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Still Reeling From the Jammeh Years, Gambia Begins Its Journey to Justice

Louise Hunt | Tuesday, Nov. 27, 2018

Relatives of victims of the regime of former Gambian President Yahya Jammeh participate in a demonstration to demand information about what happened to their loved ones, Banjul, Gambia, April 17, 2018 (Photo by Jason Florio).

BANJUL, Gambia—In July 2005, Martin Kyere, a 25-year-old shoe-seller from Kumasi, in northern Ghana, set off for what he hoped would be a better life in Europe. He took with him a small bag containing some clothes and biscuits, and $1,400 sewn into his underpants.

First he traveled to Dakar, the capital of Senegal, to find a smuggling agent to arrange the risky voyage to Spain via the Canary Islands, then the most common illegal migration route to Europe from West Africa. The plan was to travel by canoe from the Senegalese coast to a larger boat waiting for them in the Atlantic Ocean. He and around 55 other migrants—44 from Ghana and the rest from Nigeria, Senegal, Togo and Cote d'Ivoire—set off from the town of Saly at night, but they lost contact with the captain of the boat and ended up straying into neighboring Gambia.

At the time, Gambia was ruled by Yahya Jammeh, a ruthless autocrat. In 1994, Lt. Jammeh, aged 29, had seized power from President Dawda Jawara in a bloodless coup. He promised to develop the nation and return Gambia to civilian rule "as soon as we've set things right." Instead, Jammeh's grip on power tightened and human rights violations became endemic. By 2005, many of his perceived opponents, including journalists, members of his government, security forces and human rights defenders, had been arbitrarily arrested or otherwise "disappeared."

Well aware of this record, none of the migrants wanted to set foot on Gambian soil, Kyere recalls. But they needed to re-establish communication with the captain, so some of them disembarked in the capital, Banjul, while Kyere and the others rested near the small town of Barra. That evening, however, a boy spotted them and reported them to the police, who arrested them and took them into Barra.

The physical abuse began as soon as the men were taken into custody. "Many police were waiting with guns. They marched us through this place to the police station. The beatings started here," Kyere said

during a recent interview with WPR at the ferry terminal in Barra. It was the first time he had returned there since his arrest more than a decade ago. “People lost their teeth. There was blood flowing everywhere.”

The migrants had no idea why the Gambian security forces were meting out such extreme punishment. As it turned out, the hapless young men and two women were in the wrong place at the wrong time. They had come ashore on the anniversary of Jammeh’s 1994 coup, meaning Jammeh was even more paranoid than usual. Ousman Sonko, then the chief of police, informed Jammeh that boatloads of “foreigners” had been captured. With the state intelligence services fearing a coup plot, Sonko apparently mistook them for mercenaries.

From Barra, the migrants were taken south across the Gambia River to the naval headquarters in Banjul. Even today, some 13 years later, Kyere struggles to describe the horrors he experienced from that point on. The migrants were severely beaten and interrogated by senior security service officials. “They kept asking, ‘Why you want to ruin Gambia?’” By midnight, they were split into groups and sent to police stations across Banjul. Eight of them were taken to a coastal community outside Banjul called Ghana Town; villagers later found their bodies in the bush.

After a week in a cell, Kyere and the 14 other migrants in his group were placed in a pickup truck by three soldiers wearing bullets and talismans. These were Jammeh’s most feared henchmen, known as the Junglers, a paramilitary squad who got their name from the rigorous “jungle” survival training they’d completed. They are alleged to be behind most of the extrajudicial killings and torture committed by Jammeh’s regime.

“We were tied with black wire so that our heads were pulled backwards to our hands. We didn’t know where they were taking us,” Kyere says. While en route, a migrant complained that the wire was too tight, so one of the Junglers hacked his arm off. A Nigerian man then started to pray. In response, another Jungler “put a cutlass to the man’s backbone and slashed it,” Kyere says, recalling how the truck filled with blood.

