

**RESEARCH REPORT**

# **TRANSITIONAL JUSTICE IN THE GAMBIA:**

## ENABLING POPULAR PARTICIPATION

**FATOU BALDEH AND YA LENA B. HOUMA**



**CSV**R

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## Acknowledgements

The authors thank all the participants who took part in this study. We would like to acknowledge the support and guidance of the CSVR team, particularly Jasmina Brankovic and Simon Robins, throughout this project.

For more research publications, policy briefs and other materials on this topic, please visit the **From Partnership to Participation: Multilateral Engagements with Transitional Justice in Africa** project page.

The United States Institute of Peace supported this project through the “Reinvigorating Multilateral Conflict Prevention and Peacebuilding” grant competition. The opinions, findings and conclusions or recommendations expressed in this report are those of the authors and do not necessarily reflect the views of the United States Institute of Peace.



## Contents

Introduction	1
Transitional justice and participation in the Gambia	3
Formal measures	3
Non-formal measures	4
The Truth, Reconciliation and Reparations Commission	5
Factors affecting participation	6
Experiences of participation in the TRRC	7
Experiences of participation post-TRRC	8
Role of national actors	10
Role of multilateral actors	11
Listening Circles and other non-formal measures	13
Factors affecting participation	14
Experiences of participation in non-formal measures	14
Role of national actors	15
Role of multilateral actors	16
Conclusion and recommendations	16
State actors	17
Multilateral actors	18

## Introduction

The Gambia began a transitional justice process in 2017 after the fall of Yahya Jammeh, who ruled the small West African country with an iron fist for over two decades. This research report examines the level of popular participation in The Gambia's transitional justice process to date and provides recommendations for ensuring more meaningful participation going forward.

According to the African Union Transitional Justice Policy, societies adopt transitional justice measures to

overcome past violations, divisions, and inequalities and to create conditions for both security and democratic and socio-economic transformation. Transitional justice is meant to assist societies with legacies of violent conflicts and systemic or gross violations of human and peoples' rights in their effort to achieve transition to the future of justice, equality, and dignity.<sup>1</sup>

The policy emphasises that transitional justice consists not only of "formal" or state-led measures but also of "non-formal" or civil society-led measures. It also provides for "an inclusive consultative process" and popular participation in all stages of transitional justice, particularly of victims/survivors, affected communities and marginalised groups.<sup>2</sup>

The Gambia embarked on its transitional justice journey after Jammeh lost the 2016 presidential election. The new government, led by President Adama Barrow, promised to carry out programmes to ensure the complete realisation of each and every person's fundamental rights in The Gambia, starting with a comprehensive transitional justice process.<sup>3</sup> In December 2017, following public consultations, the National Assembly passed a bill establishing the Truth, Reconciliation and Reparations Commission (TRRC), mandated to investigate and establish, over two years, an impartial historical record of the nature, causes and extent of violations of human rights committed from July 1994 to January 2017. The commission submitted its final report, with extensive recommendations, to President Barrow in 2021.<sup>4</sup>

Alongside the TRRC, The Gambia's transitional justice umbrella included security sector reforms, as well as the establishment of the Constitutional Review Commission and the Janneh Commission on state corruption. The Gambia further created the National Human Rights Commission as a permanent, independent body to promote and protect human rights in the country. Each of these mechanisms has included provisions for participation by victims/survivors, communities affected by past violations, and the broader population.

At the same time, civil society organisations (CSOs) in the country established non-formal measures, working with victims/survivors, affected communities and other citizens to encourage national participation in transitional justice. Some of these non-formal measures, such as documentation of violations, statement taking outside the TRRC formal environment, and community outreach, fed into the TRRC and other formal mechanisms. Additional non-formal measures, such as community dialogues, healing processes and exhibitions, have run parallel to the formal mechanisms and served as forms of transitional justice in themselves.

Through non-formal measures, CSOs have worked closely with community leaders, including *alkalos* (chiefs), youth and women leaders, *kenelengs* (traditional communicators) and religious leaders, to promote peacebuilding, social cohesion and reconciliation at the community level. These community leaders have also supported CSOs' efforts to support formal measures, for example by raising awareness of the TRRC process and encouraging victims/survivors within their communities to take part in the TRRC by giving statements and testimonies.

1 African Union (2019) Transitional Justice Policy, 4, [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)

2 Ibid.

3 Human Rights Watch (2017) World Report 2018: Rights Trends in Gambia, <https://www.hrw.org/world-report/2018/country-chapters/gambia>

4 All volumes of the report are available at Ministry of Justice (n.d.) Downloads, <https://www.moj.gm/downloads>

Non-formal measures have been conducted in informal settings outside the purview of the TRRC and largely without a media presence. What they have in common is that they occur in familiar settings where participants feel comfortable to share opinions and experiences without being judged or intimidated, for example by the presence of television cameras or members of the commission asking highly personal questions. The information received via non-formal measures has provided depth and perspectives that could not be captured by the TRRC investigations and hearings.<sup>5</sup> Non-formal actors also submitted supplementary reports and recommendations to the TRRC and referred victims/survivors to the commission to give formal testimony.<sup>6</sup>

This report provides an overview of both formal and non-formal measures in The Gambia, before analysing in detail the dynamics of participation in the formal measure of the TRRC and in non-formal measures, particularly Listening Circles, established by our organisation, Women in Liberation and Leadership (WILL). In addition to a literature review, the report is based on 19 key informant interviews and 3 focus group discussions conducted with a total of 34 individuals, including victims/survivors, CSO representatives, former TRRC staff, representatives of multilateral institutions, and other individuals engaged with The Gambia's transitional justice process. The spectrum of interviewees was deliberately kept wide to capture individual, institutional, multilateral and international perspectives, both formal and non-formal. Some of the interviews were conducted in local languages and later transcribed and translated into English.<sup>7</sup>

We found that while the formal TRRC process sought to ensure broad-based participation and gather evidence from a range of victims/survivors and perpetrators, it fell short in areas like sexual and gender-based violence (SGBV). The sensitive nature of such crimes in the context of existing socio-cultural norms and practices hindered victims/survivors from approaching the commission. Additionally, the TRRC struggled to reach communities where Jammeh has strong support, with the commission being construed as part of a political agenda. Non-formal measures, run by CSOs, filled some of the TRRC's gaps and contributed to wider participation of citizens in the process.

This report concludes with recommendations on increasing and deepening participation in The Gambia's ongoing transitional justice process. We provide recommendations for state actors, particularly state representatives on the Steering Committee leading the TRRC recommendations implementation process and the Ministry of Justice and other government ministries and agencies supporting implementation efforts.<sup>8</sup> We also provide recommendations for multilateral actors supporting transitional justice in The Gambia, including international and regional organisations such as the African Union and the United Nations, state donor bodies, private foundations, and international non-governmental organisations (INGOs).

