



Republic of the Gambia
Joint Stakeholder Report for the United Nations Universal Periodic Review

Submitted by The Advocates for Human Rights,
a non-governmental organization in special consultative status
and
The World Coalition Against the Death Penalty

for the 34th Session of the Working Group on the Universal Periodic Review
November 2019

Submitted March 2019

Founded in 1983, **The Advocates for Human Rights** (“The Advocates”) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized the Death Penalty Project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition Against the Death Penalty.

The World Coalition Against the Death Penalty, an alliance of more than 150 NGOs, bar associations, local authorities and unions, was created in Rome on May 13, 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

I. EXECUTIVE SUMMARY

1. The Republic of the Gambia's (the Gambia) has been a *de facto* abolitionist State having no reported executions since 2012, and in 2018 President Adama Barrow announced a moratorium on the use of the death penalty and the Gambia subsequently ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights (the "Second Optional Protocol"). The Gambia has not yet amended its Constitution to reflect a formal legal ban on the use of the death penalty.
2. The Gambia has worked to eliminate torture, improve access to the judicial system, and eliminate extra judicial killings, including ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Gambia must continue to work to improve the conditions of detention and to reduce the length of pre-trial detention.

II. BACKGROUND AND FRAMEWORK

A. 2014 Universal Periodic Review

1. *Abolish the death penalty.*

Status of Implementation: Not Accepted, Partially Implemented

3. At the Gambia's second Universal Periodic Review in 2014, recommendations to abolish the death penalty were made by Portugal, France and Uruguay. The Gambia rejected this recommendation.¹ In 2018, President Adama Barrow announced a "moratorium...as a first step towards abolition,"² but the Gambia has not yet amended its Constitution to abolish the death penalty.³ A Constitutional Review Commission has been convened and tasked with producing a revised "progressive Republican Constitution."⁴
2. *Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.*

Status of Implementation: Not Accepted, Implemented

4. At the Gambia's 2014 UPR, recommendations to ratify the Convention Against Torture were made by Indonesia, Gabon, Portugal, Tunisia, Ghana, Mali, Sierra Leone, Denmark, Togo, France, Botswana, Australia, and Uruguay. The Gambia noted this recommendation,⁵ but in 2018 the Gambia ratified the Convention Against Torture.⁶
3. *Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.*

Status of Implementation: Not Accepted, Implemented

5. At the Gambia's 2014 UPR, recommendations to ratify the Second Optional Protocol were made by Montenegro, Portugal, Rwanda, Angola, Germany, Spain, Uruguay and Australia. The Gambia rejected this recommendation,⁷ but the Gambia signed the Second Optional Protocol in 2017 and ratified it in 2018.⁸

4. *Establish a formal moratorium on executions with a view to the abolition of the death penalty.*

Status of Implementation: Not Accepted, Implemented

6. At the Gambia's 2014 UPR, recommendations to establish a standing moratorium on executions with a view to the abolition of the death penalty were made by Italy, Mexico, Brazil, Costa Rica, Togo, Spain, and Australia. The Gambia rejected this recommendation,⁹ but in 2018 President Adama Barrow announced a moratorium.¹⁰
5. *Facilitate the visit of the Special Rapporteur on summary extrajudicial, summary or arbitrary executions and the Special Rapporteur on cruel, inhuman or degrading treatment or punishment to the Gambia.*

Status of Implementation: Not Accepted, Implemented

7. At the Gambia's 2014 UPR, recommendations to facilitate the visit of the Special Rapporteur on summary extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture cruel, inhuman or degrading treatment or punishment to the Gambia were made by Denmark and Mexico. The Gambia noted this recommendation,¹¹ but at the invitation of the Gambia, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on cruel, inhuman or degrading treatment or punishment made a joint visit to the Gambia in November 2014.¹²
6. *Improve conditions of detention.*

Status of Implementation: Supported, Partially Implemented

8. At the Gambia's 2014 UPR, recommendations to improve the conditions of detention were made by Djibouti, Slovakia, and Thailand. The Gambia supported this recommendation.¹³ Observers have reported concerns about the physical conditions of detention, describing them as deplorable and dire, and expressed concerns about the high number of pretrial detainees. The Gambia claims to have made strides in this respect with prison populations being reduced substantially and a new modern prison being constructed.¹⁴
7. *Improve transparency of the judicial system.*

