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road to democracy

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Abstract:

A year ago, a peaceful change from dictatorship to democracy took place in a small African state, The Gambia. It was probably one of the most forgotten countries although it was suffering since 22 years under the fierce and terrible dictatorship of Yahya Jammeh. Since January 19th 2017 Adama Barrow, elected December 1st 2016, is the president. The dictator initially accepted defeat but then refused to relinquish power until the Economic Community of West African States, ECOWAS, threatened to intervene militarily. Since then, the country faces a new stage of development, freedom, equality, justice and reconciliation amidst major challenges and a still fragile security situation.

Keywords:

The Gambia, dictatorship, democracy, ECOWAS, security, justice, reconciliation, Yahya Jammeh, Adama Barrow

***NOTE:** The ideas contained in the Opinion Papers shall be responsibility of their authors, without necessarily reflecting the thinking of the IEEE or the Ministry of Defense

Introduction

The Gambia is the smallest country in mainland Africa and one of the poorest in the world. With only 2 million inhabitants, mostly Muslims, it is a narrow strip along the river of the same name, surrounded mostly by Senegal. A legend says that an English warship sailed upstream launching cannon shots to port and starboard. The borders were traced where the projectiles fell. The English put a wedge in the middle of a Senegal controlled by the French.

Its population is made up of various ethnic groups, with the Mandinka as the largest tribe. It gained its independence from the United Kingdom in 1965. Dawda Jawara was their first president. In 1994, a lieutenant, Yahya Jammeh, seized power through a coup d'état. For more than two decades he and his party, the Alliance for Patriotic Reorientation and Construction (APRC), controlled the country with iron fist. The Gambia bears the sad distinction of being the third African country with the highest per capita number of irregular migrants to Europe. Tourism, an important source of income, was maintained even during the dictatorship. Tourists enjoyed their beaches, not knowing or not wanting to know the harsh repression suffered by the locals.

It was off the international compass during the years of terror. In 2013, Jammeh removed the country from the Commonwealth, in 2015, he turned the secular republic into an Islamic republic and, in 2016, he announced its departure from the International Criminal Court.

Under the slogan "Gambia has decided", after 22 years, the Gambians managed to evict from power, without spilling a drop of blood, Jammeh, an enlightened man who claimed to have a cure for AIDS and who threatened to decapitate homosexuals and said he would rule a billion years. Human rights violations and repression were a daily routine during the brutal dictatorship. Thousands of people fled into exile.

From dictatorship to democracy

On 14th April 2016, Solo Sandeng, the secretary of organization of the opposition Unified Democratic Party (UDP), was arrested during a march calling for electoral reform. He died from torture during his detention. His murder was the trigger for the change. Two days later, a protest demonstration was called. More than 90 people were arrested and imprisoned in that and subsequent ones, including the main leaders of the UDP, such as its founder and president, Ousainou Darboe, now Minister of Foreign Affairs. He was sentenced to three years in prison.

In mid-October, seven opposition parties, led by the UDP, and an independent candidate, Isatou Touray, currently Minister of Trade, Regional Integration and Employment, agreed to present a single candidate in the December elections. When Ousainou Darboe was imprisoned, Adama Barrow, a real estate businessman and UDP treasurer with no political experience, was chosen as presidential candidate.

By early December 2016, the little Gambia was on the frontline in Africa. The coalition led by Barrow won, by surprise, in the elections of December 1st. It was even more surprising that the dictator acknowledged his defeat in a televised phone call to the winner: "I want to take this opportunity to congratulate Adama Barrow on his victory. It's a clear triumph. I wish you all the best."

It seemed that the miracle was possible and that the nightmare was coming to an end. On December 5th, 19 opponents, including Ousainou Darboe, were released. But it wasn't going to be that easy. On December 9th, the dictator announced his total rejection of the electoral results, the annulment of the elections and their new celebration.

He was unwilling to give his arm in twisting, despite the wave of international condemnations, from the UN to the European Union, ECOWAS or the African Union. A race against the clock was started to force him to go without even ruling out a military action. A delegation from the Economic Community of West African States (ECOWAS), led by Liberian President Ellen Johnson-Sirleaf, attempted to negotiate with him. On January 17th 2017, the dictator declared the state of emergency for 90 days. Adama Barrow was sworn in on the constitutionally mandated day, 19th January 2017, at the

Gambian embassy in Senegal. Faced with the dictator's stubbornness, African ECOWAS troops, led by Senegal, threatened to enter the country that same day.