The report is particularly relevant as the country's post-TRRC implementation plan adopts a participatory approach. The plan repeatedly emphasises the importance of "meaningful participation" at "all stages of implementation" stating that the process "must be participatory, transparent, and accountable to all stakeholders, including victims, civil society organizations, and the broader public," and "accessible and user-friendly, to encourage public participation and feedback."<sup>9</sup>

5 See International Center for Transitional Justice (2019) Women's Experiences of Dictatorship in The Gambia: A Submission by Women from Sintet, Janjanbureh, and Basse to the Truth, Reconciliation and Reparations Commission, [https://www.ictj.org/sites/default/files/ICTJ\\_WomenExperiencesGambia%20FINAL%5B5140%5D.pdf](https://www.ictj.org/sites/default/files/ICTJ_WomenExperiencesGambia%20FINAL%5B5140%5D.pdf)

6 See Women in Liberation and Leadership (2022) TRRC Shadow Report: Perspectives of Women, Girls and Marginalized Communities on Sexual and Gender Based Violence, <https://www.womeninliberation.org/s/WILL-TRRC-Shadow-Report-on-SGBV.pdf>

7 The local languages were Mandinka, Fula, Wolof and Jola.

8 Ministry of Justice (2023) Implementation Plan to the Government's White Paper on the Recommendations of the Truth Reconciliation and Reparations Commission, <https://moj.gov.gm/wp-content/uploads/2024/12/IMPLEMENTATION-PLAN-TO-THE-GOVERNMENT-S-WHITE-PAPER-ON-THE-RECOMMENDATIONS-OF-THE-TRRC.pdf>

9 Ibid., 27–28.

We define participation as “the involvement of victims/survivors, affected communities, and the broader population in multiple stages of the process in ways that enable their agency over the goals, form, and outcomes of that process.”<sup>10</sup> In addition to The Gambia, these recommendations are relevant for state and multilateral actors in other countries that have adopted or may adopt transitional justice mechanisms to address legacies of human rights violations, particularly AU member states.

## Transitional justice and participation in The Gambia

The Gambia experienced some of the worst human rights violations in the region under Jammeh’s 22-year rule. Politicians, media practitioners, activists and others were targeted. Citizens were subjected to unlawful arrests, detention, enforced disappearances and murder. Torture was commonplace and routine, people were killed without consequence, and state actors sexually assaulted women and men who were in detention. In addition, Jammeh was known for targeting people living with HIV/AIDS, who were forced into a herbal treatment programme, as well as women and men in certain rural communities, who were accused of practising witchcraft, detained and tortured.<sup>11</sup> Gambians established formal and non-formal measures to address these violations and their legacies.

### *Formal measures*

Alongside the TRRC, which will be discussed in detail below, the Gambian government launched a security sector reform process in 2017, with the help of international partners. In addition to the development of new security policies, the reforms included changes to the military, the police and the intelligence services. To encourage participation, the security sector reform committee organised consultations, workshops and trainings, to which it invited stakeholders working on transitional justice, including state institutions, Gambian CSOs, INGOs and multilateral actors.<sup>12</sup> Reforms of The Gambia’s security sector are key to the transitional justice process as many violations reported by the TRRC occurred under the security apparatus.

The state also established the Commission of Inquiry into the Financial Activities of Public Bodies, Enterprises and Public Offices regarding their dealings with former president Yahya A.J.J. Jammeh and other connected matters. Commonly referred to as the Janneh Commission, after its chairperson Surahata B.S. Janneh, the commission found years of mismanagement and corruption under the dictatorship, which took a heavy toll on The Gambia’s institutions and economy and weakened the state’s administrative structures. The commission further found that Jammeh’s military council neglected public services while looting state coffers. The Janneh Commission established a secretariat responsible for outreach activities aimed at encouraging participation. Its engagements included consultations with communities, town hall meetings, village dialogues and collecting witness testimonies.<sup>13</sup>

Furthermore, the government established the Constitutional Review Commission. After several rounds of consultations and a judicial and legal review, the commission tabled a draft Constitution before the National Assembly in 2020, which was rejected by Parliament. Since then, there have been on-and-off talks about bringing the Constitution back onto the agenda. Like the Janneh Commission, the Constitutional Review Commission had

10 Simon Robins and Jasmina Brankovic (2024) Maximising Popular Participation in Transitional Justice in Africa: A Guidance Paper for Multilateral Actors, Centre for the Study of Violence and Reconciliation, 3, <https://www.csvr.org.za/maximising-popular-participation-in-transitional-justice-in-africa-a-guidance-paper-for-multilateral-actors/>

11 Amnesty International (2016) Dangerous to Dissent: Human Rights under Threat in The Gambia, <https://www.amnesty.org/en/documents/afr27/4138/2016/en/>

12 United Nations (2023) National Consultative Workshop on the Policy Objectives of the SSR, <https://gambia.un.org/en/237106-national-consultative-workshop-policy-objectives-ssr>

13 Ministry of Justice (2019) Janneh Commission Report, <https://www.moj.gm/download-file/fa340828-d0f1-11ea-837b-025103a708b7>

a secretariat responsible for, among other tasks, ensuring citizen participation. It conducted outreach activities, community dialogues and consultations with citizens and invited submissions of position papers. It worked closely with CSOs to enable community awareness and consultations.<sup>14</sup>

Finally, The Gambia established the National Human Rights Commission in 2017 to investigate violations of human rights, at its own initiative or through complaints made by any person or group of persons. The commission formulates guidelines, policies and standard operating procedures to ensure that state institutions uphold human rights standards that are consistent with the rule of law. The commission also has the mandate to monitor the implementation of the TRRC's recommendations. It has organised nationwide consultations, national caravans and radio programmes to familiarise people with its mandate and work, including in relation to ongoing transitional justice efforts.<sup>15</sup>

The Steering Committee established by the government to lead the implementation of the TRRC's recommendations includes representatives from the Ministry of Justice and other relevant government ministries and agencies, the National Human Rights Commission and civil society organisations.

### ***Non-formal measures***

Alongside these formal transitional justice mechanisms, Gambian CSOs have been at the forefront of transitional justice.<sup>16</sup> Given that the TRRC was the first time that something as revolutionary as transitional justice was happening in The Gambia, CSOs were the main form of civil society engaging with the commission and transitional justice. Ordinary citizens were still unfamiliar with the concept of transitional justice and unsure of what their roles could possibly be. CSOs did try as much as possible to include other civil society actors like traditional and religious leaders in their initiatives.

In The Gambia, traditional and religious leaders play a crucial role in the transitional justice process by promoting reconciliation and healing through community-based mechanisms. They often mediate between victims/survivors and perpetrators in minor cases, helping restore social harmony while addressing historical injustices. Their influence is grounded in cultural and religious authority. They foster trust in the process and encourage widespread participation in truth-telling. In addition to supporting formal measures by encouraging wider victim/survivor and citizen participation, especially in the TRRC, they have engaged in separate activities to promote participatory non-formal transitional justice processes. This experience has demonstrated that, while CSOs are typically the most visible in leading such non-formal measures, a range of other civil society actors are highly important in the processes.

Our organisation, WILL, played a leading role in developing and popularising non-formal transitional justice in The Gambia, as discussed in detail below. The Gambia Center for Victims of Human Rights Violations, known as the Victim Center, was also a key actor, particularly in promoting victims/survivors' participation in the TRRC process. After the change of regime, many victims/survivors felt that their voices were not being heard individually or collectively. In response, several victims/survivors and human rights activists came together as a victim association called the Victim Center to act as a platform for amplifying victims/survivors' voices and channelling their grievances into advocacy.<sup>17</sup> The creation of the Victim Center gave victims a formal platform to participate in the transitional justice process. The association continues to advocate for an inclusive victim-centred process, particularly reparations. Collaborating with

14 Ministry of Justice (2020) The Gambia Constitution Review Process, <https://www.moj.gm/download-file/35f352a2-8ffb-11ea-837b-025103a708b7>

15 Ministry of Justice (2017) The Gambia National Human Rights Act, <https://www.moj.gm/download-file/cbd802b8-db92-11e9-b2ca-02e599c15748>

16 Global Initiative for Justice, Truth and Reconciliation (2023) Civil Society and Transitional Justice in The Gambia, <https://www.csvr.org.za/civil-society-and-transitional-justice-in-the-gambia/>

17 Gambia Center for Victims of Human Rights Violations (2018) Submission of an Alternative Report on the Country Situation in The Gambia to the Human Rights Committee, <https://www.ecoi.net/en/document/1439092.html>

state and civil society actors, the Victim Center has encouraged victim/survivor participation through community dialogues and taking statements. During these activities, victims/survivors have been provided with information about the transitional justice process, particularly on how to participate.

