

**COMMISSIONED REPORT TO THE GAMBIA'S TRUTH RECONCILIATION AND
REPARATION COMMISSION: 1994-2017**

By

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EXECUTIVE SUMMARY

This report was commissioned by the Truth Reconciliation and Reparation Commission (TRRC) of The Gambia with a view to responding to key prompts, or pre-assigned questions intended to uncover historical, social, political, economic and other antecedents that contributed to gross human rights violations and abuses in the Gambia until 2017. Appropriating analytical tools from the social sciences and political-economy literatures, the report identifies various roles played by individuals, institutions, and the State during two decades of tyranny under former President Jammeh. Using the 1994 coup d'état as a point of departure, the report delves into personal motivations, organizational and institutional structures of the military, societal, regional and global factors that resulted in severe governance and human rights deficits against a backdrop of deepening material poverty.

Militarization of the Gambia's political-economy predicated on institutional, cultural, and religious impulses rationalized formation of a "national-security-vampire state" dedicated to syphoning vital and limited national resources for personal gain and self-aggrandizement both underpinned by lust for power. Individual frailties and propensities to conform to institutional "Groupthink," training and shifts in personal values to curry favor significantly contributed to unimaginable acts of barbarism against officers, rank-and-file, and citizens alike. The report suggests Gambians suffer from collective, national trauma of monumental proportions and depth. That while victims' physical injuries may have healed, psychological wounds fester and many more suffer the "burden of Awareness and Conscience." National and cultural connective tissues have frayed and, in their wake, lie deep-seated personal, societal, and state insecurities. Mistrust, antagonism, and hatred also permeate governmental administrative and security institutions that combine with societal ones to produce a potentially combustible outcome. These must be addressed immediately for the country to stand any chance of reversing decades-long spiral into social and economic decay, violence, and national disintegration.

REPORT TO THE TRUTH RECONCILIATION AND REPERATION COMMISSION (TRRC)

INTRODUCTION:

1. Twenty-two years of brutal autocratic rule punctuated by gross human rights violations and abuses inflicted deep and festering wounds in the Gambia's collective memory, as well as in the individual psyche of ordinary Gambians. In the wake of these atrocities, hundreds lost their lives¹. Many more sustained near-fatal physical injuries while others suffered and continue to suffer psychological scars that will likely haunt them for years - perhaps for the rest of their lives. Witness revelations of atrocities at the Gambia's Truth Reconciliation and Reparations Commission (TRRC) hearings have left the nation in utter shock, and dismay and in unison asking: how did we get here? Where did we go wrong? How could Gambians administer such depraved acts of cruelty against other Gambians? Many still wonder, what led to the deterioration of human rights, blatant disregard for the rule of law, and near collapse of social order following the 2016 presidential election?

OBJECTIVE:

2. The primary objective of this report is to proffer responses to pre-assigned questions posed by the TRRC Administration with a view to untangling an intricate web of historical, political, legal, economic and social antecedents that shaped individual-actor behavioral outcomes, institutional and societal choices and their interaction to produce egregious human rights violations in the Gambia, from 1994-2017. What this report does not do is give a blow-by-blow sequence of events. Rather, in broad strokes, it offers a sweeping historical, as well as an analytical/theoretical framework within which to locate and respond to the pre-assigned questions.

¹ Data on the estimated number of people killed under Jammeh are unavailable. Estimates range from 150-200 persons who lost their lives and while countless others were tortured, and, or maimed. It may take conclusion of TRRC investigations to arrive at an estimated number.

I: Theoretical Framework:

3. It is important for the purposes of this report to spell out, albeit briefly, a general conceptual framework, as well as a context within which to locate and respond to the pre-assigned questions. The significance of such a schema lies in its ability to identify what is important and what may be trivial. The framework, in addition to doing this, has an inner logic for investigating and advancing plausible and verifiable suggestions. The pre-assigned questions that this report address have a genealogy. That is, they are historically and politically embedded in time and space and are better responded to when located and contextualized accordingly. As a result, the framework draws on political science/international relations theories, political-economy, political/cognitive psychology and political sociology/civil-military relations and a rich body of both theoretical and empirical works on the Gambia and Africa. Clearly, there are alternative theoretical lenses that could be utilized to respond to the pre-assigned questions. And all will invariably provide relatively plausible responses. These include: “rational choice theory,” “modernization, and political development theories,” “world-systems/Marxist theories of development,” or “feminist theories.”

4. From political sociology, I use emerging ideas embodied in “social-constructivism.” Social-constructivists, argue that the “world is what you make it,” and that ideas, interests and institutions are the building blocks of our social realities. And when this, or these realities change, the world changes accordingly. Therefore, there is no single historical narrative or reality. Rather, the interests of specific actors shape the story (Lamy 2011:19). In some circles social-constructivism is not considered a theory but a commonsensical intervention to temper, as well as bridge the hotly debated issues in global/international politics between “Political Realists,” and “Political Liberalism, ideas I will return to later.

Methodologically:

5. This report proceeds primarily from a content-analytic, political-historical framework(s) to highlight generative forces and factors; identify major players/actors and interests and their interactions to produce the lived experiences of Gambians in the period between 1994-2017. By virtue of the pre-assigned questions, it adopts a “comparative-method,” approach, which entails detailed analysis of a case-study (Gambia). There is ample secondary data, including

scholarly research that systematically documented this era of Gambia's political development - both qualitative and quantitative (Saine, Ceesay & Sall, 2013). Also, data collected from May 2018 to January, 2019 through "structured," and "unstructured" interviews with a cross-section of Gambian society will prove useful in cross-checking earlier findings. Also, having written widely on this period of Gambian political history, and as professor of global politics, political-economy, and African Studies, I have at my disposal a tool-kit that I bring to bear on the task at hand.

6. The report has two main limitations: First, one needed at least a year to research and write a report of this magnitude and significance with support of a research staff. Instead, six weeks were devoted to producing a first draft and three months to complete the report. Notwithstanding, this report, is by far the most comprehensive single document that provides specific answers to political and human rights violations under Yahya Jammeh until 2017.

7. Notwithstanding, the report paints a compelling picture and distills from the large academic literature and my personal experience on Gambia to respond to the pre-assigned questions and two additional ones of my own. In the end, the report's primary strength lies in the comprehensive conceptual framework it offers. Another is the report's nimbleness in offering new and refreshing insights from within which to locate, or slot additional data, including ongoing witness testimonies. Ultimately, this report is solid foundation for a more comprehensive future book-length report on TRRC proceedings. Though a herculean task, this is feasible with adequate institutional support.

II: A: Background

8. In responding to the pre-assigned questions, it is important to begin with a brief discussion of the pre-1994 era, its causes and consequences, and aftermath. In doing so, I use a level of analysis approach typically utilized in foreign-policy studies. This approach divides social, political, economic, and other phenomena thus: (a) Individual, (b) Organizational/Institutional, (c) Societal/Environmental, and (d) Sub-regional/Regional levels of analysis/aggregation.

9. The 1994 coup d'état that toppled the PPP-led Government is important for several reasons: First, it ended the thirty-year rule of Sir Dawda Jawara, who at the time, was the longest and continuously serving head of state in Africa. Secondly, the coup also ended one of Africa's longest functioning democracies, and one reputed for its commitment to human rights and rule of law, at a time when the continent was mired in dictatorial mismanagement and economic decline (Wiseman & Vidler 1995; Saine 1996). Sir Dawda's pro-western policies, as well as

his adherence to pro-market principles also helped him to craft a foreign and economic policy that won him considerable respect from his peers in the continent and certainly those in the Commonwealth (Nyang, 1975). A modest development plan to improve health, education, and basic services with considerable support from Britain and her allies, including Japan succeeded in improving child health and maternal services, education, and agriculture. However, these were not enough to douse rising expectations and dissatisfaction in some quarters, resulting in the 1981 coup attempt spearheaded by Kukoi Samba Sanyang, with support from some civilians, and elements in the Field Force (Hughes, 1991).

10. Senegal's Abdou Diouf intervened to restore order and reinstate Sir Dawda, to the presidency but not before extracting a concession that led to the formation in 1982, of the short-lived Senegambia Confederation (Senghor, 2008). One crucial and lasting institutional residue of the Senegambia Confederation was establishment of the Gambia National Army (Wiseman, 1996; Hughes, 1992). Often dubbed as a "marriage of convenience," critics lamented Gambia's precarious position, as a junior partner to Senegal. President Jawara's effort to address and reverse the status-quo to a rotational confederal basis ended in disagreement with President Diouf, and demise of the Senegambia Confederation in 1989 (Senghor, 2008).

11. Economic Recovery Program (ERP) instituted in the mid-1980s, to halt Gambia's deteriorating economy arising from the 1970s global economic downturn, (characterized by soaring oil prices and mounting domestic debt and inflation) improved the macro-economic environment (Sallah, 1990). This was not enough, however, to address mounting unemployment, and growing domestic discontent over economic and income disparities. In time, critics of Sir Dawda (and his government) singled out economic policies that failed to improve living conditions for the bulk of Gambians, and before long, these economic grievances combined with corruption charges to erode Jawara's political legitimacy. In time, general public perceptions, of pervasive economic malfeasance in the form of high per diems, and other travel allowances reignited charges of corruption against the regime and Jawara himself (Saine, 1996).

12. At the 1992 PPP National Congress in Mansa Konko, Jawara shocked delegates with his decision to stepdown as party-head and not contest the presidency in the forthcoming elections. This potential future power vacuum left the Congress divided into roughly two camps: those who welcomed the president's decision, and others who decried his decision in the absence of an heir apparent (Wiseman & Vidler, 1995). This fueled speculation of a deeply fractured party

and government. Political reforms, which were never as deep as the economic ones, resulted in complacency and a fossilized party-machinery. And, while elections, in large measure, were generally seen to be relatively “free” and “fair” with little political violence, critics charged it was a “*Sembo-cracy*,”² i.e., rule by might, as five successive elections that returned the PPP to power met little to no political opposition (Sall & Sallah, 1995). Thereafter, it was widely felt that elections could not under the prevailing charged political environment usher in changes needed to set affairs of state in the right direction. To add to this toxic and volatile political environment rumors of a military takeover of the PPP-Government saturated the air and in time, popular expectations of it soared (Saine, 1996).

13. In the year leading to the 1994 coup, state and PPP-Government authority weakened further- resulting in confusion over institutional checks to mitigate rising popular tensions and brewing grievances within the army itself. In the same vein, institutions of government tasked with conflict resolution and protection of citizen and national security were themselves ineffective and engulfed in complacency and political patronage. Thus, under President Jawara’s leadership, the Gambia’s political history resembled a plateau occasionally marred by volcanic eruptions. The general image too often projected to the world outside was of a mini-state adept at survival, able in spite of its size, and limited resources to run a multi-party democracy. This image was shattered on July 22, 1994 when President Jawara and his ruling PPP-Government were overthrown in a bloodless coup by the Gambia National Army (Saine, 2009). Let us now turn to the individual level of analysis to unpack the 1994 coup..

(b) Individual Factors:

14. This level explores important personal motivations that inspired the coup conspirators led by Lieutenants Yahya Jammeh, Sana Sabally, Edward Singhateh and Sadibou Hydara. Consensus has built overtime, that these young and mostly inexperienced junior officers were motivated to stage the 1994 coup primarily for personal economic gain and improvement, and certainly their hunger for political power. Coming from relatively poor and rural backgrounds, with minimal education and enjoying little social and economic status in the communities from which they came and the country at large, a coup was a way to addressing these personal grievances against a government that was generally perceived as corrupt, and divided - a government that had not served them well even as students in school and certainly not while

² Sall, Ebrima and Sallah Halifa, 1995. “The Military and the Crises of Governance: The Gambian Case,” Paper Presented at the Eight General Assembly of CODESRIA, Dakar, Senegal.

they were in the army. Specifically, individual junior officer frustration within the GNA itself over less than adequate living conditions, paltry salaries and benefits, limited opportunity for professional advancement and promotions were just as important motivations for the junior officer-led coup. Also, growing tensions within the military, generally and between Nigerian senior military and Gambian junior officers, specifically over leadership, professional commitment concerns sharpened the divide between the two officer ranks (Wiseman & Vidler 1995; Saine 2009, 1996).

15. Thus, there was a pervasive feeling of “relative-deprivation,” among junior officers, generally, and the coup conspirators, specifically. The latter believed that a coup was the only solution to addressing their perceived frustrations within the army and against the army brass itself. Personal ambition coupled with prospects for monetary gain, and for enhanced social standing combined to motivate the junior officer to execute the coup. To partly camouflage their true motivations and interests, they appropriated and used a discourse that aligned with IMF/World Bank principles of “transparency,” “accountability, and “probity.” Claiming to be, “soldiers with a difference,” these pronouncements and slogans served them well, as they sought popular support, which they had at the beginning. However, in time it became apparent that the AFPRC Junta exhibited worst tendencies of corruption and lived more flamboyant lifestyles than had the previous government ministers and certainly President Jawara (Wiseman, 1997).

16. Another important component to understanding the worldview of the coup “leaders,” is what political psychologists have termed, “Operational Code (OC).” A derivative of cognitive psychology, OC, embodies a cognitive map, or lens through which an individual perceives, constructs, and interprets the world, or “reality.” It is the sum total of an individual’s values, perceptions/misperceptions, myths, images, cultural beliefs, and ideas. It asks the perennial question: what makes a person(s) behave/decide the way(s) they do? In other words, what makes them tick? What shaped Yahya Jammeh and his co-conspirators and their decision to overthrow the PPP-Government? Let us look briefly at the forces that shaped Jammeh, in particular.

17. Yahya Jammeh and his cohort have been shaped by African, Islamic, Western and Christian values, as well as a *mélange* of various political ideologies. Typically, these traditions construct the world in “black,” and “white,” “good,” and “evil” and human beings as inherently and essentially “evil,” and “sinful.” For these men, and many in military-like institutions the

world is a dangerous place and humans, like states are self-interested entities that pursue personal and state interests, respectively. Thus, politics are perceived as a zero-sum, a winner-take-all game. Consequently, it is in one's interest to amass power and wealth even at the expense of others and neighboring states. In sum, it is a "dog-eat-dog world," and the likes of Yahya Jammeh had constructed their worldviews hence realities and of politics in these terms. Many individuals who join military institution for lack of other opportunities tend to be rigid in their thinking and find competing and contradictory knowledge claims psychologically unsettling. Uncomfortable and unsettling emotions are typically filtered out through denial and the process of "cognitive dissonance" - a psychological process in which contradictory information to one's worldview, or perceptions are repressed, or ignored to ensure uniformity and consistency in both thought and action. Accustomed to issuing orders/decrees at will, military personnel often find civilian decision-making processes, and democracy itself, as slow and tedious.