Yahya Jammeh finally gave up, negotiated his exile and left the country on 21st of January 2017 to take refuge in the country of another dictator, Teodoro Obiang, of Equatorial Guinea. Adama Barrow returned on January 26th. A new era began in the country. The dictator had been dethroned with a combination of diplomacy and military threat, an unprecedented event in the recent history of the African continent. In his first statements, Barrow assured that the Gambia would return to the Commonwealth and the International Criminal Court and that it was no longer an Islamic republic.

A new era for The Gambia

Gambians now speak hopefully of the new Gambia under the presidency of Adama Barrow, who, as a young man, was an economic migrant and worked as a security guard in London to pay his studies property management. He's a workaholic and a devout Muslim. His campaign benefited from social networks, through which he received support from the diaspora. Political analyst Muhammed Kah describes him as an appropriate leader: "His humility, calm and behavior are exactly what The Gambia needs after 22 years of dictatorship¹. For teacher and writer Musa Bah, however, he is not the right one because he is "inexperienced and does not have the necessary impetus to transform the country².

He faced a bankrupt state from the beginning. The European Union and the World Bank came to their aid with 56 million dollars. In July 2017, a Commission of Inquiry was established into the management of public enterprises, property and financial transactions and the misappropriation and theft of public funds by Jammeh and his henchmen. His sessions are public and broadcasted live on state television GRTS. "It gives the Gambians a great opportunity to learn how the nation was bankrupt when

¹ Author's email interview with Muhammed Kah. Date: 4/01/2018. He is a Washington-based Gambian, an analyst, political activist and businessman. He is Managing Director of the Golden Diamond Group and Executive Director of Light up and Connect Africa.

² Author's interview with Musa Bah by email. Date: 21/12/2017. Musa Bah is a Gambian teacher, writer, poet and activist. On his Facebook page, he regularly publishes a letter to the president analyzing his management and offering advice. He says you can't remain silent like during the dictatorship.

Jammeh left and who is responsible,"³says journalist Sheriff Bojang Jr. Also journalist Baboucarr Ceesay adds that "the commission has not only shown the level of tyranny but also the financial indiscipline with which it built an economic empire by manipulating cohorts and associates⁴.

For Mai⁵, another journalist, "the commission is not going in the right direction because the person who runs it, Amie Bensouda, benefited in one way or another under the previous regime and has been mentioned in many scandals and was the lawyer of some of Jammeh's facilitators, according to reliable sources. It's a waste of time and resources".

The government has already seized at least \$50 million of Jammeh's property and frozen more than 80 related bank accounts. In addition, the U.S. government's announcement on December 21st 2017 "about the freezing of accounts, assets and business that Jammeh stole from Gambians and national treasuries could not have come at a better time",⁶ says Muhammed Kah.

Some of the President's actions do not correspond to the expected transparency. The announcement that the ministers had to declare their property was very positive for the citizens. But in the end, these were not made public. Nor does the lack of explanations for changes in government, such as the dismissal of Interior Minister, Mai Ahmad Fatty, or the president's refusal to name the donor of more than 50 vehicles for deputies or Saudi Arabia's payment for the president's and part of the government's travel and stay for the hajj or pilgrimage to Mecca.

"Compared to the previous regime, this government is transparent and accountable. But most of the time he is accountable and transparent when it suits him. There have been issues and events where there has been no transparency, including the dismissal of the Minister of the Interior".⁷ "The media, that are expected to be more vibrant today than in

³ Author's interview with Sheriff Bojang Jr. Date: 5/01/2018. He's a Gambian journalist living in Dakar. He spent more than ten years in exile during Jammeh's regime.

⁴ Interview of the author with Baboucarr Ceesay by e-mail. Date: 6/01/2018. A Gambian journalist, he was persecuted and imprisoned several times by the Jammeh regime. He stayed in Gambia during the dictatorship.

