2021).
- 6 Mustapha Sallah, the secretary general of YAIM, clarified that most returnees are classified as voluntary returnees even if they did not return of their own volition, and that the criteria used to determine voluntary or involuntary returnees are unclear.
- 7 Britannica 'History' <https://www.britannica.com/place/The-Gambia/History> (accessed 8 July 2021).
- 8 D Perfect Politics and Society in The Gambia since Independence (2008).
- 9 Saine et al State and Society In The Gambia Since Independence (2013).
- 10 'The attempted coup d'etat of 30 July 1981' The Standard 8 September 2017 <https://standard.gm/attempted-gambian-coup-detat-30-july-1981-3/> (accessed 5 August 2021).
- 11 'Trial International on The Gambia' <https://trialinternational.org/countries-post/gambia/> (accessed 4 August 2021).
- 12 HB Jallow Journey for Justice (2012).
- 13 ASM Saine 'The Coup d'Etat in The Gambia, 1994: The End of the First Republic' (1996) 23 *Armed Forces & Society* 97-111 <https://journals.sagepub.com/action/doiSearch?target=default&ContributorStored=Saine%2C+Abdoulaye+S> (accessed 4 July 2021).
- 14 JA Wiseman 'Military rule in The Gambia: an interim assessment' (1996) 17 *Third World Quarterly* 917.
- 15 BBC 'Ex-President Yahya Jammeh leaves The Gambia after losing election' 22 January 2017 <https://www.bbc.com/news/world-africa-38706426> (accessed 13 July 2021).
- 16 <https://www.trade.gov/country-commercial-guides/gambia-market-overview#:~:text=The%20Gambia%20is%20a%20small%20economy%20that%20relies,was%20driven%20by%20high%20public%20and%20private%20investment.>
- 17 President Barrow's Broken Promise Threatens Gambia's Post-Jammeh Future, Council on Foreign Relations <https://www.cfr.org/blog/president-barrows-broken-promise-threatens-gambias-post-jammeh-future>.
- 18 Federation of African Journalists (FAJ) and others v The Gambia, Global Freedom of Expression, Columbia University <https://globalfreedomofexpression.columbia.edu/cases/federation-african-journalists-faj-others-v-gambia/> (accessed 2 October 2021)
- 19 The Gambia: drop the charges of false information and broadcasting against human rights activist Madi Jobarteh, Article 19 <https://www.article19.org/resources/the-gambia-drop-the-charges/> (accessed 2 October 2021).
- 20 Gambia announces moratorium on death penalty, Reuters <https://www.reuters.com/article/us-gambia-justice-idUSKCN1G20V2> (accessed 2 October 2021).
- 21 Yankuba Touray sentenced to death by hanging, The Point <https://thepoint.gm/africa/gambia/headlines/yankuba-touray-sentenced-to-death-by-hanging> (accessed 2 October 2021).
- 22 Gambia talks fail as president refuses to step down, 14 January 2017 <https://www.bbc.com/news/world-africa-38621092> (accessed 11 August 2021).
- 23 Claus Kreß & Benjamin Nußberger 'Pro-democratic intervention in current international law: the case of The Gambia in January 2017' <https://www.tandfonline.com/doi/pdf/10.1080/20531702.2017.1338466> (accessed 15 August 2021).
- 24 UNICEF Annual Report 2017 [https://sites.unicef.org/about/annualreport/files/Gambia\\_\(the\)\\_2017\\_COAR.PDF](https://sites.unicef.org/about/annualreport/files/Gambia_(the)_2017_COAR.PDF) accessed 15/08/2021
- 25 Human Rights Watch 'Gambia: State of Emergency No License for Repression' January 18, 2017 <https://www.hrw.org/news/2017/01/18/gambia-state-emergency-no-license-repression> (accessed 15 August 2021).
- 26 ACAPS, The Gambia: Displacement created 26/01/2017 [https://www.acaps.org/special-report/gambia-displacement?acaps\\_mode=slow&show\\_mode=1](https://www.acaps.org/special-report/gambia-displacement?acaps_mode=slow&show_mode=1)
- 27 As above.
- 28 UNICEF Annual Report 2017 [https://sites.unicef.org/about/annualreport/files/Gambia\\_\(the\)\\_2017\\_COAR.PDF](https://sites.unicef.org/about/annualreport/files/Gambia_(the)_2017_COAR.PDF) accessed 15/08/2021
- 29 Launch of Displacement Tracking Matrix (DTM) Strengthens Migration Data in The Gambia 06/15/2021 <https://www.iom.int/news/launch-displacement-tracking-matrix-dtm-strengthens-migration-data-gambia> (accessed 14 August 2021).
- 30 The Gambia Labour Force Survey (GLFS 2018) Analytical Report, pg 72 <https://www.gbosdata.org/downloads/gambia-labour-force-survey-29> (accessed 2 October 2021).
