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Statement by the Gambia Center for Victims of Human Rights Violations

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Dear Member States of the UN Human Rights Council and Civil Society Colleagues,

I speak to you today on behalf of the entire membership of the Gambia Center for Victims of Human Rights Violations – in-short the Victims' Center - being one of its founding and staff members.

The Center was created a few months after former President Jammeh left power and is the only organization representing victims of Human rights Violations in The Gambia.

Our organization serves as an advocacy platform and engages the government as well as local and international stakeholders with the aim of addressing past and present human right violations.

We submitted a report highlighting 8 major human rights issues in our country. Our full report has been printed and I would be delighted if you would take a copy

Due to time constraints, I will focus on only 3 topics:

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Our first, and all-encompassing point is the necessity to fight against impunity.

The Victims' Center acknowledges that under the administration of President Barrow the Gambia is a better place compared to Jammeh's regime.

The Center especially welcomes the establishment of a Truth and a National Human Rights Commission with the view of getting to know the truth about past human rights violations.

However, and as expressed by the Working Group on Enforced and Involuntary Disappearances after their visit to the Gambia, "transitional justice measures must be understood in a broader way and (the government need to ensure) that all measures taken in the areas of truth, justice and reparation should be parallel and go hand in hand".

What is the merit of Truth when the security sector continues to be controlled by well-known enablers and perpetrators are walking around freely?

How is it possible that while the Truth is being reveled about the criminal conduct of the former regime, the current administration continues to "recycle" known individuals as advisors, ambassadors and even as ministers? Presently the Barrow government counts four key ministers who held high-level positions during Jammeh's rule.

The Victims' Center welcomes the government's compensation of victims as an implementation of three ECOWAS judgements against the previous regime. However, the government still needs to investigate and prosecute the perpetrators.

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We therefore strongly recommend that the Gambia:

(Recommendation 1): Seeks international support to start working on prosecution strategy of alleged human rights violators. The Truth Commission's work will be achieved in December 2020 and the government needs to be ready to initiate credible investigations and prosecute alleged perpetrators of human rights violations.

(Recommendation 2): Dismisses or suspends accused perpetrators and enablers still working within the government, civil and security services.

(Recommendation 3): Creates a vetting mechanism for both sectors.

(Recommendation 4): Engage proactively with the Ghanaian government to investigate the murder of more than 50 migrants in 2005, out of whom 44 were Ghanaians. Both Ghana and Gambia have officially said that they would cooperate to investigate that case, but not a single step was taken in that regard.

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The fight against impunity is of course closely linked to the implantation of HUMAN RIGHTS STANDARDS, which is yet to become a reality in The Gambia.

To improve the human rights standards in The Gambia, the government should first ensure that police brutality and cases of torture cease completely and be prosecuted.

Since 2017, 5 people were killed due to police brutality and a large number of detainees have reported having been tortured while in detention. No police officer has been tried nor convicted for those crimes. As a matter of fact, the mere detention in the infamous Mile 2 prison, constitutes - and I'm citing Special Rapporteur on torture on this- "cruel, inhuman and degrading treatment or punishment". His assessment was done in 2015, but since very little was done to improve the prison conditions significantly.

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We therefore encourage Human Rights Council members to propose the following recommendations to the Government of The Gambia:

- *To Investigate all allegations of torture in detention*
- *To Domesticate the UN Torture Convention*
- *To Comply with international standards regarding prison conditions*
- *And to Support victims of human rights violations*

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This leads me to our last issue of concern: the impartiality and independence of the Judiciary.

The Victims' Center acknowledges and welcomes the establishment of the Constitutional review Commission which will hopefully include safeguards to ensure that the judiciary can no longer be influenced by the government as it used to be under the former regime.

Some Judges were acting on Jammeh's orders as to how they conducted judicial proceedings and their day-day decision making process. It is well established that independence of the judiciary is a key component in maintaining Human rights standards.

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Therefore, we suggest that the following recommendations be given to the government:

(Recommendation 1): Building the capacity of the justice system with adequate funding and expert support. The government worked tirelessly to raise funds for the Truth Commission but has not given the same energy when it comes to the justice system – which ultimately will be responsible to trial those who bear the greatest responsibilities in regards to the crimes of the past.

(Recommendation 2): Refrain from applying selective justice and releasing or dropping charges against security officers accused of human rights violations. Indeed under the Barrow government, justice continues to be applied selectively and in several cases security officers accused of human rights violations were either released on bail or the charges against them were drop entirely.

We want to conclude that without justice there can be no social development – something our country bitterly needs.

*On behalf of the victims of Gambia, I thank you for your attention
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