Another example of a non-formal measure is the work of Fantanka, a women-led CSO that supports victims/survivors in their healing process and contributes to culturally sensitive sexual and reproductive health awareness by engaging the public on gender matters. Established in 2018, Fantanka has conducted community sensitisation on sexual and reproductive health and on SGBV. It has worked with victims/survivors as well as people who have been addressed as perpetrators by the TRRC, to provide them with support on both individual and collective healing, including mental health and psychosocial support. Most importantly, Fantanka has been working to ensure that the transitional justice process is child friendly. It has created a child-friendly version of the TRRC report and continues to engage children of victims/survivors. Fantanka has also introduced school outreach activities to familiarise children with transitional justice, human rights and the rule of law.<sup>18</sup>

The African Network against Extrajudicial Killings and Enforced Disappearances (ANEKED), meanwhile, campaigns against forced disappearances and summary executions. Formed in 2019, ANEKED combines technology, storytelling, traditional media and legal expertise to make issues related to enforced disappearances and extrajudicial killings more visible to the public. ANEKED runs an exhibition at Memory House to ensure that Gambians remember the many violations that occurred under Jammeh. It engages schools and universities to reinforce the TRRC's "never again" mandate.<sup>19</sup>

Another leading CSO working in Gambian transitional justice is the Women's Association for Victim Empowerment (WAVE), established in 2019 to respond to the inadequate participation and inclusion of women victims/survivors in the TRRC. Through advocacy and victim/survivor support in community dialogues, WAVE has worked with communities, particularly in the rural region of North Bank, that continue to face discrimination due to their religious beliefs and have found it challenging to participate in formal transitional justice measures. WAVE also works with victims/survivors of Jammeh's witch-hunting violations in different communities. They document victims/survivors' experiences through documentaries and conduct community sensitisation on "never again." To encourage participation, WAVE introduced initiatives such as the *Kaira Bengho Ka Kairo Balundi* (Peace Talks for Peacebuilding, Community Healing and Reconciliation).<sup>20</sup>

This combination of measures has created a rich transitional justice landscape in The Gambia, whose challenges and opportunities provide lessons for popular participation. They demonstrate the value of the AUTJP's emphasis on transitional justice processes that consist not only of formal measures but also of non-formal measures.

## The Truth, Reconciliation and Reparations Commission

The TRRC was established by the Truth, Reconciliation and Reparations Commission Act of 2017 to investigate human rights violations committed under Jammeh's regime.<sup>21</sup> The TRRC's 11 commissioners and head of the Secretariat were appointed by the Gambian president and sworn in on 15 October 2018. In addition to public engagements and sensitisations, the commission gathered testimonies, held public hearings in which people shared their experiences

18 Fantanka (2022) Truth, Reconciliation, and Reparations Commission: Child-Friendly Report, <https://www.moj.gm/download-file/63426ed5-506d-11ed-8f4f-025103a708b7>

19 African Network against Extrajudicial Killings and Enforced Disappearances (n.d.) Memory House: A Site of Conscience, <https://www.aneked.org/memory-house>

20 Women's Association for Victim Empowerment (n.d.) Programs and Activities, <https://wave-gambia.org/program-and-activities/>

21 Truth, Reconciliation and Reparations Act (2017), <https://www.moj.gm/download-file/b9a4c702-c007-11e9-b2ca-02e599c15748>; United Nations Office for West Africa and the Sahel (2018) Press Release: UNOWAS Welcomes the Launch of the Truth, Reconciliation and Reparations Commission of The Gambia (TRRC), [https://unowas.unmissions.org/sites/default/files/181015\\_-\\_unowas\\_trrc-gambia.pdf](https://unowas.unmissions.org/sites/default/files/181015_-_unowas_trrc-gambia.pdf); Mariam Sanaku (2023) Is The Gambia a Step Closer to Moving on with Trials and Reparations? JusticeInfo, <https://www.justiceinfo.net/en/117437-gambia-closer-trials-reparations.html>

under Jammeh's regime, and organised the #NeverAgain campaign, which sought to ensure non-recurrence through public awareness raising.<sup>22</sup>

The TRRC received over 1 500 statements, of which 1 009 were considered eligible for victim status under its mandate. The commission heard testimony from 392 witnesses, the majority of whom were victims/survivors of atrocities meted out to innocent civilians by the state, its agents and individuals sponsored by them. The witnesses who appeared before the commission included self-confessed perpetrators.<sup>23</sup> The TRRC's public hearings were widely publicised and mostly broadcast live on television to national and international audiences.

The TRRC Secretariat oversaw these operations, supported by the Victims' Support Unit, which acted as the first point of contact for victims/survivors; the Psychosocial Support Unit, which helped care for victims/survivors' and TRRC personnel's mental health and other needs; the Women's Affairs Unit, which supported female victims/survivors and engaged women in communities regarding the TRRC process; and the Communications, Outreach and Media Unit, which disseminated information and key messages about the process. The TRRC also had research and legal teams as well as an investigation unit composed of various experts and professionals from different fields, including historians, legal experts, human rights advocates and social scientists.

The commission conducted outreach and community-based activities to encourage participation,<sup>24</sup> including town hall meetings, village dialogues and school outreach programmes. It sought to engage with different segments of the population and encourage them to come forward. It also provided support and protection to witnesses, ensuring their safety and confidentiality, which helped to build trust to a certain degree. The TRRC encouraged participation and collaborated with local and international NGOs to support the participation of witnesses and provide additional resources and expertise. It invited media coverage to reach a broader audience and inform potential witnesses about the importance of their testimonies to the transitional justice process.

### ***Factors affecting participation***

Numerous factors negatively affected participation in the TRRC. While media coverage of the commission brought Jammeh's crimes into the public domain and encouraged national engagement in general, many victims/survivors were fearful of being exposed and stigmatised due to the violations they experienced. This prevented many victims/survivors from taking part in the process. Respondents who took part in this study said that media broadcasts of the hearings affected participation, with one noting:

The fear of social isolation and stigmatisation was a common factor why many victims refused to come out and tell their stories. Most families did not want their members to go on TV to talk about certain things that they believed would bring shame or dishonour to their family name.<sup>25</sup>

Fear of stigmatisation was itself a factor that hindered participation, especially among victims/survivors of SGBV. The TRRC made efforts to include the experiences of victims/survivors of SGBV, dedicating the ninth session of its public hearings to SGBV. The commission through outreach encouraged victims/survivors of SGBV to come forward and testify or to give a statement about their experiences. Despite these efforts, relatively few women participated in the process, resulting in under-reporting of SGBV crimes. The TRRC final report itself highlights

22 David Dettman (2024) Navigating the Path of Transitional Justice: The Gambian Experience, American Bar Association, [https://www.americanbar.org/advocacy/rule\\_of\\_law/blog/roli-gambia-transitional-justice-0424/](https://www.americanbar.org/advocacy/rule_of_law/blog/roli-gambia-transitional-justice-0424/)

23 Truth, Reconciliation and Reparations Commission (2021) Final Report, Volume 1: Compendium, Part A, <https://www.moj.gm/download-file/35d5d1df-6410-11ec-8f4f-025103a708b7>

