



TRUTH,
RECONCILIATION
AND REPARATIONS
COMMISSION

THE GAMBIA

REPORT

VOLUME 10

**SEXUAL AND
GENDER-BASED VIOLENCE**

REPORT

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A. INTRODUCTION

1. The ninth session of the public hearings of the Truth Reconciliation and Reparations Commission (TRRC) held from October 14 -31, 2019, revealed that the 22 year rule of Yahya Abdul Aziz Jemus Junkung Jammeh (Yahya A.J.J.Jammeh) as President of The Gambia was characterized by widespread sexual and gender-based violence (SGBV). Sexual violence was often perpetrated either as the main objective of certain human rights violations or it was used as an instrument of repression, torture and punishment. Across The Gambia, females were disproportionately affected by violations including sexual violence, torture, inhumane and degrading treatment, arbitrary arrest, detention and forced labour.
2. Some of the more appalling incidents examined by the Commission include (i) the sexual violence and abuse of participants of scholarship pageants and “protocol girls”; (ii) rape and sexualized torture by state security officials of male and female detainees; (iii) violations committed as part of the infamous purge of “witchcraft” and (iv) sexual violence during “the Presidential Alternative Treatment Program.”(PATP). These violations were perpetrated mainly by security agents and former government officials. The Commission received credible evidence that former President Yahya A.J.J. Jammeh himself, committed some of the most egregious of these violations against women and girls through a “sophisticated system” using state institutions and resources.¹
3. Silence usually surrounds sexual violence and this leads to impunity and eventually its normalization. There are multiple barriers to reporting SGBV ranging from stigma, shame, societal attitudes which privileges men over women, victim-blaming, to fear of retaliation. This, in turn translates into under-reporting of SGBV, pushing it into the shadows and making it pervasive throughout the mandated period and even during the public hearings when the TRRC found it difficult to get witnesses to testify on their experiences of SGBV. The few that had to 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 behavior². The statement warned that the: *“Commission will not allow survivors of sexual violence to be re-victimized through the TRRC process simply because they have been courageous enough to break the culture of silence in The Gambia and speak out against such horrific violations. We should applaud and support them. If such harassment and intimidation of victims of sexual violence persist, the Commission may resort to frequent use of in camera hearings (closed session hearings) as stipulated in section 16(4)(b) of the TRRC Act, 2017 as a witness protection measure to safeguard their security and well-being”* In addition a warning was made that the Commission will not hesitate to take appropriate measures against anyone who threatens or interferes with a witness in violation of section 36 of the TRRC Act, 2017 as that constitutes a criminal offence. Despite this warning and the assurance that they could testify privately, many persons chose not to testify. This is not unique to The Gambia.

¹ <https://www.hrw.org/news/2019/06/26/gambias-women-break-their-silence>; “Women’s Experiences of Dictatorship in the Gambia”, A Submission by Women from Sintet, Janjanbureh, and Basse to the Truth, Reconciliation and Reparations Commission (December 2019)

² A Statement Concerning Harassment of TRRC Victim Witnesses on Sexual Gender Based Violence’ <https://www.facebook.com/moj.trrc/> October 22 2019

4. Worldwide, under reporting of sexual violence remains a phenomenon. However, the shroud of secrecy surrounding sexual violence in The Gambia at this time was exacerbated by fear of reprisals from the former Yahya A.J.J. Jammeh’s supporters. As Professor Abdoulaye Saine told the Commission: *fear and a so-called “culture of silence” enveloped the entire country and ordinary citizens were not spared Jammeh’s wrath*.³ Impunity was the order of the day, particularly for SGBV, during the Jammeh regime.
5. Despite the full gamut of support and protection that The Commission made available to victims and witnesses, many were still reluctant to speak out and to participate in the TRRC processes. As a nation, The Gambia must endeavor to find ways to break down the barriers which prevent victims from coming forward, and when they do, from telling their whole story. The State has an obligation, through appropriate legislative and policy reform, and through a shift in social attitudes, to craft a system which promotes accountability for violence against women and for sexual and gender-based violence.
6. The Commission heard testimony after testimony about the impact of these crimes –the trauma, shame and misery that scores of women and girls have had to live with for so many years. Through its work, the experiences of Gambian women and the abuses that they were subjected to have been made visible and must continue to remain so until perpetrators are held to account.
7. Survivors who came before the Commission were commended by TRRC Commissioners for their bravery in speaking out and breaking down these barriers. At the end of her testimony, a victim was told, *if there was a word stronger than courage, I would use that on you. You have broken the culture of silence by coming out publicly to state what happened to you [...] not only to the people of The Gambia but to the whole world because the TRRC is broadcasted globally*.⁴ The TRRC once again applauds the resilience and courage of survivors who participated in the TRRC hearings, public discourse, women’s listening circles, community workshops and documentation efforts which have brought their experiences to the fore. Their involvement was pivotal in shining the spotlight on the experiences of women and girls and other victims of SGBV between July 1994 and January 2017. Their participation not only sends a resounding message that sexual violence will **“never again” be met with deafening silence or impunity in The Gambia but will, undoubtedly, also help shape the nation’s policies and processes on truth-seeking, reconciliation, accountability, justice and reparations for sexual and gender-based violence. Their participation has also exposed the glaring gender inequalities at all levels, calling for priority action as recommended in this report.**
8. The Commission recognizes that reparations for SGBV must include individual and collective measures, including restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.

³ Testimony of Professor Abdoulaye Saine, 21 January 2020

⁴ [Testimony of Bintou Nyabally, \(14 October 2019\)](#)

B. DEFINITIONS

(I) SEXUAL VIOLENCE

9. Sexual violence means any non-consensual sexual act, a threat or attempt to perform such an act, or compelling someone else to perform such an act on or with a third person. These acts are considered as non-consensual when they involve violence, the threat of violence, or coercion. Coercion can be the result of psychological pressure, undue influence, detention, abuse of power or someone taking advantage of a coercive environment, or the inability of an individual to freely consent. This definition applies irrespective of the sex or gender of the victim and the perpetrator, and of the relationship between the victim and the perpetrator.⁵
10. Consent to the relevant sexual activity must also be specific and ongoing. Thus, it will not suffice if the person has consented to similar conduct, if they consented to the relevant activity (ies) on a previous occasion, if they initially consented but later withdrew that consent, or if the nature of the sexual activity changes without their consent. The consent should also not be considered as freely given when it has occurred in a situation of vulnerability.
11. Sexual violence involves singular, multiple, continuous, or intermittent acts which, in context, are perceived by the victim, the perpetrator, and/or their respective communities as sexual in nature. Such acts are to be characterised as sexually violent if they violate a person’s sexual autonomy or sexual integrity.⁶
12. Women, men, girls and boys may be victims of sexual violence.
13. Sexual violence is not limited to physical violence and does not necessarily involve physical contact.
14. The Commission adopted an expansive view as to what acts may amount to sexual violence. Sexual violence takes many forms and may include:⁷
 - *sexual harassment;*
 - *rape (including gang rape, marital rape or “corrective”⁸ rape), which includes penetration of the vagina, anus or mouth by any object or part of the body;*
 - *compelled rape (committed by a third person compelled to do so);*
 - *attempted rape;*
 - *sexual assault;*
 - *anal and vaginal virginity tests;*
 - *violent acts to the genitalia (such as burning, electrical shocks or blows);*

⁵ African Commission on Human and Peoples’ Rights, Guidelines on Combating Sexual Violence and its Consequences in Africa adopted by the during its 60th Ordinary Session held in Niamey, Niger from 8 to 22 May, 2017. (“The Niamey Guidelines”), para 3.1.

⁶ Hague Principles on Sexual Violence (2018)

⁷ African Commission on Human and Peoples’ Rights, Guidelines on Combating Sexual Violence and its Consequences in Africa adopted by the during its 60th Ordinary Session held in Niamey, Niger from 8 to 22 May, 2017. (“The Niamey Guidelines”), Hague Principles

⁸ Corrective rape is defined as the use of rape against women because of their real or alleged homosexuality supposedly in order to “cure” them of this sexual orientation.

- forced marriage;
- forced pregnancy;
- forced sterilization;
- forced abortion;
- forced prostitution;
- forced pornography;
- forced nudity;
- forced masturbation and any other forced touching that the victim is compelled to perform on himself/herself or a third person;
- human trafficking for sexual exploitation and slavery;
- castration, forced circumcision and female genital mutilation (FGM);
- threats of sexual violence used to terrorize a group or a community;
- causing someone to form reasonable apprehension, or fear, of acts of sexual violence;
- humiliating or mocking a person based on their perceived sexual orientation, gender identity, sexual performance, sexual reputation, sexual choices, sexual activity (or lack thereof), or sexual body parts;
- punishing someone for refusing to engage in sexual activity;
- having someone undress completely or partially, including the removal of headwear in cultures where this has a sexual implication, or requiring them to wear clothing with a sexual association;
- preparing a person to engage in sexual activity with a third person.

15. Each of the following indicia suggests that an act is sexual in nature, but such indicia are not necessary to such a finding, nor is this list exhaustive⁹:

- i. The act involved exposing a ‘sexual body part’¹⁰ or physical contact with such a body part, including over clothing;
- ii. The act was intended to be sexual by the perpetrator or was perceived as such by the affected person or their community as being sexual in nature;
- iii. The perpetrator or a third party derived sexual gratification from the act, or intended to do so;
- iv. **The act, while not necessarily sexual in itself, was intended to impact or involve:**
 - a. the affected person’s sexual autonomy or sexual integrity, including their capacity to engage in sexual activity, feel sexual desire, or have intimate relationships;
 - b. the affected person’s sexual orientation or gender identity; or
 - c. the affected person’s reproductive capacity or reproductive autonomy;
 - d. sexual innuendos or language with implicit or explicit sexual connotations for the affected person, the community, or the perpetrator;
 - e. the use, interference, control, or degradation of fluids or tissue associated with sexual and reproductive capacity, including semen, vaginal fluids, menstrual blood, breast milk, or placenta.

⁹ Hague Principles on Sexual Violence (2018)

¹⁰ In most, if not all cultures, sexual body parts are understood to include the anus, breasts, penis, testicles, vagina, and vulva, including the clitoris. In certain cultures, other body parts that are regarded as sexual include the back, especially the lower back, buttocks, ears, hair, hips, lips, mouth, neck, thighs, waist, and wrists. These examples of sexual body parts are illustrative and non-exhaustive. (Part 3, Hague Principles on Sexual Violence (2018))

16. Acts of a sexual nature may violate sexual autonomy or sexual integrity if they are committed forcibly or against a person who is unable or unwilling to give genuine, specific, and ongoing consent. Factors which may be relevant to the determination of whether an act was committed without such consent include:

An unequal power relationship between the perpetrator and the affected person due to a variety of possible factors, including:

- a. the vulnerability of the affected person due to factors considered by the perpetrator to be strategic advantages, such as the affected person’s sex, sexual orientation, gender identity, age, disability, poverty, class, social status, caste, ethnicity, indigeneity, race, religion, illiteracy, or other grounds;
- b. a context of detention, confinement, or institutionalization;
- c. a context of migration or displacement;
- d. a context of genocide, widespread or systematic attack, armed conflict, or national disturbances;
- e. the perpetrator being in possession of a weapon, and the affected person being unarmed;
- f. the perpetrator being a person in a position of authority;
- g. the affected person having any type of dependency (including financial, legal, professional, familial, and/or personal) on the perpetrator, or any other type of contextual relationship that gives rise to a risk of exploitation;
- h. an inability or incapacity of the affected person to consent or control their conduct due to age, mental illness, or temporary intoxication;
- i. an awareness that the perpetrator has previously used violence against the affected person, or a third party, as punishment for non-compliance with the perpetrator’s demands; or
- j. a situation where there is a reasonable fear of suffering sexual violence based on the surrounding context of terror created by the perpetrator(s).

(I) GENDER

17. Gender refers to the socially constructed roles, identities, attributes and status that are attributed to identities of men and women within society.¹¹ Gender-based violence is therefore defined as “violence directed against a person because of their gender”.¹²

18. Haddy Mboge Barrow, former National Coordinator, Network against Gender Based Violence, expert witness for the TRRC on this theme, explained to the Commission, the meaning of “gender” in the context of The Gambia. She explained that “gender is a social construct. It is about relationships, it is about things that one learns, it is about things that can change, it is about men and women, it is about girls and boys. Gender in simple language is about roles. It is about responsibilities. It is about power dynamics, those are the simple definitions one can give to gender and the reason why we said, it is something that you learn. It is not God given, you learn them and it differs from one region to another, from one tribe to another. So, gender is about that; it is about the role that people ascribe to boys and girls. Boys should do this, girls should sweep, and they should cook. Women should be submissive, it is people that put it there. It is not God given. So, when we talk about gender, it is that.”¹³

¹¹ The Council of Europe Convention on preventing and combating violence against women and domestic violence, art. 3(c)

¹² European Institute for Gender Equality

¹³ Testimony of Haddy Mdoge Barrow, 15 October 2019

(II) GENDER-BASED VIOLENCE

- 19. Gender-based violence (GBV) is violence directed toward, or disproportionately affecting someone because of their sex or gender (as defined above). Almost all sexual violence is gender-based violence but not all gender-based violence is sexual. They may include non-sexual violations directed at males and females because of their gender. Non-sexual targeting of females and males may amount to gender-based persecution.
- 20. Such violence takes multiple forms, including acts or omissions intended or likely to cause or result in death or physical, sexual, psychological or economic harm or suffering, threats of such acts, harassment, coercion and arbitrary deprivation of liberty. Examples include, sexual violence, trafficking, domestic violence, battery, dowry-related violence, coerced or forced use of contraceptives, femicide, female infanticide, harmful practices and certain forms of slavery and servitude.¹⁴

(III) RAPE

- 21. The Commission adopted a gender-neutral definition of rape. Rape is defined as the non-consensual penetration (however slight) of the vagina, anus or mouth with a penis or other body part or any part of an animal. It also includes penetration of the vagina or anus with an object.¹⁵ Penetration was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent. A person may be incapable of giving genuine consent if affected by natural, induced or age-related incapacity.¹⁶
- 22. Rape is a grave, systematic and widespread human rights violation, it is a crime and it is a manifestation of gender-based violence against women.¹⁷
- 23. In certain cases, SGBV may also constitute international crimes.

(IV) SGBV AS TORTURE

- 24. The Gambia ratified the United Nations Convention Against Torture (UNCAT) on 28 September 2018. In certain circumstances sexual violence and gender-based violence may amount to torture or cruel, inhumane or degrading treatment, including in cases of rape, domestic violence, harmful practices like female genital mutilation (FGM), forced abortions and sterilizations.¹⁸

14 OHCHR, [“Integrating a Gender Perspective into Human Rights Investigations”](#): Guidance and Practice (2018)
 15 The Gambia’s Sexual Offences Act 2013
 16 Rome Statue adopted 17th July 1998, entered into force 1st July 2002
 17 Report of the Special Rapporteur on violence against women, its causes and consequences, Dubravka Šimonović (19 April 2021) A/HRC/47/26
 18 Committee against Torture, General Comment No. 2, application of Article 2 by States Parties, CAT/C/ GC/2, par.18 (2008); United Nations Special Rapporteur on torture and other forms of cruel, inhuman or degrading treatment or punishment, A/HRC/7/3, par. 69 (2008); United Nations Special Rapporteur on Violence against Women, its Causes and Consequences, “15 Years of the Special Rapporteur on Violence Against Women, Its Causes and Consequences” (2009); UNHCR Guidance Notes on Refugee Claims Related to Feminine Genital Mutilation (2009); CEDAW, General Recommendation 35 on gender-based violence against women, updating general recommendation No. 19; ICTR, the Prosecutor v. Jean- Paul Akayesu, ICTR-96-4-T, Judgment on 2 September 1998, par. 597; Rome Statute of the International Criminal Court, Articles 8 (2) (a) (iii) and 8 (2) (b) (xxi).

- 25. In determining when acts of gender-based violence against women amount to torture or cruel, inhumane or degrading treatment, a gender-sensitive approach is required to understand the level of pain and suffering experienced by women, and that the purpose and intent requirements for classifying such acts as torture are satisfied when acts or omissions are gender-specific or perpetrated against a person on the basis of sex.¹⁹
- 26. Men are also subject to certain gendered violations such as rape or sexual violence and abuse. Both men and women and boys and girls may be subject to torture on the basis of their actual or perceived non-conformity with socially determined gender roles.²⁰

C. LEGAL FRAMEWORK

C.1 APPLICABLE NATIONAL LAWS

a. Sexual Offences Act 2013

- 27. The Sexual Offences Act, 2013 criminalizes every form of sexual assault, exploitation and harassment. It has also revised the laws and procedure application to rape and other sexual offences. The Act also addresses some of the barriers that have impeded the prosecution of rape and other sexual offences in the past. It expands the definition of sexual assault and other coercive acts to include circumstances where the survivor is coerced into sexual acts. It also applies these amendments retrospectively to individuals who would have previously escaped punishment.²¹ The Act also abolished the cautionary rule which required courts to treat the evidence of any complainant in criminal proceedings at which an accused is charged with an offence of a sexual or indecent nature with special caution because the accused is charged with such an offence.

b. Women’s Act 2010

- 28. The Women’s Act 2010 defines violence to include “physical, mental and emotional, psychological, sexual, verbal or emotional maltreatments or assaults.”²² The Act goes further to state that every woman shall be protected “against any form of physical, sexual, psychological or economic harm, suffering, or violence whether occurring in public or private life.”²³ While the Act goes further to state that all government departments, agencies and institutions should put in place mechanisms to promote and protect women’s rights, the Act does not however establish mechanisms for its effective monitoring to ensure that these are adhered to. One of the key deficiencies in this Act is the criminalization of sexual harassment and/or violence, thus the drafting and passing into legislation the Sexual Offences Act, 2013. The Women’s (Amendment) Act, 2015 prohibits female circumcision and makes it an offence for any individual to engage in the act. The Act also makes it an offence for a person to “request, incite or promote female circumcision.”²⁴

19 CEDAW, General Recommendation 35 on gender-based violence against women, updating general recommendation No. 19
 20 Committee against Torture, General Comment No. 2, application of Article 2 by States Parties, CAT/C/ GC/2, par.18 (2008), para 22.
 21 UNWOMEN, Global Database on Violence against Women, Gambia
 22 Women’s Act 2010
 23 Ibid
 24 Women’s (Amendment) Act, 2015

c. Children’s Act 2005

29. The Children’s Act states that a child is any person under the age of 18. The legislation addresses sexual abuse and exploitation of children in every form and stipulates severe punishment for those who commit such acts. It regards child abuse as any violation of the rights of the child that causes physical or mental harm to the child.

d. Regional and International Conventions and Instruments

30. The Gambia has ratified several key Regional and International Conventions and Protocols including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the African Charter on Human and Peoples’ Rights (African Charter), African Charter on the Rights of Women in Africa (Maputo Protocol), The Convention on the Rights of the Child (CRC), Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966) and the Office of the High Commissioner for Human Rights (OHCHR) Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (1994).

