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GAMBIA 2022

The government agreed to implement most of the recommendations of the Truth, Reconciliation and Reparations Commission, including the prosecution of former president Yahya Jammeh for human right violations during his presidency. Freedom of expression for critics of the government was under threat. The police used excessive force on protesters. Women continued to be under-represented in politics as well as in the media. Prisons remained overcrowded and people were kept in pretrial detention for long periods of time. At least five people were sentenced to death.

Background

Adama Barrow started his second term as president in January. Legislative elections were held in April.

Right to truth, justice and reparation

In January, three former Junglers (members of a paramilitary death squad under Yahya Jammeh's presidency), including the former state guard commander, were arrested upon arriving in the country from Equatorial Guinea. As no charges were pressed against them, the High Court ordered their release a month later. In March, the Truth, Reconciliation and Reparations Commission (TRRC), whose aim is to create an impartial record of human rights violations and abuses committed during the 22-year rule of former president Yahya Jammeh, recommended an amnesty for former Armed Forces Provisional Ruling Council vice-chairman Sanna Sabally, who admitted responsibility for the extrajudicial killings of soldiers. Victims-led organizations condemned the procedure by which the amnesties were recommended – without their input – and asked the government to ignore the TRRC's recommendation for Sanna Sabally's amnesty.

In May, the government published a white paper and accepted 263 out of the TRRC's 265 recommendations, including suspension of current officials who were accused of human rights violations in the TRRC report, and the prosecution of former president Yahya Jammeh. The government rejected the TRRC's recommendation for an amnesty for Sanna Sabally. In June, the attorney general and minister of justice disclosed that the government did not have enough budget to start implementing the TRRC's recommendations in 2022.

In November, the minister of justice stated that the government had started discussions with ECOWAS to set up a hybrid court in order to prosecute crimes committed under Yahya Jammeh's rule.

Freedom of expression

During his annual meeting with the Banjul Muslim Elders in May, the president verbally attacked activist Madi Jobarteh after he had called for the removal of a minister due to alleged mismanagement of public lands. The president called him a "troublemaker" and accused him of wanting to burn the country. He also criticized the media for giving him a platform and warned that it would not be tolerated.

Excessive use of force

On 10 March, clashes between supporters of the opposition United Democratic Party (UDP) and the Police Intervention Unit occurred in Brikama after the electoral body

rejected the nomination of a UDP candidate for the Busumbala constituency. Shortly after the clashes a video of police officers kicking and beating an unarmed UDP supporter with batons started circulating online. The video was verified by Amnesty International. Both the Gambia Centre for Victims of Human Rights Violations and the National Human Rights Commission (NHRC) condemned the excessive use of force by the police, and the NHRC urged the Inspector General of Police to ensure the implementation of the African Commission on Human and Peoples' Rights Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa.

Discrimination

Women's rights

In March, the EU Election Observer Mission noted in its report that women's participation in politics was very low: women comprised only five out of 58 members in the National Assembly and only four out of 23 ministers. A month before, a bill aimed at reserving seats at the National Assembly for women and people with disabilities was debated in the national assembly, but failed to pass.

In March, the president of the Gambia Press Union (GPU) expressed concerns over pervasive sexual harassment and discrimination against women in the media, with most influential positions on editorial boards and newsrooms held by men. He called for media houses to adopt the GPU policy on sexual harassment and appoint more women to influential positions.

In October, the NHRC chairman asked the CEDAW Committee to recommend that Gambia criminalize marital rape. The Sexual Offences Act does not specify marital rape as an offence.

Detainees' rights

Several media houses reported that the TRRC report characterized the State Central Prison (Mile II) living conditions as degrading and unfit for humans. During a briefing at the UN Peacebuilding Commission in October, the minister of justice stated that prisons in the country were "grossly overcrowded", with 25 inmates kept in cells intended for five in Mile II.

In September, after a fact-finding mission in the detention facility, the National Assembly Human Rights Committee stated that they would lobby the Chief Justice

to look into the case of an inmate whose trial lasted 10 years. The minister of justice announced an investigation into the case and stated that his office was currently compiling a list of all those in pretrial detention, with the aim of reducing the time they would have to spend awaiting trial.

Death penalty

In July, the former director of the National Intelligence Agency under the presidency of Yahya Jammeh and four others were sentenced to death by the High Court in Banjul for the murder of the UDP's youth leader.