24 Ibid.

25 Interview 8, victim/survivor of SGBV, Brusubi, 17 January 2024. Also, interview 4, victim/survivor of state violence, Brusubi, 16 January 2024.

that the commission “found it difficult to get witnesses to testify on their experiences of SGBV. The few that had the courage to do so were harassed after their testimonies, thus causing the TRRC to issue a stern warning to the public to desist from such behavior.”<sup>26</sup>

The commission also struggled to access victims/survivors of Jammeh’s witch hunts and Jammeh’s HIV/AIDS treatment programme due to discriminatory attitudes. As one respondent observed, “We lived for years with stigma and discrimination, so if we were to go on TV and explain these violations, imagine how that feels as a community that was accused, beaten, harassed and discriminated against for being wizards and witches, which led to division.”<sup>27</sup>

Another key factor that negatively affected participation in the TRRC was limited access. The commission was located in urban areas and many victims/survivors, particularly those from rural communities who often struggle with poverty, did not have the funds to pay for transport to cities to take part, despite the commission offering modest transportation funds. In addition, people living with disability or mobility issues from the violations they suffered often faced accessibility issues and lacked the funds to participate. According to one respondent,

The TRRC was not decentralised, so if the TRRC didn’t reach some communities during outreach activities and statement taking, then victims were expected to come to the TRRC office. This was a problem for some victims due to the distance and the need to find transportation. Although the TRRC was providing transportation, victims would still have to make their way there first. This can act as a barrier.<sup>28</sup>

The TRRC’s capacity to maximise participation was constrained by a highly limited outreach budget. Furthermore, many feared that Jammeh would come back into power. Respondents noted that this fear was exacerbated by the perception that victims/survivors’ safety was compromised by many of the perpetrators of crimes during the dictatorship roaming free and still being in office.

Another challenge to participation was that in some regions, such as Foni in the West Coast, where Jammeh was born and still has a strong support base, the TRRC was perceived as an effort to punish locals and tarnish the image of their leader. Many feel that Jammeh brought them pride and elevated their status, even though people from Foni were also victims of the dictatorship. Moreover, within the Foni region, victims/survivors and perpetrators continue to live in proximity. Many communities are divided, with a lot of tension, which has affected their social cohesion.

### ***Experiences of participation in the TRRC***

Despite these challenges, many victim/survivor respondents said that the TRRC achieved its aim to uncover the truth about past violations and make these crimes known to Gambians. An interviewee noted, “It’s because of the TRRC that 99 percent of Gambians actually knew what was going on those 22 years and we were able to get some sort of closure. It was beneficial in disseminating the information.”<sup>29</sup>

Many respondents who participated in the commission noted that they found out about it through the media, which indicates that the TRRC’s outreach efforts were effective.<sup>30</sup> Although many of these respondents struggled with obstacles to participation, continuous engagements with CSOs played a major role in alleviating their concerns. With their doubts addressed, they were convinced to participate and shared the belief that their participation could be impactful.

26 Truth, Reconciliation and Reparations Commission (2021) Final Report, Volume 10: Sexual and Gender-Based Violence, <https://www.moj.gm/download-file/d6f0263e-6446-11ec-8f4f-025103a708b7>

27 Interview 11, victim/survivor of political violence, Brusubi, 18 January 2024.

28 Interview 14, victim/survivor of state violence, Sintet, 23 January 2024.

29 Interview 4, victim/survivor of state violence, Brusubi, 16 January 2024.

30 Interview 5, victim/survivor of state violence, Brusubi, 16 January 2024; interview 7, victim/survivor of state violence, Brusubi, 16 January 2024; interview 8, victim/survivor of SGBV, Brusubi, 17 January 2024.

The experience of participating in the TRRC shaped most of these respondents' definitions of transitional justice, which are in line with the commission's messaging. For example, one respondent said, "My understanding of transitional justice is that it was set up to give justice to the victims and make sure that the perpetrators are held accountable for their crimes."<sup>31</sup> Another said transitional justice is about "addressing past atrocities, holding perpetrators accountable, providing justice to victims, and preventing future human rights abuses."<sup>32</sup>

A number of respondents who took part in the TRRC shared positive feedback about the experience. One participant said:

I felt very safe and supported during my testimony. Additionally, I think the TRRC really did try as best as they could to ensure that everything was conducted ethically. For instance, during the informed consent process they did make sure that victims had the option to testify on camera or to have their identities secured or anonymised.<sup>33</sup>

Another expressed appreciation of the mental health and psychosocial support the TRRC provided:

Without the Psychosocial Support Unit, some people might have given up before they even testified. And even after the process they do call to check up on me and to make sure that I wasn't suffering any negative effects after my testimony. They also helped me register at the Victim Center so I can continue accessing psychosocial support.<sup>34</sup>

Yet, respondents who participated in the TRRC said they felt afterwards that victims/survivors' participation was not as effective as they would have wanted it to be. As stated by one respondent:

I'd say it was not participatory because all we did was wait to be called or invited to the TRRC and then we went, testified, and that was the end of it. Even now, all we are doing is passively sitting around and waiting on the government to invite us to their events, to push the bills concerning us along or to initiate the reparations.<sup>35</sup>

Many noted that victims/survivors and civilians should have been involved in the design and to some extent the implementation of the TRRC proceedings. A recurring comment was the need for some sort of victim/survivor representation among the TRRC commissioners. Respondents said this would have boosted participation, particularly among victims/survivors. They observed that this type of active participation, in addition to statement and testimony giving, would have sustained the public's interest in the TRRC and other transitional justice measures.

Given how the TRRC was designed and implemented, it was difficult for people outside of government and the commission to identify with the process and be inspired to participate and maintain their interest. This ended up harming the process, as it constrained the number of people who could have potentially participated and thus limited the commission's reach and impact.

### ***Experiences of participation post-TRRC***

Reflecting on the closing of the TRRC, many respondents argued that the Gambian government could have done more to empower victims/survivors and ensure their active participation in follow-up processes. They suggested that the state is instead maintaining their victimhood. One respondent said:

31 Focus group discussion 3, victims/survivors of state violence, Sintet, 23 January 2024.

32 Interview 10, victim/survivor of SGBV, Brusubi, 18 January 2024.

33 Interview 8, victim/survivor of SGBV, Brusubi, 18 January 2024.

34 Interview 6, victim/survivor of SGBV, Brusubi, 16 January 2024.

35 Interview 8, victim/survivor of SGBV, Brusubi, 18 January 2024.

To me, the government simply is keeping victims in their victim role during this whole process. Since we are in a transitional period, the victims should also have been able to transform their participation from victimhood to a more empowered position by now. It has been many years, and all the victims do is receive information passively and even this information most of the time they get it from the organisations that engage them.<sup>36</sup>

Many respondents who participated in the commission expressed dissatisfaction with the post-TRRC process. A majority shared frustrations, anger and a sense of being let down after the TRRC hearings ended. A victim/survivor said:

We thought victims' lives would be much better after they had testified. ... But it seems that the process is never-ending. Maybe we just had very high expectations for what would come out of this whole thing. However, victims are still so disappointed and angry because they have barely received any help to improve their lives. Some are lying sick, while others have sadly died.<sup>37</sup>

Another victim/survivor observed:

Many people, myself included, are very dissatisfied with how the process went. We feel like even the transitional justice process itself has been a failure because we have yet to reap the benefits of our participation.<sup>38</sup>

A third stated:

Where is the success if victims are dying and struggling with their health conditions and what to eat, with no access to justice or reparations? They need to complete what they started, especially now that victims are more aware of what the transitional justice process is all about.<sup>39</sup>

These remarks demonstrate the importance of participation throughout a process, to ensure that it delivers what victims/survivors seek. In The Gambia poverty is endemic and victims/survivors of violations often see their situation worsened by victimhood. Formal transitional justice measures will not be valued as much if they fail to have an effect on victims/survivors' socio-economic conditions.