18. Yahya Jammeh, at one time in his formal education, or military training, was also exposed to elements of the political philosophy of Machiavelli, and certainly Marx, and may have even read, *The Prince*. Preoccupied with how to hold on to power, the book proposes various strategies that a leader must take to do just that. And, importantly, how to deal with opposition. Machiavelli was a precursor to "political realism," mentioned earlier, and modern-day proponents like former U.S. Secretary of State Henry Kissinger embody this worldview. In general, those who subscribe to this worldview, which I believe Jammeh does, have a dim, or negative view of humans. Also, "political realists" perceive the world as anarchic. That is, lacking a central authority that has the military power to impose order and adjudicate the rules of the game. Yahya Jammeh's (OC) or operational code, and worldview is closely aligned with this "political realist" worldview.

19. Yet Jammeh's worldview is also infused with beliefs of witchcraft, or the occult to buttress his view of an evil world inhabited by demons and evildoers. Therefore, a combination of upbringing, norms and cultural values, religious and western philosophical thought may have formed the basis of his reality. This is the frame or lens, Jammeh and others like him would have utilized to arrive at decisions. In a sense, it is a "socially-constructed" world, which is consistent with his political and economic interests. To add complexity to this level, we look to the internal dynamics and structure of the army as an organization, and indicate how these may have also contributed to the 1994 coup.

(C) Organizational/ Institutional Factors:

20. As a young and evolving security unit, the GNA was and remains a fractured institution characterized by cleavages based on rank, ethnicity, salary and other material differences. This was clearly the case between Nigerian senior and Gambian senior, and junior officers. Ordinarily, in well-structured and highly trained, professionalized, and efficient armies these factors, generally, are sources of discipline, order, and stability as chains of command are clearly delineated and observed.

21. However, in a make-shift army established to meet confederal agreements between Gambia and Senegal, these differences remained stark and became sources of deep-seated grievances and resentment among Gambian junior officers and rank and file. Before the coup, Gambia had a Police and Field-force numbering less than six hundred. The Field Force ceased to exist after the 1981 coup and was replaced by the Tactical Support Group (TSG), which were remnants of the Gendarmerie that were incorporated into the Police Force as an elite group. These forces maintained law and order during the colonial and post-independence eras. (Wiseman & Vidler 1996).

22. The GNA was also divided along ethnic, regional, religious, and certainly rank dimensions. Thus, making it a microcosm of Gambian society- harboring the tensions arising from social cleavages therein. Thus, loyalties within the army itself were divided and driven primarily by self, rank and ethnic interests- many aligning politically with key political figures of the same ethnicity in the civilian political arena. The military brass, both Nigerian and British before them and their Gambian colleagues replicated privilege and status enjoyed by their civilian counterparts in the larger society. This drove a wedge between these two military camps - junior officers leaning more in support of a coup while senior officers sought to maintain the status quo (Saine, 1996).

23. Clearly, this state of affairs coupled with a weak military organizational/institutional structure, and poor training undermined order, and stability. These in turn, severely eroded the chain of command and what little professionalism existed. In sum, the GNA was a major political player, and did not rise above civilian partisan politics nor was the principle of “civilian control” or “civilian superiority,” accepted. Yet, the general belief among most military organizations in Africa, at the time, was the army was justified to intervene because of its putative professional qualities of efficiency and professionalism. In fact, many scholars

of modernization theory, including Huntington, argued the army was most suited to “modernizing” a country rather than civilians. I termed this the “Modernizing Military View (Saine, 1989).

24. To the contrary, the GNA, was for all intent and purposes dysfunctional, and lacked the discipline to carry out its national mandate to protecting the nation. In fact, it became complicit and a party to the rivalries and factionalism that was rife in society. Jammeh and his co-coup conspirators aware of these anomalies in the GNA believed a coup could be successfully executed. Thus, a combination of personal grievances, political ambition, and greed alongside organizational/institutional failures were important contributory factors to the 1994 coup. Let us briefly complicate the analysis further by introducing yet another level of analysis:

(c) Societal and Environmental Factors:

25. Factors at this level are also crucial in shedding light on the causes of the 1994 coup. Analysts focus generally on variables that include history, economic groupings, or social classes, demographics, culture, and other factors subsumed under social, cultural, and belief structures. By the time of the 1994 coup, Gambian society had changed significantly from a family-based nation of various ethnic groups to one that was increasingly stratified along lines of wealth, education, privilege and prestige. Beginning in the late 1970s and amplified in the mid-1980’s by effects of structural adjustment, a distinct privileged class, of mostly career politicians, senior civil servants and a business stratum that enjoyed a relatively comfortable lifestyle, had emerged. This, against a mass of the population that, in general, lived in abject poverty.

26. Thus, politicians, alongside civil servants and business elite constituted a class identifiable by their dwellings, automobiles, their privileged existence that, in general, gave their children numerous advantages over less well-to-do relatives and compatriots. Legal and extra-legal access to state resources added to mounting popular and military resentment over poor distribution of income and wealth. In turn, these social and economic factors deepened existing class divisions. In time, social and economic cleavages became pronounced enough to inspire controversy and intense debate over income and economic inequality. These debates were very much a reflection of the times, as growing political awareness inspired by various politically oriented youth groups, “*Vous*,” including the *Kent Street Vous*, and *Terri Kaffo* (a group of friends in Mandinka). In addition, critical political ideologies from within and abroad

sharpened critical analysis of society and the regime, specifically. Yahya Jammeh moved to Banjul at the tail-end of this revolutionary uptick.

27. Political awakening among youth inspired by a blend of Pan-Africanist/Nkrumahist, Marxist, liberation, emancipatory politics from South Africa, and the 1960s Civil Rights Movement in the U.S., coalesced to serve as its ideological base. It was against this social and economic backdrop that the 1981 aborted coup must be situated. Its “leadership” seized these group, or class grievances to launch an attack with the sole intent of ousting the Jawara government. By the mid-1980s, ERP, though successful to some degree intensified economic hardship against a backdrop of a widening gap between the rich, and the poor (Hughes & Cooke, 1997). Thus, a confluence of these forces served as the basis and backdrop to the 1994 coup.

28. By the time of the 1994 coup, Gambia had transformed into a deeply divided social and economic formation. And it also became apparent that PPP and Jawara overstayed their welcome in power, which added another critical dimension to the growing expectation that elections alone could not and would not dislodge the government. And the 1992 presidential elections made this perception all the more evident, and was used as fodder to fuel this widely shared sentiment. And, as noted earlier charges of endemic corruption, inflated travel reports and per diems increased popular distrust in government and resulted in declining legitimacy for the government and the PPP itself. Internal PPP factionalism and growing distrust among its members, especially after Jawara’s announcement and failure to select a successor at Mansa Konko nursed perceptions of a power vacuum with growing expectation that the army needed to step in and avert further decline of the economy and polity. In sum, these societal/environmental factors greatly contributed to the coup.

(e) Sub-regional factors:

29. West Africa in the 1980s, up until the end of the cold war, and the so-called “Lost Decade” of the 1980s, witnessed great economic and political turbulence, partly precipitated by rising oil-prices. This resulted in the contraction of economies and economic growth throughout the so-called “developing nations” of the global economy. One major and immediate effect was political instability in the form of civil wars in Liberia and Sierra Leone in the sub-region, coups in Ghana and Nigeria and elsewhere. The Gambia’s role as a peace-maker under Sir Dawda’s watch, proved instrumental in dousing fires in Liberia, but at a high political cost to himself and the country (Saine 2009).

30. Despite internal social and economic strains, Gambia contributed troops to peace keeping efforts in Liberia under ECOWAS supervision. ECOMOG was the first peace enforcement mission to Liberia followed by the UN Mission (UNMIL) which came about in late 90s after the Jammeh coup. Many Gambian military personnel were to have their first taste of service overseas with markedly higher salaries compared to what they ordinarily received in Gambia. Funds from these missions, when they were paid helped returning soldiers to build new houses or improve existing ones. Returning soldiers who were not paid demonstrated against government in an effort to secure their much needed and deserved funds. In 1992, there were demonstrations at State House in Banjul by returning Gambian Soldiers who served with ECOMIG forces in Liberia over accrued unpaid allowances. Delay in these payments were indirect contributory factors to the 1994 coup.

31. Therefore, being an oasis of relative calm and stability, Gambia attracted to its shores an unprecedented influx of refugees from Liberia and Sierra Leone, which resulted in further economic strain on government coffers. Accordingly, the effects of general economic decline in the sub-region, coups, civil wars, and a mounting refugee crisis converged in a major way to lay the basis for the 1994 coup. The Captain Valentine Strasser coup in Sierra Leone, and the 1981 coup in Ghana and a military-ruled Nigeria had a demonstration, or contagion effect on Gambia (Saine, 1996). Therefore, in understanding the 1994 coup in Gambia, it is crucially important to dissect these sub-regional players, and forces that were at play at the time to gain deeper insights into it. Clearly, these were not the immediate precipitants of the coup. They were, so to speak, dependent variables. Yet, they served as important background factors.

32. It is important to also note in passing that these coups and civil wars, especially in West Africa, occurred during the cold-war when political instability in the form of proxy wars was rife- with the U.S. A., and the Soviet Union siding with opposite parties to a civil-war, or coup d'état. With the end of the cold-war in 1990, there emerged in much of the so-called Third-world, a rising movement toward "liberalization" and "democratization." Popular demands for democratic accountability and restoration of political freedoms became the new mantra alongside Neoliberal market reforms with little to no state intervention. The Bretton Woods institutions would spearhead these market reforms which were tied to political ones as well.

33. Thus, the 1994 coup occurred, paradoxically, at a time when the continent and the sub-region were slowly moving away from an authoritarian past- though not completely (Ceesay 2004). It should become apparent from the analysis above that the 1994 junior officer coup was

the consequence of many important and overarching variables that ranged from individual, organizational/institutional, societal/environmental, sub-regional and global political and economic factors. These worked, sometime in tandem to culminate in the bloodless July 22, 1994 coup. In a sense the coup was highly anticipated as rumors of an impending coup were widespread. Now that we have provided the political, economic, institutional, regional and global antecedents to the 1994 coup, it should be noted that problems internal to the army, including disparities in living conditions between Nigerian and Gambian officers, salaries, perceived obstacles to promotions, corruption and nepotism were important justifications for the coup (Saine 1996, Wiseman & Vidler 1995). These were sufficiently widespread grievances in the army and contributed in no small measure to the 1994 coup. Yet, in over half a century of research on military interventions in Africa, some coups, including the 1966 coup in Ghana, these conditions were more of a pretext to overthrow Kwame Nkrumah and other civilian leaders. That said, we now respond to the pre-assigned questions from the TRRC.

III: Pre-Assigned Questions:

ii. What were the circumstances and factors that enabled the gradual erosion of human rights and democratic norms and ultimately led to the creation, consolidation, and sustenance of the Jammeh dictatorial regime?

34. Political developments following the bloodless 1994 coup suggested little “leadership” commitment to democracy and democratic norms. In December 1995, Jammeh single-handedly appointed an eight-person Provisional Independent Electoral Commission (PIEC) to conduct both presidential and national assembly elections, and a referendum over a hastily drafted Constitution and voter registration. Primarily, the draft Constitution became Jammeh’s most important legal tool to engineer himself into power.

35. The Constitution was adopted on August 7, 1996 but not before the two five-year presidential term-limit had been expunged, and the forty-year presidential age requirement lowered to thirty, ostensibly to enable Jammeh contest the 1996 presidential vote. Restoration of the death penalty, and passage of Decree 45, which gave powers of search and seizure to national security officers undermined systematically Decree 3, which expressed the regime’s respect for human rights. Added to these was a pervasive atmosphere of enforced silence reinforced further by Decrees 70 and 71. Both Decrees required existing newspapers and individuals wishing to start one to post D100,000 (\$10,000 at the time) bond. Accordingly, the

press was muzzled, journalists systematically harassed and a “culture of silence” imposed. (Saine 2002).

36. Chairman Jammeh further eroded human rights and democratic norms in a bid to lay the foundation for his long-term political ambitions to hold on to power. On August 12, 1995, he issued Decree 89 to bolster his ban of all former ministers, including ex-president Jawara from participation in political activity. That the ban was to be in force for periods ranging from five to twenty years made it apparent that Jammeh was clearing his way to the presidency. Another pivotal moment in Chairman Jammeh’s ascendance and consolidation of his dictatorial regime rested in his calculated decision on April 12, 1996 to postpone the June 1996 presidential election to September 1996. Thereafter, Colonel Jammeh resigned his commission, and founded the Alliance for Patriotic Re-orientation and Construction (APRC) in preparation to contest the September presidential elections.

37. With Decree 89 already in force, Jammeh further required all presidential candidates to post a \$1000 deposit and secure the signatures of five hundred registered voters. Thus, in effect eliminating all but prospective candidates from minor or newly formed political parties from contesting the election. It became apparent that these measures targeted all post-independence political parties, and politicians, except smaller and newly formed parties like the United Democratic Party (UDP). In doing so, it left the presidency virtually open for Jammeh’s taking. Furthermore, Jammeh proceeded to truncate the campaign period from September 9-15, which severely limited the opposition candidates. Yet, APRC stalwarts and Jammeh himself were not affected, or circumscribed by this limited campaign period, as they had made several trips to the provinces, including, “Meet the Farmer’s Tour,” clearly to canvass for votes.