⁵ Fictitious name of the interviewee who has asked to remain anonymous. The interview was conducted by the author by e-mail. Date 23/12/2017.

⁶ Ibid. Muhammed Kah.

⁷ Ibid Sheriff Bojang Jr.

the past," adds Baboucarr Ceesay, "have several journalists playing the role of sycophants rather than being vigilant. Cars for parliamentarians, the large delegation to China, changes in government or the hajj to Saudi Arabia are issues that should concern the media⁸.

The balance of a year

"The most important achievement so far is the peaceful transition of power to our new democracy. This brief period has seen the inauguration of a president, the appointment of a new government and the election of a new National Assembly," Barrow said in his address to the nation on the 25th of July 2017.

Positive steps have been taken in the field of freedom of the press, in the liberalization of the audiovisual sector or in encouraging the establishment of private television channels. There is also a draft national development plan for five years and the death penalty has been abolished. There have been debates on transitional justice, security sector reform and constitutional change, but Gambians wonder about socio-economic development. There is still no effective anti-corruption unit and the improvement and reform of the health and educational systems are also pending. "We need an education system that produces job creators rather than job seekers," explains Musa Bah. "Our labor market is run by foreigners while our youth is looking for clerical jobs. If they don't find them, they try to go illegally to Europe. We need to change curricula and adapt them to the needs of the country"⁹.

"Basically, respect for and recognition of human rights has been restored. However, the government has to talk about its plans, its visions and its roadmap, in other words, tomorrow is now"¹⁰, says Muhammed Kah, who misses a clearer commitment from the president to the Gambians of the diaspora to help in the country's development.

⁸ Ibid Baboucarr Ceesay.

⁹ Ibid Musa Bah.

¹⁰ Ibid Muhammed Kah.

In the April legislative elections, the coalition won more than 40 seats in the National Assembly and the former dictator's APRC just five. Barrow promised an open door policy towards the media and the reform or abolition of repressive laws, although not enough has yet been done. The government is working with the Gambian Press Union or Article 19 on several projects to promote and protect freedom of the press and freedom of expression.

However, the dictatorship's harsh laws against the media, such as Defamation and Seditious, False Information or Information, Communication and Technology (ICT), remain in force even if their application is suspended, laws that, according to Baboucarr Ceesay, "gag people's right to say what they think and threaten journalists in their work because an existing law can be used to prosecute you"¹¹. "The reform process must be accelerated with the abrogation of the draconian laws for the media that are still in the code of laws," says Fatou Jagne Senghor, director of Article 19, "much needs to be done at the level of media development, including professional training to produce information of high public interest at the journalistic level"¹².

Relations between the government and the media have improved with regular press conferences and two annual press conferences by the president and individual interviews. But perhaps a little more critical sense is missing. "Many journalists, especially those in the country, are weak or emotionally attached to this government and find it hard to criticize it"¹³. "I think people, especially journalists, are too lenient and somehow protective of the government. 22 years of repression have eroded people's zeal to hold the government accountable"¹⁴, adds Musa Bah.

The dictator's terrible secret services, the National Intelligence Agency (NIA), has now a new mandate and has been renamed the State Secret Service. "Today we are free to express ourselves and be ourselves without having to look over our shoulders to see if there are agents of the secret services. Today, thousands of Gambians who fled the

¹¹ Ibid Baboucarr Ceesay.

¹² Author's interview with Fatou Jagne Senghor by email. Date: 4/01/2018. She is regional director of the organization Article 19 in defense of freedom of expression and the right and access to information. It takes its name from Article 19 of the [Universal Declaration of Human Rights](#), which proclaims freedom of expression.

¹³ Ibid Sheriff Bojang Jr.

¹⁴ Ibid Musa Bah.

country or were even afraid to visit their families have returned. Today, young Gambians with entrepreneurial skills are no longer afraid to initiate projects for economic development," says Sheriff Bojang Jr., "however, in terms of policy and programs, the administration has yet to convince me and many Gambians that they know where they are taking us to. The government seems to be confused about a lot of policy-related things¹⁵. To which his colleague Mai adds: "The government is not doing what it said during the campaign. Some people and journalists have mixed feelings when, if you ask them, some of them are just going to say that they are really disappointed and regret having voted for him because he is not different from Jammeh when it comes to governing, while others will say that they only voted for Barrow because they wanted to get rid of the dictatorship, they wanted anyone other than Jammeh¹⁶. The first year, says Musa Bah, "has been characterized by a number of mistakes and some achievements. The lack of a clear development project or roadmap has greatly hampered the country's progress. There seems to be a lack of cohesion and coordination¹⁷.