Status of Implementation: Supported, Partially Implemented

9. At the Gambia's 2014 UPR, recommendations to improve the transparency of its judicial system were made by Thailand. The Gambia supported these recommendations.¹⁵ Observers have noted increased respect for judicial independence and impartiality and an independent Human Rights Commission has been established.¹⁶

B. Domestic Legal Framework

10. The laws of the Gambia contain various legal provisions which include the death penalty. The Constitution of the Gambia provides that the sentence of death imposed by a court of competent jurisdiction in respect of a crime of violence or the administration of any toxic substance resulting in the death of another constitutes an exception to the right to life.¹⁷ The Criminal Code of the Gambia provides that the Minister of Justice may determine the manner of execution and issue instructions as to the manner in which sentence of death shall be carried out.¹⁸ Murder and violence resulting in the death of another are the sole

crimes punishable by death under the Constitution of the Gambia.¹⁹ In 2012, nine individuals were executed by firing squad.²⁰ Since then, no executions have taken place.

11. In 2018, President Adama Barrow announced a “moratorium . . . as a first step towards abolition.”²¹ The Gambia has not yet amended its Constitution to abolish the death penalty.²² A Constitutional Review Commission has been convened and tasked with producing a revised “progressive Republican Constitution.”²³
12. The Constitution of the Gambia provides that: “Every person shall have the right to liberty and security of person. No one shall be subjected to arbitrary, arrest or detention [*sic*]. No one shall be deprived of his or her liberty except on such grounds and in accordance with such procedures as are established by law”²⁴ and “No person shall be subject to torture or inhuman degrading punishment or other treatment.”²⁵ Despite these provisions, torture is not criminalized under the Criminal Code of the Gambia.

III. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

13. President Adama Barrow announced a moratorium on the use of the death penalty in the Gambia on 18 February 2018.²⁶ The Gambia underscored this commendable progress toward abolishing the death penalty by signing and ratifying the Second Optional Protocol.²⁷
14. The Gambia has made strides by working to eliminate torture and improving access to the judicial system, although further progress is warranted in these areas. Moreover, unlawful detentions and detention conditions remain significant areas of concern.

Right or Area 12.3. Extrajudicial, Summary or Arbitrary Executions

15. Despite constitutional protections surrounding the use of the death penalty, during the tenure of President Yahya Jammeh, the National Intelligence Agency (NIA) committed extrajudicial killings without regard for legal proscriptions.²⁸ These extrajudicial executions ceased when President Barrow assumed the presidency. No extrajudicial killings were reported in the Gambia in 2017.
16. In January 2017, ten soldiers were arrested and detained in connection with extrajudicial killings which took place during the tenure of President Yahya Jammeh, and in February 2017, the Gambian government initiated criminal proceedings against nine NIA officers suspected of murdering activist Solo Sandeng.²⁹
17. To further explore transitional justice regarding these extrajudicial killings, in December 2017 the Gambia established the Truth, Reconciliation and Reparation Commission, which will investigate these atrocities (and others) committed during the Jammeh era.³⁰ On September 28, 2018, the Gambia ratified the Convention for the Protection of All Persons from Enforced Disappearance.³¹

Right or Area 12.4. Death Penalty

18. The Constitution of the Republic of the Gambia allows for the execution of persons as authorized by law and imposed by a court, and only if “the offence involves violence, or the administration of any toxic substance, resulting in the death of another person.”³²

19. In 2017, three death sentences were imposed, although no executions were carried out that year.³³ At the end of 2017, 23 people were facing death sentences, including six foreign nationals.³⁴
20. After signing the Second Optional Protocol on September 20, 2017, the Gambia imposed a moratorium on the death penalty and, in February 2018, commuted all death sentences to life imprisonment.³⁵ This step was followed by the ratification of the Second Optional Protocol on 28 September 2018.³⁶
21. The Gambia has not formally abolished the death penalty but in December 13, 2017, the Gambia established a Constitutional Review Commission, which is expected to end with a constitutional referendum in 2019.³⁷