Respondents also stressed that women victims/survivors who engaged in the TRRC process continue to be stigmatised, blamed and ridiculed within their communities. They reported that these attitudes have been extended to their family members, particularly their children. Respondents noted that this continues to affect many victims/survivors' mental and emotional health.

Victim/survivor respondents had high expectations when it came to perpetrator accountability. Many suggested they were under the belief that once they testified, the accused would be held accountable. For example, a respondent reported:

When I heard about the TRRC and that victims/survivor could go there to "testify" and tell their stories, I thought that what that meant was that all the identified bad people were going to be arrested, taken to court, and sent to jail. I also thought it was going to be something very quick – once the bad people go to jail it will all be over.<sup>40</sup>

Furthermore, ensuring that reparations are meaningful and that institutional reforms take root in a way that prevents future human rights violations are ongoing concerns. As a victim/survivor stressed:

36 Interview 1, youth advocate against SGBV, Brusubi, 9 January 2024.

37 Ibid.

38 Interview 6, victim/survivor of SGBV, Brusubi, 16 January 2024.

39 Interview 5, victim/survivor of state violence, Brusubi, 16 January 2024.

40 Interview 1, youth advocate against SGBV, Brusubi, 9 January 2024.

In my opinion the slow pace of how things are going post-TRRC is very discouraging, especially with the promises of justice and reparation being unfulfilled and victims are dying. For me I think we were just used so that we can share our violations, and Gambia will say they have a transitional justice process.<sup>41</sup>

The participation of victims/survivors in the TRRC process primarily entailed sensitisation activities, statement giving, and giving testimony at public hearings. Most respondents said participation was therefore basic, as they were not effectively consulted or involved in the process. They said that a lot more could have been done, and that a more participatory approach would have helped them manage their expectations of what the transitional justice process could do for them.

Yet, many respondents are motivated by the hope that the TRRC and other measures will lead to justice, whether through reparations, prosecutions of perpetrators, or broader societal recognition of the harms done. Despite its successes, the TRRC and other transitional justice measures in The Gambia have faced and continue to face challenges. Delays in implementing the TRRC's recommendations, political resistance and concerns over accountability for key perpetrators, including Jammeh, remain significant hurdles.<sup>42</sup>

### ***Role of national actors***

Participants shared various perspectives on how participation in formal transitional justice could be improved. Most of the respondents agreed that any form of participation is important, but said it would more effective if victims/survivors are involved from the outset of the whole transitional justice process. They indicated that had victims/survivors been involved in the design and operations of the TRRC, they would have gained agency and ownership of the process.

Respondents described proactive participation as including, for example, serving as victim/survivor commissioners during hearings, involvement in the development and dissemination of information about the process in the media, and being part of TRRC support teams. They noted that through such activities, they could have contributed more effectively and aided the call for witnesses to come forward, thus increasing the evidence base of cases of human rights violations.

In relation to state actors, one respondent argued that being able to participate means the government creating an open and healthy environment for people to feel comfortable sharing their ordeals, adding:

Active participation means the government trying their best to involve the citizens of The Gambia in every step of the process ... [to] ask for and take their advice and perspectives into consideration and, finally, the government keeping up with and constantly updating victims on everything that they are doing and not leaving us in the dark.<sup>43</sup>

This respondent identified a need for ongoing regular and effective state consultation and engagement with citizens. This was noted by other respondents as well. A recurring criticism was of the failure of the Post-TRRC Unit of the Ministry of Justice to provide updates about follow-up transitional justice measures. This highlights the need for synergy between the victim/survivor community and the government to ensure broad commitment, avoid misunderstandings and manage expectations.

Respondents acknowledged the role of CSOs in improving participation. They indicated a high degree of familiarity with the different organisations in the country and their interventions, including how they helped foster victim/survivor participation in the TRRC. As highlighted by one respondent:

41 Interview 5, victim/survivor of state violence, Brusubi, 16 January 2024.

42 Mustapha K. Darboe (2022) TRRC Final Report: Gambia between Prosecutions and Amnesties, JusticeInfo, <https://www.justiceinfo.net/en/86069-trrc-final-report-gambia-between-prosecutions-and-amnesties.html>

43 Interview 1, youth advocate against SGBV, Brusubi, 9 January 2024.

Local CSOs did help to boost participation a lot. Many people did not understand what the transitional justice process was about but with the help of the CSOs the process was broken down into simpler forms and made more digestible to the local population. So I would say that their work helped a lot to get people to come forward.<sup>44</sup>

CSOs were generally not construed as having an agenda against any community or individuals and therefore had access to marginalised groups in a way that the TRRC alone could not. The TRRC recognised the contribution of CSOs to the extent of including recommendations by WILL and a policy brief by WAVE as appendices to its final report.

### ***Role of multilateral actors***

Multilateral actors provided financial, technical and logistical support to ensure the effective functioning of the TRRC and related initiatives. Through its various agencies, particularly the United Nations Development Programme (UNDP) and the Office of the High Commissioner for Human Rights (OHCHR), the United Nations provided funding and technical assistance to the TRRC, helping to build its capacity to document and investigate human rights violations.<sup>45</sup>

Additionally, the OHCHR offered expertise and support in ensuring that the TRRC's operations adhered to international human rights standards.<sup>46</sup> The support included nationwide consultations on the establishment of the TRRC and the provision of advisory services to the government on the formation of the Secretariat and technical input on the bills establishing the TRRC. Similarly, through the Peacebuilding Fund, the OHCHR and UNDP offered specialised training to the commissioners and staff on witness protection. They aided in the development of a reparations framework and policy, regulations for the TRRC reparations process, and dedicated support services for over 2 000 victims and their families to ease and encourage their participation in the process.<sup>47</sup>

The European Union provided substantial funding for the establishment and operation of the TRRC, as well as for victim/survivor support and reparations.<sup>48</sup> Justice Rapid Response deployed experts to support the TRRC's investigations and enhance the quality of its work. The World Bank has collaborated with key stakeholders on the implementation of the TRRC recommendations, including security sector reform.<sup>49</sup>

INGOs were also active around the TRRC. The International Center for Transitional Justice, for example, provided substantial technical assistance and capacity-building support to the TRRC, including training for TRRC staff, assistance in developing methodologies for investigations, and guidance on best practices for victim/survivor participation and reparations.<sup>50</sup>

In addition to international partners, regional multilateral actors played a role. The Economic Community of West African States (ECOWAS) intervened militarily to prevent bloodshed in The Gambia following former president

44 Interview 9, victim/survivor of state violence, Brusubi, 17 January 2024.

45 United Nations Development Programme (2021) UNDP's Support to The Gambia's TRRC, <https://www.undp.org/sites/g/files/zskgke326/files/2022-09/Finalfinal.pdf>

46 Office of the High Commissioner for Human Rights (n.d.) Gambia, <https://www.ohchr.org/en/countries/gambia>

47 United Nations Development Programme (2021) Role of the Truth, Reconciliation and Reparations Commission in Promoting National Reconciliation and Peace in The Gambia, <https://www.undp.org/gambia/news/role-truth-reconciliation-and-reparations-commission-promoting-national-reconciliation-and-peace-gambia>