To the critics of lack of a clear strategy, the president replied to Omar Wally of Deutsche Welle that it was not an easy path and needed time: "We have made a lot of progress. Food prices have fallen and fuel prices are the same today as in 2011. We have reduced commodity prices"¹⁸.

In his New Year's Eve speech he repeated his commitment to reform: "My administration is working tirelessly to ensure transitional justice while we carry out the necessary processes for institutional, social and political reforms. He also mentioned a problem that upsets the population, that of electricity: "The goods of the state have been neglected. Electricity is one of the key points. My government has established a roadmap to help resolve the continuing energy crisis"¹⁹. And he promised advances in the different sectors of the economy.

¹⁵ Ibid Sheriff Bojang Jr.

¹⁶ Ibid Mai.

¹⁷ Ibid Musa Bah.

¹⁸ Interview from Omar Wally with President Adama Barrow. Deutsche Welle, 28(07/2017. Consulted: 2/01/2018. <http://www.theafricancourier.de/africa/exclusive-interview-with-gambian-president-adama-barrow/>

¹⁹ New Year's Eve Speech, 31/12/2017. Date consulted: 5/01/2018.

<https://statehouse.gov.gm/new-year-statement-his-excellency-mr-adama-barrow>

The fragile security and mission of ECOWAS

The Economic Community of West African States (ECOWAS) succeeded in restoring democratic order by threatening with the use of force but without using it. It was supported by the UN, the EU and the African Union in what was an African solution to African problems. Only when the possibility of a military intervention proved credible did the dictator accept defeat. These were the main factors for the success:

- It had a clear legal mandate to threaten with the use of force to protect democracy in one of its member states.
- There was consensus that ECOWAS forces could cope with the relatively small Gambian army.
- The Gambian president could not count on friends among his regional counterparts or on any powerful ally outside Africa.
- Regional leaders such as Nigeria or Senegal had committed to regional intervention.

For ECOWAS, Jammeh's position was unacceptable and threatened peace in the Gambia and throughout the sub-region. Their leaders decided to send a mediation commission to Banjul on the 13th of December 2016. Articles 1b and 1c of its Protocol on Democracy and Good Governance state that "every access to power must be through free, fair and transparent elections" reflecting the principle of "zero tolerance of power obtained by unconstitutional means"²⁰.

After taking office at the Gambian embassy in Senegal, Barrow asked ECOWAS for a military mission, ECOMIG, to maintain peace and achieve stability. Operation "Restore Democracy" was deployed in January 2017 to ensure the transition. Its duration was six months and its mandate "to facilitate the departure of Yahya Jammeh to restore the popular will of the Gambian people expressed in the elections and to create the conditions to normalize the political and humanitarian situation in The Gambia". The force consisted

²⁰http://documentation.ecowas.int/download/en/legal_documents/protocols/Supplementary%20Protocol%20on%20Democracy%20and%20Good%20Governance,%20Supplementary%20to%20the%20Protocol%20Relating%20to%20the%20Mechanism%20for%20Conflict%20Prevention,%20Management,%20Resolution,%20Peacekeeping%20and%20Security.pdf. Consulted: 7/01/2018.

of 7.000 soldiers from Senegal, Nigeria, Ghana, Mali and Togo, with air and naval support.

ECOMIG was endorsed by UN Security Council Resolution 2337. It is an African operation and shows the organization's ability to contribute to peacebuilding and conflict prevention. The mission commander, the general François Ndiaye, indicated that the forces entered Gambian territory "after the mediation and exit of Banjul from the former president Jammeh" with the aim of controlling strategic points, providing security to the population and facilitating the assumption of the functions of the elected president. The mission has been reduced to a few hundred military personnel but June 6th 2017 its mandate was extended for another year and will probably remain until the army is reformed and no remnants of the Jammeh era remain.