38. Another important factor that led to the erosion of human rights and democratic norms, and resulting in the creation, consolidation and sustenance of the Jammeh dictatorial regime lay squarely in his use of the state and clandestine security agents to beat, arrest, kill, disappear and maim ordinary Gambians, that included journalist, dissidents, and perceived opponents and dissidents. Established under Decree 45, in 1995, The National Intelligence Agency became the visible repressive arm of the AFPRC and effectively replaced the National Security Service (NSS) under Jawara. Created initially to curb dissent within the army, its role expanded overtime to target civilian critics and dissidents, especially journalist and opposition politicians. Overtime, it built a reputation around killings, torture, disappearances, and abductions. In April 2016 (leading to the December presidential elections) Solo Sandeng was

tortured to death, while Fatoumata Jawara and Nogui Njie, among others were brutally tortured, and raped by security personnel. Thus, the NIA became an extension of Jammeh's office and engaged in torture and killing even of members of the armed forces suspected of disloyalty. The alleged killings, now confirmed by TRRC Hearings of Abdoulie "Dot" Fall, Basirou Barrow, Fafa Nyang, Gibril Saye and several others on November 10 and 11, 1994 allegedly for attempting to overthrow the AFPRC regime speaks to the extent to which Jammeh would go to eliminate his perceived opponents and enemies.

39. Thus, Jammeh was aided in his quest to consolidate his rule by the "Green Boys" and the "Junglers"- both vigilante groups that terrorized perceived enemies of the regime and their relatives. The murder of Ousman Koro Ceesay in June 1995, the second finance minister after the coup, was emblematic of the sheer disregard for human life and human rights. Alhajie Kanyi in his testimony to the TRRC recounted how Koro was lured by Captain Edward Singnateh to Captain Yankuba's Touray's home where he was severely beaten and shot. Countless other killings, now confirmed by TRRC hearings, including retired Captain Sadibou Hydera, and subsequent imprisonment of retired Captain Sana Sabally, the then vice-Chairman of the AFPRC were indications that Jammeh would spare no effort to weed out his perceived opponents and enemies. Thus, violence and intimidation served as the instruments and subsequently aided in the consolidation of Jammeh's rule and regime.

40. Another important plank upon which Jammeh's power was built and consolidated was the judicial branch of government, or what was left of it. Run by handpicked foreign judges of mostly Nigerians, this group succeeded in subverting the legal process, and used this vital branch of government to imprison Jammeh's opponents so as to consolidate further his tight grip on power. In time, the judiciary in the hands of Nigerians became a tool in Jammeh's arsenal to maintain power. Political opponents of Jammeh described the judiciary as a "mercenary judiciary." It was clear to most Gambians that justice was never rendered but was systematically subverted in the service of Yahya Jammeh. Yet, it was not Nigerian judges alone who aided Jammeh's power grab and consolidation. Key Gambian legal luminaries, including junta's first Attorney General and Minister of Justice, Fafa Edrissa Mbai, allegedly helped draft and enforce draconian decrees and laws to keep Jammeh and the AFPRC, in power. Emmanuel Joof and Lamin Jobarteh, among others, who served in this position after the transition to "civilian-rule" were similarly branded as having been complicit in Jammeh's subversion of justice to remain in power. The Gambia Bar Association (GBA) once a vibrant legal organization was effectively silenced and some of its members variously coopted with

monetary and promotion inducements to serve in legal cabinet-level positions. There was ultimately a polarized and deeply politicized Bar Association that was recreated as part of Jammeh's diabolical strategy of divide and conquer policy. Various Nigerian Chief Justices followed suit and became effective tools of Jammeh. Yet, cooptation and inducements were not limited to legal professionals but were also extended to senior civil servants who served Jammeh in various cabinet-level positions that included Gambia's "best and brightest."

41. While Jammeh's rule was supported, perpetuated, and consolidated through political, legal, and very violent means there also was/is a cultural and social infrastructure that helped sustain his regime. Though diverse along ethnic, religious and other dimensions, Gambians are united by core cultural values that include a belief in family, hospitality, respect for elders, and reverence for leaders. While these elements have eroded considerably, they remain to some degree. Also, being a demonstrably "religious" society, Muslim and Christian beliefs reinforce these core cultural values to produce a blended, or syncretic belief system. As we noted earlier, this was underpinned by a belief in angels, gins, evil forces that operate among humans to shape both good and bad outcomes in society and lives of individuals. African traditional/syncretic beliefs and worldview(s) also subscribed to the belief that some individuals in society are imbued with certain magical, supernatural, and spiritual abilities. These, to aid, alter and, or negatively impact a person's life, such as in marriage, wealth creation, education or in averting impending doom and disaster in one's life or profession.

42. Thus, religious leaders and marabouts, sometimes one and the same, wield considerable power over all aspects of society. In doing so, they not only serve as intermediaries and intercede on behalf of and between believers and God, but they also help legitimize those in power. The belief that a "leader" is sanctioned and installed by God, is commonly shared by all- the sub-text of which is: one does not challenge leaders installed by God, because when you do, you challenge God. Culturally, the Wolof saying, which has parallels in other Gambian languages, that "an egg does not wrestle with a stone," (*nen du burreh ack deuch*), implores citizens to obey, not challenge the status-quo, even under brutal conditions. The refrain is to "leave it all to God." Most Gambians internalize these cultural and religious beliefs by the time they are ten years old. Traditional healers also play a vital role in addressing the spiritual as well as the medicinal needs of traditional believers, Muslims, and Christians alike.

43. Yahya Jammeh appropriated many of these cultural beliefs to supplant dissent. Jammeh would frequently urge Gambians to believe in Allah, as He had willed that he, (Jammeh) would

become chairman and later president of the country. And, that nothing anyone did could change the will of Allah. Jammeh, therefore, often invoked this belief to attack his opponents, as well as foreign donors who pressured him to take on important and well overdue political and economic reforms. For example, when asked from where he received financial assistance (well before it became known that Taiwan was underwriting many of the AFPRC's development projects) Jammeh's characteristic response was: "Allah's Bank."

44. Jammeh also built an undeserved reputation as a traditional healer who could cure HIV/AIDS, asthma, hypertension and enable infertile women to conceive. In fact, he claimed to have had powers to heal beyond what is listed here. His nationwide campaign to rid Gambia of witches and witchcraft also stemmed from a widespread belief deeply rooted in Gambian society. He administered foul potions and drugs to individuals suspected of witchcraft, political dissidents, perceived and sometimes suspected opponents, to induce hallucinations. These in turn, added to his ill-gotten reputation as a person of special means to heal and secure his rule. I have also argued elsewhere that Jammeh's ventures into the healing profession resulted from a healthcare system that had miserably failed to deliver the most basic of services to Gambians, especially the poor.

45. In time, Jammeh (mis) used his alleged healing powers to engage in wild sexual escapades with young women. He taunted Gambian men to surrender their wives to him if they needed proof of the efficacy of his concoctions. At another level Jammeh made these utterances to drive a political wedge between husbands and wives, and between women and men, generally-given that women were an important constituency in his many electoral victories. Together with religious leaders whom he courted and won with generous gifts, his putative acts of piety and threats added significantly to Jammeh's political longevity and consolidation of his grip on power. Many would go to the extent that he was installed by Allah and whoever opposed Jammeh opposed Allah.

46. Resistance and self-determination though permissible in Islam were downplayed by him and imams in favor of a more conformist and docile political response. Thus, among most Gambians, only Allah could oust Jammeh and when he lost the 2016 presidential elections, most attributed it to the will of God, and not to the electorate. The Imam Ratib of Banjul, Imam Cherno Kah, was at his beck and call. He, in particular, blessed Jammeh at state functions, prayed for him during Friday sermons and visited State House to share in Jammeh's loot of Gambia's meagre resources. These prayers, notwithstanding, could not avert Jammeh's fall.

47. In sum, a cultural infrastructure informed and reinforced by religious beliefs in a country of professed Muslims and Christians helped support Jammeh and sustained his rule. This cultural infrastructure was, likewise, used by Jammeh to rationalize his draconian rule and abuse of human rights, specifically. Ultimately, a combination of military decrees, (mis)use of the judiciary, and repressive arms of the state alongside a cultural and ideological superstructure helped sustain Jammeh in power.

iii. Explain how former President Yahya Jammeh evolved from a low-ranking military ruler to a deified dictator presiding over a regime marked by allegations of widespread violations and abuses.

48. It is against the backdrop above that President Yahya Jammeh evolved from a low-ranking military ruler to a deified dictator presiding over a regime marked by allegations of widespread human rights violations and abuses. To buttress the discussion above, it is important at this point to focus on the personality, or idiosyncratic dimension of Yahya Jammeh, the man. What were/are his values, perceptions, mores, ideology, and worldview? What social, political cultural and professional forces shaped him? Responses to some of these questions were provided earlier. To delve deeper into them, I turn to political psychology to further explore Jammeh's "Operational Code," that is, factors that informed his decisions and made him behave the way he did.

49. However, before doing so, it is important that Gambians, in general, be disabused of the belief that Yahya Jammeh was not a Gambian- implying, he lacked the cultural comportment, and empathy Gambians are believed to possess. Contrary to the popular notion that Yahya Jammeh "was not one of us," that if he were Gambian, he could not, and would not be capable of committing horrific crimes against Gambians. I contend, that Jammeh is as Gambian as they come. He is quintessentially Gambian and exemplified the best and worst of Gambia's national attributes, cultural heritage, and baggage.

50. Following the 1994 coup Jammeh (and his co-conspirators) held out the promise of a reformer dedicated to addressing social and economic ills in society. By the end of his first year in office, however, troubling and destructive tendencies emerged that linked him to other dictators in the continent and elsewhere. His quest for absolute power, propelled by greed, jealousy, self-delusion, and self-aggrandizement surfaced to the top of his grandiose political agenda. Thus, Yahya Jammeh is the embodiment of the best and worst of Gambian culture, shaped as he was by a cultural, social, religious, and the ideological environment within which

he, like most Gambians, grew up under. (I will return to this argument later when I discuss why the likes of Alhaji Martin and Alhaji Kanyi engaged in murderous rampage, and to inflict unimaginable pain and suffering on prisoners like Sadibou Hydera and Sanna Bairo Sabally. And, similarly, why before his arrest and gruesome torture, Sana Sabally, as second in command, presided over a reign of terror, that included the calculated and cold-blooded executions of military officers on November 10 and 11, 1994). Sabally's testimony was chilling, as it highlighted how military officers accused of staging a coup on November 10 and 11, were systematically, and brutally executed.

51. While controversy swirls around his place and date of birth, and who his mother was, and his early religious upbringing, what is clear is that young Yahya Jammeh's formative years were spent in an African/Jola village setting and traditions. Here, he was exposed to the beauty of a close-knit family in a community immersed in rich Jola culture. Like most Gambians, young Yahya's formative years saw him participate in traditional festivities and lived life, care-free, as most boys do (not girls) in Gambian society. Young Yahya, also the by-product of a western-style education grew up in a society in which Muslim, Christian and African traditional belief systems co-existed side-by-side.

52. At age ten or eleven, like most boys in rural Gambia, Jammeh went through the expected rite of passage - circumcision. Following a period of seclusion in the bush, Yahya would return to his village of Kanilai with a fairly formed triple consciousness stemming from: (a) rich Jola culture with a pantheon of gods, (b) Islam and Christianity - traditions in which he may have been immersed only partially, and (c) western formal education and values. It is these overlapping, interconnected concentric impulses, that were at times complimentary and at other times contradictory, that swirled in his young mind.

53. By age twelve, Yahya would move to the city of Banjul where he was bombarded by a bigger, more ethnically diverse, wealthier, and more sophisticated city-folk and peers. He quickly takes in the city culture to become a "ndongo," fully aware of his marginal status as a boy from the village and marginalization as a Jola. At Gambia High School, Yahya showed promise but harbored deep resentment against his more privileged peers from other ethnic groups and social classes. This likely began young Yahya's political awakening which may have been burnished by spirited debates and discussions over PPP-Government ineptitude, corruption, and resentment. Enjoying limited opportunities following graduation, Yahya, unlike his peers with social connections to ministers and senior civil servants, gravitated to the

army- his relatively rigid personality and proclivities being the main driving forces for enlisting.

54. Yet, even in the army, life though slightly better remained a struggle- surviving on meagre wages, inadequate food rations and living quarters while the civilian political and economic class and their counterparts in the army lived comfortably. By the time Yahya acclimated to the military his worldview, or his cognitive map, began to crystalize. The world, from his vantage point was grim, unfair, and unjust. The rich took advantage of the poor and his socially marginalized Jola ethnic group enjoyed fewer opportunity for social mobility in the army, civil service, and society at large. Yahya's social-construction of the world was that of a "dog-eat-dog world," where you had to act fast and decisively to outsmart the "enemy." These dim views blended well, generally, with negative traditional, Muslim/Christian beliefs and were reinforced by his military training and organizational military culture. In sum, Yahya was/is a "political realist."

55. Professionally, Yahya rose through the ranks and given what promise he showed was sent overseas for officer training. There, military strategy, and operational techniques he learnt earlier were honed further. During his training overseas he may have even read Machiavelli's, *The Prince*, an instructive manual on how to seize, control and maintain power. More important, perhaps was how to deal with adversity in the face of looming dangers, disloyalty, and betrayal. He might have read other books, articles, watched a few war movies, posed probing questions to his instructors and certainly engaged in some spirited discussions, as he had in the past, with his officer training peers and teachers.

56. Coming off age during the cold war when Africa, and the West African region, in particular, was run by military dictators, Yahya had many "leadership" examples from which to model himself. The likes of Idi Amin, Mobutu Sese Seko, Sani Abacha and most certainly Jerry Rawlings of Ghana. In fact, following the 1994 coup Jammeh's political rhetoric and transition strategy back to "civilian rule" was lifted from Rawlings' manual. Not surprisingly, President Rawlings was the guest of honor marking the first anniversary of the coup in 1995 (Saine 2000, 1996).

57. In sum, Yahya Jammeh, the dictator has a cognitive map that is the byproduct of his African/Jola heritage, religious upbringing, education (Islamic, Christian, and traditional Jola) experiences in his village and certainly in Banjul. To this must be added his initial training in the army, officer training overseas and his exposure to various intellectual and professional

currents. Being a child of several worlds, like most Gambians, he had enough imagination to dip from any one of these traditions or their combination(s) to form his Operational Code. These would have been the prisms through which he analyzed situations and challenges to important policy decisions. To some degree, this may explain what appeared to most as his contradictory and often confusing behavior. While professing to be a “good” Muslim, Jammeh is known to take mind-altering drugs, engage in wanton acts of cruelty and debauchery, all the while consulting a pantheon of gods, praying to Allah and Jesus, and engaging in alleged human sacrifice.