They drove on through a forest road. Somehow, Kyere found a way to free himself from the wire. As he slipped free, one of the migrants said, “God has chosen to save you so you can tell the world what Yahya Jammeh has done to us.” Kyere jumped from the back of the truck and sought cover in the forest. “There were gunshots over me from everywhere,” he says, mimicking the “pop-pop” of gunfire. He could hear the other migrants back in the truck crying out “God save us” as he ran.

After three days in the forest, Kyere found refuge in southern Senegal and made his way back to Ghana. He was the only member of the group to survive the ordeal. It later emerged that the other migrants were taken to a forest just over the border in Senegal, near Jammeh’s former home in Kanilai, where they were

shot before their bodies were reportedly thrown in a well.

'Jammeh Is the Main Suspect'

For more than a decade after Kyere fled Gambia, the thought of getting justice for himself and the other migrants seemed all but impossible. Jammeh grew increasingly erratic, grabbing headlines with his absurd claim to have invented an herbal cure for AIDS and his threat to "slit the throats" of gay people. Attempts to investigate human rights abuses by the United Nations' special rapporteurs and NGOs such as Amnesty International were repeatedly obstructed, and he believed himself to be invincible. In 2011, he famously told the BBC in an interview that he could rule the country for 1 billion years.

In December 2016, however, Gambians went to the polls in an election that surprised and inspired the world. It came to be seen as the uplifting story of a downtrodden nation rising up and peacefully voting out one of the continent's last old-school dictators after 22 years of oppression.

> ***Jammeh's loyalists remain largely in denial about the extent and severity of past abuses.***

After a tense six-week political impasse during which Jammeh refused to accept his loss to Adama Barrow, he finally agreed to go into exile in Equatorial Guinea in January 2017. He remains there today, living in one of President Teodoro Obiang Nguema Mbasogo's palaces.

International justice campaigners are now trying to bring Jammeh and his accomplices to trial, and Kyere's story is central to that project. It is for this reason that, in October, Kyere returned to Gambia for the first time since running from the Junglers. "This is a sad day for me. They were all innocent," he said, fighting back tears during a press conference in Banjul that followed a similar briefing in Dakar. He then went on to make a speech at the 63rd session in Banjul of the African Commission on Human and Peoples' Rights.

Kyere was accompanied by a small team of investigators from Human Rights Watch and Trial International, a Geneva-based NGO, as part of the victim-led #Jammeh2Justice campaign that was launched in Banjul in October 2017.

They are hoping to raise awareness of the 2005 migrant massacre to put pressure on officials to reopen an investigation that could determine who was responsible. A previous probe, conducted in 2009 by the United Nations Department of Public Affairs along with the regional bloc ECOWAS, concluded that "rogue

elements," and not Jammeh's government, were to blame. The full report was never made public, though, and activists dispute its findings.

"Over the past 18 months, we have interviewed more than 30 witnesses, including one former Jungler who was present during the killings, and we came to the conclusion that, unlike the U.N.-ECOWAS investigation, the migrants were killed by the Junglers, who took their orders directly from Yahya Jammeh," says Marion Volkmann-Brandau, coordinator for the #Jammeh2Justice campaign.

Beyond laying the groundwork for a possible trial, the public airing of Kyere's story is also intended to shape how ordinary Gambians think about their country's recent history. Until now, the migrant massacre has been part of Gambia's dark folklore, one in a series of horror stories that were merely whispered out, their details fuzzy and unconfirmed. There are many people, Jammeh's loyalists in particular, who remain in denial about the extent and severity of past abuses.

Kyere's testimony has the potential to reveal both the senseless brutality of the regime and, according to activists, Jammeh's responsibility for it. As Benedict de Moerloose, head of criminal law and investigations at Trial International, put it, "This is a state crime, every part of the state is implicated, and Yahya Jammeh is the main suspect."

Martin Kyere, the sole survivor of a massacre of West African migrants in Gambia in 2005, crosses the Gambia River on his first trip back to the country, Oct. 28, 2018 (Photo by Louise Hunt).