Right or Area 12.5. Prohibition of Torture and Cruel, Inhuman or Degrading Treatment

22. Although the Constitution prohibits torture and inhuman degrading punishment,³⁸ torture is not included as a criminal offense in the Gambian criminal code.³⁹ Under President Jammeh's administration, Gambian Security forces employed brutal means of torture without reason.⁴⁰ President Barrow attempted to curb the powers of the NIA (now the State Intelligence Services) but not all security personnel have been vetted and there has been no systematic review of this agency or the military forces.⁴¹
23. In practice, torture and inhuman treatment of detained persons are prevalent and routine in the Gambia. In addition, overcrowding, inadequate nutrition, insufficient medical care, poor sanitation, poor safety and an absence of rehabilitation are hallmarks of the prisons of the Gambia.⁴² The Gambia claims to have made strides with respect to the conditions of detention and claims to be in progress on a new modern prison.⁴³
24. There were no confirmed reports of government officials employing torture in 2017, but the family of one of 12 soldiers (all of whom were arrested in July 2017 in connection with "mutinous and seditious" social media posts in support of former President Jammeh) has alleged that the detained soldier was beaten while being held by the military.⁴⁴ This alleged incident appears to have been confirmed by the Gambia, which reported that the two officials involved in the case were demoted in rank.⁴⁵
25. The Gambia ratified the Convention Against Torture on 28 September 2018.⁴⁶

Right or Area 12.6. Conditions of Detention

26. Prison conditions are known for being harsh and life-threatening in the Gambia, especially in Mile Two Prison. Prisoners lack food and medical care and face overcrowding and unsanitary conditions.⁴⁷ President Barrow has recognized the inhumane conditions that exist at Mile Two Prison, and has granted both the Office of the Ombudsman and local and international NGOs unrestricted access to all detention centers.
27. The Gambian government addressed overcrowding by pardoning and/or releasing approximately 40 opposition supporters in December 2016 and 250 additional prisoners in February and March 2017.⁴⁸ The Gambia has yet to revise the Prisons Act to ensure compliance with international standards and to facilitate the improvement of prison conditions.⁴⁹

Right or Area 13.3. Arbitrary Arrest and Detention

28. Although the Constitution requires that arrested persons must be charged or released within 72 hours, there are still reports of individuals being arbitrarily arrested and detained for longer than 72 hours without formal charges.

Right or Area 15.1. Administration of Justice & Fair Trial

29. Apart from several instances of authorities failing to honor the 72-hour detention limit, the Gambian judicial system is overburdened and has previously lacked independence. Several inmates have been awaiting trial for years. Backlogs also contribute to delays in challenging detentions. Access to legal aid is limited.⁵⁰ Also, even though many defendants are permitted to meet with lawyers, it seems that twelve soldiers jailed for “seditious” acts in January 2017 were not provided access to counsel while awaiting trial during 2017.⁵¹
30. President Barrow’s government reconstituted the Judicial Service Commission,⁵² which recommends appointments of all judges and magistrates and prevents the executive branch from directly influencing the judiciary. In February 2017, President Barrow appointed a new chief justice, who is a former United Nations prosecutor and a Gambian citizen.⁵³ President Barrow also appointed 14 superior court judges to help reduce the backlog of criminal cases. These appointees are also Gambian nationals, as opposed to foreign nationals, a move approved by the Gambian Bar Association.⁵⁴

IV. RECOMMENDATIONS

31. This stakeholder report suggests the following recommendations for the Government of the Gambia:
- Amend the Constitution of the Gambia and the Criminal Code of the Gambia to formalize and make permanent the Gambia’s prohibition of the use of the death penalty.
 - Amend the Criminal Code of the Gambia to criminalize torture.
 - Ratify the Optional Protocol to the Convention Against Torture.
 - Adopt domestic legislation implementing the Convention Against Torture and the Optional Protocol to the Convention Against Torture.
 - Improve the conditions of detention in all places of detention and ensure that prisoners and detainees have access to medical care, and adequate and appropriate food, hygiene, and exercise.
 - Revise the Prisons Act to ensure that the 72-hour detention limit is respected in all places of detention.