58. He was also a deeply suspicious, cynical and narcissistic individual who, in the latter days of his (mis) rule, exhibited all the pathologies of a “leader” gone mad. Power-drunk, Jammeh felt he owned the country and all that resided in it. It was his country, and no one dared tell him how to run it. Oddly, Jammeh was also a bright and socially competent Gambian/person who had a sense of humor and could dance to Bob Marley tunes and gyrate to the music of Jaliba Kuyateh and Youssou Ndour. And, in his quiet moments may have even contemplated the moral, and ethical implications of his deadly actions. This is where, it would appear he exhibited a serious case of cognitive-dissonance.

59. In sum, Yahya Jammeh is a political animal who understood his soldiers, and “human nature,” well. He also comprehended the general worldview of most Gambians, which he used, abused, and manipulated to expose the shady tendencies in them. He knew and used to his advantage ills of the so-called Gambian-personality: greed, lust for power, pride, a competitive streak to out-do one another, socially and economically. Many elite civil servants who danced to his tune ended disgraced, rehired, and forever silenced and discredited. Jammeh knew and understood well their weaknesses and hunger for power, and he ensnared this part of their personalities to serve his perverse mission to control and dominate Gambia’s political landscape. Predictably, many, too, would have acted like Jammeh, if placed in a similar position.

iv. Provide a general overview of the nature, extent, system and pattern of alleged abuses and violations of human rights that were characteristic of the Jammeh regime. This should include an overview of the experiences of different social groups, including women and children.

60. In assessing the extent, nature, and patterns of human rights violations under Jammeh from 1994-2017, it is vital for analytical purposes to briefly divide the discussion into the traditional

baskets, or generations of human rights that stem from the 1948 United Nations Universal Declaration of Human Rights, and which were ratified by a majority of U.N. member states. Primarily, these are: (a) Convention on Political and Civil Rights, (b) Convention on Social and Economic Rights, and (c) Convention on Group and Cultural Rights. Established in the aftermath of WWII, these conventions were deeply politicized arising as they did in politics of the cold war, when the U. S., and her European allies privileged political and civil rights. The Soviet Union downplayed them to focus on Economic and Social Rights.

61. Numerous other conventions have since been ratified that include the Convention on the Elimination of all Forms of Discrimination Against Women ((CEDAW). The Group and Social Rights Convention would lend cultural and cultural specificities to regional charters, such as the Banjul Charter. These, to some degree helped dampen what many critics argued was a western-driven and culturally insensitive agenda. *Sharia*, and *Sunnah* legal principles derived from the *Qur'an* and *hadith* (the sayings and practice of Prophet Muhammed, respectively) are good examples of this concession while constituting another important plank in discussions over universal human rights. Generally, they proffer justifications for practices relative to a people, and, as a consequence, may potentially contradict foundational elements in the Universal Declaration.

62. Liberal accounts of human rights, some critics argue privilege individual rights over economic rights and the more critical of them, Neo-Marxists contend that western conceptions of human rights pay too much attention to property rights at the expense of the poor and working classes. Even liberal feminists much less socialist and standpoint feminists see these rights as only reinforcing male privilege, patriarchy, and domination by an imperialist, global capitalist system.

63. Pan-Africanists, including critical race theorists, contend that who was considered “human” and possessed/enjoyed rights were extended to white-male property owners, certainly not black, yellow and red men, and by no means black and white women, specifically. In sum, the western model of rights is in some circles perceived as “socially-constructed,” and reflective of the interests of the powerful. Thus, these generation of rights are derisively dubbed “bourgeois rights.” It is these rights that have, however, been universalized, codified, and foisted on other countries. Some scholars consider this as a visceral instance of western hegemony, and inspiring in its wake a “counter-hegemonic, counter-enlightenment discourses” (Sheppard, Porter, Faust & Nagar, 2009). I will briefly discuss the generations of rights.

(a). Convention on Political and Civil Rights

64. Political philosophers of the English Enlightenment in the 16th and 17th Centuries that included Hugo Grotius, considered father of international law, Thomas Hobbes, and John Locke have singly and collectively influenced modern human rights laws along a liberal view. This convention is underpinned by two important pillars:

1. Human beings possess inalienable rights to life, liberty, and the pursuit of happiness. Under this convention states are obligated to protect citizens to freely exercise rights to expression, assembly, religion, fair trial, and the vote, among others (Lamy et al., 256 - emphasis added).

2. The primary function of government is to protect these rights, including property and political institutions are to be judged on their performance and political obligation rests on their successful delivery. Thus, political life is based on a social contract between people and government (Lamy et al)

65. Yahya Jammeh's general views, or notions on human rights, were in varying degrees, influenced by western, Islamic and African human rights principles. Though lacking coherence and precision, he generally used these elements from these traditions, or their combinations to justify his human rights pronouncements. For example, following the coup, Jammeh emphasized economic, over political, and civil rights through his expansive infrastructure developments that saw construction of hospitals, high schools and a university. In the dying days of his regime, however, it appeared Jammeh predicated his human rights pronouncement and decisions on the *Qur'an* and *Sharia*, especially, his intolerant stance against homosexuality and in declaring Gambia an Islamic State. The selective use and abuse of human rights principles were indeed self-serving, as Jammeh routinely denied self-determination, and self-expression rights which are enshrined in *Sharia* (Hunt & Kahlmeyer, 2007).

66. Jammeh also appropriated from his interpretation of African/Gambian culture(s) to critique the "West" over homosexuality, as entirely foreign. Similarly, when in the early days after the coup he implored journalists to become the "watchdogs" of the new political dispensation, he was invoking press and information freedoms consistent with western human rights norms. This would, however, change drastically when Jammeh singled out journalist for ridicule, vile

insults, and targeted killing and disappearances. Deyda Hydera was gunned down in December 2004, by agents in Jammeh's pay, while it is widely believed that Journalist Chief Ebrima Manneh was also subjected to enforced disappearance and killed by one of Jammeh's private military outfits.

67. Jerry Rawlings of Ghana, was yet another influence that shaped Jammeh's political, economic, and human rights rhetoric. Rawlings' strident rhetoric against Ghana's political elite and legal establishment and promises of ridding the country of corruption and other vice reflected Rawlings' imprint on Jammeh. Against this short backdrop, it is now possible to locate, albeit, briefly the characteristic nature, extent and patterns of alleged human rights violations and abuses under Jammeh.

68. The Gambia's First Republic under Sir Dawda subscribed heavily to western human rights norms, and as a consequence, was considered a "democrat," and Gambia a model of democracy (Hughes and Perfect, 2006). In the Second Republic this changed. Human rights norms and their observance, in general, deteriorated rapidly under Chairman Jammeh resulting in the gagging of the press, and deportation of foreign journalists. Gambian journalist, on the other hand, were singled out and targeted for arrest, torture, disappearance, and assassination. The brazen assassination of Deyda Hydera, and disappearance of Chief Manneh, represent gruesome rights violations to silence journalists.

69. Added to these, were odious Decrees (70 & 71) from the time of military-rule, and the 2002 Media Commission Bill issued by the APRC to further muzzle, what otherwise, was a relatively free and vibrant press in the First Republic. For instance, under Jammeh's watch premises of the *Independent* newspaper was torched, resulting in significant loss of equipment and injury to a guard who secured the premises. The newspaper's publisher and Editor-in-Chief, Baba Galleh Jallow, and Alagi Yorro Jallow, managing editor of the *Independent*, subsequently left the country for the USA (U.S. Department of State Country Report on Human Rights 2005). The well-regarded Halifa Sallah, Sidia Jatta, Deyda Hydera, Pap Saine, Baboucarr Gaye and Ebrima Ceesay and Ebrima Sankareh were among the first victims of Chairman Jammeh's media crackdown in 1995³. Sallah and Jatta were subsequently charged with a technical breach of the law. Baboucarr Gaye, in particular, was to also suffer immense

³ In addition to U.S. Department of State Report on Human Rights in The Gambia, 1995-1999; see Saine (2009), *The Paradox of Third-Wave Democratization in Africa*, chapter 6, pp. 73-94.

repression in the hands of the regime following closure of his radio station, Citizen FM, in 1998. Many contend that this led directly to his untimely death (Saine 2009).

70. Lorraine Forster, the then advertising manager of *The Daily Observer* was also detained for reporting defection of AFPRC Spokesman, Captain Ebou Jallow to the U.S.A (Wiseman 1996). Fatou Jaw Manneh was arrested, and charged (AllAfrica.com., March 29, 2017). She was subsequently tried and convicted and fined \$12,000, on 18 August 2008 for an article she had written that was deemed critical of the regime (Amnesty International Report 2009: Gambia). In sum, journalist suffered routine arrest, beating, with several losing their lives. Many Gambian and non-Gambians journalist, in the end, were forced to flee the country (Saine 2009). The list is long but it is worthwhile naming a few: Momodou Kebbeh, D. A. Jawo, Amie Joof-Cole, and dozens more lived in self-imposed exile elsewhere (Saine 2009). By 1996, the “honeymoon between Jammeh and the press, according to Ebrima Ceesay, had ended (Ceesay 2006).

71. Human Rights violations were not limited to journalist alone. In December 2003, Ousman Sillah, a prominent lawyer narrowly escaped with his life following an assassination attempt⁴. And numerous civil servants and perceived opponents of the regime that included leaders and members of political parties were subjected to arrest and others forms of rights violations to silence them (Amnesty International Report 2008: Gambia). In the end, fear and a so-called “culture of silence” enveloped the entire country and ordinary citizens were not spared Jammeh’s wrath, as rights to assembly were feared and frowned upon by the regime (Ceesay 2006).

72. The AFPRC often received high scores from Amnesty International and the U.S. Department of State and several human rights monitoring groups for protecting religious freedoms. And rights of citizens to freely worship were seldom breached. However, Christians felt their rights to freely worship threatened and violated when Jammeh unilaterally declared Gambia an Islamic State, and proceeded to require female civil servants, many of them Christian, to veil while at work. Apparently, Jammeh was pandering to Arab and Middle East donors to underwrite a State that had been rendered bankrupt, in part, because of systemic corruption, and Taiwanese cessation of financial assistance.

⁴ This was by far the most brazen attack on a legal professional in Gambia’s contemporary history. Mr. Sillah survived his bullet wounds and in an interview with the author at his home in Raleigh, North Carolina, in July 2008, Mr. Sillah detailed the harrowing attempt on his life. Also, see, “Lawyer Ousman Sillah Explains How he Survived an Assassination Attempt,” *Gambiana.com.*, July 29, 2019.

73. In this regard, Jammeh's Islamic State decision and especially his venomous attacks on gays and the west signaled a strategic foreign policy ploy. In this and other instances, Jammeh justified his ill-conceived policies on Islamic and African human rights precepts that, in themselves, are deeply homophobic (I will discuss the gay community under "group" rights). The Ahmadiyya, a small fringe Muslim sect had often suffered persecution, not from government, per se, but from elements in the majority *Sunni* Muslim community with little to no government intervention to halt it.

74. In fact, many orthodox *Sunni* Muslims in Gambia do not consider the *Ahmadiyya* legitimate Muslims and refuse to be buried in the same burial sites. Similarly, traditional worshipers, who are even fewer in number, though not deprived of their rights to worship, are looked down upon as "infidels" who are irreversibly destined for hell- a view held by all monistic faiths. The rise of political Islam and its concerning and rapid resurgence in Gambia has produced intense intolerance to all "quasi" Islamic practice but the more orthodox, Saudi-sponsored Wahhabi tradition (Darboe, 2004). Such an inhospitable religious environment has not been seen in the country perhaps since the Soninke-Marabout Wars of the early 19th century. It is therefore, pockets of Jola, Serer and Fula who stand to suffer from these violations- rights violations that legitimately fall under third generation of group and cultural rights. Jammeh, a Jola himself did not specifically target these groups on religious ground- it was the Mandinka that he singled out and sought to ostracize⁵ (this will also be discussed under group and cultural rights).

75. The administration of justice, and the right to fair trial suffered irreparable damage under both the AFPRC, and the APRC regimes. Perhaps, it is in this area where Gambians' rights suffered most. Jammeh having politicized the entire justice system by hiring hand-picked Nigerian or "mercenary judges" used it as the repressive arm of the executive branch. Political opponents and suspects were handed severe sentences and fined for alleged crimes that were not commensurate with the charges leveled against the accused (UK Home Office Country Assessment: The Gambia, January 2014). Suspects, and accused individuals, in general, were also held well beyond the seventy-two-hour detention threshold in detention centers, jails, and, or prisons that were less than optimal. While at these facilities, the accused and convicted were

⁵ Yahya Jammeh's attacks on Mandinka had been consistent throughout but were veiled and targeted against Ousainou Darboe. Each election cycle beginning in 2001, and especially the 2011, and 2016 Presidential elections saw a surge in these ethnic attacks. For a detailed discussion of this, see, Essa Njie, Abdoulaye Saine, "End of the Billion Year President," *Journal of African Elections* (October/November 2019).

often subjected to torture of the most unimaginable kind(s). Samsudeen Sarr's book, *Coup D'Etat by The Gambia National Army* (2007) describes in graphic detail the summary execution of Gibril Saye, "Dot" Faal, Fafa Nyang and several others. Amadou Jallow (OJ) and Lamin Waa Juwara both sustained lasting injuries because of torture. Conversations with them and their testimonies at the TRRC attest to the severity of their ordeals.

76. Also, with the restoration of the death penalty shortly after the coup (U.S. Department of State Country Report: The Gambia, 1995), Jammeh used it, as a means to fight soaring crime. Execution of nine death-row inmates in 2012, ignoring all pleas for clemency and to commute all sentences to life, which went unheeded (BBC World News, 24 August 2012), was by far the lowest point in Gambia's criminal (in)justice system. These executions sent the entire country and international community reeling from this sheer miscarriage of justice that had all the sinister markings of political expediency. In some quarters, the executions were viewed as cases of "human sacrifice," possibly ordered by Jammeh's idols to keep himself in power. Given Jammeh's faith in the occult, this is not far-fetched. In fact, both underlying reasons or motives are tenable. It is also clear from numerous witness testimonies at several TRRC hearings, that there were numerous instances of extra-judicial killings by APRC Junta members and their underlings sanctioned by Jammeh himself (Gambiana. Com, July 29, 2019). November 11, 1994 victims, as well as killing of Ousman "Korro" Ceesay by Edward Singhateh, Alhaji Kanyi, Yankuba Touray and Peter Singhateh revealed that Yahya Jammeh was complicit in these murders. Thus, rule of law, and especially right to a free trial was generally denied citizens. These were compounded further by disproportional punishments meted out for alleged crimes. This became the hallmark of both the AFPRC and APRC under Jammeh.