48 *The Standard* (2023) EU to Give €9m for Transitional Justice Process in The Gambia, <https://standard.gm/eu-to-give-%D1%949m-for-transitional-justice-process-in-the-gambia/>

49 World Bank (2022) Country Partnership Framework for the Republic of The Gambia, <http://documents1.worldbank.org/curated/en/450591652556583165/text/Gambia-Country-Partnership-Framework-for-the-Period-FY22-26.txt>

50 International Center for Transitional Justice (2017) The Gambia, <https://www.ictj.org/where-we-work/gambia>

Jammeh's decision to reject the December 2016 election results.<sup>51</sup> ECOWAS then provided political support, facilitated dialogues and provided mediation to involve all relevant stakeholders in the transitional justice process.<sup>52</sup>

The AU provided political backing and technical assistance, seeking to ensure that the TRRC's activities aligned with continental norms and best practices.<sup>53</sup> The AU encouraged the government to utilise the AUTJP as a framework to guide a comprehensive transitional justice process.<sup>54</sup> A respondent from the AU stated:

The AU played a critical role in setting up The Gambia's transitional justice process both directly through the AU's technical support to the Ministry of Justice as well as indirectly by bringing partners such as CSV [Centre for the Study of Violence and Reconciliation] who supported the ministry and the formal TRRC process by providing mental health and psychosocial support. The AU also facilitated other international engagement to provide support in building capacity of both the TRRC staff as well as other stakeholders including government officials and CSO representatives on transitional justice.<sup>55</sup>

In general, Gambian respondents were far more aware of the role of international multilateral actors and INGOs in supporting the TRRC than that of the AU.<sup>56</sup> Respondents from the AU and the Ministry of Justice suggested this could be due to the lack of visibility of the AU's interventions. Whereas other multilateral actors, such as the United Nations, invested heavily in publicising their support via communications, the AU has not been doing this.

Additionally, respondents were aware that international multilateral actors worked with CSOs and provided them with financial support and technical assistance in the form of workshops and capacity building.<sup>57</sup> This was not seen with the AU, whose support was more directed to the government and the TRRC itself. Respondents noted the need for the AU's broader support, especially for civil society and the broader population, with one stating, "I think they should have been at the heart of The Gambia's TRRC and transitional justice because it's the AU."<sup>58</sup>

Overall, respondents suggested that multilateral actors could enhance participation in The Gambia's transitional justice process by focusing on several key strategies. First, they could support the inclusion of marginalised and vulnerable groups, such as women, youth and victims/survivors of SGBV, by ensuring that their voices are heard through dedicated outreach programmes and consultations. Second, they could support capacity-building initiatives that equip local CSOs, grassroots movements and community leaders with the skills and resources necessary to meaningfully engage in the transitional justice process. Third, they could facilitate inclusive dialogues that allow for open, transparent discussions about the TRRC recommendations, ensuring that all sectors of society, including rural and remote communities, have the opportunity to participate.

These actors could also support the government by providing resources and technical support for the establishment of a hybrid court for the prosecution of perpetrators of human rights violations. Finally, they could build the capacity of media practitioners and create an enabling environment for local media to report on and educate the public about the transitional justice process, fostering greater awareness and encouraging broader participation. Support for CSOs and non-formal measures would be key to these efforts.

51 Chikodiri Nwangwu (2022) Lessons from the ECOWAS Intervention in The Gambia, Pan African Review, <https://panafricanreview.com/lessons-from-the-ecowas-intervention-in-the-gambia/>

52 Christoff Hartmann (2017) ECOWAS and the Restoration of Democracy in The Gambia, Africa Spectrum, 52(1), 85–99.

53 ISS Africa (2020) Hard Times Ahead for the African Union in The Gambia, <https://issafrica.org/iss-today/hard-times-ahead-for-the-african-union-in-the-gambia>

54 African Union (2019) 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)

55 Interview 16, victim/survivor of state violence, Sintet, 24 January 2024.

56 Interview 8, victim/survivor of state violence, Brusubi, 17 January 2024; interview 12, victim/survivor of state violence, Sintet, 23 January 2024.

57 Interview 12, victim/survivor of state violence, Sintet, 23 January 2024.

58 Interview 14, victim/survivor of state violence, Sintet, 23 January 2024.

## Listening Circles and other non-formal measures

WILL introduced a number of non-formal transitional justice measures during The Gambia's TRRC, including the influential Listening Circles. As a women-led organisation with expertise in SGBV and experience working with female victims/survivors of SGBV, WILL recognised from the start of the TRRC that a gender-sensitive and victim-centred approach was needed to bring out the stories of women's rights and violations in The Gambia's transitional justice process. Perhaps most importantly, WILL recognised that the process provided Gambians with an opportunity to challenge and confront the root causes of violence and exclusion of women and girls that predate the dictatorship and continue to this day.<sup>59</sup> WILL seeks to ensure that the transitional justice process has a *transformative* effect, addressing not only the impacts of violence but also its drivers.

As such, WILL designed interventions in collaboration with victim-led organisations and the TRRC Secretariat, to break down the barriers that prevented female victims/survivors from coming forward to tell their whole story before the TRRC. With the Listening Circles method, WILL created safe spaces where women felt comfortable sharing their stories without fear of stigma, shame, victim-blaming, retaliation or societal attitudes that privilege men over women. The Listening Circles were held within communities in locations that women identified as safe and private. They occurred on a small scale, with the consent of the communities, to ensure flexibility and adaptability and to fully maximise effectiveness and protection of survivors from possible stigma. The total number of participants in each of the Listening Circles was fewer than 20.

To protect the identities of participants, recording of voices and taking of photos without participants' consent was not allowed. Participants were made aware that the Listening Circles would be recorded in the form of written notes and were reassured that their identities would be protected when WILL shared information, feedback, recommendations and suggestions from the Listening Circles with the TRRC Secretariat and other organisations and victims/survivors, unless they volunteered otherwise.

Additionally, WILL engaged communities and different generations in dialogue through Community Dialogues, *Atay* (Tea) Chats, and *kenelengs* (traditional communicators). Each of these non-formal methods had its unique advantage and played a vital role in the accumulation of information and knowledge during the TRRC.

Through these non-formal methods, WILL registered a breakthrough by gaining access to communities in Foni, which the TRRC had difficulty accessing, and persuading victims/survivors to come forward and give statements or testify before the TRRC. WILL also organised events that brought together women and youth leadership groups and National Assembly members from the region to discuss social cohesion and peace.

Another non-formal method used by WILL was the construction of a Women's Garden, which served the dual purpose of economic empowerment and reconciliation. Working in the garden brought together women from different parts of a community to heal dictatorship-era wounds while sharing the resources provided and engaging in dialogue with one another. The measures WILL established during the TRRC continue to this day, with the aim of supporting female victims/survivors and enabling a gender-sensitive and victim-centred formal and non-formal transitional justice process.<sup>60</sup>

59 Fatou Baldeh (2019) How a Truth Commission on Past Human's Rights Violation Has Started a Conversation on Sexual Violence in Gambia, Impakter, <https://impakter.com/how-a-truth-commission-on-past-humans-rights-violation-has-started-a-conversation-on-sexual-violence-in-gambia/>

60 Global Initiative for Justice, Truth and Reconciliation (2023) Victim-Centered Approach to Transitional Justice, <https://gijtr.org/wp-content/uploads/2023/06/VCA-to-TJ-Toolkit-contributions-Gambia-I-final.pdf>

### ***Factors affecting participation***

Respondents indicated that WILL's non-formal measures removed barriers to participation, giving them access to the TRRC that they otherwise would not have had. Primarily because participants were thoroughly informed of how the process would go and assured that their identities would be protected if they wished, the fear of stigmatisation and other barriers to participation were limited. In addition, WILL utilised storytelling methods such as body map and tree of life art exercises to enable victims/survivors to tell their stories in more comfortable and less retraumatising ways.

