

A stylized map of the African continent composed of a grid of grey dots, with several dots highlighted in red. The title is centered over the map.

Womens' perspectives on reparations and national reconciliation, The Gambia

THE WOMEN'S ASSOCIATION FOR VICTIMS' EMPOWERMENT (WAVE)

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CONTEXT

On 2 December 2016, Gambians elected a new government that ended former President Yahya Jammeh's decades of dictatorship. During his 22 years of autocratic rule, Jammeh's government committed different human rights violations and abuses including unlawful killings, enforced disappearances, torture, intimidation, arbitrary arrests, and sexual violence to suppress dissent and preserve its grip on power. After losing the 2016 Presidential elections and soon after his departure to exile in Equatorial Guinea in January 2017, Jammeh's victims started to openly talk about their ordeals and forge paths in seeking the truth and calling for justice and reparations for the harms suffered. The new Government under President Adama Barrow embarked upon a series of reforms aimed at promoting respect for human rights and the rule of law and restoring public confidence, amongst others. One of the Government's initiatives included the enactment

of the Truth, Reconciliation and Reparations (TRRC) Act in December 2017, one of three Acts that ushered Gambia's transitional justice process. The TRRC was mandated to *inter alia*, (a) create an impartial historical record of human rights abuses and violations that characterised Jammeh's regime to (i) promote healing and reconciliation, (ii) respond to the needs of the victims, (iii) address impunity, and ... (d) grant reparations to victims in appropriate cases. The Commission assumed its 2-year mandate on 7 January 2019 (temporarily extended due to Covid-19 pandemic). As its name implies, the TRRC has a multi-faceted mandate which, in addition to the 'truth seeking', encompass 'reconciliation and reparations', all three of which it undertook. There were only 69 women out of the 392 individuals (both victims and perpetrators) that participated in the hearings. Twenty-five of these women are survivors of sexual violence.



WHY REPARATIONS?

Reparations symbolises making amendments for wrongs of the past by providing assistance to people that were affected. For victims, this can come in different forms such as monetary, in kind, psychosocial and/or medical support, and holding perpetrators accountable. Financing reparations is pivotal in any transitional justice process for which the Government must provide adequate funding streams to established Victims' Funds. Inevitably, some of these initiatives are often fraught with challenges, including due to lack of proper dialogue/engagement with prospective beneficiaries, lack of adequate funds, absence of follow-up mechanisms as well as embezzlement of funds, to name a few. Victims' involvement and participation is paramount, and it is essential that some form of registration with relevant mechanisms is necessary before one can be considered eligible and to ensure reparations are given fairly and to the correct recipients. However, no one is compelled to testify as a prerequisite to eligibility.

WOMEN'S PERSPECTIVES ON REPARATIONS

Reparations are intrinsically linked to issues of justice, accountability, and reconciliation – which all fall under the purview of the Government and must be conducted in an open and transparent manner, fair, just, and effective. Respondents' divergent views on reparations, its purpose and how it will impact their lives is common. Few victims received reparations from the former regime, such as restitution of property that was misappropriated, although such support was sparsely provided. More generally, details of reparations payments made during that period is not widely known.

TRRC REPARATIONS REGULATIONS

In July 2021, the TRRC commenced making reparations awards to some of the victims that had registered with the Commission. Prior, the TRRC granted *“Urgent Interim Measures in respect of urgent cases that warranted immediate remedial action. Health care was provided for victims, education support provided*

for children of victims, while some received support towards their housing needs. Furthermore, psychosocial support (was) and continues to be provided for both victims and perpetrators and their families”.

Whereas reparations should serve as close to meeting the needs of the victims, this is almost always not attainable. Undeniably, life lost cannot be restored, neither can dignity in many respects. Many women have reiterated that nothing short of monetary reparations will suffice, as nothing else can be suitable restitution, particularly where their husbands, sons and fathers have been killed or remained in a state of enforced disappearance. For some, the urgent interim measures in the form of food and hygiene items supplied through the TRRC, although welcomed, did not go far enough. Several recipients of housing support expressed frustration over this interim measure. They noted that their choices would have been influenced differently had they received better information, including about the scope, duration, and the amount of the support available. Restitution of land/property lost is seldom cited as a satisfactory form of reparations, however, some women would prefer to get back properties that were illegally taken from their families. A significant number of women have hailed the positive impact of medical treatment and psychosocial support they received; some are dissatisfied that their condition has not improved.