¹ *Report of the Working Group on the Universal Periodic Review: Gambia* (Mar. 24, 2015), U.N. Doc. A/HRC/28/6/Add.1. ¶31, 32 and 33. Also available online at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/062/35/pdf/G1506235.pdf?OpenElement>

² Pap Saine, Aaron Ross and Catherine Evans, *Gambia Announces Moratorium on Death Penalty*, Reuters (Feb. 18, 2018), <https://www.reuters.com/article/us-gambia-justice/gambia-announces-moratorium-on-death-penalty-iduskc1g20v2> (last visited Feb. 10, 2019).

-
- ³ Constitution of the Republic of the Gambia, 1997, reprinted 2002, Ch. 3, § 18. Also available online at: <http://hrlibrary.umn.edu/research/gambia-constitution.pdf> (last visited Feb. 10, 2019).
- ⁴ Human Rights Council, *List of Issues in the Absence of the Second Periodic Report of The Gambia – Addendum – Replies of the Gambia* (June 11, 2018), U.N. Doc. CCPR/C/GMB/Q/2/Add.1. ¶4. Also available online at: <https://www.undocs.org/CCPR/C/GMB/Q/2/ADD.1>.
- ⁵ *Report of the Working Group on the Universal Periodic Review: Gambia* (Mar. 24, 2015), U.N. Doc. A/HRC/28/6/Add.1. ¶3. Also available online at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/062/35/pdf/G1506235.pdf?OpenElement>.
- ⁶ *Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment – Status as at: 10-02-2019*, United Nations Treaty Collection, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-9-b&chapter=4&clang=_en (last visited Feb. 10, 2019).
- ⁷ *Report of the Working Group on the Universal Periodic Review: Gambia* (Mar. 24, 2015), U.N. Doc. A/HRC/28/6/Add.1. ¶2. Also available online at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/062/35/pdf/G1506235.pdf?OpenElement>.
- ⁸ *Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty - Status as at: 10-02-2019*, United Nations Treaty Collection, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-12&chapter=4&clang=_en (last visited Feb. 10, 2019).
- ⁹ *Report of the Working Group on the Universal Periodic Review: Gambia* (Mar. 24, 2015), U.N. Doc. A/HRC/28/6/Add.1. ¶31, 32 and 33. Also available online at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/062/35/pdf/G1506235.pdf?OpenElement>.
- ¹⁰ Pap Saine, Aaron Ross and Catherine Evans, *Gambia Announces Moratorium on Death Penalty*, Reuters (Feb. 18, 2018), <https://www.reuters.com/article/us-gambia-justice/gambia-announces-moratorium-on-death-penalty-iduskcn1g20v2> (last visited Feb. 10, 2019).
- ¹¹ *Report of the Working Group on the Universal Periodic Review: Gambia* (Mar. 24, 2015), U.N. Doc. A/HRC/28/6/Add.1. ¶27. Also available online at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/062/35/pdf/G1506235.pdf?OpenElement>.
- ¹² Christof Heyns (Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions), *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions – Addendum – Mission to Gambia* (May 11, 2015), U.N. Doc. A/HRC/29/37/Add.2. Also available online at: <https://www.undocs.org/en/A/HRC/29/37/Add.2>; Juan E. Méndez (Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment), *Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment – Addendum – Mission to Gambia* (Mar. 16, 2015), U.N. Doc. A/HRC/28/68/Add.4. Also available online at: https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_68_Add_4_en.doc.
- ¹³ *Report of the Working Group on the Universal Periodic Review: Gambia* (Mar. 24, 2015), U.N. Doc. A/HRC/28/6/Add.1. ¶53. Also available online at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/062/35/pdf/G1506235.pdf?OpenElement>.
- ¹⁴ U.N. Office of the High Commissioner of Human Rights, *Human Rights Committee Examines the State of Civil and Political Rights in The Gambia in Absence of Report* (July 6, 2018). Also available online at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23343&LangID=E>; U.N. International Covenant on Civil and Political Rights, Human Rights Committee, *Concluding Observations on the Gambia in the Absence of its Second Periodic Report* (Aug. 30, 2018), U.N. Doc. CCPR/C/GMB/CO/2. Also available online at: <https://www.undocs.org/CCPR/C/GMB/CO/2>; Amnesty International, *Gambia 2017/2018*. Also available online at: <https://www.amnesty.org/en/countries/africa/gambia/report-gambia/>.
- ¹⁵ *Report of the Working Group on the Universal Periodic Review: Gambia* (Mar. 24, 2015), U.N. Doc. A/HRC/28/6/Add.1. ¶41, 42, and 46. Also available online at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/062/35/pdf/G1506235.pdf?OpenElement>.