31. In its general recommendation No. 19 (1992) on violence against women, the CEDAW Committee clarified that discrimination against women, as defined in article 1 of the Convention, included gender-based violence, that is “violence which is directed against a woman because she is a woman or that affects women disproportionately”, and that it constituted a violation of their human rights.

(1) *The Gambia ratified the Rome Statute in 2004 and is a State Party to the International Criminal Court (ICC). The Rome Statute enumerates a broad range of sexual violence and gender-based crimes as crimes against humanity in Article 7(1) (g).*

C.2 MANDATE & METHODOLOGY

32. SGBV, torture and inhumane and degrading treatment, are listed as human rights violations in Section 2 (a) of the TRRC Act. From the outset, addressing sexual violence was a priority for the Commission and was included in its 2018 Investigative Plan as Theme R titled “*systematic rape of girls and women and other SGBV*”. *The Commission was committed to examining and exposing the scale, context, nature, gravity and impact of sexual violence as it was committed during the mandated period.*

33. The TRRC formulated a detailed ‘Strategic Plan for the Investigation and Presentation of Evidence during the Commission’s Thematic Hearings on SGBV’ (‘Strategic Plan’) to guide its work. The Strategic Plan addressed the following key areas:

- i. *creation of an SGBV Task Force with the required expertise;*
- ii. *an overview of the scope of SGBV incidents within the Commission’s mandate;*
- iii. *identifying potential investigative leads;*
- iv. *various options on different types of SGBV hearings and*
- v. *public sensitisation on SGBV matters through public hearings (including expert testimony) and targeted public messaging.*

34. The Strategic Plan emphasized the importance of addressing sexual violence against men and boys (beyond sexual torture, to include rape and other acts) by the former regime. The TRRC did not allow itself to perpetuate sexual violence by excluding any class of victims or by not accurately labelling violations as excluding victims would contribute to their re-victimisation. Being mindful of the socio-cultural context of The Gambia, the TRRC engaged in the difficult task of devising strategies and determining the best timing/ sequence to hear such evidence and to include it in its final report. It was important that the TRRC addressed and condemned unlawful detention and/ or torture of all Gambians regardless of reasons for arrest. The reasons for the alleged unlawful detention and torture (i.e. targeting sexual identity) cannot be separated from the witness accounts of victimisation. Therefore, it is important to hear such evidence of human rights violations and this can be done in the context of the broader theme of (arbitrary/unlawful) arrests and unlawful detention/ inhumane degrading treatment of civilians. It does not require a separate thematic hearing.

35. The SGBV Task Force comprising lawyers, investigators, researchers, statement-takers and psycho-social support officers with the required expertise and previous experience working with victims of sexual violence was established. While all TRRC staff were expected to have basic competencies to address SGBV matters as they feature in multiple investigative themes and/ or are relevant to the work of the different TRRC processes, only persons with sufficient expertise and experience were selected to conduct interviews of SGBV survivors and lead their testimonies during hearings. This was done in a gender-sensitive manner to avoid any gender stereotypes. Training was provided for all members of the SGBV Task Force and all investigators and statement takers on basic concepts of SGBV, building long-term rapport and trust, adherence to key principles (“do no harm”, mitigating harm and informed consent), interviewing techniques and appropriate/ inappropriate questioning, identification of interview locations and settings (and changing the locations as necessary), various methods of avoiding re-traumatisation, ability to explain the value of psycho-social support, explaining the various TRRC processes as they relate to SGBV (including the Commission’s mandate and what to expect following their participation in one or more of the TRRC process(es)).

36. The responsibilities of the SGBV Task Force included directly approaching and securing the cooperation of SGBV victim-witnesses (individual and group witnesses), identifying other non-victim investigative leads, interviewing and collecting witness statements and other evidence from SGBV victims/ survivors and witnesses, providing counselling services for SGBV victims/ survivors and affected family members as early as possible and throughout their interactions with the TRRC and making referrals for related services (e.g. medical and long-term psycho-social services) to external partners where necessary. The SGBV Task Force was also responsible for making relevant referrals for witness protection and recommendation for appropriate protection arrangements for those at risk. The SGBV Task Force travelled to all the 7 regions of The Gambia to create awareness about the mandate of The Commission, to engage with women and victims of sexual violence and to encourage them to share their experiences and come before the TRRC. The team met with thousands of individuals during these missions.

37. The Women’s Affairs Unit (WAU) was created to make sure that the voices and actions of women were mainstreamed in the Commission’s work. The WAU held listening circles for

women across the country. These listening circles were designed to provide a safe space for women to share their experiences of human rights violations, especially SGBV. Through its outreach, public information policies and its engagement with women’s groups, the TRRC was able to reach as many victims as reasonably possible, engender trust and encourage them to speak out. In March 2019, the four female TRRC Commissioners participated in the Women’s Community Dialogues in the Central River and Lower River regions. The activities were supported by the UNDP-Gambia Transitional Justice Project and The Gambia Centre for Victims of Human Rights Violations. They entailed discussions on the work of the TRRC and the need for women who were direct or indirect victims to participate in the process.

38. The WAU also prepared two separate analytical reports with recommendations based on community dialogues, women’s listening circles and other interactions with victims which informed the Commission’s truth-seeking process. One report related to the scope of sexual violence within the TRRC’s mandate and the second report focused on a gender analysis of human rights violations and abuses (excluding sexual violence) within the TRRC’s mandate. By having two separate reports, the TRRC did not allow sexual violence to dominate the SGBV discourse and paid due attention to other forms of non-sexual gender-based violence.
39. The WAU also engaged with editors and news reporters from various print and electronic media houses across the country. The objectives of these meetings were primarily to ensure that the media reports accurately describe the women’s participation in the TRRC, that stories of women who testify before the commission are reported through a gender lens, so that by tactfully putting out these stories they do not re-victimize women. Gender concepts and SGBV under the mandate of the TRRC, existing domestic and international laws criminalizing Sexual and Gender-based violence (SGBV) were explained.
40. The Strategic Plan also set out the Commission’s policy on gender mainstreaming and the importance of a sensitive, inclusive and effective approach to investigating and hearing victims/ survivors of sexual crimes (including children).³ The evidence received by the TRRC reaffirmed the importance of asking specific questions about SGBV – or at the very least sexual violence – in relation to all investigative themes in order to determine whether or not SGBV were committed in the context of the relevant investigative theme.
41. The Commission faced various challenges in identifying survivors who were willing to come forward and share testimonies. This was mainly due to the social and cultural stigma that victims are faced with and the importance survivors placed in family honour over their own suffering. The fear of reprisal from supporters of the former regime was also mentioned. These challenges notwithstanding some courageous witnesses broke the socio-cultural barriers and narrated their experiences to this Commission. This was recognised by the UN Special Rapporteur on the sale of children, child prostitution and child pornography, Maud de Boer-Buquicchio whose visit to The Gambia coincided with the public hearings on SGBV, In her end of mission statement on her visit to The Gambia in October 2019 she stated: *My visit has coincided with the hearings of testimonies by courageous Gambians, victims and witnesses of sexual and Gender-based violence who came forward to testify and narrate their ordeal and speak about some of the horrific experiences they have endured. The testimonies before the TRRC were live broadcast and overheard on the street, in the market, in taxi and bus stops and*

*in public premises I visited. This has created a momentum and a much-needed space to break through the deeply embedded culture of silence in the society.*²⁵

42. *For many women (and men) who gave their statements to or testified at Commission hearings, and who engaged with organisations like the International Centre for Transitional Justice (ICTJ) that supported the work of the Commission, it was their first time to speak out about their suffering.*²⁶ Women’s organisations played an important role in raising awareness about the mandate and work of the TRRC, encouraging women to come forward and also collecting credible information about the patterns, details and extent of sexual violence that had occurred during the Jammeh regime.
43. Survivors who testified before the TRRC also publicly encouraged other survivors to come before the TRRC and share their experiences. For example, at the conclusion of her public testimony, a rape survivor stated that *“[i]t is because of you (TRRC) that I have the chance to come and tell the nation what has happened to me[...] I would like to inform other women who suffered the same thing as I encountered to come out, not to keep it in them and tell the people what they have gone through”*. She also made a plea to the Gambian public *“not to mock me for what has happened”*.²⁷
44. The Commission gave survivors the choice as to how they wished to participate in the work of the TRRC. They could choose to testify either publicly or in-camera before the Commission or submit written statements that would form part of the TRRC records. Compelling written submissions were also presented on behalf of survivor groups which were all added to the record and considered by the Commission in arriving at its conclusions in this Report.²⁸
45. **The Victims’ Support Unit (VSU) was established pursuant to Section 13 (a) (ii) of the TRRC Act which required the Commission to “respond to the needs of the victims”.** *A Psycho-Social Unit was established within the VSU. Support services provided to SGBV survivors included medical and psycho-social support, support in livelihood and wellbeing, personal security, safety and protection, logistics and daily management of issues related to the participation of victims in TRRC processes. The Psycho-Social Unit ensured that men, women, boys and girls had access to responsive victim-centered support services in their engagement with the TRRC leading to emotional preparation, participation and coping throughout the process.*²⁹ Support to direct victims were given priority, followed by those that accompany statement-givers, then witnesses and other informants and finally, alleged perpetrators. The type and quantity of payments were regulated by internal policies.³⁰

25 [End of mission statement of the UN Special Rapporteur on the sale and sexual exploitation of children, Maud de Boer-Buquicchio, on her visit to The Gambia \(21- 29 October 2019\)](#)

26 [ICTJ : “Women’s Experiences of Dictatorship in the Gambia”, A Submission by Women from Sintet, Janjanbureh, and Basse to the Truth, Reconciliation and Reparations Commission \(December 2019\);](#) [HRW : Gambia: Women Accuse Ex-President of Sexual Violence \(26 June 2019\)](#)

27 [Testimony of Bintou Nyabally,xxx](#)

28 [ICTJ : “Women’s Experiences of Dictatorship in the Gambia”, A Submission by Women from Sintet, Janjanbureh, and Basse to the Truth, Reconciliation and Reparations Commission \(December 2019\);](#) [HRW : Gambia: Women Accuse Ex-President of Sexual Violence \(26 June 2019\)](#)

29 [TRRC Interim Report 2018-2019](#)

30 [TRRC Interim Report 2018-2019](#)

46. **Section 14 (2) of TRRC Act, 2017 required the Commission to “adopt a child and gender sensitive approach in conducting its investigations in cases of children and women.”** In discharging its mandate, the Commission put in place procedures and measures that addressed the specific needs of victims of SGBV and the impact of the violations they suffered. It was a priority for the Commission that victims were treated with dignity and respect and were able to participate safely. The TRRC has adopted a survivor-centered approach in every aspect and at every stage of its work. Provision was made for victims and witnesses to participate in the Commission’s work with minimal risk to their psychological health and to avoid re-traumatization.
47. SGBV featured in the various investigative themes of the TRRC Investigation Plan. To avoid gaps, SGBV was consistently addressed throughout the TRRC investigations and hearings. Particular attention was paid to ensuring that state agents were also consistently questioned about sexual violence to ascertain the truth and wider context of SGBV over former President Yahya A.J.J. Jammeh’s 22-year regime.³¹
48. The TRRC identified the following investigative priorities based on preliminary research and analysis of sexual violence by former President Yahya A.J.J. Jammeh with particular focus on sexual violence committed in the context of:
- i. *July 22 Scholarship Pageant;*
 - ii. *Recruitment of State House Protocol Officers;*
 - iii. *SGBV by other senior state officials and persons holding positions of authority;*
 - iv. *Sexual violence, rape, other forms of sexual violence and gender-based violence by state security agents during arrest, interrogation and detention;*
 - v. *Sexual Violence committed during the PATP;*
 - vi. *Sexual Violence committed during “witch-hunts”;*
 - vii. *SGBV during forced labour in Kanilai.*

D. THE INTERCONNECTION BETWEEN GENDER INEQUALITY AND SEXUAL VIOLENCE AND OTHER HUMAN RIGHTS VIOLATIONS IN THE GAMBIA

My Government is fully aware of the impact and implications of discrimination in law on any country. Laws which stifle gender equality prevent women and girls from realizing their full social, cultural, economic, political and civil rights and the immense potential and gains that can be derived from the exercise of those rights.³²

*- Abubacarr Ba Tambadou
former Attorney General and Minister of Justice of The Gambia*

31 Alhagie Ousman Ceesay (Chief of Protocol to Yahya Jammeh), Ebou Jarju (Steward to Yahya Jammeh), Yusupha Sanneh (body guard to Yahya Jammeh)

32 UN Women and Commonwealth Secretariat Report : [“Mapping and Analysis of the Laws of The Gambia From a Gender Perspective: Towards Reversing Discrimination in Law”](#), (2020)

49. Sexual violence against women is often connected to unequal power equations, both real and perceived, that exist between men and women. It is also strongly influenced by social, religious and cultural factors and values.³³ The Gambia is a patriarchal society deeply rooted in male domination and superiority. Far too often, socio-cultural attitudes have perpetuated gender stereotypes which create the impression that ‘*men are superior and women are inferior*’ and a ‘*socialization process [that] has also led men and women to perceive men as leaders and women as supporters.*’ *These perceptions inevitably “put women in the private sphere as wives, mothers and daughters and men in the public domain of decision-making, as well as the economic and political arena.” Further, discriminatory stereotypes especially as relates to education, where preference is given to males in the family as they are viewed as the breadwinners of the family*’.³⁴ Gender inequality and norms on the acceptability of violence against women are a root cause of sexual violence.³⁵
50. Haddy Mboge Barrow, **the expert witness told the Commission that in Gambian society when it comes to sex and sexuality, women “find it difficult to explain if something had happened”.** *The witness stated that she noticed that even professional trainers “find it difficult to express issues of sex and sexuality and beat around the bush and only a few trainers can boldly talk about the sexual organs”. She explained that “patriarchy is everything that surrounds power and position, and this is the society that exists in The Gambia. It is about the power relations, power dynamics, who has power over what and that power plays in different angles”. It is difficult to say “no” to someone who has power over your welfare. In cases where women do speak out, the man would be believed over her. Power dynamics plays a critical role in sexual violence and these power dynamics include financial power being used by the head of the family who also makes the decision and further uses the physical power, both play important roles, and most time, people who inflict sexual violence are holding both or at least one of these powers.*³⁶
51. **The Commission recognizes that a person’s gender is inextricably linked to other identifying characteristics or factors that affect their lives that can increase the vulnerability of individuals or groups to sexual violence. These may include ethnicity, profession, political or other opinions, health including HIV status, religion, culture, age, colour, illiteracy, socio-economic or matrimonial status, urban or rural location, or any other status, sexual orientation, identity or gender expression, being deprived of liberty.**³⁷ In The Gambian context, the Commission observes that some of these factors featured prominently in the violations, especially those directed against women and sexual violence. The Commission heard from a victim that *“living in poverty and being a youth made [her and] people [like her] vulnerable and therefore they are at a higher risk to experience*

33 Sexual violence against women: Understanding cross-cultural intersections, Kalra and Bhugra (2013)

34 [The Republic of Gambia’s “Combines Report on the African Charter on the African Charter on Human and People’s rights for the period 1994-2018 and Initial Report under the Protocol to the African Charter on the Rights of Women in Africa” \(August 2018\)](#)

35 [World Health Organisation, Violence against women fact-sheet](#) (9 March 2021)

36 Testimony of Haddy Mboge Barrow, 15 October 2019

37 African Commission on Human and Peoples’ Rights, Guidelines on Combating Sexual Violence and its Consequences in Africa adopted by the during its 60th Ordinary Session held in Niamey, Niger from 8 to 22 May, 2017. (“The Niamey Guidelines”); Gender identity means the way that a person expresses his or her gender by making use of a variety of social, behavioural, or physical codes (such as clothing, body language, or tone of voice) usually attributed to a specific gender. Gender identity and gender expression are not necessarily related.

sexual violence.³⁸ Accordingly, because women experience varying and intersecting forms of discrimination, which have an aggravating negative impact, the Commission acknowledges that gender-based violence may affect women in varying degrees, or in different ways, meaning that appropriate legal and policy responses are needed.³⁹

52. Religious and cultural notions attached to power have also played a role in enabling widespread sexual abuse and violations against women and girls especially. Widely held beliefs that “when a leader is elected, it is God who has put him there, we should allow God to remove him” or that “it is his [President Jammeh’s] right to tell you to do something, you’re in the wrong if you say no”⁴⁰ have led victims to either totally eclipse or minimise the violations they have suffered. ICTJ for instance noted that during its consultations with documenters, women revealed that they did not think they had suffered violations, despite having been forced to carry out hard labour in appalling conditions on former President Yahya A.J.J. Jammeh’s farms, where they were suffered loss of income as they could not carry out their own farming activities, were exposed to disease, and in the worst case scenario were sexually and economically exploited.⁴¹
53. The Gambia ranks 148 out of 162 countries in the United Nations’ Gender Inequality which reflects gender-based inequalities in three dimensions – reproductive health, empowerment, and economic activity.⁴² Through the application of customary laws and patriarchal norms in some communities’ women face discrimination when it came to their right to own land, inheritance rights and their status in judicial processes. Pre-existing gender-based discrimination and gender inequalities can influence the economic, social, cultural, civil and political dimensions of women’s and men’s experiences of a crisis and the differentiated impact that human rights violations can have on women, girls, men and boys. SGBV may lead to additional human rights violations or abuses, including violations of the right to life and security of the person, the right to be protected from torture, and the rights to the highest attainable standard of physical and mental health, education, work, housing and participation in public life.⁴³
54. Section 28 of the Constitution provides that ‘women shall be accorded full and equal dignity of the person with men and they shall have the right to equal treatment with men, including equal opportunities in political, economic and social activities’. Provisions of the Maputo Protocol 2003 and the United Nations Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) is incorporated into the Women’s Act, 2010 and it is applicable to all women in The Gambia and enforceable in the High Court. Some of the salient provisions of the Act include the right to dignity, access to justice and equal protection before the law, right to moveable and immovable property, right to freedom of expression, protection from violence, prohibition of discrimination, right to health and health care services, the rights of

38 Testimony of Haddy Mboge Barrow line 254
 39 CEDAW, General Recommendation 35 on gender-based violence against women, updating general recommendation No. 19
 40 “Women’s Experiences of Dictatorship in the Gambia”, A Submission by Women from Sintet, Janjanbureh, and Basse to the Truth, Reconciliation and Reparations Commission (December 2019)
<https://www.ictj.org/news/violations-against-gambian-women-must-be-acknowledged>
 41 UNDP, Briefing note for countries on the 2020 Human Development Report :Gambia
 42 OHCHR, Integrating a Gender Perspective into Human Rights Investigations: Guidance and Practice (2018), pages 38 and 46.

women in rural communities, right to marry, special protection of elderly women, women with disabilities and women in distress.