A One-Sided Story of Violations

Kyere's return to Gambia came shortly after the launch of the country's long-awaited Truth, Reconciliation and Reparations Commission, or TRRC, on Oct. 15, an event that took place in a luxury seafront hotel repurposed to serve as the commission's headquarters.

Made up of 11 commissioners who were selected by public vote to represent a cross-section of Gambian society, the TRRC is chaired by Lamin Sise, a veteran U.N. diplomat and former aide to Kofi Annan. Essa Faal, a lawyer who recently worked for former Liberian President Charles Taylor, will lead the investigations.

Establishing an independent commission was a personal goal of Barrow's justice minister, Aboubacar Tambadou, who previously worked as a prosecutor at the International Criminal Tribunal for Rwanda, which was set up to try perpetrators of that country's 1994 genocide. "The objective in establishing this commission is to prevent recurrence of the human rights abuses that have occurred here," Tambadou said in a documentary introducing the TRRC. "The psychological trauma that has befallen the people during this period is something no one wants to see ever again."

Over the next two or three years, the TRRC will be tasked with investigating individual abuses that occurred between 1994 and January 2017, as well as how the violations were enabled at an institutional level. There is no start date yet for the hearings. "We have witnesses prepared and ready to testify, but we still have to put all the logistics in place," says Baba Galleh Jallow, the TRRC's executive secretary.

The TRRC will gather evidence that could lead to prosecutions, and it is also empowered to provide financial reparations to victims. "As the hearings happen, the most serious perpetrators will stand out and we will make recommendations to the government for prosecutions, then it is up to the government to decide," Jallow explains.

Tambadou has previously said trials will not take place until the TRRC finishes its work. While there is some public pressure to hold trials quickly, Tambadou believes that a deliberate, thorough approach to adjudicating the past will better serve Gambia and break the culture of impunity that sustained Jammeh's dictatorship. The timeline also gives the government a better chance to restore judicial institutions that were effectively dismantled during the Jammeh era.

The TRRC is part of a broader transitional justice program that is being funded in part by a $20 million pledge from the United Nations Development Program. Qatar has also promised to give $3 million for

transitional justice initiatives, and Barrow's government, which was heavily in debt when it took over, has allocated about $80,000. Tambadou said in a recent press briefing that further funds are being sought.

While the TRRC will inevitably be shaped by lessons from the experiences of similar commissions in South Africa, Sierra Leone and elsewhere, the Gambian context poses unique quandaries.

> ***"This is a state crime, every part of the state is implicated, and Yahya Jammeh is the main suspect."***

"Most truth commissions over the past 15 years have been in the context of civil war, for example Sierra Leone and Liberia, or, like South Africa, to prevent a civil war," says Joanna Rice, the Gambia representative for the International Center for Transitional Justice, or ICTJ, an NGO based in New York. "Gambia's is a post-authoritarian context, which comes with some quite different challenges."

One crucial element of the Gambian case is that pursuing justice will not involve trying suspects from opposing sides. "It's not like there are any documented cases of the opposition torturing or disappearing Jammeh's supporters. The human rights violations are a one-sided story," Rice says. "That could do a lot of dangerous things given that around 20 percent of the population is still supporting Jammeh."

There are also risks inherent to documenting just how wide-ranging the regime's abuses were. Most Gambians know of high-profile cases involving those who stood up to the regime, such as the massacre of 14 student protesters in Banjul in April 2000; the assassination in 2004 of a newspaper editor, Deyda Hydara; and the killing of opposition activist Solo Sandeng in 2016. But the TRRC is expected to reveal how the abuses affected all sectors of society. In some cases, victims and perpetrators may belong to the same family, or they may even be the same person—a perpetrator who later became a victim.

"There's no way to prepare people for the unknown," Jallow admits. "This will be a difficult process. There will be a lot of surprising, devastating revelations through the victims' testimonies that will come out."