-
- ¹⁶ U.N. Office of the High Commissioner of Human Rights, *Human Rights Committee Examines the State of Civil and Political Rights in The Gambia in Absence of Report* (July 6, 2018). Also available online at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23343&LangID=E>; U.N. International Covenant on Civil and Political Rights, Human Rights Committee, *Concluding Observations on the Gambia in the Absence of its Second Periodic Report* (Aug. 30, 2018), U.N. Doc. CCPR/C/GMB/CO/2. Also available online at: <https://www.undocs.org/CCPR/C/GMB/CO/2>.
- ¹⁷ Constitution of the Republic of the Gambia, 1997, reprinted 2002, Ch. 3, § 18. Also available online at: <http://hrlibrary.umn.edu/research/gambia-constitution.pdf> (last visited Feb. 10, 2019).
- ¹⁸ Gambia Criminal Code, art. 28(1), Act No. 25 of 1933, as amended through to 2009, Laws of The Gambia (2009), Vol. 3, Ch. 10:01; Cornell Center on the Death Penalty Worldwide, “Death Penalty Database: Gambia,” accessed Mar. 25, 2019, also available online at: <https://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Gambia>
- ¹⁹ Constitution of the Republic of the Gambia, 1997, reprinted 2002, Ch. 3, § 18. Also available online at: <http://hrlibrary.umn.edu/research/gambia-constitution.pdf> (last visited Feb. 10, 2019).
- ²⁰ Amnesty International, *Annual Report: Gambia 2013*. Also available online at: <https://www.amnestyusa.org/reports/annual-report-gambia-2013/>.
- ²¹ Pap Saine, Aaron Ross and Catherine Evans, *Gambia Announces Moratorium on Death Penalty*, Reuters (Feb. 18, 2018), <https://www.reuters.com/article/us-gambia-justice/gambia-announces-moratorium-on-death-penalty-iduskcn1g20v2> (last visited Feb. 10, 2019).
- ²² Constitution of the Republic of the Gambia, 1997, reprinted 2002, Ch. 3, § 18. Also available online at: <http://hrlibrary.umn.edu/research/gambia-constitution.pdf> (last visited Feb. 10, 2019).
- ²³ Human Rights Council, *List of Issues in the Absence of the Second Periodic Report of The Gambia – Addendum – Replies of the Gambia* (June 11, 2018), U.N. Doc. CCPR/C/GMB/Q/2/Add.1. Also available online at: <https://www.undocs.org/CCPR/C/GMB/Q/2/ADD.1>.
- ²⁴ Constitution of the Republic of the Gambia, 1997, reprinted 2002, Ch. 3, § 19. Also available online at: <http://hrlibrary.umn.edu/research/gambia-constitution.pdf> (last visited Feb. 10, 2019).
- ²⁵ Constitution of the Republic of the Gambia, 1997, reprinted 2002, Ch. 3, § 21. Also available online at: <http://hrlibrary.umn.edu/research/gambia-constitution.pdf> (last visited Feb. 10, 2019).
- ²⁶ Pap Saine, Aaron Ross and Catherine Evans, *Gambia Announces Moratorium on Death Penalty*, Reuters (Feb. 18, 2018), <https://www.reuters.com/article/us-gambia-justice/gambia-announces-moratorium-on-death-penalty-iduskcn1g20v2> (last visited Feb. 10, 2019); Human Rights Committee *supra* note 14.
- ²⁷ Ratification Status for Gambia, United Nations Human Rights Office of the High Commissioner, https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=64&Lang=EN (last visited Feb. 11, 2019).
- ²⁸ Human Rights Watch, *Gambia: Events of 2017*. Also available online at <https://www.hrw.org/world-report/2018/country-chapters/gambia>.
- ²⁹ Amnesty International Report: *The State of the World’s Human Rights 2017/2018*. Also available online at <https://www.amnesty.org/en/countries/africa/gambia/report-gambia/>.
- ³⁰ Human Rights Watch, *Gambia: Events of 2017*. Also available online at <https://www.hrw.org/world-report/2018/country-chapters/gambia>; Human Rights Council, *List of Issues in the Absence of the Second Periodic Report of The Gambia – Addendum – Replies of the Gambia* (June 11, 2018), U.N. Doc. CCPR/C/GMB/Q/2/Add.1 ¶27. Also available online at: <https://www.undocs.org/CCPR/C/GMB/Q/2/ADD.1>.
- ³¹ Ratification Status for Gambia, United Nations Human Rights Office of the High Commissioner, https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=64&Lang=EN (last visited Feb. 11, 2019).
- ³² Constitution of the Republic of the Gambia, 1997, reprinted 2002, Ch. 3, § 18. Also available online at: <http://hrlibrary.umn.edu/research/gambia-constitution.pdf> (last visited Feb. 10, 2019).
- ³³ Amnesty International, *Amnesty International Global Report: Death Sentences and Executions 2017*, 36 Also available online at <https://www.amnesty.org/download/Documents/ACT5079552018ENGLISH.PDF>.