55. The Constitution and Section 26 of The Women’s Act, 2010 provides for the right to equal educational opportunities. Yet, in 2015, the CEDAW Committee expressed concerns about the lower completion rate of girls at the primary level compared with that of boys; (a) their considerably lower enrolment and retention rates at the secondary and tertiary levels and in vocational education, and the insufficient use of temporary special measures in this regard; (b) Disparities between rural and urban areas in access to education, quality of education and adequacy of school infrastructure, including sanitary facilities; (c) High dropout rates among girls, especially in rural areas, as a result of child marriages and early pregnancies; and (d) The insufficient number of female teachers to serve as role models, especially in rural areas. Education disparities affect females disproportionately and denies them possibilities in almost all spheres of lives and makes them particularly susceptible to harassment and abuse.
56. The CEDAW Committee (2015) also noted that persisting patriarchal norms and gender stereotypes impede implementation of gender equality commitments, and hinder women’s ability to access justice and participate in political and public life as well as in all economic domains. Some of the greatest challenges to attaining the fundamental rights and freedoms of women and girls are therefore deeply rooted in traditional social, economic, judicial, political and religious structures.⁴⁴
57. The adoption, ratification and domestication of international instruments mentioned in paragraph 30 above and the enactment of laws, legislative reforms and development of policies that were undertaken by the former regime which were aimed at advancing the rights of women and girls and to address gender inequality, discrimination and gender-based violence:⁴⁵ are meaningless when they are not fully enforced, and adequate resources and proper reporting mechanisms provided to ensure women’s full protection from violence.”⁴⁶ In 2013, for example, 41% of Gambian women aged 15-49 had experienced physical violence at least once since age 15.⁴⁷ Furthermore, violence perpetrated by state agents were not reported and continued with impunity.
58. Sexual violence also affects men and boys and often takes specific forms intended to affect the masculinity or virility of the victim as perceived by the perpetrator. Like sexual violence against women and girls, sexual violence against men and boys is often used as a means of dominating, subordinating or humiliating the victim and/or the group to which the victim belongs. Due to stereotypes associated with masculinity, men and boys who are victims of sexual violence face particular challenges in reporting such violence and receiving appropriate assistance.⁴⁸

44 [Concluding observations on the combined fourth and fifth periodic reports of the Gambia, Committee on the Elimination of Discrimination against Women, CEDAW/C/GMB/CO/4-5 \(28 July 2015\)](#)
 45 Trafficking in Persons Act, in 2007 Legal Aid Act, in 2008 , Women’s Act (2010), the amended Sexual Offences Act (2013) and the Women’s Amendment Act (2015), Domestic Violence Act, in 2013; National Plan of Action on Gender-based Violence, 2013-2017; Gender and Women’s Empowerment Policy, 2010-2020 and National Education Policy, 2004-2015
 46 “The Impact of State Violence on Women During the 22 Years of Dictatorship in The Gambia”, Isatou Bittaye-Jobe, CUNY Academic works (2021)
 47 The Gambia Bureau of Statistics and ICF International. 2014. The Gambia Demographic and Health Survey 2013. Banjul, The Gambia: The Gambia Bureau of Statistics and ICF International.
 48 The Niamey Guidelines; Report on the work of the United Nations Workshop on Conflict-Related Sexual Violence Against Men and Boys (2013).

E. OVERVIEW OF SEXUAL AND GENDER-BASED VIOLENCE IN THE GAMBIA

59. In 2015, the CEDAW Committee noted that despite the adoption of the Sexual Offences Act and the Domestic Violence Act in 2013, violence against women was widespread in The Gambia.⁴⁹ The Committee also noted that the lack of support and rehabilitation services available to victims of violence was preventing them from gaining access to justice effectively. There was also a lack of official disaggregated data relating to violence against women and girls, including on the number of investigations, prosecutions, convictions and sentences, as well as out-of-court settlements. The Committee was also deeply concerned about (i) the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society and (ii) the very high prevalence of harmful practices, in particular FGM, child marriage, polygamy and levirate (where the wife of a deceased man is forced to marry her former husband's brother).⁵⁰
60. FGM was officially banned in The Gambia in 2015 with the enactment of the Women's (Amendment) Act of 2015 in December 2015. The Children's (Amendment) Act of 2016 also outlawed child marriages. In addition to eliminating the practice, the law introduces prison sentences for men who marry underage girls, the parent of the girl, and the official who presided over the marriage.
61. Expert witnesses, Haddy Mboge Barrow and Dr. Babanding Daffeh informed and educated the Commission about the phenomenon of sexual violence in The Gambia – the root causes, barriers to reporting, how these cases are handled in the criminal justice system and the impact on Gambian society.

TESTIMONY OF MRS. HADDY MBOGE BARROW

61. Haddy Mboge Barrow has considerable knowledge and experience in the area of gender and development having worked in this field since 1997. She informed the Commission about the rise in the number of sexual violence cases. In 2014, the total number of sexual violence cases recorded was 92 out of which 23 (25%) were adult victims (above the age of 18 years) and 69 (75%) were children. In 2018 there was an increase to 302 cases of sexual violence. She stated however that these figures need to be contextualized and it is important to ask: *why the numbers are increasing - is it the sensitisation and awareness raising that is paying dividend and more people are reporting or is there an increase in the incidents of sexual violence cases? She opined that there is more reporting of child victims' cases than adult cases because, for cultural reasons, fewer adults report. Adult victims are generally between 30 to 40 years of age. Rape and defilement are the most frequently reported crimes followed by molestation and sexual harassment. She further told the Commission that men who are sexually abused do not report because they are socialized as being strong and incapable of crying.*
62. Haddy Mboge Barrow identified some reasons why children are vulnerable to sexual violence which include that: (i) *"children grow up being touched in places and in ways that are sexual, but they don't know it".* (ii) *she thinks Gambians are very naïve, "we give out our young*

children to anybody very comfortably and sometimes even undressed, ... some men will actually get their satisfaction by only playing with the genital organs of those children and that is molesting. They do that and you will not even know. They can do that to a child over and over, that can happen." (iii) *Sex and sexuality is taboo in The Gambia and is not talked about, "there is a culture of silence in our society when it comes to sex and sexuality----- as sex and sexuality are not discussed, hence making it difficult for the person to express it." As parents don't talk about it to their children it is difficult for the children to explain what happened.*

63. *Language is also a barrier. Haddy Mboge Barrow explained that the languages used by the local communities when talking about rape is also a factor that deters knowledge of what actually happened. The Wolof community would say "he forced himself onto me", or "he fell on me". The Mandinka would say "he jumped onto me" and the Fula would say "he fell on me". The witness testified that for the SGBV Network they "hear alarm bells and see red flags" when they hear these expressions.*
64. **Victim blaming is another factor that serves as an obstacle to addressing sexual violence. This phenomenon is common in The Gambia. Victims are blamed for bringing the misfortune upon themselves by not being "cultured". They are blamed for dressing inappropriately or for being at the wrong place. The expert witness told the Commission: "in The Gambia, the family name is more important than the victim". In addition families fear that they would not be able to marry off the girls as their reputations would be tarnished if the fact of rape becomes known. Where rape results in pregnancy, negotiations take place so that the victim is married off to her rapist.**
65. The types of complaints mechanisms in place for victims to report sexual violence vary from the police station, the health facilities, and the Department of Social Welfare. Sometimes the communities call the network staff directly and report a case and they in turn give directions on where they should go. Cases can take 2 (two) -3 (three) years to be investigated and by the time it comes to trial victims get tired, give up and withdraw from the case. The Network is also not able to follow up on these cases with the long delays. The witness told the Commission that hospitals are not equipped to collect required evidence from rape victims and quality of investigations is poor. The effect of this is acquittals which causes victims to lose faith in the justice system. There are also occasions when families of both victims and perpetrators pressure victims to withdraw cases. The witness commended the recent creation of the SGBV Unit by the Attorney General and Minister of Justice Abubacarr Ba Tambadou and hopes that cases will be better handled as a result of this development.

TESTIMONY OF DR. BABANDING DAFFEH

66. Dr. Babanding Daffeh, Head of the Maternity Department at the Kanifing General Hospital. He handles cases of SGBV brought to the hospital and also supports the work of the Network against Gender-Based violence. The cases brought to the hospital include rape, defilement, wife battery - many of which were of pregnant women and cases of FGM. In 2015, Dr. Daffeh attended to a child who was less than one year old who died as a consequence of FGM.
67. Dr. Daffeh told the Commission that rape and FGM generally cause immediate and long-term complications. The immediate complications involve physical injuries, pain, bleeding and even hypovolemic shock, or death if the bleeding is not controlled. There are psychological

⁴⁹ https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/GMB/INT_CEDAW_STA_GMB_21060_E.pdf
⁵⁰ Concluding observations on the combined fourth and fifth periodic reports of the Gambia, Committee on the Elimination of Discrimination against Women, CEDAW/C/GMB/CO/4-5 (28 July 2015)

and medical complications such as pelvic pain, mental debility, psychological trauma, post traumatic sex disorder, phobias and stress and even infertility. He indicated that in most cases perpetrators do not use condoms and expose victims to the risk of contracting various types of sexually transmitted infections, which if left untreated can lead to pelvic inflammatory disease, which can lead to infertility. Rape affects a woman's life in different forms.

68. FGM can cause other complications such as urinary tensions and infections. In addition, victims of FGM suffer sexual dysfunctions and pelvic pains. Some women who have undergone FGM, can often not be penetrated by their husbands. Some women come to the hospital while others use traditional methods to remove the seal, which is very dangerous. The witness explained that without surgical intervention, some women could never have sexual intercourse and added that there are cases, when women get pregnant despite not having been penetrated, as “a mere contamination of a hand can make a woman pregnant”. He recalled that there were several women who were not able to deliver because they were sealed. The women would have to undergo a caesarean section delivery.
69. Dr. Daffeh further informed the Commission that in 2014, Kanifing General Hospital received 46 cases which included domestic and sexual violence. Majority of the cases were rape. In 2015, 70 cases were registered which included all forms of violence and rape formed the majority. In 2016, the statistics rose to 94 cases in his hospital and again rape stood the highest. The victims affected were mainly girls from five years or less to 12 years but women between 13 to 30 years were also affected. Girls between 5 to 25 years are most vulnerable to sexual violence. The witness gave several examples of child victims including the case of (i) an 11 eleven year-old mentally incapacitated child (ii) 6-year-old child who was beaten and raped on her way to school (iii) where 14 children were taken to a hotel room and sexually abused and he had to serve as a witness in court. The witness explained that rape usually occurs under coercive circumstances therefore when examining a victim, the examiner would look out for external injuries on the entire body, such as a cut by knife or sometimes strangulation bruises, the clothes of the victim for tears and vaginal examination.
70. In The Gambia, sexual violence is not directed to one specific group. It could happen to all members of society regardless of their race, cultural background, educational background or their position in the community. He told the Commission that perpetrators come from all walks of life and he knew of cases where security personnel - the police, the military and paramilitary were involved and in some instances imams and ‘oustas’ (Islamic teacher), teachers and medical personnel.
72. Dr. Daffeh highlighted the challenges that impact negatively on their work in this area. According to him the ineffectiveness of investigations and prosecution of sexual crimes is due the unavailability of DNA testing in The Gambia. Such evidence is “essential to establish rape and to connect the perpetrator to the crime”. The lack of such forensic capability in investigating rape cases makes it difficult to successfully prosecute these cases. Logistics are also insufficient to assist victims to access medical examination and assistance on time. These delays result in loss of evidence. Another setback is late reporting. Cases are not reported early and this is a serious issue that is “due to the culture embedded in our society whereby people tend to settle issues at the family level or the community level before they report”.

Sometimes families only report cases when “things go out of hand”, that is when they will go to the police station, then to the hospital.

73. Dr. Daffeh concluded by making recommendations which include that:
- (i) the government should fund the Network Against Gender-Based Violence and take ownership of the organisation due to the very critical work that it is doing.
 - (ii) SGBV training should be provided for health workers in all hospitals to create awareness and knowledge of the problem..
 - (iii) SGBV training for police and legal personnel so that the criminal justice process handles these cases effectively, thereby ensuring the welfare of victims is safeguarded.

F. SGBV BY FORMER PRESIDENT YAHYA A.J.J. JAMMEH

“This is not just an assault on these young vulnerable women, it was an assault on The Gambia as a whole because it is the National House of The Gambia that was used as the venue for the commission of these heinous crimes”

-Dr. Lamin J. Sise, Chairman, TRRC

74. The TRRC provided a vital opportunity for sexual violence inflicted on Gambian women by the highest-ranking state officials to be brought to light, examined and recorded. The Commission heard from victims and witnesses and received credible submissions that Former President Yahya A.J.J. Jammeh and his senior officials raped, sexually assaulted, sexually exploited and also subjected women and girls to other forms of sexual violence. These violations were committed in various locations, including in the premises of the State House of The Gambia and at Jammeh's home in Kanilai.
75. Former President Yahya A.J.J. Jammeh orchestrated a system of using state institutions and officials to have access to young girls which enabled him to exploit and sexually abuse them. In addition to the brutal repercussions that those opposed to him faced, Jammeh also “built around himself a cult following, and convinced many that he possessed supernatural powers”. Dr Adama Amadou Sallah told the Commission that “[i]t got to a point, I think he [Jammeh] wanted Gambians to think he was supernatural.”⁵¹ All of this added to the extremely coercive environment that women and girls found themselves in – saying “no” or reporting their victimisation was not an option they had.
76. The Commission heard how former President Yahya A.J.J. Jammeh targeted young girls who came from poor families and would entice them with gifts, promise of scholarships to study abroad, propose marriage and promised support for their impoverished families.⁵² He targeted students who took part in the “22nd July Beauty Pageant” and that he established a system of recruiting young women as “Protocol girls” who were sexually exploited. They would travel with him; some were housed within the State House compound and they were on the state

⁵¹ Testimony of Dr. Adama Amadou Sallah, 19 October 2020

⁵² Testimony of Fatou (Toufah) Jallow, 31 October 2019

payroll as State House employees. Some of the girls were required to go into Jammeh’s room and he sexually abused them.⁵³ The Commission was told that he –the former President Yahya A.J.J. Jammeh did not use protection when he raped the women (some were consensual) which led to several women falling pregnant. When he came to know they were pregnant, they were required to abort the pregnancies they were fired from their jobs.⁵⁴ The Commission also heard testimony that the former President Yahya A.J.J.Jammeh preyed on the most vulnerable girls.

77. The Commission received credible testimonies and submissions that former President Yahya A.J.J Jammeh’s relative, Jimbee Jammeh, who also served as one of his aides at the State House, played a key role in this system of exploitation. In 2016, she was appointed Deputy Chief of Protocol.⁵⁵ Jimbee Jammeh was the essential cog in Yahya A.J.J.Jammeh’s machine to source, select, recruit, coerce and intimidate women with the ultimate purpose of Jammeh exploiting them sexually according to his whims and wishes irrespective of their consent.⁵⁶ The Commission heard that at times Jimbee Jammeh physically brought the women to Jammeh, even into his private bedroom and on several occasions, threatened those who refused to be with Jammeh and that she was present or nearby when the women were being raped or assaulted by him.⁵⁷ Witnesses described “Jimbee Jammeh as Jammeh’s “pimp”⁵⁸ and as “*a powerful person at the State House*”.⁵⁹ She was said to have forced some of the women to abort their pregnancies resulting from the rapes.

(i) Sexual violence against student contestants of ‘The Miss 22nd July Scholarship Pageant’

78. Former President Yahya A.J.J. Jammeh conceived the idea of the “Miss 22nd July Scholarship Pageant” with the stated objective that: “*the pageantry is dedicated to recognising and appreciating cultural diversity, talent, beauty, grace and intelligence, with the object of nurturing such potentials for social and economic development.*” *The hidden motive behind the pageant however, was to showcase beautiful young girls for the former President Yahya A.J.J Jammeh to hand pick select the girls of his choice for his sexual pleasure. Over the years, many young girls were selected from the pageant and taken to Kanilai or State House in Banjul where the former President Yahya A.J.J. Jammeh raped and sexually violated them in coercive situations where they could not freely consent. He took advantage of the yearning of young girls for a better education, for his own sexual gratification.*

TESTIMONY OF TIDA JATTA JARJU⁶⁰

79. Tida Jatta Jarju, Director of Basic and Secondary Education at the Ministry of Basic and Secondary Education was the Head of the Gender Unit during the period of the Beauty

53 Testimony of Protected Witness DB18; Testimony of “Anta” recorded in Human Rights Watch, “Gambia : Women Accuse Ex-President of Sexual Violence”
 54 Testimony of “Bintu” to TRIAL International
 55 Fatu Network, Dictator Jammeh’s Pimp Is Now His Deputy Chief Of Protocol, 6 October 2016. <http://fatunetwork.net/dictator-jammehs-pimp-is-now-his-deputy-chief-of-protocol/>
 56 Testimony of Protected Witness DB18, Testimony of Fatou Jallow, 31 October 2019; Testimony of “Anta” recorded in Human Rights Watch, “Gambia : Women Accuse Ex-President of Sexual Violence”
 57 Testimony of Protected Witness DB18
 58 Testimony of Protected Witness DB18, 28 October 2019
 59 Testimony of Fatou “Toufah” Jallow
 60 Testimony of Tida Jatta Jarju, 30 October 2019

Pageants. She told the Commission that she was inspired by the 2006/2007 Miss Black USA pageant where contestants from fifty (50) States of the United States would partner with fifty Gambian girls and would mentor them as friends as well as role models. In 2008, the former President Yahya A.J.J. Jammeh directed that this pageant be replicated in The Gambia and that it be named ‘The Miss 22nd July Scholarship Pageant’. He was the Patron of the pageant. The idea of this pageant was for girls to be awarded scholarships if they won. The scholarships for overseas studies would be sponsored by the former President Yahya A.J.J.Jammeh and the scholarships to attend local institutions was paid for by the Ministry of Basic and Secondary Education and other ministries. There were also other prizes that were given:

80. Tida Jatta Jarju told the Commission that at the end of the pageant the participants were required to pay a courtesy call to the former President Yahya A.J.J. Jammeh and he would present them with gifts. They were also required to attend banquets and Independence Day celebration events. In 2014 some contestants informed the witness that the State House had asked them to serve as “ushers”. This request was not done through the Ministry of Basic and Secondary Education, the girls were contacted directly. This was not in line with previous practice when she would be contacted, and in turn, she would seek parental consent and also ensure that the girls were chaperoned to all these events. With the girls now being contacted directly, the Gender Unit was not able to ensure their protection.