Understandably, women's perspectives are polarised, and views vary widely, including amongst women in the urban and rural areas. Most women in urban areas pegged reparations to benefit them and their families, including support which is fitting to meet their needs and can be sustained. This primarily includes monetary awards for livelihood and to help them access services such as medical and psychosocial support and cover their housing and children's education needs. On the other hand, some women in some rural communities expressed reparations to also benefit the community. In one community in the Foni District, women were unequivocal about the critical need to look at both individual and collective reparations, indicating that the Government should consider what will be beneficial – be it reparations grants for them personally and/or to benefit the community. Rehabilitation of the Health Center, and provision of adequate staff and resources to



benefit them, their children and grandchildren and other neighboring communities who also use the facilities was highly mooted. Similarly, the provision of a milling machine was regarded as a sustainable award to benefit the women who primarily walk long distances to nearby towns to grind rice and millet. A milling machine would serve them, on the one hand, and provide some income for the community when others pay to use the machine, they suggested. Concomitantly, some rural women shared a connection between engaging in petty trading and having positive psychological experiences when they meet with other women traders.

Ultimately the integrity and credibility of any process depend hugely on transparency, inclusion, and participation. At this critical juncture, women victims have lamented the lack of clarity about the scope of the urgent interim measures provided by the TRRC, as well as absence of consultations and prior engagements in respect of the reparations payments they have been offered. In short, the TRRC 'did not do much' to manage their expectations, many claim. These issues have, sadly, contributed to ridiculing of the reparations' awards process, cynicism, anxiety, and frustrations. Significantly, neither do they view the process as a highly gendered process, with the express and unique needs and views of women at the forefront of decisions made. Several have also stressed that if more gender considerations had been given to the process, their needs as women would have been addressed much more favourable.

The TRRC has closed its doors and ended all support to victims. Most women who have received interim reparations such as livelihood support, payments of house rents, etc., were given very little notice that this support was to be terminated. Many find themselves now scrambling to meet these needs which ended abruptly, as the TRRC had not done sufficient work to manage expectations about the longevity of the interim support being provided. Another major service that ended abruptly - and thus have the potential to cause further trauma to victims, is the provision of psycho-social support (PSS) that was initially made available. Without any follow up structures in place, victims and survivors of sexual violence lost a support network which had been pivotal in their healing process.

The rollout of the reparations awards has been fraught with challenges. The current process is haphazard, confusing, and causing significant distress to victims. Whilst there were no concrete consultations with victims and victim-led organizations, particularly those at the grassroots prior to the start of the payment of reparations, the information now shared has been piecemeal and many victims have to resort to making personal enquiries with the TRRC to get information about their eligibility, going against standards of good practice and principles of 'do no harm'. Several women victims are suffering from PTSD (post-traumatic stress disorder) and have been left to 'cope' by themselves.

Victims and survivors now have a long wait as we approach the TRRC's stated 30 September 2021 report submission deadline. Herein is a critical period between submission of the TRRC's report, findings, and recommendations to the issuance of the Government's White Paper and implementation of the recommendations. The upcoming elections and several factors in the country's political landscape makes this a tense period for the victims' community. Some have been mocked that they are 'non the better' for coming out and engaging with the TJ mechanisms, particularly the TRRC.

THE EXPLICIT NEED FOR SOCIAL COHESION AND NATIONAL RECONCILIATION

During the Jammeh regime, Gambia's history was divisive at most, given the kind of actions that prevailed under the Jammeh regime, premised on politics and policies that pitched the nation along ethnic/tribal/religious affiliations. Many have been traumatized, stripped of their dignity, silenced and for a while there were limited freedoms. During the present times, the country is seemingly polarised and Jammeh's stouche supporters are bent on ridiculing anything that seeks to shed light on the human rights violations, truth about the past atrocities and ensuring justice and accountability.

Numerous women have pointed to the blatant disregard of essential reforms which would contribute to addressing impunity, however, many 'enablers' of the Jammeh regime's atrocities are currently imbedded with the present government. Doubts have been cast



whether 'genuine' reconciliation initiatives would be forthcoming in view of the touted coalition between the political party of the incumbent and that of the former President. Women have expressed fears and concerns! Acts of sexual and gender-based violence, including rape, were used as weapons to humiliate and degrade women, including while in detention. They fear a repeat, in the absence of concrete measures that will speak to ensuring justice and accountability and implementation of other measures such as vetting of the security sector and law reforms.

The TRRC had a stated vision that: *"reconciliation cannot be imposed on the anyone and it cannot be premised on insisting victims forgive those who wronged them. What reconciliation means to Gambians and how it will be reached cannot be decided on behalf of victims nor of the country at large. It is a road we must walk together. TRRC will work with communities to support community reconciliation, memorialization, local memory, and dialogue initiatives according to the expressed wishes of the community itself. The commission will seek assistance of traditional and religious leaders to facilitate reconciliation and healing."*

Not all women share the view that the reconciliation processes undertaken by the TRRC bore the result it desired or that it will contribute to guarantees of non-recurrence of human rights violations and abuses. Early on, the TRRC's reconciliation initiative between some alleged perpetrators – Singateh & Sabally in October 2019 was highly criticized on several fronts. For a start, it was deemed premature and as a female victim put it, this was *"cheap and inappropriate"*. Some of the alleged perpetrators who participated in the reconciliation exercise have been adversely mentioned severally in other TRRC hearings, yet a televised TRRC-led process was organized.