- 31 Dozens Killed as Migrant Boat Sinks off Mauritania Coast <https://www.theguardian.com/world/2019/dec/05/dozens-killed-as-migrant-boat-sinks-off-mauritania-coast> (accessed 15 August 2021).
- 32 Mustapha Sallah, Secretary General, Youth Against Irregular Migration.
- 33 The Conversation 'Why return from Europe is causing problems for The Gambia' Nov 18, 2019 <https://theconversation.com/why-return-from-europe-is-causing-problems-for-the-gambia-124036#:~:text=More%20recently%2C%20there%20has%20been%20a%20big%20push,people%2C%20reflected%20in%20the%20country%E2%80%99s%20and%20European%20press.> (accessed 14 July 2021).
- 34 Channel News 'Unemployment marches higher in Europe as COVID-19 pandemic grinds on' Oct 01, 2021 <https://www.channelnewsasia.com/business/europe-unemployment-jobs-covid-19-pandemic-580376> (accessed 14 July 2021).
- 35 Migrant Returnees, Gambian Authorities Join Forces to Step Up Covid-19 Community Engagement <https://rodakar.iom.int/news/migrant-returnees-gambian-authorities-join-forces-step-covid-19-community-engagement-0> (accessed 17 August 2021).
- 36 Migration in Africa's Smiling Coast <https://www.migrationpolicy.org/article/gambia-migration-africas-smiling-coast> (accessed 15 July 2021).
- 37 Maastricht Graduate School of Governance "Gambia Migration Profile, Study on Migration Routes in West and Central Africa" pg 5 <https://www.merit.unu.edu/publications/uploads/1518185357.pdf> (accessed 5th October 2021).
- 38 2019 Trafficking in Persons Report: Gambia <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/gambia/> .
- 39 Ref World '2018 Trafficking in Persons Report - The Gambia' <https://www.refworld.org/docid/5b3e0a5c4.html> (accessed 2 October 2021).
- 40 As 37 above, para 8.
- 41 Galtung Johan, Violence, Peace, and Peace Research, Journal of Peace Research Vol. 6, No. 3 (1969), pp. 167-191
- 42 Women Affairs Unit.
- 43 Amnesty International 'Hundreds released as Gambian witch hunts end' 8 April 2009 <https://www.amnesty.org/en/latest/news/2009/04/hundreds-released-gambian-witch-hunts-end-20090408/> (accessed 10 August 2021).
- 44 As above.
- 45 TRRC Women Affairs Internal Report, 2019.
- 46 Independent 'Witch hunt: Africa's hidden war on women' 12 March 2009 <https://www.independent.co.uk/news/world/africa/witch-hunt-africas-hidden-war-on-women-1642907.html> (accessed 12 July 2021).
- 47 Washington Post 'Gambia's president threatens to slit the throats of gay men' 12 May 2015 <https://www.washingtonpost.com/news/worldviews/wp/2015/05/12/gambias-president-threatens-to-slit-the-throats-of-gay-men/> (accessed 25 July 2021).
- 48 Amnesty International 'Gambia's Latest anti-gay bill' <https://www.amnesty.org.uk/gambia-anti-gay-bill> (accessed 10 August 2021).
- 49 Africa News Gambia denies plans to relax homosexuality laws <https://www.africanews.com/2020/06/24/gambia-denies-plans-to-relax-homosexuality-laws/> (accessed 30 September 2021).
- 50 Gambian youth engage in the promotion of peace, sustainable development and Global Citizenship [http://www.unesco.org/new/en/media-services/single-view/news/gambian\\_youth\\_engage\\_in\\_the\\_promotion\\_of\\_peace\\_sustainable/](http://www.unesco.org/new/en/media-services/single-view/news/gambian_youth_engage_in_the_promotion_of_peace_sustainable/)
- 51 The Point 'April 10/11 2000, student massacre victims: families demand Justice' <https://thepoint.gm/africa/gambia/article/april-1011-2000-student-massacre-victims-families-demand-justice.>
- 52 As above.
- 53 Online interview with Mustapha Paragon, National Youth Council, 11 August 2021.
- 54 Mansa Banko Online 'Mitigating Youth Unemployment: Trade Ministry Official lauds GYIN Gambia, GYCC and Empretec Interventions' 10/06/2021 <https://mansabanko.gm/mitigating-youth-unemployment-trade-ministry-official-lauds-gyin-gambia-gycc-and-empretec-interventions/> (accessed 10 August 2021).
- 55 Fatu Network 'Gambia's economy completely destroyed by Yahya Jammeh and enablers' - New Finance Minister 20/02/2017 <https://fatu-network.net/gambias-economy-completely-destroyed-yahya-jammeh-enablers-new-finance-minister/> (accessed 19 August 2021).