Rice agrees. "If these realities are not taken into consideration," she says, "the process could tear holes in the fabric of Gambian society, potentially leading to unrest."

'Only Justice Can Heal Wounds'

Some of the most challenging cases to investigate will likely involve members of Jammeh's ethnic group, the Jolas, who tend to be his die-hard political supporters. Jolas make up about 10 percent of the

population, and many still see Jammeh as their leader and believe he will return one day.

This fierce devotion is something Jammeh deliberately cultivated. Throughout his 22 years in power, he created a culture of dependency among "his people," lavishing Jola villages with free water and electricity and feasts that could last for days, while the rest of the rural population, who rely mainly on subsistence farming, suffered in poverty.

Tribalism has not historically been a major issue in Gambia, and it is not currently a threat to peace. Gambians pride themselves on good relations among the different groups. In addition to the Jolas, Mandinkas make up 42 percent of the population, while Fulas make up 18 percent and the Wolof some 16 percent.

In the run-up to the December 2016 election, however, Jammeh stoked tensions between the Jolas and Mandinkas. During campaign rallies, he referred to Barrow's Mandinka-majority United Democratic Party as "evil vermin" and threatened to bury them "nine-feet deep."

Former Gambian President Yahya Jammeh at a festival in his home village of Kanilai, Gambia, May 13, 2014 (Photo by Jason Florio).

Now that the tables have turned and there is a Mandinka-majority government in power, the Jolas feel they are being deliberately disenfranchised in Gambian society. There have been several flare-ups of violence between government supporters and Jammeh loyalists, and Barrow has been criticized for not doing enough to engage with the Jola communities and quell the brewing tensions.

"The country is becoming more polarized on political and seeming ethnic lines," says Sait Matty Jaw, a political scientist at the University of The Gambia, adding that this could threaten the work of the TRRC. "Some people are thinking that the truth commission is a political process set up to witch-hunt Jammeh and other people."

These concerns are felt most keenly in Jammeh's former strongholds in the Fonis, a stretch of communities located two hours by road east from Banjul, where the green flags of his political party, the Alliance for Patriotic Reorientation and Construction, or APRC, are still flown defiantly along the roadside.

In Jammeh's heartland, the Foni village of Kanilai, the community—primarily relatives of the former president—lives in the shadow of his now sealed and heavily guarded palace, which once contained its own zoo. Ebou Jammeh, the *alkalo*, or chief, warily explains how they feel about their change in fortunes.

"The election was based on tribalism. Since the change in government, it's very rare to see a leader from our tribe," he says. "All the leaders that were Jolas, they took them off their position."

Asked for his views on the truth commission's work and the broader pursuit of justice, he smiles benignly. He says that the community wishes to reconcile and live peacefully, and he does not believe there is a need for Jammeh to be held to account for human rights abuses. "Those are accusations based on tribalism," he says. "Yahya Jammeh does not like to see anyone wounded, much less killed."

This is the APRC's party line, and it serves to perpetuate denial among Jammeh's supporters. But resistance to confronting the past goes much deeper than politics.

"The scary thing for a lot of people is that the truth commission risks revealing that one of Jammeh's great successes was his ability to infiltrate families and communities and get people to turn against each other to protect themselves, or for their own advancement," says the ICTJ's Rice. "A lot of people don't want those stories out, because in a place like Gambia where everyone is so close, some of the things that happened really hit close to home."

Despite these risks, Gambian activists are committed to the pursuit of justice. In the sparse office of the Gambia Center for Victims of Human Rights Violations, a civil society organization based in Banjul, black-and-white banners feature slogans such as "Only justice can heal wounds."

It's a sentiment that reflects the high emotional stakes for victims, who have already waited years to learn what happened to their loved ones who went missing or for compensation for the harm done to them and their families.

The Victims' Center was opened in May 2017 by a small group of activists to serve as a support hub for the growing number of people who, in the wake of Jammeh's departure, came forward claiming to be victims of the former regime. The center has recorded more than 1,000 testimonies. It survives on small aid packages from international NGOs, but has not received any government funding or even a visit from Barrow.