The danger of not implementing accountability measures is that another Government might mimic Jammeh's past actions. Shall we continue like that as a nation, quips one victim? The nation needs to heal: the victims need justice. Yet, even amongst victims, the sequencing of justice, peace, forgiveness, reparations, and reconciliations is indecisive. Notwithstanding, all components are necessary to avoid recurrence.

With the newfound awareness about the extent and wide impact of the human rights violations and abuses that occurred during the Jammeh regime, there is growing sentiments that reconciliation must involve the nation – and not merely that perpetrators and victims will be shaking hands, forgiving each other, and moving on. State acknowledgement of past wrongs is a steppingstone to national reconciliation. Proponents of forgiveness have called on Jammeh to acknowledge his wrongs claiming that as Gambians are very forgiving, victims will be able to forgive him and move on, some say. Some victims insist that it will be very difficult to forgive when he and his supporters are not even prepared to accept that he did wrong. On the other hand, some insist that there is no need for reconciliation because (we) would never forgive our perpetrators for the injustice done to them. We must also recognize that he impacted many lives positively, some respondents claim. A small number of women maintain that in as much as they can forgive the wrongs done to them, the wider issue of forgiveness and reconciliation remains a personal issue between the victims and perpetrators.

CONCLUSION

The need for the implementation of the different transitional justice components to pave the way for people to talk about reconciliation, cannot be overstated. The most prevailing view, however, is the need for social cohesion before the nation can move to forging reconciliation. In tandem, women need psychosocial support to help them heal and be in a better place mentally, before they can start conversations about reconciliation processes.

Overall, the TRRC's work has been commendable, yet it has also been criticized that it had not met victims' expectations, particularly on reparations measures and the reconciliation initiatives undertaken. Taking everything into account, it is safe to deduce that women's expectations of reparations are very high, yet many are disappointed, including that gender considerations have not highly influenced the process. Although some have accepted the reparations awards offered to them, others have not, citing lack of consultation/engagements with women, the inadequacy of the



amount offered as well as lack of clarity regarding the 'promissory note' given signifying that additional payments are to be provided by the TRRC successor body that is expected to be set up by the Ministry of Justice.

Women have been vocal about what 'reconciliation' means to them and how they can forge ahead, despite the negative impact and experiences of gross human rights violations and abuses they have been subjected to. Several rely on their faith and edicts that God would want them to 'forgive and forget'. Others are true to their emotions and acknowledge that although it is hard to forgive, holding on to the past will not make the pain go away but forgiving perpetrators is a step in the right direction. Others still demand justice and accountability above all else to assuage their pain and through which they can only begin to consider 'starting a new chapter' in their lives.

After 22 years of dictatorship, political, religious, and tribal divides, it is essential for the country to be engaged in promoting dialogue and healing at the individual, community, and national levels to ensure peace prevails and to restore social cohesion. The issue of 'reconciliation' is sensitive and almost always pitches people on opposite sides, yet it is important that the Government does not overlook this task, however arduous. Implementation should be all encompassing, to be effective.

RECOMMENDATIONS

Gambia Government:

1. Should urgently initiate a process that will allow Civil Society Organizations/victims-led organizations to support the reparations rollout program as it continues its obligations for awarding reparations and initiate a process for social cohesion and national reconciliation for the populace.
2. To include measures to ensure a gendered focus on reparations and reconciliatory processes in its policies and expected outcomes.
3. Should engage with victims-led organizations to provide oversight to ensure effective implementation of the follow-up mechanisms on reparations and the national framework for social cohesion and reconciliation.

Civil Society Organizations (CSOs):

1. Engage in advocacy with stakeholders, conduct community outreach and awareness raising activities, timely gather, and disseminate information from and to victims and monitor the rollout of the Government's reparations program
2. As several victims and survivors of SGBV are in continued need of PSS support, CSOs to establish and strengthen local support structures and coping mechanisms, including through Women's Listening and Talking Circles where periodic meetups will be coupled with transformative trauma therapy to contribute to healing and recovery. Service users to be supported with tools that they can use to help themselves.



About the author

The Women's Association for Victims' Empowerment (WAVE) is a newly established organization in The Gambia, inspired by the transition that the country is going through. Created in early 2019 by a group of seven women activists; four of whom are themselves direct victims of human rights violations, its founders have been involved from the outset in the country's transitional justice process. WAVE is focused on the situation of women particularly in promoting and amplifying voices of vulnerable and marginalized women. It engages in gender-specific research, programs and women's empowerment as well as advocacy initiatives including for gender justice and accountability and supports trauma awareness and healing processes for victims and survivors.

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