77. While the right to vote was widely enjoyed and enforced by the authorities, it too, was routinely compromised because of tainted electoral processes in which elections were rigged in favor of Jammeh and his A(F)PRC party. Here too, Jammeh single-handedly appointed commissioners and chairmen of the Provisional Independent Electoral Commission ((PIEC). They in turn, became complicit in engineering the electoral process and results to maintain the status-quo. In doing so, the principle of free and fair elections, like fair trial, was egregiously violated in all the presidential elections from 1996 to 2011. The electoral process itself, as well as the numerous electoral laws, including first-past-the-post, financial and signature requirements also made it an inherently uneven playing terrain. In the end, Jammeh alone was to dominate and triumph over weak and poorly financed political parties. Violence and

intimidation during electoral campaigns also became important weapons in Jammeh's arsenal to undermine elections and sanctity of the "free" vote.

78. To these must be added vile language used against political party leaders and their supporters in an effort, to suppress voter turnout. Jammeh, in previous electoral campaigns had repeatedly called Ousainou Darboe a "drunkard," "womanizer" and his supporters as "donkeys" (Saine 2009). Perhaps what was most subversive of the vote under Jammeh, was the buying of votes, or voter's cards to deny opposition parties a chance to win at the polls. Yet, Jammeh, in all the presidential elections except the 2016 had his co-ethnic Jolas cross the border from Casamance to participate in selecting Gambia's next president. In the 2001 Presidential election, for instance thousands of Jammeh sympathizers voted in the elections (Saine 2002). Another important means that ensured Jammeh's victory at the polls was counting of votes itself. Counting of electoral votes from different constituencies was often marred by dishonesty and inflated results. All these, and many more electoral malpractices worked in Jammeh's favor (Saine 2002).

79. It follows, therefore, that while Election-day itself would have been generally orderly, as Gambians cast their votes for their favorite candidate, the very process and outcome itself would have been rigged right from the start. Thus, the spirit of the law that underpins and informs the right to vote in free and fair elections and for each vote to count equally were systematically and consciously breached. In a cruel joke, Gambians were lured into participating in an electoral process to legitimize election results and "elect" a candidate that had been engineered with predictable outcomes. In the end, the proverbial social-contract was violated, in part, to satisfy the then mounting emphasis and support for electoral politics in Africa and elsewhere.

b. The Convention for Social, Economic and Cultural Rights:

80. Second-generation human rights entitle citizens to enjoy rights that include: employment, housing, healthcare, food and education. These represent as clear a commitment to Soviet socialist and Marxist principles. The latter postulates that a global capitalist class will make limited concessions for some human rights but none to challenge or undermine its economic interests or base. Thus, the right to a quality of life and access to societal resources and their equitable distribution is antithetical to the capitalist mode of production (Lamy et al 255). This

is because the tendency for profits to fall globally coupled with intense levels of worker exploitation by capitalists would give rise to imperialism.

81. These, in turn, would generate major class contradictions and conflict in both core and periphery countries (Wallerstein, 2000). To resolve these contradictions workers around the world needed to unite to rid their countries of the capitalist class. Also, emerging in cold war politics, this convention had and to some degree still enjoys some appeal among some emerging economies of Africa, Asia, and Latin America even in the face of a Neo-liberal driven economic globalization. What is also worth nothing is this generation of rights sharply contrast the first generation.

82. Chairman Yahya Jammeh modeling himself after populist Jerry Rawlings of Ghana also appropriated a broad-based appeal, quasi-socialist agenda and made a gallant effort to improving the social, and especially the economic rights of less privileged Gambians. His ambitious infrastructure agenda saw the construction of numerous schools, hospitals, and establishment of the University of the Gambia. This provided opportunity to many students, as well as civil servants supportive of his party and agenda to acquire higher education and job promotions, especially among the marginalized Jola, who for the most part, occupied the lower rungs of the social pecking order. Unequivocally, Jammeh undertook a bold affirmative-action plan to promote Jolas in high positions of authority especially in the security forces (Reid, *The Atlantic*, March 2016). Today, the effects of this policy are still felt, as many senior officers in the civil, security and other services are occupied by his former appointees who are mostly Jola. This, to further consolidate his grip on power. Construction of Gambia's first television station was remarkable, as it became both a source of entertainment and a propaganda tool to promote and spread Jammeh's views and activities (Ibid.).

83. This too may have heightened Gambians' social awareness both at the global and local levels. Gambians became more worldly, partly because of the new television station, as its entertainment menu that ranged from Spanish soap-operas to wrestling and soccer matches from Europe and neighboring Senegal. Jammeh not only promoted cultural renewal by organizing a yearly Root's Festival in May of each year, he unapologetically promoted Jola culture and religion, especially in his hometown of Kanilai. He did all these, as would most politicians to promote his own political agenda and his party's. The television station, GRTS, was his political platform. He succeeded, as a result, in building around himself a cult following and convinced many that he possessed supernatural powers. Jammeh claimed, for instance, that

he could cure HIV-AIDS, infertility, hypertension, and diabetes, among other afflictions. He administered potions to gullible patients, many of whom lost their lives (Nossiter, 20 May, 2009). Political opponents were targeted, as a means of silencing them.

84. Nonetheless, economic performance and well-being rights of Gambians took a big hit, as a result of Jammeh's poor handling of the economy. Relying predominantly on both external and domestic borrowing to carry out infrastructure projects, the economy took a nosedive to the detriment of average Gambians who found it increasingly difficult to make ends meet. Also, official corruption soared resulting in the concentration of wealth among the military and security brass, and APRC-party loyalists. Senior civil servants also benefited disproportionately when compared to their junior counterparts and the bulk of Gambia's population that lived a precarious economic and social existence. While some of these monies trickled down informally through patronage to help sustain the lower strata of Gambians, it did not filter down deep enough to address the rising number of Gambians living in abject poverty. Jammeh himself became filthy rich and lived in opulence which most Gambians could never imagine. The Janneh Commission has now revealed Jammeh's estimated assets to have included, bank accounts, a fleet of cars, an airplane, in-country and overseas properties that add up to billions of dalasi. This occurred while over a half of Gambian's 1.8 million people remained trapped in a vicious cycle of poverty, hunger, and ill-health.

85. In fact, the Janneh Commission, and Attorney General and Justice Minister have since revealed that Jammeh misappropriated millions of dollars from the Gambia's Central Bank, as well as other government owned institutions, such as the Social Security and Housing Corporation (SSHC). He had, for all intent and purposes, transformed these financial institutions into his own ATM. By the end of his rule, Jammeh had literally emptied state coffers to purchase a fleet of high-end car purchases, an airplane, expensive trips and investments on land, bakeries and any venture that could potentially grow his wealth. He was easily the wealthiest person in Gambia and ranked amongst the wealthiest African heads of state. According to the Attorney General and Justice Minister, Tambahou, Jammeh, in the span of twenty-two years stole approximately \$362 million (Reuters, 2017). Another source puts Jammeh's total wealth at \$1 billion (Sharife and Anderson, 2019). When he went into exile, he left behind a highly indebted poor country in deep economic malaise. And a poverty-stricken people whose hopes for better living conditions and improved economic wellbeing dashed. Monies spent on luxuries and syphoned through corruption could have been, otherwise, utilized to improve maternal, childhealth, and nutrition programs for school children, build a library for

University of The Gambia (UTG) and a raft of other social needs. It is on this score that Gambians, especially the poor, women and youth suffered the most severe violations of human rights. Corruption has a direct and immediate negative effect on social and economic well-being of citizens. Each misappropriated dalasi is a dalasi that could have, otherwise, provided for the immediate needs of Gambians. Thus, corruption constitutes structural-violence, as it kills indirectly when children and adults do not have adequate access to medications for common ailments. When student-learning facilities are less than adequate, students and staff, by extension, cannot perform optimally. As a result, it robs the nation of well-trained personnel and their potential contribution to development/empowerment of the population. This, too, is a human rights violation. In fact, it is “a crime against humanity,” in my view.

C. Convention on Group and Cultural Rights:

86. Mandinkas, in general, suffered immeasurably primarily because of their ethnic and cultural identity. Jammeh consistently hurled insults at his arch-political rival, Honorable Ousainou Darboe- calling him a “drunkard,” and branding Mandinkas, “unpatriotic,” non-Gambians,” and “power-hungry.” In fact, Adama Dieng, the UN Special Advisor of the UN Secretary-General on the Prevention of Genocide said that at a political rally on June 3, at Tallinding, Jammeh referred to the Mandinka, as “enemies,” and “foreigners.” Dieng an internationally acclaimed jurist argued “it was dangerous and irresponsible for Jammeh to have made these statements” (UN News, June 10, 2016). Jammeh further threatened to kill Mandinkas, “one by one and place them where even a fly cannot see them” (AfricaNews, June 11, 2016; Sharife and Anderson, 2019). As one of his major electoral constituencies in past elections, Jammeh paid heavily for these culturally insensitive remarks in the 2016 presidential polls. Jammeh also singled out women for ridicule, especially those engaged in skin-bleaching. A significant voting bloc in previous presidential elections, women also deserted him in droves to vote in favor of the coalition candidate Adama Barrow, or GDC Presidential candidate, Mama Kandeh (Njie and Saine,).

87. The Christian Community also suffered threats to their religion and cultural heritage when he declared Gambia an Islamic State. They, too, would abandon Jammeh at the 2016 presidential polls. It is also worth noting that gays, as a sub-cultural group were also threatened with death if caught in homosexual acts (Washington Post, May 12, 2015). He lambasted this

group for their sexual-orientation, as “unnatural,” “un-Islamic,” and deeply offensive to “African traditional values” (BBC.Com, January 22, 2017). He equated gays to animals because of their sexual preferences and vowed to kill them “one-by-one.” By extension, in insulting gays Jammeh also berated the west, and westerners generally, for their support of gays rights in Gambia (BBC.Com, January 22, 2017). Jammeh pandered, as he often did to the Arab Muslim-world, to curry financial favors, as well as boost his support and Muslim image among conservative religious elements in Gambia.

88. While Jammeh was brutal in his verbal abuse of Mandinkas, and women, as well as backhanded policy pronouncements against Christians, the Akus, as an ethnic grouping, were by extension threatened. He did not single out the differently-abled, however, for intense ridicule but did so anyway. This is taboo in Gambian/African culture and deemed sacrilegious in both Islam and Christianity. So, this group, generally went along their daily business unhindered and unscathed.

89. Jammeh should be credited for having promoted many women to important positions of power, including several women cabinet-appointees. This was also true in the civil service. Isatou Njie-Saidy served as his Vice-President for over a decade until Jammeh’s ouster in 2016. Susan Waffa-Ogoo also served in various cabinet posts, among several other women. Jammeh must also be credited for having seen the “Women’s Amendment Act 2010” through the national assembly. This expansive law banned female circumcision and extended a raft of protections in favor of women and girls. Although the ban on female circumcision was itself more symbolic than substantive, it was, nevertheless, a significant milestone in Gambian politics and cultural history.

90. A tangible realization of the Bill was Jammeh’s promotion of girls’ education and empowerment, including waiving of school fees. While these did not fundamentally restructure gender social relations, they clearly impacted positively on many girls and educated women. Jammeh’s women’s policies may have come closest to living up to the expectations and fulfillment of CEDAW (AllAfrica.com., March 29, 2007; Saine 2009; 2010). Finally, Jammeh’s education policies of which construction of numerous high schools was an important manifestation, availed many poor youths, ethnic minorities, and girls an education.

V. What were the underlying motives and perspectives that led to the commission of the alleged human rights violations and abuses?

91. In addressing the possible underlying perspectives and motives that led to the commission of the alleged human rights violations and abuses under Jammeh, it is important that we once more briefly elaborate both his cognitive map and his operational code. Earlier, we (de) constructed what made Jammeh what he is, and what prompted him to behave the way he did. Primary among these were Jammeh's upbringing, his move to the city and his "radical" political awakening.

92. Acquiring a *N'dongo* (street-smart adolescent) social ethic or sensibility, Jammeh gravitated toward the army which suited his generally rigid mercurial personality. Officer training deepened further his political awareness. Possible exposure to political philosophers like Machiavelli, and Marx shaped him indelibly into absorbing simple yet practical elements of both classical realism, and political realism, theories discussed earlier. Coming up during the cold war and a turbulent West African sub-region, Jammeh witnessed several coups by junior officers and surely knew and became friends with Mobutu Sese Seko and Sani Abacha, and learnt about Idi Amin whom he resembled in style and rhetoric against the western nations and their foreign policies. These factors combined to form Jammeh's worldview, his cognitive map and more importantly his operational code. It is through this composite deconstruction of Jammeh that we must assess to excavate his underlying motives and perspectives. Motives and perspectives that were pivotal in life and death decisions he made.

93. Jammeh by virtue of his pronouncements and policy decisions, is a "classical" and "political-realist." To recap, classical and political realists see politics, as a pursuit of power in a world in which "might-makes-right." Politics are a zero-sum-game, a "dog-eat-dog" world where top-dogs dictate the rules of the game and the rest follow. Yet, as a "classical realist," Jammeh was also acutely cognizant of day-to-day political events and developments at the UN, the International Criminal Court, and succeeded in hosting the AU Summit in 2005 just before the 2006 Presidential elections. This made him politically astute, and thus, a "political realist."

94. Fundamentally, these shaped Jammeh's perspectives on domestic and global politics with the overriding motive to hold on to power in spite, perhaps because of mounting internal opposition. It would be an understatement to suggest Jammeh was power-driven. He understood geo-politics, and real-politik. That is, how to seize, maintain and defend power through use of military power with little to no moral considerations even if it meant the loss of

life, as in the case of forty-four Ghanaians slaughtered on the shores of Gambia in 2005⁶. Civilian politicians represent the “enemy,” who, from his perspective are irreversibly corrupt,” and “evil.” Jammeh was bent on making life for his “enemies,” miserable. His mantra being, “get them before they get you.” Being an astute observer of global and regional politics, Jammeh knew that regional and global leaders were self-consumed with challenges of their own and had little strategic interests in a country as Gambia. He also knew that it was only a matter of time before international condemnations of his outrageous policies would subside and politics return to “business-as-usual.”