When I dropped by the center in April, Ayeshah Jammeh and Zainab Lowe, the two young women who run its day-to-day activities, said victims were increasingly frustrated with the government's lack of support. "People are coming in and losing it," said Ayeshah Jammeh, a niece of the former president. Victims of torture were desperate for medical care, and children of parents who were killed needed help with school fees.

Both women can empathize, having lost relatives during the Jammeh years themselves. Lowe's older brother, Lt. Ebou Lowe, went missing in 2006 after he and four other soldiers were accused of leading a coup attempt. "After the political impasse"—meaning the disputed election—"I was told to open a case file at the police headquarters for my brother," Lowe said. "But since then we haven't heard anything more about his case."

Ayeshah Jammeh, for her part, hopes the truth commission will help her learn what happened to her father, Haruna Jammeh, who disappeared in 2005, when she was 13. She has heard, via an interview with a former Jungler now living in exile, that the Junglers strangled him to death, but this is unconfirmed.

Ayeshah knows that the process of getting answers will be difficult and painful, and that those who have the answers may never surrender them. "My family are Jolas, and they are very loyal to their community," she says. "I know most people in the community must know what happened, but if one person comes out to talk they will fear they will no longer be accepted. That makes it very hard for a Jola person to speak out. They will see it as a betrayal of their own people."

Ayeshah Jammeh, a founding member of the Gambia Center for Victims of Human Rights Violations, at her home, April 2018 (Photo by Jason Florio).

Already Reverting to Old Ways

Though its work has only just begun, the commission has tried to demonstrate that it is attuned to these concerns. One of its early initiatives is a series of "National Conversations" intended to mitigate the threat posed by tribalism. Baba Jallow and the commissioners recently visited the Fonis to try to encourage more engagement in the process.

However, the commission can only do so much. Its overall success hinges on how well the government can deliver on its own post-Jammeh agenda, and there are worrying signs that the "New Gambia" touted by President Barrow after his inauguration is reverting to old ways.

Barrow initially vowed to serve one three-year term, both to position himself as a truly transitional figure and to contrast himself with Jammeh, who removed term limits entirely in 2005. But Barrow and other leaders of his coalition have since indicated that he may serve the full five-year term allowed by the constitution. Barrow told The Point newspaper in August that the exact length of his tenure was "not important." He added, "What is important is to let us reform all the processes to make sure we rectify the

system." Though Barrow has not made any definitive statements, Gambia's election commission has apparently made no plans (http://standard.gm/site/2018/09/03/iec-has-no-plans-for-elections-in-2019/) to organize elections next year, according to The Standard, another local newspaper.

Barrow's administration has also been dogged by corruption scandals, including the anonymous donation of a fleet of 57 cars to members of the National Assembly in 2017 and the alleged deposit (http://fatunetwork.net/source-of-the-money-deposited-into-the-fatou-bah-barrow-foundation/), by a Chinese company bidding for a lucrative energy contract, of $752,500 into accounts for First Lady Fatoumatta Bah-Barrow's charitable foundation. The latter matter is now reportedly the subject of a parliamentary investigation.

The president has also been criticized for appointing members of the old guard to new posts. Three Jammeh-era ministers were given ministerial positions in the administration's first Cabinet reshuffle in July. Another mystifying decision was to make former APRC spokesman Seedy Njie the head of Barrow's youth movement.

"You cannot say 'Never Again' while maintaining the same structure as the former regime," says Sait Matty Jaw, the political scientist. "A lot of people are arguing that Jammeh's system is still in place. The only thing that's changed is the leadership."

Jeffrey Smith, director of Vanguard Africa, the Washington-based organization that advised Barrow's coalition during the transition, agrees that the government has made a series of missteps. "People with which Barrow surrounded himself at the beginning had really good intentions, but the lack of governing experience is really hampering efforts. A lot of people are really disappointed, me included," he says. "Unfortunately, I think this is giving more power to the APRC and in many ways it's paving the way for their eventual comeback to the political scene. That's something I'm keeping an eye on and I'm particularly worried about."