These assurances and the experience with WILL encouraged some respondents to participate in the TRRC. One interviewee reported, "I think more people participated through WILL because there wasn't that fear that their perpetrators would find out they had told their stories, unlike the TRRC, where a lot of victims refused to come forward because they were scared."<sup>61</sup> Comparing the TRRC and the Listening Circles, another respondent observed that "both played its role well," but added, "From my experience the formal process was a lot harder. When I wanted to testify at the TRRC I was under a lot of pressure because I was worried about my family and how people would see me. I could not talk about everything. But through WILL I found it a lot easier and less pressure."<sup>62</sup>

Many respondents said that the non-formal measures allowed victims/survivors who could not afford to travel to the TRRC to participate in the commission within their own communities, especially in hard-to-reach communities such as Foni. As one respondent noted, "WILL travelled to meet people in remote areas to ensure they participated in the TRRC through the Listening Circles."<sup>63</sup> The Listening Circles became popular because WILL protected participants' privacy, created an environment where women felt comfortable to share very personal stories, paid participants' travel allowances, and provided them with food and refreshments. Some participants were not eager to share their stories initially, but they opened up with time, without any peer pressure, once they felt comfortable.

Nonetheless, the Listening Circles had their fair share of obstacles that affected participation. Due to funding and time constraints, WILL's reach was limited. As a CSO that operates based on funding it receives, WILL expected that we would not be able to reach all communities and that, within the communities we accessed, we could not reach all individuals. While WILL tried to expand the Listening Circles nationwide, the majority occurred in the Foni region.

### ***Experiences of participation in non-formal measures***

Respondents observed that the Listening Circles dealt with much more than specific Jammeh-era violations, including providing an emotional outlet for victims/survivors, an environment in which to bond with one another, a sense of solidarity and support, and time to reflect and heal. One respondent observed:

It was very participatory, and they helped us forge bonds within the victim communities, which has been a great connection to have. It was a very enjoyable yet educational process. We were able to learn so much, not just about transitional justice but also about a range of other things like SGBV, laws and legislation, and about empowering communities. Through these circles, we have made strong and lasting bonds, and we have learnt a great deal and even today we continue to use these support networks.<sup>64</sup>

This quote shows that the Listening Circles also helped build support networks at the community level for victims/survivors that remain in place today.

61 Interview 1, youth advocate against SGBV, Brusubi, 9 January 2024.

62 Interview 7, victim/survivor of state violence, Brusubi, 16 January 2024.

63 Ibid.

64 Interview 10, victim/survivor of SGBV, Brusubi, 18 January 2024.

In comparing the formal and non-formal mechanisms and how they promoted participation, respondents shared different reactions. Some expressed their preference for non-formal approaches, with one noting:

For me the informal was better. Don't get me wrong, the TRRC did have its benefits, but I think that the local actors did a great job. The Listening Circles were very effective in my community. They were conducted at grassroots levels in communities and information was broken down to a level that was more understandable within victim communities.<sup>65</sup>

Other respondents reflected that the formal and non-formal measures were not very different from each other, as they served the same function of keeping victims/survivors informed about the transitional justice process and provided platforms for victim/survivor participation.

Several respondents said that the two processes complemented each other, as the non-formal process served as a medium of communication, in most cases between state-linked institutions like the TRRC and victims/survivors or community members. As one respondent said, "I know of few people in my community who were able to testify at the TRRC. Also, those who were not able to testify, still gave their statements to WILL, which I believe have been recorded in their database for the future."<sup>66</sup>

Furthermore, WILL collaborated with institutions coordinating the implementation of TRRC recommendations to engage the public on key issues within the post-TRRC process. WILL has contributed to keeping the public informed about how to participate in and support post-TRRC efforts. Additionally, WILL continues to inform affected communities about how to put their stories on record through WILL's victim/survivor database and other CSOs' documentation initiatives, as well as how members of these communities can ensure they are a part of the reparation process.

The respondents, including former TRRC personnel, were positive in their analysis of how WILL's Listening Circles contributed to participation in the commission. For example, former TRRC Executive Secretary Baba Jallow stated:

WILL's phenomenal contributions to the work of the TRRC, The Gambia's transitional justice process, and the empowerment of girls and women are simply phenomenal. We were lucky to have them as partners. ... From collaborating with the TRRC on outreach programmes, encouraging women's participation in the TJ process to explaining to rural audiences' aspects of the TRRC's final report, WILL was there from start to finish.<sup>67</sup>

One challenge is that some victims/survivors who participated in non-formal measures but not in the TRRC have not had their victimhood recognised and as such may not have access to redress, including reparations. As The Gambia continues with the post-TRRC process and setting up the Victims' Reparations Commission, WILL and other CSOs are advocating for the inclusion and consideration of victims/survivors who could not participate in the TRRC for reparations during engagements with the Ministry of Justice and other implementing partners in the transitional justice process.

### ***Role of national actors***

By actively interacting with a wide range of society, especially victims and survivors, state actors may have increased involvement in non-formal measures both during and after the TRRC. One of the most important things the government did was to encourage victim/survivor involvement in designing and implementing non-formal transitional justice measures, rather than the state doing everything. Beyond existing links, state actors should develop a strategy to map

65 Interview 12, victim/survivor of state violence, Sintet, 23 January 2024.

66 Interview 1, youth advocate against SGBV, Brusubi, 9 January 2024.

67 Women in Liberation and Leadership (2022) TRRC Shadow Report: Perspectives of Women, Girls and Marginalized Communities on Sexual and Gender Based Violence, v, <https://www.womeninliberation.org/s/WILL-TRRC-Shadow-Report-on-SGBV.pdf>

the full range of non-formal measures underway across The Gambia and determine how formal measures can best engage with them.

Yet, to understand what the public needs and thinks of the transitional justice process, the government would have benefited from setting up local consultation sessions. For example, the government should establish regular, ongoing forums where women, ethnic minorities, youth, rural communities and other marginalised groups can directly discuss and give recommendations about reparations and other formal measures. The “public feedback mechanism” described in the TRRC recommendations implementation plan must include direct inreach and outreach with victims/survivors and affected communities where they are, and not be solely dependent upon remote communications.

Civil society actors, meanwhile, have long been vital in promoting justice and accountability. By serving as a bridge between the government and communities, they have increased participation in formal measures. Via initiatives such as focus groups, instructional initiatives and community-level conversations, they could have done even more to close the gap between the state and more disadvantaged groups.

Looking forward, both state and civil society actors in The Gambia must focus on creating more inclusive measures for the post-TRRC process. The state should create long-term initiatives of formal and non-formal measures to increase the total participation of victims/survivors, which would also help with monitoring the process. CSOs must continue to support and amplify the voices of victims/survivors, ensuring that they are included in the design and implementation of post-TRRC measures. Through long-term engagement and consultation, both state actors and CSOs can help foster a climate of reconciliation, accountability and reparation in The Gambia.

### ***Role of multilateral actors***

While multilateral actors have played a vital role in supporting The Gambia’s formal transitional justice measures, they could have played a more significant role in supporting non-formal measures during the truth-telling process. For instance, they could have facilitated trainings for local CSOs, supporting them to engage with affected communities and victims/survivors more effectively. Similarly, they could have provided training and other support for traditional and religious leaders in conflict resolution and community dialogue, thus deepening non-formal justice measures. While INGOs played this role to some extent, other types of multilateral actors were less active.