95. Jammeh and his coup collaborators also knew that they needed support from a few countries to be accepted. Nigeria, Ghana, Sierra Leone, and other military-run countries gave their blessings while Senegal’s silence may have indicated tacit acceptance. He copied Jerry Rawlings’ transition program and rhetoric laced with high-sounding yet appealing words, as “soldiers with a difference,” bent on instituting “transparency,” “accountability” and “probity” to stamp out corruption. In time it stuck and before long a strategic foreign-policy pivot to Taiwan from China would provide the funds he needed. Before long Nigeria and Ghana came with financial aid packages, and so would Libya.

96. Thus, Jammeh’s primary motivation was keeping power, regime legitimacy and economic survival of the state and personal wealth accumulation. In Jammeh’s words and thinking, he had suffered for too long and put his life at great risk to let anyone take away his power, and source of wealth. His primary motive was to keep these and grow them through use of state-sponsored “terrorism,” to defend his turf. In this regard, Jammeh exemplified a “*N’dongo*” political and cultural sensibility- none would outsmart him. Clearly, this perspective underpinned his decision to have all the alleged November 10 and 11 “coup” leaders killed. What was his motive? To hang on to power “by any means necessary.”

97. Throughout his twenty-two-year rule, Jammeh also survived on instinct; always a step ahead of his “enemies.” He manipulated men and women twice his age and certainly more education. This way, he remained on top. Along the way, he eliminated, fired, rehired former employees but not before he had dubiously extracted their loyalty. He consulted marabouts and faith healers to avert looming disasters and challenges. Jammeh also engaged in human sacrifice rituals to appease the pantheon of Jola gods. In his mind, Allah was his ally who would

⁶ Lieutenant Malick Jatta and Corporal Omar A. Jallow revealed to the TRRC that the migrants were executed by the “Junglers.” Lt Col Solo Bojang, leader of the operation, told the men, that “the order from Yahya Jammeh is that they are all to be executed” (GhanaWeb, Wednesday, 24, July 2019); also see, Sharife and Anderson, 2019

keep him in place until his own plans and luck ran out. Likewise, Jammeh claimed to possess healing powers acquired from traditional healers to “see things” way before they happened- he kept his opponents, and arch-enemies always guessing and unbalanced. These activities were motivated by his maniacal impulse and motivation to stay in power- come what may.

98. Jammeh also exemplified characteristics of an African traditional chief. He was generous with his ill-gotten wealth and quick to punish his unruly subjects with a vengeance⁷. From his perspective, journalist are vermin, or cockroaches and needed to be eliminated. And, lawyers defending, what in his mind, are indefensible people were also in bed with the “enemy.” Jammeh had a particular disdain for the educated, and intellectual class, yet, ironically, he relished the titles they earned. He bestowed, or had others bestow on him coveted academic titles - though he only had a high school diploma. Resentment against the intellectual/professional class stemmed from his lowly place in society and modest educational achievement. He would ridicule the educated because he, too, knew exactly what made them tick: power, money, women and prestige- nothing different from what he intrinsically is. They were not any different from him and he from them- they were all cut from the same cloth.

99. In sum, Jammeh was motivated by wealth and power. He manipulated the laws to stay in power by lowering the age-limit in the Constitution in order to be eligible to run for president as flag bearer of APRC; removed provisions for a two-term limit for the presidency in the draft Constitution just before it was passed; banned political parties/opponents that were most able to challenge him in elections; diluted the requirements to win an elections from 50% plus 1 to first-past-the-post, as he sensed that his popularity was waning; eliminated Sanna Sabally by ensuring that his power and authority could not be challenged within the AFPRC; and used “mercenary judges,” to unlawfully incarcerate Ousainou Darboe, thinking that he had eliminated the most viable political opponent for the 2016 presidential election (Njie, Saine Saine, 2019). Jammeh did not have the education to rise to the top, nor did he have the family background and connection to go far in life. The army was the quickest and surest way to power, wealth, and prestige. And he would be “damned” to watch his power usurped by anyone, God forbid, not even by the intelligentsia. He was prepared to kill, cajole and maim anyone who dared challenge him to wrest control from a job he put his life to secure. He compelled local community leaders to assign him large parcels of land, purchased land well

⁷ I have argued in the past that Jammeh’s rule had all the trappings of an African/Gambian despotic rulers. He was the omnipresent, paternalistic, slow to anger but a repressive “Mansa,” (King” in Mandinka) who threw money at his audience/followers as Mansa Kankan Musa had done in 1324 during his pilgrimage to Mecca (Saine 2009).

below market prices and used his office to appropriate other valuable assets, and establish businesses to build his wealth. Junta members also had similar worldviews, training, and upbringing and in varying degrees would have behaved like Jammeh, perhaps worse. Sana Sabally's actions as Vice-chairman and Edward Singhateh's were indicative of what they might have done if they had succeeded Jammeh.

100. It follows, therefore, that Jammeh's human rights violations were calculated and motivated by his lust for power and wealth⁸. He killed hundreds with reckless abandon, or had his "Green-Boys" and Junglers do his dirty work, and for which they were richly rewarded. Alhaji Kanyi, in his testimony to the TRRC confirmed how they were rewarded with money and alcohol following all completed missions. Another side of Jammeh that helped him deal with these atrocities was his profuse use of mind-altering drugs which he is said to have taken regularly. Stress, and frequent insomnia left him erratic and seemingly schizophrenic - making him hard to follow and overly brutal at times. His release was promiscuous sex and rape of young girls and women- girls he, otherwise, would have never had - certainly not while a rank-and-file in the army much less a schoolboy. Recently, Fatou "Toufah" Jallow was one of several Gambia women who came forward to accuse former president Yahya Jammeh of rape and sexual abuse. Fatou told RFI she is pressing charges of rape against the former president Yahya Jammeh. He plucked girls and women as he wished because this is the prerogative of the chief, or king (Dewast, BBC.Com, June 25, 2019).

101. In his sometimes-comical bravado, Jammeh taunted women with his sexual prowess. A telling sign of insecurity and inadequacy, and severe case of over compensation. A narcissist, he thought about only himself and his survival. He surrounded himself with men, and women who would make his bidding even at the expense of others, in order to remain in his good books. In the end, Jammeh became numb, indifferent to human life and suffering. He often drank himself into a stupor while relishing videos of his torture victims and others being put

⁸ Fatou Touma Jallow, a brave and courageous young woman currently living in Canada recounted in great, sometimes lurid detail how Yahya Jammeh raped her at the State House while a religious celebration (*Gamo*) was in process. "I decided to speak now because it is time to tell the story and to make sure that Yahya Jammeh hears what he has done" For a detailed discussion of this saga, see, Dewast, Louise, "Beauty queen "raped by Gambia's ex-president Jammeh," BBC News, June 25, 2019. Jammeh was also alleged to have raped many senior civil servants and young girls.

slowly to death⁹. He did it all for power and perceived himself invincible, as long as Allah was on his side.

102. Yet, ironically, Jammeh is of us and we of him- many are cut from the same garment and given the same or similar circumstances that created him, would act similarly. A question, I would like to address, which was not included in the pre-assigned questions is: why did the Alhaji Martins, Alhaji Kanyis, and numerous lowly rank-and-file in the NIA, army and police carry out atrocities against fellow officers, comrades, and citizens? I will address this as the later.

Vi. What was the role of state institutions, (in particular those within the executive branch led by former President Jammeh as well as the legislative and judicial arms of government) in eroding the democratic norms that led to the dictatorship and allegations of human rights violations and abuses?

103. The term “State,” is a particularly murky and divisive term in political science, as it could mean different things to different scholars and analysts, especially political economists. Its functions are also just as difficult to specify and shrouded in theoretical and empirical debates. In addition, states in mature democracies, and those that were imposed under colonialism differ markedly in their origin(s) and social formation(s), as well as the kinds of role(s) they play. From a legal, liberal political science definition, the State is a legal territorial unit or entity that enjoys sovereignty and has monopoly over the legitimate use of violence. It is constituted by the executive, judicial, and legislative branches with clear sets of mandates, oversight functions, in sum, checks and balances. The State also has a governing body, flag and discernable physical boundaries.

104. In post-colonial states these distinctions are often blurred with the executive branch dominating other branches of government and institutions. The “Separation of powers,” principle, is often undermined to allow for a concentration of power in the executive/presidency. In many centralized states such as Gambia’s the repressive arm of the state, the army also becomes a major player in the affairs of the country. They intervene regularly to settle disputes between civilian political leaders such as was the case in Zimbabwe, or takeover the running of a country as was the case in Gambia in 1994. The armed forces,

⁹ TRRC Hearings revealed that Jammeh lived a depraved life despite his pretensions as a “good” Muslim; and that torture sessions were often recorded on video for Jammeh to watch later as entertainment. In fact, he was said to be present, though disguised at some torture sessions of individuals he despised.

police, intelligence and security agencies, customs, fire, and other related services are considered the protective arm of government- others say, its repressive apparatus.

105. In many mature democracies, the role of the “welfare” state, as a whole, is of a caretaker function- raising taxes to provide vital services, including defense and infrastructure, and to generally ensure a level playing field among contending interests groups - business, unions, and civil society. Thus, the state assumes a minimalist role in the polity and especially in the economy- serving as an arbiter in times of conflict between labor and capital. In welfare states of Western Europe and Scandinavia the state’s role could be more interventionist to address equity and other welfare concerns. In “rentier” states, the primary functions are extracting revenue from vital resources in partnership with transnational corporations.

106. There is yet the “national-security” state in which an authoritarian regime (like Yahya Jammeh’s) builds a hyper-masculinist, misogynist, repressive security apparatus both within the legal state system, and extra-legal units, clandestine and generally accountable to the chief executive. Their primary role is to maintain regime security and a general atmosphere of fear and silence. Spy, intelligence units gather, analyze data, and operate with few controls and oversight. In such national-security states repression and violence are its ultimate output and citizens are subjected to unimaginable torture in hellish torture-chambers, prisons, and highly securitized clandestine outfits.

107. The last type of state to discuss briefly is, the “vampire” state. As its name implies such states are typically run by a cabal of criminally-minded military or civilian regimes whose primary objective is to use the state and its repressive structures to suck the blood, or vital economic resources of a country. This mafia-like regime has little to no oversight since the state and its institutions, and especially its civil and bureaucratic structures had been reconfigured primarily to serve the economic and security interests of those in power.

108. In fact, in Gambia’s case, state functions were restructured, subsumed and concentrated under the executive branch. The Gambia under Yahya Jammeh, especially in the last five years before his ouster, the state transformed into a hybrid between a “national-security” state and a “vampire” state (NSVS). By 2015 -16, Jammeh and his cabal had literally drained the country’s Central Bank and other government-owned institutions¹⁰. Those who worked closely with him

¹⁰ Jammeh is estimated to have stolen close to \$1billion in the twenty-two years he was in power. See, Sarafie and Anderson, “How Yahya Jammeh Stole a Country,” OCCRP, 27 March, 2019.

also got away with millions of dollars- leaving state coffers literally empty¹¹. The full extent of this loot is yet to be accurately accounted for. And, as if that was not enough Jammeh went into exile with a fleet of luxury cars. His home in Kanilai could not be more palatial. Boxes full of international currencies, and gold bars were found in his home while the majority of Gambians struggled to secure their next meal or had a pretty difficult time for little pleasures. Again, betraying the greed that had inspired him in the first place.

109. Jammeh could not have carried out this heist by himself- he had enablers, errand-boys, and complicit bank officers. Enveloped in fear, and suspicion Jammeh had literally terrorized the entire nation. Good neighborliness once a priceless commodity was debased to an extent that few would dare speak openly about the regime even in the confines and secrecy of their homes. This was because a “friend,” “relative,” or even a maid could very well be an informant, reporting on one’s activities, and conversations to the authorities¹². Fear of a knock on the door in the middle of the night was enough to keep most in compliance and silence. The legal system, as discussed in an earlier response had been completely compromised and disemboweled. These in essence were the characteristics of a “national-security-vampire” state. Finally, the state’s primary purpose in Gambia under Jammeh was to maintain a repressive political and economic environment in putative defense of “national-security,” with the overriding objective of draining the country, and its people of vital resources.

110. The National Assembly (NA), or legislative branch was not any more effective in carrying out its oversight functions or serve as a check to curb excessive presidential powers and safeguard the national Constitution. Enjoying a comfortable majority, APRC-NAMs rubbed-stamped most legislation favorable to the regime and Jammeh. There were few debates to assess merits/demerits of a bill. And, when they were slow in coming with a decision favorable to Jammeh and his cabal, Jammeh himself would unilaterally decide in his favor. The NA was anything but effective. The NIA and its personnel were strategically placed under the purview of the executive (Yahya Jammeh) to subvert laws of the country and did as they pleased. The judiciary had for all intent and purposes been defanged or abdicated its vital roles. As guardians of the law and Constitution the national assembly failed to serve as a countervailing force to the powerful executive. In their failure the APRC-NAMs betrayed the Gambian people.

¹¹ Ibid

¹² This story though anecdotal was related to me by a cross-section of Gambians during research visits to The Gambia in 2017-2019. There were instances in which household heads were allegedly recorded, and or reported by their maids and later picked up by NIA agents. There was a collective sigh of relief and a sense of freedom, especially of expression following Jammeh’s fall.

111. In the end, all branches of government and machinery of state had been gutted, and their roles subsumed under the Office of the President (Yahya Jammeh) and State House. It was from this vital and strategic location that decisions were made about disbursements of financial assistance, humanitarian aid, etc. In fact, Jammeh had almost totally destroyed the state and its institutions, including the civil service, which in earnest became a shadow of its past-considering that Gambia's civil service was once a source of national pride, especially after independence. Left at the helm were Jammeh and his cabal to perform state functions, or what were left of them and few dared speak out for fear of reprisal. What this meant, was there was endemic institutional and state failure in which routinely expected services, physical infrastructure and other vital upkeep could not be carried-out. Economic functions, including private business, ordinarily left to market forces were centralized out of fear of empowering individuals. Those who were spared had to join the gang or be taxed so high and or hounded out of the country. To some degree, most business owners played along - many becoming strange bedfellows. Ultimately, it seems as if the state, or at least those at its core, had no limits to their ambition and greed and what they could control (Thomson, 2010).