Jammeh has also indicated that he's still able to make mischief in the country. Over the summer, reports of a leaked WhatsApp phone conversation between APRC leaders and Jammeh suggested that he is still in control of the party and is hoping to return. In the conversation, which has not been authenticated, he directs a reshuffle of the party. Toward the end of the discussion, he declares, "If it is my time to come back to Gambia, nobody can stop that."

While some are inclined to dismiss such statements as delusional ramblings, they have heightened anxiety among activists already worried about whether they will ever be able get the justice they have worked for.

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Their quest has been further thrown into doubt by the release of some Jammeh-era security officials for lack of evidence. Four of 10 Junglers who'd been arrested in February 2017 were let out in August after officials said it was "impossible" to find evidence pinning them to human rights violations. And David Colley, the former director of the notorious Mile 2 prison outside Banjul, was quickly released after being arrested in March in connection with the murder of a Jammeh aide.

Activists have raised the possibility that some investigations could be thwarted by conflicts of interest. "If we still have people in positions of power who were the enablers of the old system in the new government, this will make the work of the TRRC very difficult," says Ayeshah Jammeh.

Baba Jallow says the commission will "resist political interference" if it occurs.

'A Larger Justice'

As for the fate of former President Jammeh himself, Barrow's government has said it will wait until the truth commission concludes its work before taking any steps to prosecute him. That suggests any trial is still a long way off. But there is another option—one that hinges on Kyere's story of surviving the migrant massacre.

Because Kyere is from Ghana, and because 44 of the slain migrants were Ghanaian too, some activists are pushing for judicial officials in that country to pursue a case against Jammeh.

"The migrant massacre is the largest in terms of numbers and offers the best possibility of a first step to holding Yahya Jammeh criminally accountable," says Reed Brody, a prominent human rights lawyer who was instrumental in putting former Chadian President Hissene Habre on trial (https://www.worldpoliticsreview.com/articles/24537/how-survivors-of-sexual-assault-helped-bring-chad-s-former-dictator-to-justice) in Senegal in 2015 and is now working with Jammeh's victims in Gambia.

By bringing maximum attention to Kyere's story, Brody hopes to pressure Obiang's government in Equatorial Guinea to stop shielding Jammeh from trial. "It's a question of making it more costly for Obiang to protect Jammeh than to disgorge him, and you do that by putting the victim's story first," Brody says. The activists are also pushing for the U.N. and ECOWAS to finally make public the findings of its 2009 investigation.

Changing Obiang's mind, however, is a tall order. The 76-year-old, who is Africa's longest-serving ruler, said in January that he would protect Jammeh from extradition, describing him as a "pan-Africanist who had agreed to exile."

Despite the hurdles, Brody is committed to this approach. "The Gambian government is not going to move against Yahya Jammeh immediately, but they all agree that eventually he should be brought back to Gambia to face a fair trial," he says. "But as a first step, having him prosecuted for this crime only in Ghana is a stepping stone toward a larger justice."

As for Kyere, he concedes that returning to Gambia after so much time away wasn't easy.

"Many of my family members didn't want me to be here because they think the Gambians are the same people. They thought something bad could happen whether Jammeh is around or not," he says.

"It's difficult to explain that going back to Gambia is a goal. For me, it's about finding justice for the other victims and myself. It's all I think about. It's not only in Ghana and Gambia, but for Africa as a whole to learn from this."

Louise Hunt is a freelance journalist and filmmaker who focuses on social justice and international development. She lived in Gambia briefly during the Jammeh regime, witnessed the political transition and is now reporting on the transitional justice process and the victims' movement, as well as illegal migration from Gambia to Europe. Follow her on Twitter @lhuntjourno (https://twitter.com/lhuntjourno?lang=en).