- 56 OCCPR 'Gambia's Stolen future: A lane Instead of Pensions' <https://www.occpr.org/en/greatgambiaheist/plane-instead-of-pensions-a-stolen-future> (accessed 13 August 2021)

- 57 The African Crime and Conflict Journal 'GAMBIA: The Great Heist' <https://theafricancriminologyjournal.wordpress.com/2019/04/01/gambia-the-great-heist/> (accessed 18 August 2021).
- 58 Jannah Commission Report Vols 1 & 2 <https://www.moi.gm/download-file/fa340828-d0f1-11ea-837b-025103a708b7> (accessed 30 September 2021).
- 59 Guidance Note of the Secretary General 'United Nations Approach to Transitional Justice', March 2010, pg. 7 [https://www.un.org/ruleoflaw/files/TJ\\_Guidance\\_Note\\_March\\_2010FINAL.pdf](https://www.un.org/ruleoflaw/files/TJ_Guidance_Note_March_2010FINAL.pdf).
- 60 As above.
- 61 'the unfolding impasse in The Gambia' Al Jazeera <https://studies.aljazeera.net/en/reports/2017/02/unfolding-political-impasse-gambia-170215091851083.html> (accessed 7th October 2021).
- 62 UNICEF Annual Report 2017 [https://sites.unicef.org/about/annualreport/files/Gambia\\_\(the\)\\_2017\\_COAR.PDF](https://sites.unicef.org/about/annualreport/files/Gambia_(the)_2017_COAR.PDF) accessed 15/08/2021
- 63 Open Global Rights, Salieu Taal 'A hashtag that inspired hope: #GambiaHasDecided' <https://www.openglobalrights.org/a-hashtag-that-inspired-hope-gambia-has-decided/> (accessed 20 August 2021).
- 64 Interview with Hayib Gaye, Migration Officer at the Migration Centre, Barra, 25 July 2021.
- 65 <http://www.fantanka.org/> (accessed 24 August 2021)..
- 66 <https://www.opigambia.org/about> (accessed 24 August 2021).
- 67 <https://www.gamsa.org/> (accessed 24 August 2021) .
- 68 <https://gambiamentalhealth.com/> (accessed 24 August 2021)..
- 69 Mental Health in The Gambia [https://blogs.ed.ac.uk/s2272006\\_global-health-challenges-an-introduction-2021-2022sem1/2021/10/09/mental-health-in-the-gambia/](https://blogs.ed.ac.uk/s2272006_global-health-challenges-an-introduction-2021-2022sem1/2021/10/09/mental-health-in-the-gambia/) (accessed 30th September 2021).
- 70 FGD participant in Brikama, West Coast Region.
- 71 Truth, Reconciliation and Reparations Act of 2017.
- 72 'TRRC Mandate' <http://www.trrc.gm/our-mandate/> (accessed 12 August 2021)
- 73 Interview with Roheya Sanyang, Lead Research Assistant 2018-2019, TRRC held on 20 August 2021.
- 74 Interview with Imran Darboe, Outreach Coordinator, TRRC held on 30 August 2021.
- 75 As above.
- 76 As above.
- 77 Interview with a Legal Counsel, TRRC held on 28 September 2021.
- 78 As above.
- 79 It has not been established yet.
- 80 Justice Info 'Gambia's Full Terror Exposed Before The TRRC' 26/07/2021 <https://www.justiceinfo.net/en/42026-gambia-full-terror-exposed-before-the-trrc.html> (accessed 20 August 2021).
- 81 Attempts at constitutional reform in The Gambia: Whither the Draft Constitution? <https://africlaw.com/2020/10/26/attempts-at-constitutional-reform-in-the-gambia-whither-the-draft-constitution/> (accessed 19 August 2021).
- 82 As above.
- 83 In Zarifs 'The Realization Of Victims' Rights To Reparations: Assessing The Need For A Comprehensive Reparations Program In Uganda' Masters Dissertation, University of Pretoria 2009 7.
- 84 African Union Transitional Justice Policy [https://au.int/sites/default/files/documents/36541-doc-au\\_tj\\_policy\\_eng\\_web.pdf](https://au.int/sites/default/files/documents/36541-doc-au_tj_policy_eng_web.pdf) (accessed 20 September 2021).
- 85 As above, pg 23.
- 86 <https://www.brookings.edu/blog/up-front/2012/07/27/advancing-accountability-displacement-and-transitional-justice/> .
- 87 Truth, Reconciliation and Reparations Commission Interim Report 2018-2019 pg 11-12 <https://www.lawhubgambia.com/s/TRRC-INTERIM-REPORT-Logo-Final.pdf>.
- 88 RT Abed 'Tyranny and mental health' (2004) 72 British Medical Bulletin 8 – 9.



**GIJTR**

Global Initiative for Justice  
Truth & Reconciliation