Vii. To the extent possible (and without attributing responsibility to human rights violations and abuses)” identify the role of various security forces in politics, democracy and the democratization process in general as well as enabling alleged human rights violations and abuses?

112. The 1960s witnessed the introduction of a new political player in the affairs of African states. No longer content to playing second fiddle to civilian politicians, and clearly not subscribing to the principle of “civilian-supremacy,” or “civilian-control” in the political sphere, African militaries stormed presidential palaces, seized national radio stations to announce the overthrow of their civilian rulers or senior military officers. Revelations by former Captain Edward Singhateh at the TRRC on October 16, 2019, and thereafter, were symbolic of this phenomenon. Much theorizing at the time was underpinned by optimistic assessments of the military, informed by Modernization Theory. Against this backdrop, African militaries were perceived to possess both the technical and organizational skills to modernize African countries and grow the economy (Saine 2009).

113. In time, these positive assessments of the military began to give way to more pessimistic ones, in part because, both the expectations, as well as the empirical outcomes of military rule were at odds with the reality of military rule itself. Rather than delivering development,

economies stagnated, human rights suffered, corruption soared, and general well-being of the population plummeted. Almost sixty years of civil-military research has confirmed that the military in power worsen economic conditions, undermine democracy and the rule of law, and almost always fail to root out corruption (Saine, 2009).

114. Theorizing and empirical research on the military in the politics of African states took on a different trajectory with the end of the cold war and the resurgence of popular demands for liberalization/democracy. It became increasingly apparent that while the military had lost the moral and political arguments to rule, it nonetheless, remained an important player that could not be ignored in the liberalization of African political systems because of the control they still exercised over the instruments of violence. In effect, without their blessing, liberalization/democratization and democracy would remain elusive (Mkandawire, 1999).

115. There is also a rich literature on structural adjustment and liberalization, and the degree to which they were externally-driven, and inspired by IMF/World Bank directives. In turn, these generated critical views of these institutions and their ability to support liberalization/democracy devoid of their institutional interests (Saine 2009). By 2000, Ndiaye had argued that despite a changed international system built around liberalization/democracy, and Neo-liberal economic development the importance of the military as an institution in the politics of African states has not receded. Hounnikpo further underscored the importance of the military in the politics of African states and the potential threats they posed to liberalization/democratization. He argued that “while credit to economic and political reforms went solely to civil society, it is a fact that “no African country democratizes without the consent of the military” (Hounnikpo 2000; Ndiaye, 2000; Saine 2000).

116. In a similar vein, Conteh-Morgan, and Agbese had argued that the military’s reliance on force and repression as the basic instrument of both governance and political arbitration constituted another obstacle to development and liberalization/democratization (Conteh-Morgan 2000; Agbese 1996). Onwumechili also maintained that decisions made by military or quasi-military regimes hindered citizen participation because a select military elite issued policies and/or decrees from the top that were then enforced (Onwumechili 1998; Agyeman-Duah, 1990). In the context of the Gambia, there is a rich literature on the 1994 coup, the transition program, and political and economic developments. There is unanimity among scholars on the Gambia that the military constituted a major threat, as well as an obstacle to

democracy/liberalization/ democratization in the country (Hughes, 2000; Wiseman 1998; Saine 2008; Ceesay 2006).

117. In a context just described above the role of security forces in politics and democratization is generally limited. Defying civilian-control and oversight and generally acting on the whim and caprices of the leader(s) and his Cabal, (security forces including the police, NIA, and other branches) were accomplices to undermining democracy, liberalization and democratization. In fact, as I have argued elsewhere, the proclivities of military institutions in many African countries, and Gambia in particular, are generally anti-democratic. The two-year “transition” program back to “civilian-rule” bears this out. The military, except in very few instances as in Burkina Faso under Thomas Sankarah, poses a looming threat even when contained in the barracks. Where they are under civilian-control, as in neighboring Senegal, and now Ghana, and Nigeria that is an entirely different case.

118. In Gambia’s case even after liberalization/democratization, which must include reorganization of the security services, the army, in particular will remain another contender for political power. Gambia’s current security environment is extremely volatile and stabilized only by the presence of ECOWAS forces. And, even here, there is a mounting sense of insecurity among the populations, which will likely worsen with their departure. This potentially leaves a huge security vacuum, which the military could easily fill unless the necessary reforms and safety nets are in place. Failure to reform the security forces, therefore, increases the propensity for coups, and counter-coups. And, if not handled carefully, and especially if it results in the loss of entitlements and privilege, it could end in disaster. Imbued with the ideology that they are more adept at modernizing a country because of their training and professionalism the military could just as easily step in as, it did in 1994. Notwithstanding, long prison sentences handed out to coup-plotters against Adama Barrow’s government on May 27, 2019, the military remains an eminent and visible threat to democracy and democratization. The security apparatus in The Gambia under Yahya Jammeh was constituted by various agencies that included the Army, National Intelligence Agency (NIA), Police, Fire, Immigration, and Customs Services, as well as the Marines. It was, however, the NIA, Army and Police that played the most central role in the provision of (in) security to the nation, and more significantly, the Jammeh dictatorship. While the security roles played by the army and police are traditionally limited to external, and internal defense, respectively, under Jammeh their institutional roles overlapped considerably. The army, especially following the transition to “civilian-rule” in 1996, usurped police duties to ensure a tight grip on the population,

political activity and securing national boundaries. The police, on the other hand, while maintaining some of its traditional duties that included checkpoints, and traffic flow management, it was essentially relegated to supporting the army's now enhanced security duties. It was the NIA, however, that was most involved in the day-to-day security affairs of regime stability and protection. They engaged in brazen torture of dissidents, political opposition, and arrests to ensure regime security. These duties were bolstered by clandestine paramilitary outfits, including the "Green-boys," and "Junglers," who were notorious for their torture techniques, disappearances, and killings. Revelations at the TRRC hearings by former Junglers has sent shock waves throughout the nation because of the extent of their extra-judicial killing activity. The Fire services were to take on a more sinister role following the coup compared to their more rescue-oriented missions of saving lives and property in the first republic. In fact, it can be argued that the rape of a schoolgirl by a police officer, torture and subsequent death of a school-boy in Fire Service custody precipitated the April 10 and 11, 2000 student demonstrations that resulted in fourteen deaths. Thus, the security apparatus under Jammeh, and the respective mandates and duties of units overlapped significantly to the extent of blurring. To a large degree, many killers and supporters of the previous regime remain active in the "New Gambia's" political, and more so military apparatus. This is extremely troubling.

119. A smaller, leaner and professionalized army, on the other hand, could be a boon for democracy and democratization. With adequate professional training, the security forces are more likely to protect rather than violate human rights of citizens. They are also less given to corruption and are more prone to uphold the law and protect national institutions, especially the constitution. These are possible in a context of professionalization and professionalism of the officer corps in which promotions, and pay are based on ability, competence, discipline, and experience. These must be built around discernible and verifiable benchmarks for yearly formative professional evaluations for improvement. This presupposes that security elements from the previous regime still holding key security positions, and who were implicated, or complicit in the commission of horrendous rights violations and abuses are purged from the services. This is of fundamental importance and should be a high security-policy priority under President Barrow.

120. Clearly, the name-change of the NIA to Intelligence State Services (ISS), is a welcome development. The new security leadership appear better trained, exude confidence and professionalism, and seem determined to turn a new page to distance themselves from the

notorious NIA. Yet, national security reform cannot be done on shoe-string budgets, and understaffed offices. The Office of National Security still lacked adequate support staff and is severely underfunded despite its disproportional workload and impressive output. Of cardinal importance is the principle that Gambia's national security and formulation of its national security policy (NSP) cannot be outsourced or crafted by foreign/international entities. Doing so, risks privileging interests that may be at odds with Gambia's. Seasoned Gambian nationals some with strong military and academic credentials must spearhead this process. Mostly because of their nuanced understandings of Gambian politics, history, culture and history. That said, international experts can also bring a lot to the table. In sum, national security reform lies at the core of any future economic, political and other developments in the "New Gambia."

(b). Identify the role of private organizations and group associations, including religious and community leaders, in contributing to the erosion of democratic norms and values that led to dictatorship and human rights abuses and violations?

121. One of the truly devastating consequences of Yahya Jammeh's twenty-two-year rule lay in the systematic repression and silencing of civil society organizations and groups, except those that supported his rule like the Supreme Islamic Council (SIC). Clergy, including imams and Christian Council that typically are the conscience and moral compass of society appeared complicit, perhaps indifferent to the daily atrocities committed under Jammeh. It also appeared that traditional leaders and elders known for their candor had been cowered to accepting the state of affairs, while religious, (*Diaras*) organizations went about their business of organizing the annual *Gamo* and conferences- heaping praise on Jammeh and his government with hopes of currying financial favors. As we observed earlier, religious leaders subscribed to the belief that Jammeh had been chosen to (re) order Gambia's temporal world, as a result of which Gambians needed to obey him, as both religion and tradition demanded (Thomson, 2010).

122. Even the prestigious Gambia Bar Association (GBA) was similarly silenced for obvious reasons. Ousman Sillah's cowardly assassination attempt sent a clear message: That dissension from this group as a whole, or by any of its members, would tantamount to incurring Jammeh's worst wrath. TANGO and its leadership, likewise, remained circumspect in the face of growing threats to the organization and its leadership, With the media silenced, and trade unions almost non-existent, Jammeh and his cohort of senior security officers ran amok. Never being told the "truth" by his underlings and advisers, Jammeh's confidence grew to the point of being deified- he could do no wrong.

123. And, in the absence of the traditional checks on government excess, by media and civil society, Jammeh went into the 2016 presidential election more confident than ever. Together, these factors contributed in no small measure to eroding democratic norms and values in society. In fact, one of the net effects of Jammeh's rule is that it largely torpedoed the cultural values that anchored Gambian society, and values that gave Gambians a sense of self, belonging, and direction. Consequently, core cultural values of family, respect, hard work and love of nation, instead were subverted by a new set of values built around greed, get-rich-quick schemes, conspicuous consumption, competition over who accumulated the most goodies-houses, cars and travel abroad. This has resulted in unraveling Gambia's moral fiber- once the connective tissue that held the nation together.

124. As a consequence of Jammeh's repressive rule, Gambians, have sustained deep psychological wounds. The entire nation suffers collective and individual traumas, say pathologies, of unimaginable proportions and depth. These unresolved psychological traumas have resulted in deep-seated suffering, fear and pain among those who were traumatized or their loved ones. Even for individuals who were spared these atrocities, they bear the scars of trauma- what I term, "the burden of Awareness and Conscience." The once free and jovial and open Gambian that was quick with a smile, is today withdrawn- a symptom of depression; a psychologically debilitating mental illness, which, if not treated could be life-threatening. This has added to all kinds of violence, including domestic, inter-personal and societal violence.

125. Illicit drug use also appears to be on the rise among the young and not so young, as a means of escape from hopelessness exacerbated by grinding poverty and wealth disparities. Sexual promiscuity and risky sexual behavior appear to be at an all-time high. And political debate in public spaces have turned more acrimonious, discursive language more viscerally divisive and violent; thanks in part to social media. Accordingly, human life once so sacrosanct is devalued. These developments outlined above come about because of the near absence of civil society organizations that had been deliberately suppressed. Combined, these are the manifestations of a total erosion of democratic norms, made possible by a twenty-two-year dictatorship.

Viii. Was there a state or organizational policy pursuant to which the alleged human rights violations and abuses occurred? What was the policy and how was it effected?

126. Organized state-policy from which human rights violations and abuses stemmed may not have existed on paper, per se. If it did, it was more than likely shrouded in secrecy and confined

to the highest of security circles. Rather, statements by policymakers, threats and their execution by both repressive organs and agencies of the state, transformed into de facto (un)written policy. The latter is just as insidious, as deniability claims, or “I was just following orders,” can be proffered as defense in a court of law. However, threats, marginalization, dehumanization, and “othering”/discrimination of perceived opponents, and “enemies” using threats such as “burying them six-feet deep,” carried with them similar weight as written policy, especially when threats were carried out clandestinely by vigilante groups.

127. In time, policy pronouncements by Yahya Jammeh became policy, nonetheless, whether written or not. Ultimately, an institutional, “group-think” sub-culture developed to carry out human rights violations and abuses. Hidden codes, and language, torture instruments, torture chambers and secret interrogation outfits dispersed throughout formed the basis of this unwritten but stated policy. Poorly trained yet financially rewarded security officers became executioners in a never-ending saga of power-drunkenness, drug-abuse, torture, and murder. And, as time elapsed these practices became institutionalized- driven primarily by the overarching interest of maintaining the “national-security-vampire-state” system.

128. A troubling aspect of this practice, was its gradual transmutation into ideology that was internalized sometimes consciously and unconsciously by agents and institutions of state. Torture, death, and loss of life became normalized, and conducted as a matter of course to satisfy the status-quo- Jammeh and his cohort. Loyalty to a cause and sharing the same or a similar vision as the leader made torturers less willing or able to breakout from this ideological grip. The degree of atrocities, as well as systematic violations of human rights under Jammeh could not have gone on for as long as they did without a coordinated institutionalized common understanding- call it policy. This way, recruits into these clandestine organizations and groups were quickly socialized into the culture and hence perpetuate human rights violations. It is in this context that the Police Intervention Unit (PIU), Green-boys, and Junglers must be understood. Together, they were committed to maintaining Jammeh’s and regime security at any cost. In fact, for the Junglers defending Jammeh and his regime was equated as defending the “nation.” Jammeh’s wishes, in the end, became one and the same as the “nation’s.”

129. In sum, did Jammeh have a written, articulated, state-sponsored and backed policy on how precisely to deal with opponents and perceived enemies? Probably not. What he had were policy pronouncements he made over twenty-two years that became the corpus of his unwritten human rights policy. Derogatory pronouncements against journalists whom he called

‘illegitimate sons of Africa,’ and “rotten horses;” threats to slit throats of gays, derisive pronouncements against Mandinkas, and political “enemies” similar to pronouncements against the Tutsi in the 1994 Rwandan genocide, sent signals through hidden codes and language to carry out atrocities. I now wish to turn to a related concern raised earlier. Though not included in the set of pre-assigned prompts, or questions, it nonetheless, sheds intriguing insights into the thinking and worldviews of some major actors that carried out Yahya Jammeh’s dirty work.

a. Why did perpetrators engage in torture, executions and other human rights violations and abuses (they admitted to have committed) against fellow officers and civilians?

