

STATEMENT DELIVERED BY SOLO SANDENG FOUNDATION

UPR Pre-session on The Gambia
Geneva, 21st November 2024

ABOUT PRESENTING ORGANIZATION:

The Solo Sandeng Foundation is a Gambian organization dedicated to promoting human rights, democratic reforms, and transitional justice, honouring the legacy of activist Solo Sandeng. Through memorialization and policy advocacy, we strive to build a just and accountable society, and to contribute to the democratic process in the Gambia.

The SSF participated in national UPR consultations alongside the Ministry of Justice, the NHRC, and local CSOs, contributing a grassroots perspective to the state and stakeholder reports, including a CSO report on the implementation of the 2019 UPR recommendations.

SCOPE OF STATEMENT: This statement will focus on recommendations made during the previous review in the following areas:

1. TRANSITIONAL JUSTICE
2. TORTURE AND DETENTION

1. Transitional Justice: During the previous review, Mozambique made recommendations on the implementation of the transitional justice process, and to advance national reconciliation geared towards sustainable peace, access to justice and strong institutions.

- During his 22-year dictatorship, President Jammeh used torture, incommunicado detention, enforced disappearances, and extrajudicial executions to oppress opponents with widespread violations, including sexual violence.
- After the 2017 change of government, the Truth, Reconciliation, and Reparations Commission investigated abuses from 1994 to 2017, submitting a report with recommendations in November 2021 for implementation and accountability.
- In May 2022, the State accepted 263 out of 265 TRRC recommendations, launching an Implementation Plan in 2023, including among other aspects **memorializing human rights violations, determining the whereabouts of the forcibly disappeared, and implementing security sector reform**. However, progress has been slow.
- Little progress has been made on memorialization efforts or supporting the families seeking closure by finding and honouring their lost loved ones.
- The State's commitment to security sector reform is reflected in frameworks like the National Security Policy (2019), National Security Strategy (2020–2035), and Security Sector Reform Strategy (2023–2027). However, implementation is still a challenge.
- Key reforms to the Prison Act, Police Act, Immigration Act, and Gambia Armed Forces Act remain incomplete, delaying critical changes in these agencies. Similarly, the Vetting Bill (2023) has yet to be enacted, further hindering progress in security sector reform.

RECOMMENDATIONS: The State should...

- Design and start implementing by 2026 a national memorialization plan and public education programs in schools, communities, and public institutions in consultation with victim groups and civil society organizations.
- Conduct by 2027 a search to establish whereabouts of disappeared persons, as reported by the TRRC, and make available necessary identification of mortal remains, when found, to bring closure to families. This would contribute to the consolidation of sustainable peace and a just society as per **SDG 16**.
- Enhance the effectiveness and accountability of security sectors institutions, in so doing contributing to realise **SDG target 16.6** on effective and accountable institutions by:
 - Implementing the National Security Policy (June 2019), and the National Security Strategy (2020 – 2035).
 - Enacting legislations of various security institutions including the Vetting Bill, Police Act, Prison Act, Immigration Act and Gambia Armed Forces Act by 2027.

2. Torture: In the previous session Togo, Spain and Switzerland called for measures to end torture and ill-treatment, particularly in detention. Recommendations also called for the criminalization of torture and enforced disappearances, the ratification of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), and the investigation of all allegations of torture in detention.

- The adoption of the Prevention of Torture Act 2023 is a significant step forward.
- However, socio-cultural practices, and a lack of awareness make accountability difficult. The state of HR report 2023 by the Gambia Human Rights Commission underscored the recurrence of acts of torture and related inhuman treatment. The NHRC received five complaints of alleged torture, inhumane and degrading treatment, or punishment committed by members of law enforcement agencies and of a psychiatric care facility.
- The Gambia has yet to ratify the OPCAT.

RECOMMENDATIONS: The State should...

- Make policy adjustments and necessary consultations to ratify the OPCAT by 2025. This would directly contribute to multiple **SDG 16** targets including **16.1** on significantly reducing all forms of violence and related death rates, and **16.3** on promoting the rule of law and ensuring equal access to justice for all.

3. Detention: France and Botswana made recommendations to reduce arbitrary detention and improve detention conditions, which still apply.

- Contrary to international best standards, section 19(3) of the 1997 constitution allows up to 72 hours of provisional detention without charge. In addition, arbitrary detentions by the police persist.

The Gambia Police Force has received international support, including human rights trainings, but these programs, mainly in urban areas, have limited impact on overall police conduct.

- A 2019 prison assessment report, supported by international partners, highlighted issues like poor feeding, healthcare and sanitation, and unreliable water and electricity.
- Overcrowding remains a challenge especially in the remand wing of the Mile 2 prison, with cells designed for 8-10 individuals holding over 20, leaving insufficient space for remand prisoners to sleep.

RECOMMENDATIONS: The State should...

- Amend section 19 (3) of the 1997 constitution to protect detainee rights and reduce provisional detention without charge to 48 hours to align with international standards by 2025 and contribute to **SDG target 16.3** on equal access to justice for all.
- To tackle the issue of overcrowding in prisons, introduce digitalised case management systems for magistrates and judicial officers by 2027 to eradicate case backlogs in courts, which particularly affect remand inmates. This will enhance the effectiveness and efficiency of justice institutions, contributing to **SDG target 16.6**.