One of the cornerstones of the transition is undoubtedly the defense and security reform. The Yola minority, to which Jammeh belongs, is over-represented among state officials, particularly in these sectors. This is problematic for the new president, of the Fula ethnic group. But it is also the case for the Senegalese ECOMIG forces. The Yolas are the leading group of the MFDC (Movement of Democratic Forces of Casamance) fighting for the independence of this region of southern Senegal.

There were some incidents last year. On April 4th, inhabitants of Kanilai, the hometown of the dictator, showed their hostility to the African forces which they consider occupying troops. A few weeks later, two Gambian soldiers were wounded in an exchange of fire with those of ECOMIG. And on the 2nd of June, one person died and several more were seriously injured when supporters of Jammeh clashed with ECOMIG troops over their presence in The Gambia.

There has also been some confrontation between supporters of the UDP and of the APRC and an occasional act of violence by supporters of the formation of the former dictator. "Still some of Jammeh's supporters do not accept change, even in the field of security. Some members of the security forces, some of the death squads called "jungulars," are still on the run, living outside the country"²¹, explains Baboucarr Ceesay.

²¹ Ibid Baboucarr Ceesay.

Momodou Badjie, a retired military commander and diplomat, is the new National Security Advisor. It has made institutional and organizational reforms his priority, as well as changing the image of the army. He will also seek to mitigate possible poor relations between the population, security forces and troops of West Africa.

"There is a need for clarity and transparency in security and public administration reform. Nepotism is perceived according to political lines and ethnicity when it comes to employment in government, the narrative is becoming worrisome and constitutes a deviation from the agenda of national unity for which citizens voted. These situations reduce confidence in the government. The diaspora is discontent and inherited illegal immigration and the discomfort associated with returnees are issues that must be addressed with a high level of commitment, competence and openness", explains Fatou Jagne. "Placing allies close to Jammeh in high-level decision-making roles has been criticized and may affect reconciliation and the fight against impunity. It is also interpreted as a sign that some might be protected by their close relations with the new administration"²².

Justice and reconciliation

Serious human rights violations were committed in the Gambia of Jammeh: arbitrary arrests, enforced disappearances, mass graves, rape, murder, torture. Thousands of people fled into exile. "I wonder if there is a family in this country that can say: we were not affected by the oppressive regime of Yahya Jammeh"²³, says Emile Sambou, parish priest of Saint Anton church in Kololi.

The conditions in prisons were inhuman. Detainees at Mile 2 Central Prison, which Jammeh ironically called his five-star hotel, were often subjected to prolonged solitary confinement. "The conditions were very dehumanizing, the prisoners took many illnesses because no one was allowed access, not even the international community, the Red

²² Ibid. Fatou Sagne.

²³ Statements from the documentary "Gambia smiles again", broadcasted on October 16, 2017, "En Portada" of TVE. <http://www.rtve.es/alacarta/videos/en-portada/portada-gambia-sonrie-nuevo/4258424/>

Cross, the United Nations, were not allowed access"²⁴, said journalist and human rights activist Sainey MK Marenah who fled to Senegal after being imprisoned.

Dozens of journalists left the country after being arrested, threatened or even tortured. At least two journalists have been killed or disappeared since 2004. "The conditions of my detention were very bad, inhuman and degrading. I wasn't tortured physically but I was tortured mentally and psychologically. My life was horrible. I lived under constant fear, intimidation and threats. I couldn't express myself freely"²⁵, says Sainey MK Marenah.

There are among the members of government several former political prisoners such as Ousainou Darboe: "The day I was arrested I was hit with a stick on my head and suffered terrible injuries. We were held incommunicado for several days. The first three or four days were really hard because I slept on a wood without a mattress"²⁶. "What happened is beyond explanation. We were severely beaten. I don't know if I was raped because I was in a coma for three days, God only knows what happened but I don't think I was raped. I thought I was going to die from the pains I went through, I thought I wouldn't survive that suffering"²⁷, confesses Fatoumata Jawara. Not even the religious were spared, like Imam Baba Leigh who ended up in exile: "I was incommunicado, nobody knew where I was. I suffered many tortures, punishments, there was no food or medical check-ups. I had no access to a lawyer"²⁸.