130. In the absence of face-to-face interviews with the above persons (and others like them) the answers I advance here are but incomplete. Therefore, they are at best anecdotal. To comprehend the numerous human rights violations committed by Kanyi, Sabally and Martin, it is important to situate these men within the context of twenty-two years of deepening militarization of the Gambian society of which the Junglers and these men were emblematic. What is militarization and what are its attributes? Militarization is a shift in personnel, institutional, and societal values in which challenges, as well as their solutions are believed to reside in the use of force- sometimes lethal force, if necessary. In addition to values and attitudinal changes, militarization also involves tactical, operational, and strategic shifts within organizational structures of militaries, rules of engagement into which officers and rank-and-file are socialized (Larson Jr. 2018). It is also an ideology that frames and prioritizes use of force over other potential non-lethal solutions, especially under stressful situations. A good example of a deeply militarized police force is the U.S.A.

131. Like Jammeh, these murderers and torturers subscribe to a crude “political realist” worldview in which the language of war, force and construction of opponents, as “enemies,” was common. “Enemies,” as a result were “othered,” dehumanized, and, therefore, deserved to be “conquered,” and/or “neutralized.” Not surprisingly, the military language and terminology became commonplace. Operational directives were deemed “wars” against drugs and crime and suspects were constructed the “enemy.” This state of affairs did not occur overnight. It took many years of gradual escalation of human rights violations to the extent that one more killing to the many already killed, was “normalized.” For example, Ousman Koro Ceesay’s murder in June 1995 was a big national shock, and so were subsequent killings in April 10 and 11, when eleven students were shot dead for peacefully protesting the killing of a peer, and rape

earlier of a school girl. Overtime, reported killings by security forces were “accepted,” and, therefore, could kill and maim with impunity. The state-sponsored murder of Deyda Hydera, and assassination attempt on Lawyer Ousman Sillah’s life represent another high and the killing spree escalated thereafter. The 2012 executions of nine death-row inmates- many for nefarious political reasons and threats of more killings to curb crime indicated that Gambians had long lost their innocence. It is against this backdrop of twenty-two years of deepening militarization of Gambian society following the 1994 coup, that human rights violations and abuses by military and security officers must be located. There is yet another explanatory level.

132. The organizational, hierarchical and patriarchal structures of military organizations, and their rigid chains of command, specifically, engenders a “Group-think” ethic, in which compliance to rules and practices of military norms and expectations are valued and rewarded over non-compliance. Thus, an institutional culture of compliance and loyalty to one another, and, often times to senior officers’ result in a mafia-like mentality. Tightly knit, military organizations, though never a monolith, become a community of shared institutional values, purpose, perspectives, attitudes, secrets, bolstered by training. It is “they” against the “enemy,” including civilians. And, lethal force is permissible, for the most part, against “enemies.” And, breaching secrets, loyalty to the team, or exhibiting “weakness,” and fear in a deeply patriarchal institution are unfathomable. Even in times of institutional crisis, such as the killing of peacefully protesting civilians, or the “enemy,” military officers and rank-and file close ranks to protect one another. Military organizations, more so than their civilian counterparts, are more prone to handle morally reprehensible human rights violations from within so that civilian overseers do not intervene in military affairs.

133. Thus, a “culture of silence” was well entrenched in these military organizations and as human rights violations by branches of the armed forces soared, a society-wide “culture of silence,” was also imposed to further curb dissent and dispose with “enemies.” Not going along, or not following orders, or being a whistle-blower comes at great personal and professional risk- or loss of a job or life itself. Thus, the inbuilt ethic for the use of lethal force and violence in military institutions and the consequent militarization of society increased the propensity for human rights violations by military personnel. This military mind-set coupled with an anti-drug, anti-crime, and war rhetoric, in general, became a deadly mix to escalate levels of unprecedented violence. In fact, as militarization in society increased so did the frequency and intensity for the lethal use of force (Lawson 2018). I should also hasten to say that many in the military acted professionally and eschewed use of deadly force against civilians, or their

counterparts. I hypothesize that differences between these men and officers that committed harrowing abuses and human rights crimes may lie, once more, in their upbringing, religious beliefs, training, etc.

134. Alhaji Kanyi, Alhaji Martin (and others like them) were trained and socialized in a hierarchal, regimented, and deeply patriarchal organization mandated to defend the homeland, through the use of deadly force, if necessary. It follows that violations of rights by Alhaji Martin, and others against officers, or citizen-turned-enemy, were a perceived duty performed on behalf of Allah, or God by “Oga”(Yahya Jammeh), who was the embodiment, or personification of the nation. With a militarized mentality, and as it were imbued with a value and belief system that rewarded conformity, people like Martin and Kanyi conformed readily to both, in order to please, and meet Jammeh’s and other senior officers’ expectations. While they may have felt great remorse for committing these atrocities, they became jaded after a while. In fact, many like Martin rationalized and normalized their actions, as being in the interest of national-security and in defense of the regime and the Gambian nation. In other words, they reconstructed their own meaning(s) of events, and sometimes may even think outside the situation, as if they were not present and participated in alleged executions. Clearly, the PIU, Black Black, Junglers, and NIA operatives were the locale or institutions in which these individuals must be located, as they exemplified individual and embedded institutional cruelties of the highest order.

135. In many instances, alleged human rights violators do so with expectations of being rewarded with higher pay or promotions- perhaps both. Jammeh was said to have paid these assassins in US dollars and supplied them with large quantities of alcohol following “successful operations.” Peer pressure, and not wishing to appear “weak” among military peers in a deeply macho military sub-culture could compel many to do, what others not so situated would do. Sleep deprivation and use of mind-altering drugs to emphasize were another means by which violators were “enabled,” and less inhibited to commission of these rights violations. While non-victims and victims themselves are likely to loath these crimes many of us are capable of committing similar atrocities given the “right” conditions of: training, and socialization/indoctrination, institutional, ideological frames, as well as a general societal environment of militarization.

136. Clearly, there will be few others, who, regardless of the above factors will refuse to participate in such documented atrocities. The point remains, nonetheless, that many, if not some of us are capable of doing harm to others, especially when the potential victims are

dehumanized and perpetrators are driven by an ideology of “hate” of the “enemy” and “othering.” The question worthy of further investigation is: how are these assassins, murders, and torturers different from so-called “terrorists” that commit heinous crimes against innocent and targeted individuals? In a similar vein, why would a young woman blow herself up in a crowded market in Kabul, or Muslim gunmen kill scores of Christian worshipers in Colombo? Are these individuals different from Gambians who commit similarly horrendous acts of violence? In other words, are they cut from the same cloth, or made from the same sinew? Vexing questions these are that require more research.

137. To recap, it should be noted that although the Gambia Police Force (GPF) has traditionally focused on internal security matters, and community policing, they too, became increasingly militarized. Conversely, the army as well as other security organs came to play roles historically played by the police resulting in considerable overlap, blurring of mandates, responsibilities, and conflicts over jurisdictions. Thus, the police, like the army, was complicit, to some extent, in the alleged torture of civilians they were tasked to protect in the first place. Militarization of Gambian society still has a knock-on effect on individuals that have a proclivity for violence or engage in criminal activity. While reliable data are hard to come by, anecdotal evidence strongly suggests a significant increase in both. As a consequence, personal, societal, and national insecurities have soared tremendously and will likely continue in the foreseeable future unless appropriate measures are taken to curb them. I now wish to briefly respond to yet another question not included among the pre-assigned questions.

b. To what factors can Yahya Jammeh’s fall from power be attributed?

138. In the span of twenty-two years, Yahya Jammeh, with support from elements in the military, civil service, judiciary, and his APRC party, dominated Gambia’s political landscape. He ruled with an iron-fist, while allowing for little opposition. Following the coup few believed he would survive a year at the helm because he lacked both the experience and education to sustain his rule. He resoundingly proved all his doubters wrong while outlasting his military, as well as his political “enemies.” Though highly underrated, he lasted for as long as he did with strategy, twisted-intelligence, and brute force. During his twenty-two-year tenure, Jammeh also won the hearts of many and was similarly denounced by others.

139. Yet, his domination was never total, or absolute. Challenge to his rule started just as quickly as when his rule began. First, from elements in the security forces, civil society, Gambians abroad and the international community. Vanquished political party leaders spared

no time to expose his ineptitude, and sheer lack of political experience but to no avail. Jammeh was tenacious in his determination to hold on to power and along the way he purged, or killed many, including some of his coup co-conspirators. In spite of numerous coup attempts. Perceived as a threat by Jammeh, Sana Sabally, Vice-Chairman of the AFPRC was framed, arrested, imprisoned, and tortured in a calculated effort to keep him out of contention. In fact, Lang Tombong Tamba, as well as the November 11 soldiers that were killed represented a deliberate attempt by Jammeh to eliminate potential threats to his rule. Many alleged coups were at best staged by Jammeh himself in a calculated strategy, or pretext to eliminate looming threats and enemies. Others appeared more genuine. A case in point was the coup led by Ndure Cham in 2006. It was brutally suppressed. Col. Cham, having escaped capture was lured back into the country. A Jungler testifying to investigators recounted how Cham was ensnared, captured, suffocated to death and buried in the Fonis (The Standard, January 19, 2018; Freedom Newspaper, January 18, 2018.)

140. Other real military threats to his rule in the form of military attacks on army barracks in Farafenni and Kudang failed to dislodge Jammeh. And while the brazen military campaign on December 30, 2014, on State House, by former military officers: Lamin Sanneh, Jaja Nyass, Njagga Jagne, Alhajie Barrow, and Papa Faal, aided by their civilian supporter Banka Manneh, and financial backer, and president-in-waiting, Chernon Njie shook his confidence to the core, Jammeh still managed to survive and bounced back. Chernon Njie has written a fascinating book, *Sweat is Invisible in the Rain*, that eloquently recounts events leading to the attack, the attack itself, and the deaths of Nyass, Jagne and Sanneh. Njie, Barrow, Faal and Manneh escaped unharmed physically and were subsequently arrested on arrival in the U.S. They were subsequently sentenced to prison-terms ranging from a few months to a little over a year. Perhaps, the most organized popular opposition outside Gambia came from Gambians abroad in Europe and the U.S.A., and pockets of scattered dissidents in Senegal and other African countries. Jammeh's overseas missions were often met with protest marches laced with derisive language hurled at him. Opposition to his rule abroad also included strident criticism of him and his rule by writers, and presenters on newly established online newspapers, respectively-begun by self-exiled Gambian journalists.

141. Together, they exposed Jammeh's brutal and repressive rule and corruption and gave their Gambian audiences alternative sources of information on Gambia since the domestic media was muzzled. The April 2015, UDP-Jammeh standoff at Fass N'jaga Choi resulting in the UDP continuing its campaign for the 2016 election was a significant victory not only for the UDP

leadership but for democracy itself. It was a significant demonstration of opposition unity, and an ominous sign of what was to come, as other political party leaders rallied their forces behind the UDP. Two subsequent UDP demonstrations led by Solo Sandeng and Ousainou Darboe, respectively, in the run to the 2016 presidential poll were decisive in exposing Jammeh's political vulnerabilities. The brutal torture of several women by the NIA was also a significant rallying cry for dissidents against Jammeh's brutal crackdown.

142. Jammeh also unwittingly contributed to his own political demise. While he had changed the constitution from a 50%+1 margin of victory to first-past-the-post, which served him well in past elections, in 2016 it worked against him. The seven-party coalition needed only a simple majority to end his twenty-two-year grip on power. Confident of his victory at the polls, Jammeh also agreed to "on-the-spot" counting, which significantly reduced the endemic practice of stuffing ballot-boxes and altering the results in Jammeh-APRC favor. In past elections, Jammeh's "victories" were also aided by his Jola kin who crossed the border from neighboring Casamance to cast their ballots for him. This was not the case in 2016, as these would-be voters were stopped at the border by Senegalese and Gambian authorities (Saine, 2002).

143. In addition, Jammeh's alienation of Mandinkas, Christians, women and youth cost him at the polls. These not only alienated him from within but also added in his growing international isolation- especially, following his unilateral withdrawal of Gambia's Commonwealth membership. Finally, the seven-party coalition, financial support from Gambia's diaspora, and an intense social media campaign, in the end, clinched the victory for coalition-candidate Adama Barrow. In sum, what is being suggested here is that while Jammeh exercised almost complete control over affairs of state, a confluence of various actors and forces- some self-inflicted, were at play throughout his twenty-two years at the helm. Combined, they chipped away at his power and culminated in his political downfall in 2016 (Njie and Saine, 2019).

c. Concluding remarks:

144. Political, legal, economic, and social developments in the Gambia following the junior officer-led coup in 1994 witnessed a disturbing human rights deficit amid deepening poverty. Soldier-turned-president Yahya Jammeh had ruled the country with an iron-fist through repressive decrees, a rubber-stamp national assembly and a hand-picked cadre of compromised

Nigerian and Gambian judges. Jammeh systematically usurped roles traditionally and legally relegated to organs and branches of the state, and in their place, he instituted a “national security-vampire state,” whose primary roles were to concentrate power, as well as resources around him and the military/ security elite. The other role of this state was repression- both formally and through clandestine groups like the Junglers. In the end, Jammeh succeeded in muzzling the press, silencing journalists, the Gambia Bar Association, moribund trade unions, and social movements.

145. Growing militarization of Gambian society, i.e., a shift in personal, institutional values, and an ideology in which force was perceived as the solution to security and other political challenges, intensified. The resulting blurring of mandates and jurisdictions between the army and police became fertile ground for atrocious human rights violations, which impacted several generations/baskets of human rights. Cultural and religious values converged with Jammeh’s own occult impulses to construct himself as invincible. It inspired a cult-like aura and following. It is in this context that perpetrators of rights violators like Alhaji Kanyi, Alhaji Martin, specifically, and the Junglers, generally must be situated and their actions analyzed to make sense of these atrocities. This is not to rationalize these atrocities but to shed light on them while drawing on a growing scholarly literature to make sense of these individuals and clandestine groups. While each perpetrator must be viewed and analyzed as unique individuals a “group-think” military sub-culture was the infrastructure that sustained them and their actions. Nonetheless, must take responsibility for their actions.

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