81. Later she told the Commission she heard that some of the girls were employed as “protocol officers” at the State House. Some of these girls (including one who was below 18 years) were required to travel with former President Yahya A.J.J Jammeh wherever he went. No reasons were given as to why the girls had to travel with him, other than “*he wants them to travel with him*”.⁶¹ *The witness testified that one parent reported that “something” had happened to her daughter and she “looked very disturbed” by it. The witness came to know later on that the girl had been sexually abused by the former President Yahya A.J.J. Jammeh.*

82. In a protected information sheet, Tida Jatta Jarju, provided the names of persons who were facilitating the recruitment of the girls from the pageant as “protocol officers”. She further told the Commission that she knew two girls who were awarded scholarships personally sponsored by the former President Yahya A.J.J Jammeh, but they could not continue their studies because the funding was not forthcoming. In one case, it was because the girl had spoken to the newspapers.

F.1 TESTIMONY OF FATOU (TOUFAH) JALLOW

“Yahya Jammeh did not want sex with me or pleasure with me but what he wanted to do was to hurt me, what he wanted to do was to teach me a lesson, what he wanted to do was to manifest his ego.”
 - Fatou (Toufah) Jallow

83. In 2014, Fatou Jallow (Toufah) was an 18 year old a student of The Gambia College. She told The Commission that she had been keenly following the “Miss 22nd July Pageant” organized by the Ministry of Basic and Secondary Education. She was drawn to the event because it gave

61 Testimony of Tida Jatta 30th October 2019 line 1009

young girls the opportunity to pursue higher education in a school of their choice overseas and upon returning it gave them the opportunity of a career. To Fatou, the pageant “*represented the best of what any female student could be in this country*”. *One of the requirements to participate in the pageant is that contestants had to put forward a proposal for a project of their choice which had to do with some aspect of national development and this project, if it met with Yahya A.J.J.Jammeh’s approval, would be funded by him. In November 2014, after her presentation in her English class, Fatou’s classmates encouraged her to represent The Gambia College in the Miss July 22nd Pageant. Soon after Fatou was crowned “Miss Tertiary Education” in December 2014, she received a call from Jimbee Jammeh from the President’s Protocol Office who summoned her to attend an event at the State House. “She told me that I have to come, this is an event that I have to come to, and wearing the crown comes with responsibilities”. At the event, the former President Yahya A.J.J. Jammeh gave Fatou a mobile phone, a laptop, an iPad and cash gifts and he gave the other pageant participants equally lavish gifts.*

84. Fatou testified that she was made to attend social events with the other “beauty queens.” She was also summoned by Jimbee Jammeh to the State House on various occasions to have personal meetings with the former President Yahya A.J.J Jammeh which she believed were in relation to discussing her project proposal even though these meetings were usually very late in the evenings/night. Fatou did not see anything untoward with these late night meetings as she viewed Jammeh as a fatherly figure and his initial behaviour towards her was “fatherly” as he would simply sit close to her and hug her. At the end of the first private meeting, Jimbee Jammeh brought out two gold chains and handed it to Yahya A.J.J. Jammeh to give to her saying “*this is a gift from us [...]*” for the good job she had done with her project proposal.
85. The second private visit took place on January 14 January 2015. When Jimbee Jammeh called her to fix the appointment she informed her that she would be collected by the driver but that this time she should not dress like an old woman but she wear something fitting/body hugging. This time, however she was taken to the “family residence” in the State House. At this meeting after the former President Yahya A.J.J. discussed the budget for her project he told her that she was brilliant and offered her a position as “protocol officer” at the State House. Fatou wanted to continue her studies and she declined the offer. After this meeting, Jimbee Jammeh called Fatou and told her she wanted to meet her family. During her visit to the family home Jimbee saw that they didn’t have running water in the compound and she informed the former President Yahya A.J.J. Jammeh about it. While she was still there, Jimbee called the former President and passed the phone to Fatou to speak to him. A week after her visit, NAWEC (National Water and Electricity Company) came to install a tap in her compound and they now had running water in her family home even though they had applied previously but the Company had not installed it.
86. The third private meeting between the former President Yaya A.J.J. Jammeh and Fatou Toufah Jallow took place in May 2015 at the State House and was again organised by Jimbee Jammeh. The conversation this time bordered on other matters such as what was her father’s political affiliations and who her boyfriend was. When she avoided answering the question Jammeh then told her: “*you know I am the president and I can know whatever it is that I want to know in this country*”. Former President Yahya A.J.J. Jammeh then asked Fatou: “*would you want*

to marry me?” Fatou thought it was a joke and told him she did not want to get married at her young age. He responded saying “*there is nothing wrong with getting married to a man that is taking care of you that is supporting you.*” With “*a smug smile on his face*” the former President Yahya A.J.J Jammeh asked her to go and think about his proposal. He gave her D50,000 (Fifty Thousand Dalasis) as a gift that day.

87. Soon after, Jimbee Jammeh took Fatou **to the AU Villas in Brufut and into one of the villa and told her:** *[t]his would be your home*”. *She also told her that a car would also be given. Jimbee was not pleased with Fatou’s response that she would be happy to receive the gifts but not if they were conditional on her marrying Jammeh. She asked Fatou: what is wrong with you, do you know how many people would kill to get this opportunity?*” *She then instructed the driver, Landing Jammeh to take Fatou back home. For the first time, the driver, Landing spoke to Fatou and warned her “[a]ll I can tell you, is to be very careful. Jimbee is a powerful person at the state house*”. After that Fatou avoided Jimbee’s calls.
88. Before Ramadan, Jimbee called Fatou and informed her that she was to attend the Quran Recitation at the State House with the other beauty queens. When she arrived at State House, Jimbee was waiting for her and led her to a waiting room and told her to wait there until the former President Yahya A.J.J. Jammeh finished praying. After sometime, Jammeh walked into the room. He was dressed “*more casually and was not in his full costume*”. *She testified that she noticed his eyes were red. She did not know if it was because he was angry or because he was “induced”. She was scared as she had never seen him like this. She greeted him, but he did not respond instead he started to rant. He said a lot of things to her including asking her “who do you think you are?” and that “he is the president and can get any woman he wants.” He then reached out and grabbed Fatou by the arm and dragged her into another room. He locked the room and pushed her onto the bed. He then said to her, “Let us see if you are a virgin”. Fatou was afraid and started apologizing to him and begging him to “do not do this” to her. He held her face in his hands, as he positioned his pelvis over her face, pulled down his pants and began to rub his genitals on her face as he was “talking all the things that probably would arouse him”. Yahya A.J.J Jammeh then pulled Fatou’s dress up. He took out a needle from his pocket and injected her on her arm and then he penetrated her through her anus.*
89. According to Fatou: “*Yahya Jammeh did not want sex with me or pleasure with me but what he wanted to do was to hurt me, what he wanted to do was to teach me a lesson, what he wanted to do was to manifest his ego just like many of us cannot believe that a girl can say no, someone like Yahya Jammeh and in his position found it very disrespectful for a nineteen (19) year old, not from an elite background or not a daughter of a President to somehow gather some kind of audacity to say no to him.*” Fatou testified that Jammeh penetrated her anus. “*When he penetrated me, he seemed to have been looking for something whilst his head was on my back as I was holding the pillow and he was standing on the floor with the rest of my body down, I saw him peeping and looking for something. He sodomized me and what that means is he took his penis and he put it into my anus instead of my vagina that is what sodomy is.*”
90. While Yahya A.J.J Jammeh was raping Fatou Jallow, th Quranic recitation by the Imams was going on outside. She lost consciousness for a period. When she woke up, she saw that the

former President Yahya A.J.J. Jammeh was still in the room but she does not know what he did to her while she was unconscious. Jammeh then told Fatou to “get out” and she left the room. When Fatou exited the room, she saw Jimbee Jammeh standing outside the door. Another State House staff, King Papa was also standing outside and said to her, “this is our President and we would do anything to protect him”.

91. In holding Jimbee Jammeh accountable for her rape Fatou Jallow had this to say: “Jimbee Jammeh brought me into the first house in the disguise of waiting for the President, Jimbee Jammeh moved me to the second house in the disguise of still waiting for the President. When Jimbee Jammeh went to get water that is when the President walked in. Jimbee couldn’t have not come back there to look for me. When it was time to go home when I stepped outside Jimbee was there so there was nothing that Jimbee did not know about. Did Jimbee know the details as to the insults and the aggression of Yahya Jammeh in the room? I don’t know. Did Jimbee see me crying and clearly not wanting what was happening- yes. Did Jimbe hear me say time and time again I do not want the marriage, neither the home nor the car right in her presence. So none of this was Jimbe being a witness or Jimbe being a standby. Jimbe was the **framer**, the one who made all of this accessible to him, if she had just let me go and sit in that crowd that night maybe it wouldn’t happen, it was premeditated by her.”
92. Three days later, Jimbee Jammeh called Fatou again and told her that she had to attend another event. This was the time for hard choices. Fatou told the Commission that she realized that she had only two choices, either she became Yahya A.J.J Jammeh’s “sex-slave” or she had to leave behind everything dear to her, including her family, and run out of the country. She chose the latter. She reached Canada with the assistance of UNHCR and other organizations where she underwent counselling but continues to suffer from the trauma. Fatou Jallow has been interviewed by other international organizations where she provided a similar account of her victimization by Yahya A.J.J. Jammeh.⁶²

F. 2 SEXUAL VIOLENCE AND EXPLOITATION OF “PROTOCOL GIRLS” TESTIMONY OF PROTECTED WITNESS DB18

93. The witness met the former President Yahya A.J.J. Jammeh through her youth activist programmes. During her first one-on-one meeting with the former President Yahya A.J.J. Jammeh, he offered her a job as a protocol officer at the Office of The President and gave her 100,000 dalasi for a development project she was working on. He subsequently promised her a scholarship to study in any school of her choice. The witness was appointed as a protocol officer. Her duties included preparing meetings, welcoming guests and sometimes serving drinks. Sometimes when the former President Yahya A.J.J. Jammeh ad to travel abroad she would accompany him. He was generous to the protocol girls and would lavish gifts on them such as hones, laptops and other privileges.
94. The witness testified that former President Yahya A.J.J. Jammeh sexually abused her in his private residence in Kanilai under the guise of giving her ‘a spiritual bath’. This happened on the instigation of Jimbee Jammeh who told her that the former President wanted her to go and meet him in his private residence. Once there, he told her that he was going to give

- her a “spiritual bath” and ordered her to undress and to go into the bathroom. He, the former President Yahya A.J.J. Jammeh then covered her with a white cloth and poured water all over her body.” The room was cloudy with incense smoke. Jimbee Jammeh was present throughout. This ritual was repeated the next night but: “this time it was something different. Yahya Jammeh looked at me and said you look like a primary school girl and started touching my body, my breasts. It was awkward for me and I remember that I started crying and I was pushing back, going back until an extent that I touched the wall.”⁶³ Her actions angered the former President Yahya A.J.J. Jammeh and he ordered Jimbee Jammeh who was present to take her out of the room. The witness said that she was scared and was shaking and the next morning she was expelled from Kanilai and told to go home. Her scholarship was also had terminated by the former President Yahya A.J.J. Jammeh. . She remained working as a protocol girl, but she was treated badly by the former President Yahya A.J.J. Jammeh. The witness gave the Commission several examples of other women who were punished by the former President Yahya A.J.J. Jammeh for refusing to have sex with him.
95. The witness was told by other protocol girls that the former President Yahya A.J.J. Jammeh was “sexually abusing them”. The protocol girls were required to travel around the country with him and almost every weekend, they had to travel to Kanilai and remain there with him. The girls were housed in a detached house which was one minute walking distance from his private residence and they were required to go to his residence at night. The girls would have to wait in the corridors outside at night, and he would call whoever he wanted into his residence to have sex with him. Some of the girls fell pregnant, and were forced to terminate the pregnancy. The girls that were forced to terminate their pregnancies are listed as **Number 36** and **Number 32** of the protected information sheet of **protected witness CB18** known and marked as exhibit 93.
96. The witness corroborated Fatou Toufah Jallow’s claims that Jimbee Jammeh would bring other women and girls to the former President Yahya A.J.J. Jammeh. She further testified that Number 36 told her that Jimbee Jammeh had taken her to Jammeh and forced her to have sex with him. When she refused to have sex with him, the former President, Yahya A.J.J Jammeh “punched her” and Jimbee Jammeh told the girl that she had no choice but to have sex with him and she did.
97. The witness told the Commission that she suffered as a result of what was done to her. It directly affected her education and her well-being as she was diagnosed with post-traumatic stress disorder (PTSD). She told the Commission that she does not sleep at night, and when she does, she has the feeling that someone is strangling her. She also has recurrent nightmares of people laughing at her and “doing other horrible things” to her. She stated that it went to an extent when “she tried crazy things to get rid of everything.” She tried to kill herself, she cut herself, to get rid of herself but she was saved by her brother who called the ambulance.

F.3 TESTIMONY OF ALHAGIE OUSMAN CEESAY⁶⁴

98. Alhagie Ousman Ceesay was the Chief of Protocol of the former President Yahya A.J.J. Jammeh. He testified that some girls were brought in by the former President Yahya A.J.J.

62 Human Rights Watch, “Gambia : Women Accuse Ex-President of Sexual Violence”

63 Witness pointed the fact to the Commission that Yahya Jammeh always contacted the girls through Jimbee Jammeh
64 Testimony of Alhagie Ousman Ceesay former Chief of Protocol to Jammeh, , 28 October 2019

Jammeh to work as protocol officers without adhering to the normal process. Some of these protocol officers were “*special ladies*” and were referred to as the “*president’s girls*”, the job title of “*protocol officer*” was just a cover up. These girls were staying in a building at the Marina Parade which was not normal procedure. The protocol girls were required to travel to Kanilai with the former President Yahya A.J.J. Jammeh and they would be required to go into his private space after hours. The witness provided the Commission with the names of women whom he believed were having a sexual relationship with the former President Yahya A.J.J. Jammeh. He testified that he did not hear that Jammeh had “raped” any of the women. The witness further told the Commission that “*pimps*” such as Jimbee Jammeh and other named individuals brought women to former President Yahya A.J.J. Jammeh for “*his sexual pleasure*.”⁶⁵

F.4 TESTIMONIES OBTAINED BY NGO’S

99. The Commission admitted these submissions and reports by credible international and domestic organisations into the record. Witnesses interviewed by Human Rights Watch and TRAIL International stated that the former President Yahya A.J.J. Jammeh had raped them. Some of these witnesses also testified before The Commission and their testimonies were consistent with what they had told these entities previously.

100. The testimonies of Anta and Binta corroborate other witness accounts of former President Yahya A.J.J. Jammeh’s penchant for young girls, whom he enticed with offers of scholarships, monetary and other gifts and privileges such as travel abroad and employing them as ‘protocol girl.’ The institution of the protocol girls was intended to give some legality and respectability to an activity that can only be regarded as modern day sex slavery. The former President Yahya A.J.J. Jammeh preyed on the naivety and vulnerability of the girls and used them for his sexual pleasure. In all his escapades he was aided by Jimbe Jammeh who lured the girls and sometimes used physical violence to force the girls into submission. On the other hand there were those girls who Binta claimed were willing participants. She stated: “*All the girls knew that when one girl was called in it was for sex – some wanted it. They felt honored or wanted the money. The President did not protect himself. Several girls got pregnant and aborted. When the pregnancy was known, girls were fired. When he had an affair with a woman, he treated her like his property. She would get a house and a car but had to come in whenever he wanted. So many were fed up with that. When the affair was finished, it happened that he took everything back from the girls (house, phone...).*”

G. SGBV BY OTHER SENIOR STATE OFFICIALS AND PERSONS HOLDING POSITIONS OF AUTHORITY

101. The Commission heard from several witnesses and received submissions that senior government officials including senior security officials and government ministers subjected women and girls to a range of sexual violence including rape, sexual assault, sexual harassment and sexual exploitation, with impunity. These powerful men took advantage of their positions of authority, the vulnerability of the women and girls and the climate of fear that they themselves created. The female victims included female prison officers, state officials as well as civilians. The Commission heard how some of these women were violated multiple times over extended

periods. Some women fell pregnant as a result of the rapes, and were forced to undergo abortions.⁶⁶ Some of the women fell prey as they went in search of their disappeared husbands or family members⁶⁷.

102. The women and girls were made to feel powerless and were denied autonomy over their bodies in the extremely coercive environment that existed for 22 years. A survivor testified that she believed “*living in poverty and being a youth made her and people like her vulnerable and therefore they are at a higher risk to experience sexual violence.*”⁶⁸ The fear of reprisal, unequal power relationships, stigma and discrimination prevented these women from speaking out much earlier. To escape the abuse, some victims had no option but to flee the country. One witness told the Commission that sexual violence by persons holding positions of authority, “*comes to vulnerability because these were people who were in positions, these were powerful men who use their positions, their money to target people like us and does not think there is any reason to abuse anyone or to make people go through certain things because of their background. The reality is, poverty put us in very high risk. People take advantage of our situation.*”⁶⁹

103. The Commission heard from Protected Witness DB18 that she had been sexually harassed and victimized by several persons of authority from a tender age. When she was 12 years old, she was raped by her *oustas at the Dara (informal class for Quranic memorisation)*. This discouraged her from continuing with her Quranic studies. She could not speak out as the man was highly respected in the community and no one would have believed her. When she was 15 years old, an official from the Ministry of Justice met her at a children’s event and started to send her lewd messages saying he wanted to go with her to a hotel and was describing the sexual acts they would engage in on the bed and on the beach.⁷⁰ On another occasion, when the witness met a senior official working at the Ministry of Justice, he locked the door and sexually abused the witness. She told the Commission that this official pulled out his penis, asked her to touch it and even grabbed her hand for her to touch it.

G.1. SEXUAL VIOLENCE BY OUSMAN SONKO, FORMER INSPECTOR GENERAL OF POLICE AND MINISTER OF INTERIOR (2006 - 2016)

I. TESTIMONY OF BINTA JAMBA BEFORE THE TRRC⁷¹

104. Binta Jamba wife of Lt. Alamo Manneh who was killed by state agents on accusations of planning a coup d’etat. She testified that Ousman Sonko had raped her more than 70 times. Testifying by video link from the USA she narrated to the Commission how the death of her late husband through the hands of the State led her to be a constant prey to Ousman Sonko.

105. Binta Jamba was a police officer at the time the incidents of continued rape happened. She had joined the Police Force in July 1986. Her late husband Lieutenant (Lt.) Almamo Manneh

65 Protected information sheet of Alhagie Ousman Ceesay

66 Testimony of Victim N to TRAIL International Mapping of incidents of sexual and gender-based violence in The Gambia from 1994 to 2017

67 Statement of Saffie Martin

68 Testimony of Protected Witness DB 18 28th October 2019 line 254

69 Testimony of Haddy Mboge Barrow

70 Testimony of Protected Witness DB18 line 182

71 (534) Binta Jamba Part 1 30-10-19 - YouTube

worked at the State House and worked very closely with the former President Yahya A.J.J. Jammeh. On January 12, 2000, her husband Almamo Manneh went to meet Lt. Ousman Sonko to collect some money and he never returned. She later learnt from the news that he was killed in the process of trying to overthrow the former President Yahya A.J.J. Jammeh.