On December 21st 2017, parliament passed the law establishing the Truth, Reconciliation and Reparations Commission (TRRC) to investigate human rights violations. Its duration will be 11 months. At least 24 former security officials accused of human rights violations have been arrested, nine in connection with the death of opposition leader Solo Sandeng. The National Assembly also gave the green light to the creation of the Constitutional Review Committee and the Human Rights Commission.

Those most implicated in human rights violations were members of the National Intelligence Agency (NIA), the "jungulars" and the police. Anyone could be their target, but especially journalists and political opponents. "None of the heinous crimes can go

²⁴ Ibid. documentary "Gambia smiles again".

²⁵ Ibid. documentary "Gambia smiles again".

²⁶ Ibid. documentary "Gambia smiles again".

²⁷ Ibid. documentary "Gambia smiles again".

²⁸ Ibid. documentary "Gambia smiles again".

unpunished. The Commission must also play its role of reconciling society after those who have been involved in certain acts confess, are identified and ashamed and ask forgiveness of society to facilitate reconciliation"²⁹, says Baboucarr Ceesay, himself a victim of the dictator.

"Justice will be done", adds Fatou Jagne, "when the victims and/or their families have been given the opportunity through an objective and flawless process to know the truth and see that no one is protected and that the government is committed to bringing all perpetrators to face their actions"³⁰.

Victims have created the Gambian Center for Victims of Human Rights Violations known as the Victims' Center. It supports the survivors of prison and torture, as well as the families of the disappeared and murdered. It was established in April 2017 and its representatives insisted that reparations be added to the mandate of TRRC. The center was also available to review the commission bill before it was sent to the National Assembly.

Its mission is to be a platform to promote truth, justice, responsibility, reconciliation and reparations, and above all human rights. "It is up to the victims to define justice in the way they determine, but ultimately there can be no impunity for those who committed crimes against our citizens. Justice ranges from economic to legal compensation. Those who saw their property taken away by force need money to rebuild their lives. Those who were persecuted, imprisoned or killed need the opportunity of a trial. There can be no reconciliation without justice. That would be covering the wounds but not treating them. Let us first have justice and forgiveness and then think of reconciliation"³¹, says Maila Touray, president and founding member of Victim's Center.

The center is present in social networks. He also played an important role in the October 2017 launch of the #Jammeh2Justice campaign to hold the ex-dictator accountable for his crimes. Barrow and his government have pledged that there will be no impunity.

²⁹ Ibid. Baboucarr Ceesay.

³⁰ Ibid. Fatou Jagne.

³¹ Interview with Maila Touray by e-mail. Date: 27/12/2017.

Conclusions

The resolution of the crisis in The Gambia with the intervention of ECOWAS was a victory for regional pro-democracy activism. But conditions specific to West Africa make it unlikely that the model will spread to other parts of Africa or the world. In any case, the country's post-conflict agenda needs considerably more than ECOMIG's military support. And security is fundamental for the future because if it is not guaranteed, the investments necessary for development will not arrive. Although apparently there isn't any serious threat to the country's security, it is still fragile and worrying and attempts to destabilize of Jammeh supporters cannot be ruled out.

"We have come out of international isolation and we are renewing the image of The Gambia, giving a new image, an acceptable image. Our colleagues in the international community can now look to The Gambia as a nation that will be an example to the world"³², says Foreign Minister Darboe.

The Gambia has effectively emerged from isolation. But it still has a way to go to reconcile as a nation, to do justice to victims, meet security challenges and maintain political stability. A transition process is never easy. You have to find out the truth about what happened, correct past injustices and evils and rebuild corrupt institutions. These are essential elements that the new Gambia cannot ignore. But it also has to reform the constitution, modernize the economy, provide stable energy, create jobs and fight corruption.

Education is another of the key points, along with the education and training of young people. Agriculture, as the backbone of the country's economy, must be promoted and reformed. They must also seek the return of Gambians from the diaspora who are willing to invest or contribute their knowledge and skills to the country's development.

A vision anchored in the values of national unity, non-discrimination and responsibility and maintaining security and public interest values is necessary in the development of plans to rebuild the country.

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³² Ibid documentary "Gambia smiles again".