Going forward, multilateral actors should continue supporting The Gambia’s transitional justice process to consolidate democratic gains and prevent the recurrence of human rights violations. Key to this is providing sustainable support to non-formal measures. One of the main needs is the development and strengthening of long-term monitoring mechanisms for reparations and reconciliation, which include non-formal measures and use a participatory approach to ensure that the perspectives and demands of victims/survivors and affected communities are addressed. These mechanisms can aid in tracking the transitional justice process effectiveness, ensuring that the intended impact is achieved and community needs are satisfied.

## **Conclusion and recommendations**

Transitional justice in The Gambia has been hailed internationally as a progressive and inclusive model. Other AU member states embarking on truth commissions are coming to The Gambia to learn from it. Lessons from the TRRC have also been shared in international forums by representatives of Gambian CSOs and government officials.

The AUTJP advocates for local and adaptable transitional justice measures to foster national ownership and ensure African governments play a key role in setting priorities. This approach supports the idea that local participation enhances the effectiveness of transitional justice. In The Gambia, the TRRC emphasised local ownership and victim/survivor participation via victim hearings, support programmes and reparations. Victims/

survivors, including those affected by SGBV, were encouraged to participate, and special hearings were held to address SGBV issues.

However, cultural barriers, fear of victim-blaming and stigma limited the full participation of some victims/survivors, especially women and those from rural areas. Security concerns in certain regions, like Foni, affected participation, with many fearing retaliation for engaging in sensitive discussions. These factors were highlighted by respondents during the interviews, especially by victims/survivors.

In implementing transitional justice, concerted effort is needed to end underlying conditions such as poverty, appeasement, trauma, homophobia and gender inequality, and to end violence and discrimination. To do so, stakeholders must identify and develop strategies to transform harmful, entrenched socio-cultural gender dynamics that pervade society. Regarding this, WILL's Listening Circles played a crucial role in engaging communities to acknowledge violations, especially SGBV, and social norms such as stigma and discrimination against women and how these have affected Gambian society before, during, and after the dictatorship.

Reflecting on the TRRC, respondents noted that state and multilateral actors could have better enabled participation by adopting more context-sensitive approaches and working closely with CSOs, rather than focusing primarily on state structures and formal transitional justice measures. Multilateral actors, in particular, need to be more actively involved in local and non-formal transitional justice efforts, rather than limiting their involvement to providing funding and serving as observers.

The recommendations for state and multilateral actors below are designed to enhance the effectiveness and inclusivity of transitional justice in The Gambia, ensuring meaningful participation. They aim to strengthen collaboration, support victims/survivors, and promote lasting peace and justice.

### **State actors**

- Design transitional justice measures in partnership with representatives of victims/survivors and communities affected by violence to increase agency, ownership and long-term sustainability. This includes, for example, holding a nomination process to appoint victims/survivors to the leadership structure of each measure and organising broad-based and widespread pre-consultations for those measures. Victims/survivors' voices should especially be privileged in discussions about the form and process of reparations.
- Implement transitional justice measures in partnership with representatives of victims/survivors and communities affected by violence. This includes, for example, victim/survivor participation as personnel, involvement in the development and dissemination of information about transitional justice in the media, regular direct engagements with local victims/survivors' groups around the country, and encouragement of civil society actors who are following the process to keep victims/survivors and communities informed.
- After a measure is established, organise regular and widespread consultation forums where women, ethnic minorities, youth, rural communities and other citizens can directly provide information and recommendations on designing, launching and then continually improving transitional justice measures in response to feedback. The "public feedback mechanism" described in the TRRC recommendations implementation plan must include direct inreach and outreach with victims/survivors and affected communities where they are, and not be solely dependent upon remote communications.
- Invest in strong monitoring mechanisms for the National Human Rights Commission and relevant government ministries and agencies to use in tracking the progress of transitional justice measures and make necessary adjustments to structures and activities based on evolving conditions. The aim is to use a participatory approach, so that victims/survivors and affected communities directly provide their perceptions of the success or otherwise of each measure.

- Partner with and meet on a quarterly basis with a broader range of civil society actors who are trusted by and can represent victims/survivors. These include not only urban-based civil society organisations and human rights and development-oriented NGOs, but also traditional leaders, religious leaders, community-based organisations, women's groups, media practitioners and others.
- Create new and further strengthen existing institutional links between formal and non-formal measures to ensure the participation of a larger number of people, particularly in remote areas and marginalised groups, and improve monitoring of transitional justice with on-the-ground information. The Steering Committee and relevant government actors should develop a strategy to map the range of non-formal measures underway across The Gambia and determine how formal measures can best engage with them.
- Ensure access to all implementation activities for participants who might otherwise be excluded, for example by including those who live in remote areas (e.g. covering transport costs); addressing gendered constraints (e.g. adapting hours to childcare needs and other care expectations); ensuring support for persons with disabilities (e.g. via wheelchair-accessible venues, sign language interpretation, etc.); and adapting to those who speak minority languages and those who are illiterate (e.g. by providing interpretation).
- Implement sensitisation programmes as part of the implementation plan and in the long term to address stigma, discrimination and victim blaming, in order to create an environment where women and other victims/survivors of SGBV feel supported in participating in transitional justice.
- Build short- and long-term mental health and psychosocial support capacity in The Gambia, by funding the integration of this type of support into formal and non-formal transitional justice measures and, over time, the establishment of a mental health and psychosocial support services network across the country.
- Address the root causes and contributing factors to violence against women and girls, as well as gender inequality, through integrated, collaborative efforts among various government stakeholders.
- Seek dedicated donor support for enhancing victim/survivor and community participation, including specific support for inreach/outreach activities and participatory monitoring.
- Use the AUTJP and Roadmap for Implementation to guide transitional justice in The Gambia, particularly their ground-breaking provisions on participation, diversity management and socio-economic transformation.

### ***Multilateral actors***

- In addition to partnerships with state structures, establish long-term partnerships with and provide support to a broad range of civil society actors, including victims/survivors, to raise awareness and promote broad-based community engagement with transitional justice.
- Provide not only technical and financial support to enhance victims/survivors' participation but also actively engage with and support non-formal measures to ensure effective coordination and collaboration.
- Support the establishment of inreach and outreach programmes and regular consultation forums to promote the inclusion and input of marginalised groups. This could start with inclusive dialogues that allow for open, transparent discussions about the TRRC recommendations, ensuring that all sectors of society, including rural and remote communities, have the opportunity to participate.
- Provide and support trainings for not only CSOs but also the full range of civil society actors, including traditional and religious leaders, to identify and support non-formal measures occurring across The Gambia, raise awareness of their potential links to formal measures, and extend access to transitional justice to their constituencies.

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- Strengthen the capacities of local actors to hold the government accountable regarding its obligations.
  - Collaborate with local actors to develop policies and legal frameworks that align with international standards.
  - Assist state actors in establishing a contextually responsive legal accountability mechanism, such as a hybrid court.
  - Strengthen existing and help develop new long-term state monitoring mechanisms to track progress on transitional justice efforts, promoting a participatory approach.
  - Build the capacity of media practitioners and promote an enabling environment for local media to report on and educate the public about the transitional justice process, fostering greater awareness and encouraging broader participation.
  - Invest in communications campaigns regarding all forms of multilateral support to raise awareness and invite input from affected communities and others. This is particularly recommended for the AU.

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