106. Binta Jamba testified that Ousman Sonko visited her at home during the mourning period and interrogated her about speaking to the media about her husband's death. He informed her the death of her late husband was being investigated. She saw that he was armed with a pistol. Contrary to cultural practice and norms associated with widowhood, he touched her inappropriately. She told the Commission that Ousman Sonko, forcibly removed Binta's head scarf saying, "why are you covering yourself, are you not feeling hot?" He then moved closer and sat beside her and put his hand under her shirt and put his hand inside her underpants touching her private part. He also fondled her breasts and then left saying that he would give her a call. That is how it all started.
107. After the mourning period, Binta Jamba was summoned to the State House by Ousman Sonko. When she went into his office, he placed his hand on her shoulders and kissed her. He also held her hand and pulled her towards his seat and forced her to sit on his lap. He then forcibly removed her skirt, made her bend over and raped her. He then gave her D200 for transport fare.
108. Binta Jamba testified that after this, Ousman Sonko came to her house again, and came into her bedroom and he raped her again. He threatened her with his pistol. She testified that he came to her house continuously for over a month and each time he threatened her with his pistol and then raped her. After this, she tried everything to avoid Ousman Sonko and asked for a transfer. She was transferred but unfortunately Ousman Sonko spotted her at a police checkpoint in Tanji. He stopped his vehicle, ordered her to enter and drove off to Banjul. He took her into a house near Independence Drive. In the house, he beat her and raped her violently "the entire night until dawn". He accused her of being with other men and kept her captive there for the whole night till the next day.
109. Binta Jamba testified that she had sought to be transferred to different locations and Ousman Sonko would find her each time. She eventually left the country and was eventually granted asylum in the United States. During one of her visits back to The Gambia, Ousman Sonko again found her and forcibly took her to the house in Independence Drive where he "beat [her] mercilessly" for disclosing what he had done to her.⁷² She later testified in his trial in Switzerland where TRIAL International the Swiss based international justice NGO that lodged complaints against Sonko.

G.2 SUBMISSIONS TO THE TRRC BY TRIAL INTERNATIONAL⁷³

110. The Commission received records of victim accounts provided by TRIAL International stating that Ousman Sonko had raped and sexually abused other women and girls repeatedly. The records provided relate to:

- a) Witness F told TRIAL investigators that Ousman Sonko allegedly raped a girl at Lamin and the matter was reported to Kanifing Municipal Council by her father. However, it is alleged that Ousman Sonko bribed him so that the case would be withdrawn.
- b) Victim D stated that one night in 2015 in the area of Lamin Daranka, she was walking in the streets when a car stopped and a man told her that a young lady should not be walking alone at night and introduced himself as the Minister of Interior, Ousman Sonko. That night, he threatened her and raped her in the car. He took her number and from that day on he called her once or twice a week for a period of about 3 to 4 months. Ousman Sonko would tell her to meet him at the same location in Lamin Daranka and he would pick her up and on most occasions would rape her in his car. Sometimes he would take her to the Palma Rima Beach at night and rape her there. Victim D further stated that Ousman Sonko once threatened to sell her to Dubai as a sex-slave. She fell pregnant as a result of the rapes, and he gave her a pill to swallow, which caused heavy bleeding. She had to spend a week in the clinic and the doctor told her that she could have died. Ousman Sonko continued to rape her after that. The victim said that she wanted to commit suicide but did not because her mother is sick and relies on her. She explained that she suffers constant flash-backs of what was done to her and continues to suffer from constant pain in her lower body.
- c) The TRIAL International report also includes a victim account of Lt. Mariama Camara. The Victim account states that on the August 26 or 27, 2011, Mariama Camara a military personnel, was found shot in her room at Hamza Military Barracks and her husband was found strangled in the same room. He was rushed to the hospital where he later died. According to sources, Mariama Camara was killed by Malick Boye on the orders of Yahya Jammeh because she had told her husband about her affair with Ex-President Jammeh.
- d) TRIAL International also make reference to an article in the Freedom Newspaper by Pa Nderry Mbai, the US-based journalist. The article states that Lt. Mariama Camara's husband got wind of his wife's affair with the former President Yahya A.J.J. Jammeh through text messages on her phone. This created problems between the husband and wife. "When the information reached Jammeh, he hired an assassin to kill her and her husband." The former President would not like his affair with the lieutenant to become public knowledge. According to the article "Corporal Malick Boye, a native of the CRR, was alleged to be the hired hit man for that operation. Boye allegedly killed the couple. He was promoted from Corporal to Lieutenant by Jammeh. He never had any military academy training." Police carried out investigations into the matter and the report indicated that: "that the fingerprints taken doesn't match the couple's fingerprints. The incident was faked like if the couple had committed suicide."⁷⁴
- e) The information provided in the Freedom Newspaper by Pa Nderry Mbye is corroborated in part by evidence received in a private session that the former President Yahya A.J.J. Jammeh was intimately involved with Mariama.
- f) The Commission also investigated the Mariama Camara case. Omar A. Jallow (Oya), a jungler, testified that he received information that Mariama Camara and her husband killed each other at the Hamza Barracks in an apparent suicide. His evidence

⁷² Testimony of Binta Jamba 30th October 2019 lines 1222 -1228
⁷³ TRIAL International report- Mapping of incidents of sexual and gender-based violence in The Gambia from 1994 to 2017

⁷⁴ <https://www.facebook.com/125719470916893/posts/breaking-news-yahya-jammeh-having-unprotected-sex-with-his-%0Dfemale-bodyguards-as-/138318276323679/>

is however based on hearsay and runs contrary to the other evidence received by the Commission which suggests that, Mariama Camara and her husband were assassinated by State agents.

- g) Mama Bass, Mariama Camara’s mother told the Commission in her written statement that prior to the former President Yahya A.J.J. Jammeh’s departure for exile to Equatorial Guinea, she was threatened by State agents that she must never talk about the killing of her daughter to anyone. The Commission is of the view that if the State was not involved in the killing of Mariama Camara and her husband, Alpha Jallow, there would not have been any interest in threatening her mother into silence. Additionally, the fact that the State did not fully investigate the matter suggests that the State had something to hide about it.
- h) Mariama’s brother also provided a statement to The Commission in which he indicated that he was invited to State House where he was threatened by State Agents not to investigate her killing and that of her husband. This further shows that the State intended to cover up the real reason behind the killing of Mariama Camara and her husband Alpha Jallow.
- i) **From the above, the Commission can conclude** that Mariama Camara and her husband Alpha Jallow were killed at the instigation of the State. However, there is no evidence from which the Commission could conclude who the actual perpetrator(s) were. As this high profile killing of two soldiers took place in a military barracks, the State obviously knew about it and ought to have conducted a thorough investigation. Given the evidence of Yahya A.J.J.Jammeh’s willingness to go to any lengths to conceal his misdeeds (the killing of Masi Jammeh among others), it can reasonably be concluded that the failure to properly investigate the incident was at his behest, considering the rumours of his intimate relationship with Mariama Camara. The Commission finds that former President Yahya A.J.J Jammeh was in fact the principal beneficiary for the silencing of Mariama Camara and her husband Alpha Jallow. Furthermore, the threats to her family members by State Agents also supports the suggestion of former President Yahya A.J.J Jammeh’s involvement in the matter.

G.3 SEXUAL HARASSMENT AND EXPLOITATION BY DAVID COLLEY OF FEMALE PRISON OFFICERS OF THE GAMBIA PRISON SERVICES IN 2007.

111. The Commission heard testimony from several victims and witnesses that in 2007, David Colley, the then Director General of Prisons, had ordered five female Prison Services officers serving at the State Central Prison Mile 11 and Janjanbureh prison in the CRR to accompany Ousman Sonko on a nation-wide familiarisation tour when he was newly appointed as Minister of Interior. The purpose of the trip was so that he could acquaint himself with the security installations across the country. The Minister was to be accompanied by the heads of security institutions under his Ministry consisting of The Gambia Department of Immigration, the Police Force, The Gambia Prison Services and the National Drug Law Enforcement Agency,

- 112. David Colley did not comply with official procedures to select officers to be on such a trip, neither did he pay them the requisite allowances they were entitled to. They were given the orders on very short notice. The female officers did not feel that they had a choice despite the irregular way in which the direction was made. One of the officers testified that *“an order is an order in the service and should be obeyed”*.⁷⁵
- 113. The Commission received evidence that the entourage in which the female prison officers were attached arrived very late at Farafenni, one of the scheduled night stops for trip. When the female officers arrived at Eddy’s Hotel in Farafenni around 1am, they were escorted to the Director General of Prison Services, David Colley’s room and he was waiting there with another female prison officer. David Colley told them that each one would be assigned to a different room for that night. One of the witnesses told the Commission that she was assigned to a room where she found the head of the NDLEA waiting for her dressed only in his underwear. David Colley ordered the officer to remain in the room with the head of the NDLEA and *“chat”* with him. The witness told the Commission that the head of the NDLEA locked the room door and ordered her to undress. The witness testified that she told him *“I did not come for the trip to have sex with any man, and I am a married woman.”* He got angry and opened the door and asked her to get out of the room. She left the room and sat down crying in the corridor. When the caretaker saw her in this state he gave her a room for the night. The following morning her boss David Colley was angry with her and for the rest of the trip he *“victimised”* and punished her by sending her home. She was also not granted the promotion that she was entitled to. During this period, the witness was confronted with *“a lot of harassment”*.⁷⁶
- 114. Another female officer told the Commission that David Colley physically led her *“by the hand to Minister Ousman Sonko’s room and ordered her to “spend the night” with the Minister.* The witness told the Commission that even though she refused and informed him that she was a married woman but he insisted and she testified that she had no choice but to sleep in the room. According to this witness she slept in the same bed together with Ousman Sonko but he did not touch her. The Commission observed that the witness was extremely traumatised and was crying during most of her testimony.⁷⁷ This was relevant to The Commissions assessment of the testimony. In addition, despite the witness’ testimony, The Commission heard from other witnesses that the same female officer was ordered to spend the night in Ousman Sonko’s room when the entourage moved to Bansang.⁷⁸
- 115. The Commission was told that one of the female officers who complied with David Colley’s orders and *“spent the night”* with the high-profile officer that she was assigned was rewarded by being promoted. The others were denied their promotions and other benefits including maternity leave and were posted outside the Central Prison to more difficult duty stations such as Jeshwang Prison and Janjanbureh as a form of punishment. The officers also testified that they were never paid traveling allowances or given good food throughout the trip.⁷⁹

⁷⁵ Testimony of Protected Witness TD25, 22nd June 2019

⁷⁶ Testimony of Protected Witness TA32, 24th June 2020

⁷⁷ Testimony of Protected Witness TB14, 23rd June 2020

⁷⁸ Testimony of Protected Witness TB14 23rd June 2020

⁷⁹ Testimony of Protected Witness TA32,24th June 2020 Protected Witness TC53, 23rd June 2020,Protected Witness TD25, 22nd June 2020

116. The evidence given by the female prison officers is consistent with the definition of sexual exploitation, which is any actual or attempted abuse of a position of vulnerability or differential in power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

G 4. RAPE, OTHER FORMS OF SEXUAL VIOLENCE AND GENDER-BASED VIOLENCE BY STATE SECURITY AGENTS DURING ARREST, INTERROGATION AND DETENTION

117. Sexual violence was used to repress, punish, humiliate and ill-treat men and women alike who were opposed to or were perceived to being opposed to the former President Yahya A.J.J. Jammeh or his Alliance for Patriotic Reorientation and Construction (APRC) party. They were routinely arrested and detained by state security agents subjected to sexual violence mainly during interrogation. Volume 15 of The Commission reports titled Institutional Hearing -National Intelligence Agency (NIA) sets out the context and circumstances of the arrests in greater deal. This section of this report highlights the SGBV that critics, dissenting voices and perceived opponents detainees were subjected to. The Commission heard the testimonies and received statements of women and men who provided detailed accounts of the sexual violence that were perpetrated on them by the security officials and about the impact of these violations.

118. The Commission heard that individuals were arrested either in their private homes⁸⁰, during demonstrations or in public places.⁸¹ Witnesses testified that during arrest and detention both men and women were subjected to various forms of sexual violence including rape,⁸² sexualised torture, forced nudity and castration. Detainees were threatened that they would be raped and that they would be punished in sexualized ways for opposing Jammeh.⁸³

119. Members and supporters of political opponents and their family members were frequently targeted. According to one witness, because the former President Yahya A.J.J. Jammeh “*knew that it was the UDP that is going to eventually get him out of power [...] it was the Members of the UDP, that got in prison, that got killed, that got castrated, that got tortured as well.*”⁸⁴ In 1996, there were mass arrests and detentions of UDP members and supporters who were involved in political meetings and rallies connected to the Presidential elections. Many were subjected to sexual violence by the state security officers.

120. The most notorious locations where civilians were taken for interrogations and detention were NIA,⁸⁵ State Central Prisons, Mile II, Fajara Military Barracks⁸⁶ and different Police Stations including the Police Headquarters.⁸⁷

80 Testimony of Batch Samba Jallow, 28 January 2019. Testimony of Protected Witness FB17, 4th August 2019
 81 Testimony of Saine Faye, 13 February 2019; Testimony of Yaya Bojang, 23 April 201
 82 Testimony of Sanna Sabally, 25 April 2019
 83 Testimony of Batch Samba Jallow, 28 January 2019
 84 Testimony of Yaya Bojang, 23 April 2019
 85 Testimony of Sainey Faye, 13 February 2019; Testimony of Yaya Bojang, 23 April 2019; Testimony of Batch Samba Jallow, 28 January 2019
 86 Testimony of Sainey Faye, 13 February 2019, Testimony of Kosso Taylor, 13 March 2019
 87 Testimony of Mohamadou Cadi Cham, 11 February 2019; Testimony Kaddy Camara, 11 March 2019

121. On several occasions women were detained together with men.⁸⁸ Arrested persons and detainees were often forced to remove most if not all their clothing and at times to remain in that state for long periods of time. While in that state of full or partial nudity, they were interrogated, usually by several security agents (from the same or different agencies). The Commission heard testimonies that female detainees were forcibly stripped naked and tortured together with and in the presence of male detainees and vice versa.⁸⁹ The Commission considers that partial nudity in these circumstances amounted to sexual violence as it occurred forcibly or in circumstances where the person was unable or unwilling to give genuine, voluntary and specific consent.⁹⁰

122. Many male witnesses testified that they were subjected to torture on their genitalia including having their testicles smashed with hammers or rocks and electrical shocks applied to their genitals.⁹¹ Some female detainees were kicked directly on their vaginas causing them severe injuries. It was commonplace that during interrogations, male and female detainees were beaten all over their bodies and had electric shocks applied to their genitalia and other parts of their body.⁹²

123. During the 1995 Peoples Progressive Party (PPP) demonstration at the US Embassy on Kairaba Avenue, the NIA arrested over 60 people who were suspected of being involved in that demonstration. Those arrested were taken to the military camp at Fajara Barracks where they were detained in a vehicle repair shed/hangar. The Commission heard testimonies that there was no segregation between male and female detainees and sexual violence was committed against female detainees in the presence of other male detainees and state security agents. Georgiana Kosso Taylor was arrested on October 12, 1995 by Sainey Manneh and taken to the Fajara Barracks with other male detainees. The witness testified that on the first day, the soldiers removed her clothing leaving her bare-breasted in the presence of male detainees and soldiers beat her with iron rods and kicked her with their military boots. She was kicked in her stomach and in her private part till she bled. She testified that “*I was the only female. They have no respect for women, no regard for the men even*”.⁹³ Mohamadou Cadi Cham (MC Cham) and Sainey Faye were detained with Kosso Taylor and witnessed what was done to her. MC Cham told The Commission that “*these Girls were with us about couple of days, certainly not more than a week, no segregation on the floor like sardines packed and they suffered the same humiliation, the same torture, pain, anguish, like every one of us -there was no discrimination. In fact theirs was worst being of the feminine type with hundred and ten percent men exposing them*”.⁹⁴ Sainey Faye told the Commission that Kosso Taylor was kicked in her private part till she bled heavily.⁹⁵

124. Whilst majority of the persons detained by state security agents were men, the Commission heard testimonies that numerous women were also arrested, detained and subjected to sexual

88 Testimony of Sainey Faye, 13 February 2019; Testimony of Mohamadou Cadi Cham, 11 February 2019
 89 Testimony of Mohamadou Cadi Cham, 11 February 2019
 90 The Hague Principles on Sexual Violence, Part 4, para 4(i)
 91 Testimony of Batcha Samba Jallow, 28 January 2019; Testimony of Sainey Faye, 13 February 2019; Testimony of Yaya Bojang, 23 April 2019; Testimony of Musa Saikyhan, 17 July 2019
 92 Testimony of Saine Faye, 13 February 2019, Testimony of Batcha Samba Jallow, 28 January 2019, Testimony of Ousainou Darboe, 10 June 2019
 93 Testimony of Kosso Taylor, 13 March 2019
 94 Testimony of Mohamadou Cadi Cham, 11 February 2019 line 1137
 95 Testimony of Sainey Faye, 13 February 2019

or gender-based violence. The Commission heard from witness Juguna Suso who stated that whilst standing outside the compound of the UDP Party leader Ousainou Darboe on April 14th 2016, the day of the peaceful protest to the demand for the body of Solo Sandeng, she was made to kneel down and stripped partially naked by PIU officers who further forced her to board a PIU vehicle where she was with other male arrestees and soldiers.⁹⁶ Juguna told the Commission that she was transported in her partial nakedness to the PIU where she was detained and slept in the same detention space with 30 male detainees. She was later detained at State Central Prisons, Mile II for a period of 3 (three) months under inhumane and degrading conditions.