³⁴ *Ibid.*

³⁵ Human Rights Council, *List of Issues in the Absence of the Second Periodic Report of The Gambia – Addendum – Replies of the Gambia* (June 11, 2018), U.N. Doc. CCPR/C/GMB/Q/2/Add.1 ¶63. Also available online at: <https://www.undocs.org/CCPR/C/GMB/Q/2/ADD.1>.

³⁶ Ratification Status for Gambia, United Nations Human Rights Office of the High Commissioner, https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=64&Lang=EN (last visited Feb. 11, 2019); Nicolas Chua, *Gambia Commits to Full Abolition of the Death Penalty*, World Coalition Against the Death Penalty, Oct. 26, 2018. Available online at: <http://www.worldcoalition.org/Gambia-Ratifies-Second-Optional-Protocol.html> (Last Accessed March 25, 2019).

³⁷ *Amnesty International Report: The State of the World's Human Rights 2017/2018*. Also available online at <https://www.amnesty.org/en/countries/africa/gambia/report-gambia/>; Africa Center for Strategic Studies, “Gambia’s Road to Democratic Reform,” (April 24, 2018), <https://africacenter.org/spotlight/gambia-road-to-democratic-reform/>.

³⁸ Constitution of the Republic of the Gambia, 1997, reprinted 2002, Ch. 3, § 18. Also available online at: <http://hrlibrary.umn.edu/research/gambia-constitution.pdf> (last visited Feb. 10, 2019).

³⁹ Human Rights Council, *List of Issues in the Absence of the Second Periodic Report of The Gambia – Addendum – Replies of the Gambia* (June 11, 2018), U.N. Doc. CCPR/C/GMB/Q/2/Add.1. At ¶16. Also available online at: <https://www.undocs.org/CCPR/C/GMB/Q/2/ADD.1>.

⁴⁰ Human Rights Watch, *Gambia: Events of 2017*. Also available online at <https://www.hrw.org/world-report/2018/country-chapters/gambia>; Juan E. Méndez (Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment), *Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment – Addendum – Mission to Gambia* (Mar. 16, 2015), U.N. Doc. A/HRC/28/68/Add.4. At ¶ 32. Also available online at:

https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_68_Add_4_en.doc.

⁴¹ *Ibid.*; Amnesty International, *Amnesty International Report: The State of the World's Human Rights 2017/2018*. Also available online at <https://www.amnesty.org/en/countries/africa/gambia/report-gambia/>.