125. **Female detainees were raped, forcibly stripped naked⁹⁷** and subjected to severe beatings all over their body including on their breasts and genitalia. They were subject to extremely harsh and inhumane interrogations by security agents. Apart from the physical abuse, insulting and humiliating language that was used on female detainees, they were threatened with rape. Female detainees, Nogui Njie, Fatou Camara and Fatoumata Jawara both lost consciousness at some stage due to the severity of their torture. Fatoumata Jawara was threatened with rape if she refused to tell her interrogators what they wanted to hear.⁹⁸ As a result of the severe injuries they sustained all three women had to be admitted to the NIA clinic. Fatoumata Jawara was unable to sleep and was urinating blood.⁹⁹
126. Nogui Njie told the Commission how she was ordered to strip and lie on the table. When she refused she was beaten so badly that according to her: *There are other things as a grown up, you cannot recount those things on your own. Maybe after here we could discuss those issues, some of the other things are an embarrassment. You cannot say these things when the whole nation is watching at you. That is making me to feel ashamed and it is also hurting me a lot. So, I cannot say these ones in the midst of people, where people are watching me and people are also listening to what I am saying. I leave that between them and God.*¹⁰⁰
127. *The Commission heard from Ousainou Darboe, party leader of the United Democratic Party (UDP) that male and female UDP supporters and members were arrested on April 14, 2016 and taken to the NIA. He testified that after they were released, he observed that they looked “quite horrible particularly Sarjo Kunjang Sanneh” and she died sometime later because of the injuries she sustained.* Ousainou Darboe testified that although he was not told exactly what was done to her, it was obvious that *“Sarjo Kunjang Sanneh was really treated in a way that no one should treat a woman”. According to him, the impact of what was done to her changed her completely. He said, “the woman that I knew in 1996 at the launching of UDP, the woman that I knew that was in my campaign team in 1996 was no longer the woman that she was, until her death.”¹⁰⁰*
128. Bintou Nyabally was apprehended and beaten for taking part in anti-government protests of April 16, 2016 when UDP members and supporters protested following the death of Solo Sandeng, as well as the May 9, 2016 demonstrations at the High Court calling for justice for

96 Testimony of Juguna Suso, 24 October 2019
 97 Testimony of Juguna Suso, 24 October 2019
 98 Testimony of Fatou K Jawara 22/10/19 Line 654-729
 99 Testimony of Fatoumata K Jawara 22/10/19 Line 1085 - 1091
 100 Testimony of Ousainou Darboe, 10 June 2019

his killing. On May 17, 2016, Bintou Nyabally was heading to the High Court together with other UDP supporters when she was arrested by paramilitary soldiers and taken to the PIU office. At the station, she was interrogated by two officers and she was accused of being *“an enemy to the nation”*. *The following day*, Bintou Nyabally was raped consecutively by two paramilitary officers in her holding cell. They told her she was *“shameless” as they raped her¹⁰¹*. They did not wear condom a condom.¹⁰² Bintou told the Commission that she heard the name *“Sanneh”¹⁰³* called and could identify that he was one of her rapists. However, she could not facially identify her rapists as they wore masks. She further explained how the rape had impacted on her psychologically and physically. She had lost her dignity. She found it necessary to come out publicly to let the Gambian people know what happened to her as people were still denying the wrongs that happened in the past¹⁰⁴.

129. During her testimony before the Commission, a protected witness FB17 stated that she was arrested in her home on March 24, 2006 and detained for over 6 weeks in various locations. Six days after her arrest, she was interrogated at the NIA Headquarters by NIA Director General, Momodou Hydera, the Chief of Defence Staff (CDS), Lang Tombong Tamba), Head of the Presidential Guard, Alagie Martin and Inspector General of Police (IGP), Ousman SONKO about her role in the attempted coup and her relationship with others who were involved. The witness told the Commission that she was taken downstairs to a room, she then heard the former President Yahya A.J.J. Jammeh instructing Jungler, Musa Jammeh over the phone, to *“give her the usual VIP treatment”*. *Four Junglers came into the room and ordered the witness to follow them “downstairs”. As she was walking, the Junglers were groping her breasts and her buttocks. She was then taken to another room where 6 (six) masked Junglers severely beat her and suffocated her with a plastic bag over her head. As they beat her, the men repeatedly accused her of wanting to depose Yahya A.J.J Jammeh. The Junglers stripped her naked, pushed her to the floor and one of them raped her. As he was raping her, he said, “you dirty [redacted] woman, you think you’re better than we [redacted], but now I’m [redacted], you.” She was taken to the State Central Prisons, Mile II and detained for over 6 weeks. The witness was arrested again in October 2006 and detained for three weeks and once again interrogated at the NIA headquarters by the same panel of senior officials about her role in the alleged coup. After the interrogation she was taken to another room and was forcibly made to undress. The witness cannot identify the persons that undressed her. The ordeal of the rape and sexual assault has had a great impact on her to this day she is still undergoing counselling.*
130. **Another protected witness DA 62 testified that she was arrested on April 14, 2016**, she was arrested and detained at the NIA headquarters. The NIA officers tore off all her clothes when they were interrogating her and she was left *“completely naked”*. She was then ordered to spread her legs open and show her private parts to the security officers. They started beating her on her private parts and the security officers also took photographs *“of her nakedness”*. During her torture on her vaginal area she remembers security officers saying to her *“your private parts are big, but we shall reduce it”*. The witness told the Commission that she was then beaten mercilessly on her private parts until it was bleeding. The witness identified her perpetrators as Tamba Masireh, Haruna Suso, Gibril Sallah and a ‘Jola man’ whose name she does not know. The witness stated that she sustained severe injuries around her vaginal area and till today is not able to have sexual intercourse and this had an impact on her marriage.

101 Testimony of Bintou Nyabally 14th October 2019 line 728
 102 Testimony of Bintou Nyabally 14th October lines 733 -742
 103 Testimony of Bintou Nyabally 14th October 2019
 104 Testimony of Bintou Nyabally 14th October 2019 lines 833 -846

131. Sanna B. Sabally, former Vice Chair of the Armed Forces Provisional Ruling Council testified that two women who were very close to him were arrested at the same time that as he was and they were detained at the NIA Headquarters for two months. During the two months the women were interrogated by officers who wanted to know if Sanna Sabally had told them about his plan to kill Chairman Yahya Jammeh (as he then was). After their release, the women told Sanna Sabally that for the entire period of their detention they were repeatedly raped by the security officers. They told him that they were stripped naked and bananas, and sticks were “used as dildos right into their womanhood”. As they were raping the women in this way, the officers told the women “you would never have a man inside you anymore because we would destroy your womanhood”.¹⁰⁵

G.5. APRIL 10TH AND 11TH STUDENT DEMONSTRATION VICTIMS OF SGBV

132. Binta Manneh was one of the causes of the April 10th and 11th student demonstration which resulted in the death of 14 students, a Red Cross Volunteer and two (2) toddlers. The lack of proper investigation of the case of Binta Manneh and the death of Ebrima Barry due to mal-treatment by Fire Brigade Officers motivated the students to come out to air their grievances.

133. Binta Manneh was raped by security officers at the age of 15 years when she came to represent her region –CRR- in the inter school sports competition which was held at the Independence Stadium in Bakau. She told the Commission that sometime around 8pm, she came out of the Stadium alone to buy some biscuits. On her way back she passed two (2) men who were standing guard wearing state security uniforms. One of the men suddenly held her hand and she tried to get free from the man. He said to her “Hey! don’t you know that I am a service man.” The men took her to the back of the Stadium where there were no lights. One of them then held her hand tightly, unzipped his trousers and pushed her down to the ground. She fell down on her stomach and he then pinned her to the ground, with his elbows on her chest as he raised her skirt, tore off her underwear and then proceeded to rape her by forcefully penetrating her. The perpetrator’s colleague ran away from the scene.¹⁰⁶

134. As she relived the harrowing experience of the rape, the witness told the commission that she felt pain on her private part and when the perpetrator finished raping her she realised that she was bleeding. Immediately after her ordeal Binta tried to find her way back to the Stadium. She was met by her teacher Mr. Bah, who had gone to look for her. She explained what had happened to her. The teacher escorted her to a police station and reported the rape to them, narrating what Binta had told him. The police informed them that it was only the Paramilitary who were on duty at the stadium. They took her statement and then took her to the hospital.¹⁰⁷ At the hospital Binta testified that when the doctor examined her he said: “they have already destroyed this one” **which the witness understood to mean that the assailant had taken her virginity.**¹⁰⁸ Her bleeding continued for almost 4 (four) days and was thus admitted to hospital for one week due to the loss of blood.

105 Testimony of Sanna Sabally, 25 April 2019

106 Testimony of Binta Manneh 20th August 2019 lines 102 to 153

107 Testimony of Binta Manneh 20th August 2019 lines 154-186

108 Testimony of Binta Manneh 20th August 2019 lines 201 -205

135. Binta dropped out of school as she felt stigmatised and she could no longer live in her village as she felt that everyone was talking about her. She almost lost her sanity. According to her: “this thing nearly made me mad because sometimes even if I am sitting alone sometimes the shock comes to me and I feel very, very bad which nearly made me to become a mental person.” She also told the Commission that her father forced her to marry a man that she “did not appreciate”. She was eventually saved by her brother who: “rescued her from the marriage”. She now lives in the urban area which has helped ease her mind a bit.

136. Sainabou Camara Lowe testified that she was arrested by the paramilitary police together with other students related to the student demonstrations that took place on April 10th and 11th 2000. She was taken to the paramilitary camp and into the officers’ living quarters. There she was told by one of the officers that they were about to do “something” to her “that she would never forget”. He called out to another officer to bring a rope. Four officers bound Sainabou with the rope and they started to slap her and stamped all over her body with their boots. Sainabou testified that they were stamping on her all over her body. They stomped on her breasts and her private parts until she fell unconscious. When Sainabou woke up she found herself in a hospital ward. She was severely injured and noticed that there was a lot of blood coming out of her “private part”. She also sustained bruises around her groin and legs. The witness was not able to confirm if she had been raped. She remained in hospital for over three months. She was initially told that she would not be able to conceive children. Several years later, she did conceive but has continued, till this day to suffer pain in her private part where she had sustained injuries during the period she was in detention.¹⁰⁹

137. At Armitage High School, Alagie Saidykhan, a student during the April 10th and 11th 2000 Demonstrations states in his statement that the students at the boarding school were detained at the girl’s hostel for 11 days. During the time of their arrest and detention they were made to lie down on the floor and they used belts to beat them. In addition they were stamped upon by the soldiers who physically trampled over them. He continues his statement by saying: “we were further humiliated when we were told to lie down and make love to the floor and they asked us if we were coming. 110” Alagie narrated that while in custody at the hostel they continued to bring other students who looked very tired and who were in pain. “Some were barely clothed and came in almost naked carrying their clothes in their hands”¹¹¹

138. The Commission received credible information about sexual violence against female detainees in submissions made to the TRRC by NGOs. Women interviewed by ICTJ in Janjanbureh in June 2016 stated that two female supporters of the United Democratic Party (UDP) from **Bansang, who came out to demonstrate in solidarity with the UDP protestors were arrested and jailed on April 14 and 16, 2016 and taken to the State Central Prisons, Mile II. While in prison, the women were gang-raped by prison guards every night.** “It was a lucky day for the women if they were raped by only two men in a night,” said the sister of one of the victims. These two women lived in fear while in prison and wished night would never come, as it was then that they would relive the horror of rape all over again.¹¹²

109 Testimony of Sainabou Camara Lowe, 14 October 2019

110 Statement Alagie Khan, para 15.

111 Statement Alagie Khan, para 16.

112 “Women’s Experiences of Dictatorship in the Gambia”, A Submission by Women from Sintet, Janjanbureh, and Basse to the Truth, Reconciliation and Reparations Commission (December 2019), p.9

G.6. SGBV AGAINST MEN IN DETENTION AND DURING INTERROGATIONS.

139. **The Commission also heard testimonies that male detainees, including high ranking government officials were subjected to sexual violence including rape¹¹³, forced nudity, mutilation of sexual organs, castration and sexualized torture during interrogations and detentions.** The physical and psychological impact of the sexual violence on these male detainees has long term impacts and affected not only the direct victims, but it significantly altered the dynamics of their family lives and social standing to their detriment. In a culture where the male sexual organ is referred to as one's "manhood" and the gendered role of men as providers and breadwinners defines social status, the sexual violence inflicted on men was clearly intended to damage the masculinity and/or virility of the victims. Dr. Sheriff Ceesay told the Commission that the injuries caused to the genitalia of male detainees he treated prevented them from being able to have sexual intercourse and when this happens, "it puts a big dent in his manhood[...] and in the Gambian and Niani context, it is as if you have emasculated him." ¹¹⁴
140. Batch Samba Jallow, a headteacher was dragged out of his bed in the early hours of the morning of October 12, 1995, by a group of 4 (four) armed NIA officers whom he identified as Daba Marenah (whom he knew), Baba Saho, Musa Kinteh and Foday Barry, He told the Commission: *"they dragged me naked¹¹⁵ from my bedroom to the back door dragged me on the floor; my children were lying opposite on a bed". The terrified children were crying and there was complete confusion. He pleaded with the officers to let him wear his trousers as he could not leave the house in the nude. He told the arresting officers: "I prefer to die here but I cannot leave my house naked". He was allowed to get dressed then he was dragged outside the house. He testified that "Marenah held my right arm Musa Kinteh the left and Baba Saho and Foday Barry held the left and right leg that is how they dragged me outside my house [...]my back on the concrete with the kicks those two of them were kicking me at my back, dragging me on the concrete up to the waiting vehicle' and taken to the NIA headquarters in Banjul. He was accused of wanting "to bring American soldiers to the Gambia to start a war". The officers told him that they were "working for the President (Yahya A.J.J Jammeh) and anybody who is against him, we are prepared to deal with you"¹¹⁶.*
141. The torture escalated at the NIA headquarters, where in addition to the 4 (four) NIA officers, who had arrested him there was also a soldier called "Mr. Mendy". Batch Samba Jallow was told to remove all his clothes. He told the Commission that when he refused *"they squeezed my neck and started removing it till they were successful" and he was left: "totally naked."* He was then made to sit on a wooden chair with his hands and feet bound with electric cables. Baba Saho threatened him that *"when we are ready with you, you will not be a man again you are going to be a eunuch".* The witness told the Commission that *Baba Saho then came with a rock and hit his penis with the rock. All 4 officers then applied electric shocks to his penis, nose, ears, lips, and toes.* He was then forced to sit on the floor stark naked. The witness testified that he was beaten and electric shocks were applied to him from 7am till late night.

113 Testimony of Sanna Sabally, 25 April 2019

114 Testimony of Dr. Sheriff Ceesay, 13 June 2019

115 In the cultural context of the Gambia, he only wearing his underwear made him feel naked.

116 Testimony of Batch Samba Jallow 28th January 2019 lines 306 -309

The witness was then placed on the floor naked and beaten again. In the evening when the witness asked to be allowed to urinate, he was forced to drink urine. He was first forced to drink someone else's urine and then his own. One of the NIA officers who forced him to drink the urine was called "Abdoulie Bojang" (now deceased). According to the witness, Daba Marenah was "supervising" the exercise.

142. *The witness showed the Commission some of the scars (visible) of the injuries he sustained from his tortures. When he was released he left The Gambia, and sought asylum in the United States where he was admitted into hospital for 3 months and was treated for his injuries. The witness testified that "my experience at the NIA taught me a lot of things that I never knew. I never knew a human being, a Gambian can behave in such a way to a fellow Gambian, if I was not within, I would have told you 'No, nobody can do that' but I saw it with my eyes and my own experience".*
143. Sainey Faye, a member of the PPP (People's Progressive Party) was arrested outside the American Embassy by a group of 20 (twenty) security officers including 3 (three) NIA officers Ousman Tamba, Musa Kinteh and Momdou Pika Jallow on the October 12, 1995. He was forced into a vehicle and was first taken to Kairaba Police Station and from there he was taken to the NIA Headquarters where he was met by the other NIA officers including Daba Marenah (Director of Operations), Salimina Drammeh, Baba Saho and some State Guards from the State House. The witness was taken into a room, and ordered to undress and he removed all his clothes except his underwear. He was then interrogated by the State Guards and NIA officers about holding meetings in his shop. Two State Guards, including Wandifa Saidu Jeng beat him and at the same time electric shocks were applied to his ears, nose and "private parts". Director Daba Marenah was present and was giving orders to the men who were carrying out the abuse. This continued for over 15 minutes. The witness testified that 11 (eleven) other men, including Njundu Jawara, Lamin Kanaji, Alhagie Mori Kebba Saidykhan, Lang Hawa Sonko, Foday Ceesay, Amadou Jallow, Ousman Jallow, Buna Kebbeh, Ebrima Sonko, Sheriff Beyai and Omar Bah were arrested with him and taken to the NIA that day. They were also subjected to "the same" treatment.
144. Sanna B Sabally, former Vice Chairman of the AFPRC and Sadibou Hydera, former Minister of Interior of The Gambia were arrested on January 27 1995 on accusations of attempting to kill Chairman Jammeh. They were detained at State Central Prisons, Mile 11 for about 11 months. During the period of their detention they were subjected to severe torture during the interrogations, Hydera was raped, severely beaten on his testicles and subjected to other forms of sexualized torture. Sanna B Sabally was interrogated more than 20 times to force him to confess to the accusation that he intended to kill former President Yahya A.J.J. Jammeh. When he refused they subjected him to various forms of torture and sexual violence and he was sometimes "completely naked as a needle" he told the Commission. On one occasion he was forced to eat human faeces and electric shocks were applied to his penis. The "Torture Team" that interrogated him comprised of Alagie Martin and Lance Corporal Lamin Senghore (Assasin), Manlafi Corr, Ababoucar Bobb, and Pa Modou Ann.
145. Sanna Sabbally told the Commission that he and Sadibou Hydera were subjected to the most horrendous sexual torture. During one of the torture sessions they were forced to lay on the

ground and a long piece of iron was inserted into their penises. They were then forced to wear “G-String”¹¹⁷ and told to “pose as prostitutes”¹¹⁸ after which they were ordered to have sex with each other. When they refused, they were told by the officers, “ok, then we would castrate you since you do not want to have sex together, with each other.” Alhagie Martin, Lance Corporal Senghore, Manlafi Corr and Ndure then forced the Sadibou Hydara to lay on the ground, they placed an iron bar under his testicles and Manlafi Corr beat his testicles with the hammer. From that day, Sadibou was bleeding from his anus and his penis, as well as from other parts of his body and Sanna Sabally opined that he is certain that the injuries caused that day when his testicles were hammered is what caused his death. Sanna Sabally also told the Commission that Alhagie Martin, Lance Corporal Senghore, Manlafi Corr and Ndure raped him by inserting an iron rod “right into my anus” while he was strung up to the ceiling with his wrists.

146. Kaddy Camara testified that her late husband, Alagie Mamadi Sabally a brother to Saihou Sabally, former Vice President of The Gambia under the PPP regime was picked up and taken to the CID headquarters. After which he was transferred to Fajara Barracks and then to Jeshwang Prison. Kaddy Camara testified that a few days after his release he told them that he was in a lot of pain. He called his 4 (four) wives and begged for their forgiveness saying, “the situation that I am currently in, I cannot be able to perform my manly functions as a husband. They have messed up with my organs and now the reason why I am begging for your understanding and forgiveness because marriage is between man and woman, once you realized that you are no longer able to perform your duties as a husband as a man it is only right that you inform your partners”. The witness testified that her husband told his wives that during his detention, the people who had arrested him, including F. R. I. Jammeh and Daba Marenah “had something they would normally use to squeeze and break your testicle and castrate you.” Alhagie Mamadi Sabally told his wives that when they were “castrating” him, he fainted.¹¹⁹
147. Ballo Kanteh one of the Farafenni Army Barracks attackers, who attacked the Camp in 1998 killing 8 (eight) soldiers told the Commission about their torture at the NIA after they were captured. He told the Commission that during one his interrogation sessions he was stripped naked in front of his father and he was severely tortured and also electrocuted on his genitals which caused him to lose his manhood.¹²⁰ His nipple was cut by Lamin AMS Jobarteh (Babanding) which the latter has denied. However, Ballo Kanteh showed the Commission the sliced off nipple. Omar Joof Dampha, arrested with Ballo Kanteh for his part in the Farafenni attack was also subjected to sexualized torture.¹²¹ Their torturers included Foday Barry, Lamin AMS Jobarteh (Babadinding) Salimina Drammeh amongst others.
148. Lamin Karbou, a staff of the NDLEA was arrested after a failed drug sting operation by the NIA that took place in Brikama. He was taken to the NIA where he was interrogated by Bo Baaji. Later he was stripped naked, handcuffed and tortured by Edrissa Jobe (Alagie Morr),

117 <https://en.wikipedia.org/wiki/G-string> Man wearing a G-string. A G-string is a type of thong, a narrow piece of fabric, leather, or satin that covers or holds the genitals, passes between the buttocks, and is attached to a waistband around the hips

118 Testimony of Sanna Sabally

119 Testimony of Kaddy Camara, 11 March 2019

120 Testimony of Ballo Kanteh, 9 December 2020

121 Testimony of Omar Joof Dampha, 8 December 2020

Ebrima Jim Drammeh and four others.¹²² He was able to escape from his torturers and ran naked from the NIA premises to the NDLEA office at the Police Headquarters in Banjul.¹²³ Shortly after arriving at the Police Station and into the office of the Director General, Bun Sanneh. Ebrima Jim Drammeh, Edrissa Jobe (Alagie Morr) Sheriff Ceesay, Lamin Darboe, Wonto Dampha and other officers arrived at the Police Head Quarters and requested to take him back. His superior officer Bun Sanneh asked them to go and he would take him back. Which he did.

149. Ebrima Barrow was arrested in relation to the 2000 coup plot and taken to the NIA. He testified that on the second day at around 8:00am, Sukuta Jammeh took him before a twelve-man panel comprising of Biran Jobe, Tijan Bah, Edrissa Jobe alias Alagie Morr, Baba Saho, Foday Barry, Ousman Jallow, Salimina Drammeh, Ousman Sowe and Sukuta Jammeh (deceased) himself. They accused him of wanting to overthrow Yaya Jammeh’s government, and when he denied the allegation, Biran Jobe ordered Alagie Morr to deal with him. Alagie Morr pulled him from behind, threw the chair he was sitting on and started punching and kicking him with his boots. Alagie Morr asked him to remove his clothes. As he was doing so, Alagie Morr pulled his remaining clothes and in the process tore off his under pants and started pulling his genitals. This was very embarrassing for him given that he was much older than Alagie Morr. None of the panellists said or did anything about it. As a result of the beating, his nose and mouth were injured and some of his teeth were broken. While he was on the floor, someone lit a cigarette and put it out on his buttocks burning his skin. The interrogation went on until 11:30am.
150. The Commission is not able to ascertain the total number of detainees who were stripped naked or rendered nude during their interrogation at the NIA. The Commission discerns that not only was forced nudity used as a tool to humiliate the suspects, it was part of the organizational policies of the NIA.

G7. SEXUAL VIOLENCE COMMITTED DURING PRESIDENTIAL ALTERNATIVE TREATMENT PROGRAMME

“Everywhere in the world people have seen your body.
I am not a religious scholar but I know the Uztaz is here
and the woman’s endowment is something that should be respected,
but we were exposed. I can even say that we were sexually harassed”

- TRRC Victim Witness

Fatou Jatta

151. This section highlights some of the SGBV that occurred during the President’s Alternative Treatment Programme (PATP). The Programme is discussed in greater detail in Volume 12 of the TRRC Report, titled: The President’s Alternative Treatment Programme.
152. On January 17 2007, former President Yahya A.J.J. Jammeh commenced the Presidential Alternative Treatment Program (PATP) after publicly declaring that he had received a “*mandate from God*” to cure HIV/AIDS and asthma. The Commission heard that three-quarters of the

122 Testimony of Lamin Karbou, 20 February 2020, line 826

123 Testimony of Lamin Karbou, 20 February 2020, line 921 - 924

participants in the PAPT from 2007 to 2016 were female.¹²⁴ Yahya A.J.J. Jammeh made several public statements that he had been treating PLHIV and asthma since 1994 and that “many people have been treated in silence or under strict conditions of confidentiality”. Such edicts of confidentiality and the stigma around HIV and sexual violence makes it highly probable that the actual numbers of women and girls who were subjected to the PAPT were much higher than what is presently known.

153. These pronouncement of confidentiality were contradicted by the laid down conditions that the former President Yahya A.J.J. Jammeh gave when he announced that he would start the PATP. One of the conditions was that the ‘treatment would be done publicly’ This pronouncement was not properly communicated to the participants of the programme. The other condition was that they would stop taking any other medication and should cease all conventional treatments and medications. They were only to consume the herbal concoctions he gave them.¹²⁵ According to the Hague Principles on Sexual violence, depriving someone access to treatment or medicine related to HIV or other sexually transmitted infections may be regarded as sexual violence.¹²⁶
154. Fatou Jatta was among the first batch of participants in the PATP. She told the Commission that there were 9 (nine) of them in the first batch that were coerced to go through the PAPT. Among these were 5 (five) women and a child in the group. She told The Commission that on the first day of the programme, when she entered the treatment area, she was handed a towel and told to undress completely and to wrap the towel only around her waist. The former President Yahya A.J.J. Jammeh then entered the room holding a bottle of “spiritual water”. He poured some of the water into her palms, recited a Quranic verse and told her to apply the water to her face. She was then told to lie down. She saw Jammeh take out a pot containing some oily substance which he then applied on her partially naked body. He first rubbed the oil on her back then told her to turn around and he continued massaging “my entire body including my private parts, they did not spare any part of your body”.
155. Fatou Jatta told The Commission that it was “an abuse of power” by the former President Yahya A.J.J. Jammeh. She “was very uncomfortable” with the whole process. She also told the Commission that: “what happened in 2007 was history. It shall never leave the books of The Gambia. You take women, because majority who took part in the treatment programme, were women [...] nobody will refuse to be cured, but if you are to cure me, you respect me in the process as well. [...] when Yahya Jammeh was treating us, he used to undress us, the whole world would be watching us. Everywhere in the world people have seen your body. I am not a religious scholar but I know the Oustas is here and the woman’s endowment is something that should be respected, but we were exposed. I can even say that we were sexually harassed because you ask a woman to undress, lie down and you would be touching all parts of her body. Even if you touch the breast of a woman that in itself is harassment”
156. Several other PLHIV who participated in the treatment corroborated what Fatou said. Protected Witness MC73 told the Commission that both male and female patients went through the same process. They were forced to undress and the former President Yahya A.J.J. Jammeh would massage their bodies with the oil and others present would “join him to complete the process of massaging”. Witnesses testified that the whole treatment process was filmed on camera and broadcast on national television and social media. Patients did not

124 Testimony of Fatou Jatta, 15 July 2020
 125 Testimony of Fatou Jatta, 15th July 2020
 126 Hague Principles on Sexual Violence, Part 4 (2)(c)

consent to this publicity. The disseminating or producing of images or footage, of a person in a state of nudity or partial undress may be regarded as sexual violence where they occur forcibly.¹²⁷ The Commission received and viewed as evidence, these televised broadcasts and video footage of the PATP processes. The Commission notes that some of these broadcasts are still publicly available on the internet. Witnesses also testified that the former President Yahya A.J.J. Jammeh would regularly transport busloads of patients to his home village during festivals or specially organized events to showcase his treatment where they would be paraded before the public as patients undergoing his miracle cure for HIV.¹²⁸

157. There were many other persons present during the treatment, including male and female nurses, doctors (including Cuban doctors), assistants, soldiers and other civilians. Those present would all be watching what was happening and some took part in massaging the patients’ naked bodies. Ansumana Jammeh who assisted the former President Yahya A.J.J. Jammeh in the programme admitted in his testimony that he took part in massaging some of the women on their naked bodies.¹²⁹ Dr Mariatou Jallow a former Secretary of State for Health and Social Welfare (2008-2009) was the Medical Director of the Edward Francis Small Teaching Hospital (EFSTH) when the PATP started. She stated that this programme was done in secrecy and was controlled as well. The involvement of medical officers like herself and Dr. Malick Njie and Dr. Mbowe gave the treatment lent credibility to the programme and thus it convinced some HIV patients to join in the PATP. She herself and the other colleagues she named participated in massaging the patients.
158. Dr Malick Njie, a former Secretary of State for Health and Social Welfare (2007-2008) however, told the Commission that he was present when the treatment was being administered but denied taking part in it and that he only saw the former President Yahya A.J.J. Jammeh only apply the oil to the women’s faces and that their breasts were covered with a towel.¹³⁰ However, in addition to victim testimonies, contemporaneous recordings and public broadcasts prove otherwise. The sexualised procedures that were publicly performed by Jammeh¹³¹ on the naked bodies of men and women, the publication of their HIV status as well as their treatment procedures to the whole world was dehumanising and humiliating and violated the sexual integrity of the victims. When describing his experience as a participant in the PAPT program, MC73 testified that “even a child would not permit, would not be comfortable with somebody going far to your genitals for any treatment, it is completely disgusting”. Another witness confirmed that one day after the news report on TV, someone ran up to him and said “come and see what is on the TV” and he found the first batch of patients being shown and immediately after that his own batch¹³². He said “my people they see me on the screen my relatives, my friends, everybody was saying something. That was the time some people started receiving calls from their relatives telling them, I saw you like this I saw you, and you know, the calls started coming in rapidly”.

127 Hague Principles on Sexual Violence, Part 4 para 4(c)
 128 Testimony of Fatou Jatta, 15th July 2020
 129 Testimony of Ansumana Jammeh 20th October 2020, from para 976
 130 Testimony of Dr Malick Njie 20th October 2020 line 725
 131 Part 2 Hague Principles on Sexual Violence : 1. Exposing a “sexual body part” (including breasts) or physical contact with such body part is an act that is sexual in nature. Part 4 (2) Acts that may be regarded as sexual vi
 132 Testimony of Protected Witness MA3816th July 2020 at para 659 – 673

159. In addition to forced labour was an integral part of the treatment programme. Some of the women, including Fatou Jatta were also forced to cook and work in the Statehouse kitchen during the PAPT. They would be given two bags of rice on some days to pick out all the impurities, told to scale fish and wash dishes. They would also decorticate sacks of groundnuts and were forced to work in Jammeh's farms in Kanilai. They were not remunerated for this work. Most times when they were required to work, the women were still suffering from the effects of the herbal concoctions which made them feel ill and "in a drunken" state.¹³³
160. The witnesses further testified that they were not allowed access to their families and were separated from their children and loved ones. In the end after going through all the abuses mentioned above in the hope that they would be cured the whole PATP was just "deadly hoax".

68. SGBV IN THE CONTEXT OF THE WITCH HUNTS ORDERED BY YAHYA JAMMEH

"What they took, was our dignity."

-TRRC Witness

170. In 2008, believing that his aunt was killed by witchcraft, the former President Yahya A.J.J Jammeh ordered that women and men suspected of being witches and wizards be arrested and taken to different parts of Kanilai (his home town) where they were detained, ill-treated, tortured and subjected to sexual violence. The victims who were targeted were from several parts of the country including Foni, West Coast Region (WCR), Banjul and Nuimi in the North Bank Region (NBR) as well as serving officers in the police, military, prisons and intelligence agencies. The main enforcers of the programme were the witch hunters, the State Guards and the Green Boys and Girls (a youth movement within the APRC).
171. This section highlights the sexual and gender-based violations that accompanied former President Yahya A.J.J. Jammeh's brutal witch-hunts and should be read in conjunction with Volume 13 of the TRRC Reports. The Commission heard testimonies from victims of the witch-hunts during Commission sittings in out-reach regional hearings in Jambur and Sibanor, WCR and Essau, NBR. The Commission also received credible submissions by international NGOs and women's groups which were admitted into the record and considered.¹³⁴
172. During the conduct of the infamous witch hunt exercise the Commission were told by several witnesses accused of being witches and wizards that they were subjected to various forms of torture and abuse including multiple forms of sexual violence. They were forcibly stripped naked by young soldiers and the Green Boys and were forced to drink a "truth potion" made from local herbs called *kubejara/kubejaro* (a local hallucinogenic plant.) The same concoction was used to bathe them and was rubbed in their eyes and genitals, which caused severe pain. The Commission heard from women who resisted being stripped naked that they were severely beaten.

133 Testimony of Fatou Jatta, 15th July 2020

134 "Women's Experiences of Dictatorship in the Gambia", A Submission by Women from Sintet, Janjanbureh, and Basse to the Truth, Reconciliation and Reparations Commission (December 2019), p. 10-11

173. In her statement to the Commission, Faye Camara stated that she was arrested from her home in Sintet, forced into a government vehicle and taken to Kanilai. She was detained for two days. She was forced to strip and remain naked during the two days.¹³⁵ Another victim stated, "I was stripped naked by a young soldier; as young as my children; these soldiers saw me naked and the witch doctor used the concoction on my private parts. I cried bitterly because I could not stand having a young person looking at me naked."¹³⁶
174. Another witness, Sonna Bass told the Commission that she was taken from her home to Kanilai by the witch hunters. While there she was taken to a compound and told to sit on a small mattress with the other people that were captured and taken there. They were called one by one into a house owned by the former President Yahya A.J.J. Jammeh where she was forced to drink a concoction, stripped naked in front of some young soldiers whom she said were young enough to be her grandchildren. Then they forced her to bathe with some mixture in a bucket, one of the men spat something at her face and told her she shouldn't blink or close her eyes.
175. The Commission also heard from Matty Sanyang that she and her neighbors were captured by soldiers in Sintet¹³⁷ who announced that the former President Yahya A.J.J. Jammeh had made a decision that the people of her village were witches, and they would need to be cured. She said, the soldiers pushed her into a truck, stripped her naked and forced her to say she was a witch. The witness testified that they forcefully undressed her. The paramilitaries stood at her side, held her and forced her to drink the medicine. If you could not swallow it, they would force you to. "What they took," said Matty Sanyang, "was our dignity."
176. The witch hunting activities devastated the lives of survivors as well as their children. The victims suffered severe psychological trauma and endured multiple health complications. Women who were too old or too weak, died as a result of health complications caused by the toxic concoctions. Former President Yahya A.J.J Jammeh had instructed that victims were not to be given medical treatment after they were released, so those who went to hospitals were turned away and denied medication or treatment.
177. Many of the victims have benefitted from urgent interim reparations through the Victim Support Unit of the TRRC for diverse ailments resulting from the concoctions and other abuses meted against them during the witch hunt exercise. These include chronic body pain, hypertension, anemia, diabetes, constipation, continuous headaches, pneumonia, sight problems, ulcers and reproductive health issues amongst others. Testimonies from Sintet indicate that "The majority of women victims of the witch hunts were unable to conceive afterward as a result of the concoction they drank and that was rubbed in their private parts," Many of the elderly are completely handicapped and since the start of the TRRC eight have died. Many are still traumatized by the experience and the Commission received submissions that even today people are still afraid and some "vctims would still run to the bush whenever they saw a person in red clothing, thinking that the witch doctor was back."

135 Statement of Faye Camara to the TRRC dated the 9th July 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 (December 2019), ICTJ Interview with anonymous victim, Sintet, June 25, 2019

136 "Women's Experiences of Dictatorship in the Gambia", A Submission by Women from Sintet, Janjanbureh, and Basse to the Truth, Reconciliation and Reparations Commission (December 2019), ICTJ Interview with anonymous victim, Sintet, June 25, 2019

137 A Village in the Gambia

178. The witch hunts have also negatively impacted on the next generation. It is reported that the children of the women victims have been ostracized in school and in the community. The girls, for example, cannot marry easily. In the words of one of the victims, *“We are still called witches and our children are referred to as children of witches. Some do not invite us to social events or even mingle with us.”*¹³⁸

G9. SGBV DURING FORCED LABOUR IN KANILAI

179. The former President Yahya A.J.J. Jammeh unlawfully appropriated hectares of lands in the Fonis and elsewhere in The Gambia and called them Kanilai Family Farms. In view of the large size of the land, it was difficult to get labour to work on the vast tracts of land. He therefore resorted to using forced labour whereby civil servants, security officials and communities were compelled while some were forced to work on his farms without compensation and in intolerable conditions. Government civil servants, were expected or even required on planned dates to come and work on the farm. Those who refused to work on the farm were often ostracized or branded as being disloyal with the potential consequence of losing their job, being passed over for promotion or being black listed by the former President Yahya A.J.J. Jammeh. Some of those who refused to work on the farms were also arrested under false accusations. As such many public officials went to Kanilai and took part in taking care of the president’s farm free of charge as a safety measure. The former President Yahya A.J.J. Jammeh would only provide accommodation and food and the workers themselves had to do the cooking. The women were at times required to work continuously for days without returning home to their family and they could not play their roles as wives and mothers. Some of the women who were forced to work on the farm were victims of the PATP the witch hunts who had been released. They were forced to work despite the pain they were still suffering after the ill-treatment they were subjected to during the “witch-hunts”.

180. The Commission reviewed reports describing the sexual violence that was perpetrated during these forced labour activities. Women interviewed by ICTJ, stated that *“during the compulsory farm work in Kanilai, the soldiers would sexually harass them and sneak into their rooms and rape them. They said that some of Jammeh’s top government officials would visit the farm in Kanilai and entice the women into having sex with them by offering them money. According to a former women leader of the Alliance for Patriotic Reorientation and Construction (APRC) in Lower River Region, “they would identify the women during the day, and at night they would send the soldiers to get these women for them. The women were afraid to refuse for the fear of being tortured or harmed.”*²⁰ *Soldiers would go to the sleeping halls at night and pick up women, take them to their rooms, and bring them back before sunrise. In other cases, soldiers would give the women their room numbers and order them to go to their rooms at a specific time. Most women went to the rooms out of fear for their lives or punishment if they did not. The officials and soldiers coerced these women into sex, by threatening them or taking advantage of their economic vulnerability.”*¹³⁹ It was also reported that the women on the farm had to share bathrooms and bathing facilities with men which exposed them to sexual abuse.

138 “Women’s Experiences of Dictatorship in the Gambia”, A Submission by Women from Sintet, Janjanbureh, and Basse to the Truth, Reconciliation and Reparations Commission (December 2019), Validation workshop in Sintet, November 22, 2019.