⁴² Juan E. Méndez (Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment), *Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment – Addendum – Mission to Gambia* (Mar. 16, 2015), U.N. Doc. A/HRC/28/68/Add.4. ¶98 and 101. Also available online at:

https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_68_Add_4_en.doc;

Human Rights Watch, *World Report 2018: Gambia*. Also available online at: <https://www.hrw.org/world-report/2018/country-chapters/gambia>; Amnesty International, *Gambia 2017/2018*. Also available online at: <https://www.amnesty.org/en/countries/africa/gambia/report-gambia/>.

⁴³ U.N. Office of the High Commissioner of Human Rights, *Human Rights Committee Examines the State of Civil and Political Rights in The Gambia in Absence of Report* (July 6, 2018). Also available online at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23343&LangID=E>.

⁴⁴ *Amnesty International Report: The State of the World's Human Rights 2017/2018*. Also available online at <https://www.amnesty.org/en/countries/africa/gambia/report-gambia/>; Human Rights Watch, *Gambia: Events of 2017*. Also available online at <https://www.hrw.org/world-report/2018/country-chapters/gambia>; Freedom House, *Freedom in the World 2018: The Gambia*, ¶ F.2. Available online at <https://freedomhouse.org/report/freedom-world/2018/gambia>.

⁴⁵ Human Rights Council, *List of Issues in the Absence of the Second Periodic Report of The Gambia – Addendum – Replies of the Gambia* (June 11, 2018), U.N. Doc. CCPR/C/GMB/Q/2/Add.1. at ¶96. Also available online at: <https://www.undocs.org/CCPR/C/GMB/Q/2/ADD.1>.

⁴⁶ Ratification Status for Gambia, United Nations Human Rights Office of the High Commissioner, https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=64&Lang=EN (last visited Feb. 11, 2019).

⁴⁷ Human Rights Watch, *Gambia: Events of 2017*. Also available online at <https://www.hrw.org/world-report/2018/country-chapters/gambia>; International Covenant on Civil and Political Rights, Human Rights Committee, *Concluding Observations on the Gambia in the Absence of its Second Periodic Report* (Aug. 30, 2018), U.N. Doc. CCPR/C/GMB/CO/2. At ¶33. Also available online at: <https://www.undocs.org/CCPR/C/GMB/CO/2>.

⁴⁸ Human Rights Watch, *Gambia: Events of 2017*. Also available online at <https://www.hrw.org/world-report/2018/country-chapters/gambia>; *Amnesty International Report: The State of the World's Human Rights 2017/2018*. Also available online at <https://www.amnesty.org/en/countries/africa/gambia/report-gambia/>.

⁴⁹ U.N. International Covenant on Civil and Political Rights, Human Rights Committee, *Concluding Observations on the Gambia in the Absence of its Second Periodic Report* (Aug. 30, 2018), U.N. Doc. CCPR/C/GMB/CO/2. ¶ 34. Also available online at: <https://www.undocs.org/CCPR/C/GMB/CO/2>.

⁵⁰ *Amnesty International Report: The State of the World's Human Rights 2017/2018*. Also available online at <https://www.amnesty.org/en/countries/africa/gambia/report-gambia/>; U.N. International Covenant on Civil and Political Rights, Human Rights Committee, *Concluding Observations on the Gambia in the Absence of its Second Periodic Report* (Aug. 30, 2018), U.N. Doc. CCPR/C/GMB/CO/2. At ¶ 37. Also available online at: <https://www.undocs.org/CCPR/C/GMB/CO/2>.

⁵¹ Freedom House, *Freedom in the World 2018: The Gambia*, ¶ F.2. Available online at <https://freedomhouse.org/report/freedom-world/2018/gambia>.

⁵² U.N. International Covenant on Civil and Political Rights, Human Rights Committee, *Concluding Observations on the Gambia in the Absence of its Second Periodic Report* (Aug. 30, 2018), U.N. Doc. CCPR/C/GMB/CO/2. Also available online at: <https://www.undocs.org/CCPR/C/GMB/CO/2>.

⁵³ Freedom House, *Freedom in the World 2018: The Gambia*, ¶ F.1. Available online at <https://freedomhouse.org/report/freedom-world/2018/gambia>.

⁵⁴ *Ibid*; Freedom House, *Freedom in the World 2018: The Gambia*, ¶ F.1. Available online at <https://freedomhouse.org/report/freedom-world/2018/gambia>.