139 “Women’s Experiences of Dictatorship in the Gambia”, A Submission by Women from Sintet, Janjanbureh, and Basse to the Truth, Reconciliation and Reparations Commission (December 2019), p. 8-9

H. FINDINGS

Based on the totality of the evidence received before the Commission and from secondary sources, the Commission finds that:

181. SGBV was committed throughout the mandated period under review. Violations included rape, sexual exploitation, sexual assault, sexual harassment, and sexualized torture. The Commission also finds that sexual violence also accompanied other violations including forced labour.
182. Sexual violence was used to repress, punish, intimidate, humiliate and ill-treat men and women who were opposed to or perceived as being opposed to the former President Yahya A.J.J. Jammeh or his Alliance for Patriotic Reorientation and Construction (APRC) party. Members and perceived supporters of the United Democratic Party (UDP) and their family members were frequently targeted for arrest, detention and sexual violence.
183. Former President Yahya A.J.J. Jammeh and other senior government officials (including senior security officials and government ministers) subjected women and girls to a range of sexual violence including rape, sexual assault, sexual harassment and sexual exploitation, with impunity. These powerful men took advantage of their positions of authority, the vulnerability of the women and girls and the climate of fear that they themselves created to commit these violations. At least one victim who rejected Yahya Jammeh’s sexual advances and proposals for marriage was also violently raped. The Commission finds that sexualized torture, forced nudity and rape were adopted as organizational policy of the former regime
184. Sexual violence was committed in various places including public locations such as the State House of the Republic of The Gambia, the Residence of the former President Yahya A.J.J. in Kanilai, at the farms of Kanilai village belonging to Yahya Jammeh, at the premises of the NIA, at the State Central Prison Mile 11, at Fajara Army Barracks and in private homes and vehicles.
185. Men, women and girls were victims of SGBV. Men were victims most often in detention settings and during interrogations. The Commission also finds that victims came from all age groups, including children and older women and men.
186. Women were also secondary victims of violations inflicted on the men. When their husbands were killed, widows found it difficult to support the family and women whose husbands were subjected to sexual violence were denied the ability to have sexual relations with their spouses.
187. Forced nudity occurred routinely during interrogations at the NIA. From the evidence available and as described above, The Commission finds that forced nudity was a *modus operandi* by the NIA in particular and believes that it was used to debase and humiliate male and female detainees interrogated at the NIA. In addition to the cases provided above many others were subjected to forced nudity
188. Victims most often did not report the violations due to fear of reprisal, having nowhere to report since the perpetrators were from the security agencies and sometimes highest-

ranking State Officials. These victims also did not have access to medical care or psychological support.

189. Women and girls faced systemic discrimination in public and private spheres despite reforms to policies, applicable laws, enactments of women-centric legislations and ratification of key international instruments during the mandated period. The Commission finds that through the application of customary laws and patriarchal norms, women faced discrimination when it came to their right to own land, inheritance rights and their status in judicial processes.
190. The culture of fear that existed under the Yahya A.J.J. Jammeh regime and the cultural and social norms in Gambia's patriarchal society suffocated the rights of women and girls to their detriment and silenced the crimes they were subjected to. Sexual violence was not reported due to the stigma and shame that accompanies disclosure and the pressure to place family honour at the centre and above one's own suffering. Access to justice was absent in a repressive regime for sexual violence committed by the Head of State and senior government officials.

H.2 PERPETRATORS

THE FOLLOWING INDIVIDUALS WERE NAMED AS EITHER HAVING DIRECTLY COMMITTED OR WERE ACCESSORIES TO SGBV.

191. **YAHYA A.J.J JAMMEH**, former President of the Republic of The Gambia (1994-2017) committed *inter alia* the rape against Fatou Jallow aka Toufa and sexual violence against some Protocol girls including DB18. He ordered the Junglers to give the full treatment to a Protected witness FB17 which meant to rape the witness which was done. Yahya A.J.J. Jammeh knew that the NIA was raping and sexually assaulting detainees and that forced nudity was regularly used at the NIA as a tool to humiliate and break detainees. He did not do anything to stop it. During the PATP Yahya A.J.J. Jammeh and his aides during massage sessions inappropriately touched the private parts of the patients without their prior consent and in a manner viewed as degrading by the victims. He Yahya A.J.J. Jammeh ordered the witch hunting exercise during which there was sexual violence and forced nudity of those accused as witches and wizards.
192. Regarding the deaths of **Mariama Camara and her husband Alpha Jallow** the Commission finds that the former **President Yahya A.J.J Jammeh** is responsible for the unlawful killing of the couple. **Even if there was evidence suggesting that Yahya A.J.J.Jammeh did not order or procure the killing of Mariama Camara and her husband, it is obvious that the killing could have only been carried out by State Agents, which places a legal obligation (under the doctrine of Command Responsibility) on the Commander-in-Chief of the Armed Forces to cause a genuine investigation of the matter to be undertaken. However, the investigation carried out was just to go through the motions and not intended to produce any real results. The investigations were intended to cover up the crime committed and shield the architect of the crime and perpetrator(s) from criminal responsibility. This conclusion is reinforced by the actions of State Agents threatening members of the family of Mariama Camara not to investigate or talk about the matter. This consistent**

obstruction of the investigation and cover up by State Agents who work at State House suggest that Yahya A.J.J.Jammeh is responsible for the murder of Mariama Camara and Alpha Jallow either by procuring it or by failing to investigate it.

193. **JIMBEE JAMMEH**, Former Protocol Officer and relative of Yahya Jammeh. Accused of having aided and abetted former **President Yahya A.J.J. Jammeh to commit rape, sexual assault and sexually exploit young women. Accused of having forced some of the women to abort their pregnancies. Left with former President Yahya A.J.J. Jammeh to Equatorial Guinea in 2017 and is currently said to be residing in Sweden at the time of mention. The Commission finds that Jimbee Jammeh headed the unit of the Protocol Girls which was special unit of young beautiful girls that fascinated Yahya Jammeh. While the Commission finds that Jimbee procured the girls for Yahya Jammeh there is no evidence that she knew that Jammeh was raping or sexually assaulting them.**
194. **LAMIN MANGA**, a former Communications Officer at State House and Director at Gambia Radio Television Services (GRTS) has been accused of procuring girls for the former **President Yahya A.J.J. Jammeh. While the Commission accepts that this was indeed the case, there is no evidence that Manga knew that Yahya A.J.J. Jammeh was raping or sexually assaulting any of the girls that he procured for Jammeh.**
195. **TAMSIR MBOWE**, former Minister of Health and Social Welfare and Director of the PATP aided Jammeh in massaging the patients and in misleading them by giving false information about their CD4 Counts publicly on the state broadcaster GRTS.
196. **OUSMAN SONKO** former Minister of Interior, raped Binta Jamba and sexually abused and harassed female prison officers of The Gambia Prison Services and raped Victim D a 15-year old in 2015 in the area of Lamin Darunka and Victim F and others.
197. **YANKUBA COLLEY**, the former Mayor of Kanifing Municipality Council and National Mobiliser of APRC is accused of arbitrary detention of at least 40 civilians including Fatoumata Camara, Kafu Bayo, Noogi Njie and Falang Sonko in April 2016. However, there is no evidence that he was involved in sexual violence as a perpetrator or accessory.
198. **BADJIE** of Police Intervention Unit officer (PIU), mentioned by Sainabou Camara and accused of torturing, including on her genitals, during the April 2000 student demonstrations. First name unknown.
199. **Daba MARENA** (deceased) former Director of the NIA, accused of arbitrary detention and torture, mentioned by Batch Samba Jallow in his partial nudity state.
200. **KAWSU CAMARA (commonly known as Bombardier)**: Colonel and a member of the death squad team "the Junglers". Mentioned by Sainey Faye as having had kicked and assaulted Koso Taylor on her virginal area
201. **FODAY BARRY**: Former agent of the National Intelligence Agency, NIA. Accused of arbitrary detention and torture.

202. **DAVID COLLEY:** Former Director General of The Gambian Prison Services. Accused of arbitrary arrest and detention of Juguna Susso, Accused of sexual harassment and exploitation of female prison officers.
203. **GENERAL SOLO BOJANG** of The Gambia National Army, (GNA), second in command of the death squad team “the Junglers”. Accused of leading the team for the witch hunt capture and arrest and detention. Further accused of men and women being forced stripped naked and bathed.
204. **SAIKOU JALLOW:** Former orderly for former President Yahya A.J.J. Jammeh who was responsible for arrest, detention, torture, sexual abuse and administering of poisonous concoctions to alleged witches which caused the deaths of 41 victims.

IN TERMS OF INSTITUTIONAL FAILURES, THE COMMISSION FINDS THAT:

205. The Gambia is a signatory to the CEDAW and has committed and is obliged to take concrete steps to eliminate all forms of discrimination against women. Article 1 of CEDAW defines sexual violence as “violence which is directed against a woman because she is a woman or that affects women disproportionately;” sexual violence thus includes gender-based violence and constitutes a human rights violation.¹⁴⁰
206. Despite these legal protections, during the dictatorship, there was widespread sexual violence, which was largely underreported due to fear of retribution or social stigma. In cases that were reported, perpetrators largely escaped punishment because of failures in the law enforcement and justice systems. While these offenses are explicitly prohibited under the Gambian Sexual Offences Act, victims of these crimes have difficulty accessing justice for social, cultural, and institutional reasons. This, in turn, further entrenches a culture of impunity for sexual violence. Further the perpetrators were organs of the state who would protect each other and not arrest or charge each other because they used the sexual violence as a weapon against the citizens of the Gambia. In order to change the systems that have been implanted in the institutions of the Gambia the evidence received at the Commission it to be considered and a mechanism be put in place for safeguarding which shall provide a safe space for persons to report SGBV issues and get redress.
207. The information and evidence received by the Commission underscores the reality that The Gambia is particularly afflicted by the widespread lack of knowledge and understanding of SGBV, which means that such violations and crimes are not properly identified, prevented, managed and/or subject to effective accountability. This has led to widespread impunity and horrifying incidents of SGBV against all genders and age groups, particularly girls.
208. **As highlighted by expert testimony, there are various myths about SGBV in The Gambia, including the beliefs that:**

140 CEDAW, General Recommendation No. 35 on Gender-Based Violence Against Women, Updating General Recommendation No. 19, page 2, July 14, 2017.

- i. *only individuals who dress inappropriately are sexually violated;*
- ii. *wife battering is not gender based violence but rather normal and acceptable practice and, in some case, religious;*
- iii. *when family members such as parents and/ or siblings sexually violate each other, it is not a crime;*
- iv. *men, boys and adult women cannot be victims of sexual violence; delayed reporting means that a victim/ survivor’s narrative is false; ¹⁴¹*

209. **There are misconceptions about SGBV held by the public as well as many law enforcement officials who are responsible for handling SGBV. This results in multiple factors that make it even more difficult for victims/ survivors to report SGBV. Further it’s harder for law enforcement to address it effectively due to certain factors such as:**

- i. *underreporting by victims/ survivors; victim blaming and shaming which often forces victims/ survivors into silence; stigmatisation and ostracization of victims/ survivors and their family members;*
- ii. *protecting alleged perpetrators especially when they are relatives; prioritising family “honour” over seeking assistance and accountability for victims/ survivors;*
- iii. *inaction against prominent or powerful members of society; and negotiating marriage between the alleged perpetrator and victim/ survivor in exchange for silence and impunity thereby normalising such violence and further traumatising victims/ survivors.¹⁴²*

210. **Furthermore, the various complaints mechanisms such as police stations, health facilities, social welfare, child protection alliance and various civil society organisations and the legal system are faced with serious challenges ranging from:**

- i. *the lack of sufficiently trained personnel (psycho-social/ counselling officers, police officers, lawyers and judges);¹⁴³*
- ii. *limited or no psycho-social or counselling support; lack of privacy and confidentiality; inadequate infrastructure;*
- iii. *lack of gender-sensitive approach to caring, investigating and prosecuting such crimes at various levels of the legal process from the police station to the court-room;*
- iv. *victims being forced to constantly repeat the same traumatising narrative at each stage of the process;*
- v. *limited/ no shelters to provide temporary safe havens for victims, particularly when they live with their alleged perpetrators; slow and inadequate investigations;*
- vi. *inadequate/ improper collection of forensic evidence when available; and lengthy court cases.¹⁴⁴*

141 Testimony of Haddy Mboge Barrow, 15th October 2019
 142 Testimony of Haddy Mboge Barrow, 15th October 2019
 143 Testimony of Dr Babanding Daffeh, 15th October 2019
 144 Testimony of Haddy Mboge Barrow 15th October 2019

211. These factors lead to undesirable results such as withdrawal of cases and low rates of conviction, which further discourages other victims/ survivors from reporting new cases and entrenches a culture of impunity for SGBV.
212. Expert testimony highlighted the multi-faceted nature of the impact ... Economic- economic cost on families – medical bills, cost of legal services,(transport fees) affects productivity. Psychological –depression, separation, stigma, re victimization, abortion, baby dumping among others. Health consequences-Injuries STIs, unplanned pregnancy, illegal abortion. Obstetric complications.
213. The Police Gender and Child Protection Unit: The Police Child Welfare Unit was established by section 206 and its sub-sections under the Children’s Act 2005. Due to increasing demands on the nature of the work, the Unit was renamed the Gender and Child Protection Unit in 2012. The mandate and objectives of the unit includes: tasked with handling juvenile offences and ensuring that children are protected while in police custody and investigation of criminal cases involving children; investigations of SGBV cases; act as liaison between the Gambia Police Force and the Department of Social Welfare; advise the Crime Management Coordinator on matters relating to Gender and Child Welfare; and provide analytical reports on SGBV. The Unit is headed by an Assistant Commissioner who is answerable to the Crime management Coordinator with desk officers in all the regions. All cases involving children nationwide are administered at the Head office for further investigation and onward transmission to the prosecution unit. The staff consists of fifty (50) trained investigators and four (4) social workers.
214. The TRRC’s proceedings contributed to breaking the silence and taboo around SGBV matters and created conversations as most witness testified on the sexual torture they suffered and the expert witness elaborated and emphasized on SGBV in their testimonies. Unfortunately, however, some victims did not testify before the TRRC.
215. The evidence shows that there is the need to adequately and effectively address SGBV in The Gambia which requires a transformative, multi-sectoral and holistic approach that combines continuous and focused public sensitisation campaigns, training and capacity-building of law enforcement. Discussions about SGBV should be part of the broader conversations in our communities, schools, and homes.
216. The Gender and Child Protection Unit is not independent because it is under the Crime Management Coordinator (CMC). There is no budgetary allocation for the unit, no counseling rooms, no gender friendly or child friendly detention facility, inadequate forensic equipment for evidence gathering, DNA is not available in the Gambia, confidentiality is another challenge due to unavailability of separate interview rooms, recording of SGBV cases in the station diary and crime complaint register which is not only limited to Gender and Child Protection officers.
217. The unit is challenged with cultural and traditional norms (culture of silence) and pressure from communities for withdrawal of cases (which make survivors reluctant to pursue their cases). There is no funding policy that can assist in carrying out the unit’s mandate especially with regards to victims/survivors.

I. RECOMMENDATIONS

218. The Commission recommends as follows:

1. Prosecution of former President **Yahya A.J.J. Jammeh** for the rape of **Fatou Jallow (Toufa)** and **Protected witness DB18 and for FB17** as he ordered the Junglers to give the full treatment to a Protected witness FB17 which meant to rape the witness which was done and his role in other forms of SGBV.
2. Prosecution of **Ousman Sonko** for his role committing rape of Binta Jamba, 15 year old girl in Lamin Daranka and Protected Witness F and the harassment of 5 Female Prison Officers of The Gambia Prison Services.
3. Prosecution of **General Solo Bojang and Captain Saihou Jallow** for their roles as superior officers in directing and supervising the witch hunting exercise during which SGBV occurred.
4. For the state to make tangible efforts for the identification of **Badgie, a PIU officer implicated by Sainabou Camara** and accused of torturing, including on her genitals, during the April 2000 student demonstrations with the view to prosecuting him for the crime should he fail to meet the requirements that would qualify him for amnesty.
5. Prosecution of **Foday Barry, Baba Saho, Kawsu Camara (Bombardier), Alagie Martin, Solo Bojang and Sheikh Omar Jeng** for the multiple crimes they committed including the sexualized tortures they carried out and investigated under this theme.
6. **Yankuba Colley, Lang Tombong Tamba and Momodou Hydara** are not to be prosecuted for the violations under this theme as they did not appear to have control over the events that were happening at the NIA in March 2006.
7. **Daba Marena, Sainey Manneh and Manlafi Corr** are all deceased and thus no recommendations are made about them.
8. **David Colley** shall be banned from taking up a government appointed position for 5 years for their roles as described above.
9. The government through the department of Social Welfare should provide and run facilities such as one-stop centres with more trained staff and adequate facilities to receive and assist victims.
10. The Government should ensure sufficient funding to the Child Protection Unit, capacity building of the staff, construct a separate structure that will reflect the new trend, hire experts such as psychologists, interpreters, social workers, vehicles and fuel should be allocated to enable the unit to embark on sensitization at all times to prevent SGBV Crimes.
11. Establish a mechanism to implement a Victim Support Fund in compliance with its obligations (e.g. Section 9, of the Domestic Violence Act 2013 establishes the Domestic Violence Support Fund);

12. Government should establish proper and functioning safe spaces and shelters for victims of SGBV especially female victims. The Commission understands that there is a government run shelter at Bakoteh which is under-utilised and ill equipped.
13. Government to make it mandatory for all institutions including private and civil society to put in place sexual abuse and harassment policies in place as required by the Women's Act 2010 and the National Women's Policy.
14. Expand the One Stop Centre approach for the management of SGBV; Improve on the reporting mechanism by introducing a toll-free hotline which is accessible to all; The security sector reform should include: Thorough education of law enforcement officials in dealing with SGBV cases; Enforcing institutional policy and laws of the land regardless of who is involved;
15. Government to provide funding for key and strategic units of law enforcement agencies to ensure timely response and investigation of reported cases; Government to where possible provide subvention to key CSOs working in the area of sexual violence;
16. There should be special focus on research, education, and training in building capacities and expanding supports to the communities that need assistance while targeting behavioral change. The University of the Gambia should consider partnering with agencies in researching this area and setting up a program in social work where people could study to become licensed clinical social workers — continued education and training for law enforcement and the justice system on the right based framework to development and better documentation of cases.¹⁴⁵
17. Police Stations should have friendly spaces for persons that have suffered SGBV. Police stations should have sexual harassment policies in place even though officers are free to report cases of such when it occurs and they deem it necessary to do so. Build capacity through training; funding; SOPs; policies – e.g. prevention; re: internal cases; internal sexual harassment policy and independent complaints mechanism. Special diaries (not the general Station dairy) should be kept to ensure confidentiality of cases (use of codes)
18. The government should ensure and put in law systems and structures for the enforcement of laws that protect the rights of women, such as the 2010 Women's Act 2010 and the Sexual Offences Act 2013 so as to ensure that the violations that happened in the past do not recur.
19. The government and civil society organizations should educate and sensitise all relevant government institutions and the Gambian people in general about their rights and responsibilities and on sexual and gender-based violence through community-based outreach activities, civic education, and women's empowerment initiatives.

