

THE GAMBIA
UN Peacebuilding Fund Project implemented by UNDP and OHCHR

Final Report

Prepared by Africa Label Group Inc.

External terminal evaluation of the Transitional justice and Human Rights
Project

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ACRONYMS

CepRass: Centre for Research & Policy Development

CSO: Civil Society Organization

DSPD: Department of Strategic Policy and Delivery

ET: Evaluation team

GBO: Government Bureau of Statistics

GG: Government of The Gambia

HRW: Human Rights Watch

ICJT: International Centre for Transitional Justice

IFIT: Institute for Integrated Transitions

IHRDA: Institute for Human Rights and Development in Africa

JRR: Justice Rapid Response

KII: Key informant Interview

MoJ: Ministry of Justice

NHRC: National Human Rights Commission

NMRF: National Mechanism for Reporting and Follow-up

OECD: Organization for Economic Cooperation and Development

OHCHR: Office of the United Nations High Commissioner for Human Rights

PBF: Peacebuilding Fund

PIBPA: Project Indicators Performance Assessment

PMU: Project Management Unit

SDG: Sustainable Development Goal

SFCG: Search for Common Ground

SNDP: Strategic National Development Plan

TJHRP: Transitional Justice and Human Rights Project

TJHRPMU: Transitional Justice and Human Rights Project Management Unit

TOR: Terms of references

TRRC: the Truth, Reconciliation and Reparations Commission

UNDP: United Nations Development Programme

Executive summary

This evaluation report is the result of research conducted in The Gambia on the Transitional Justice and Human Rights project (hereafter TJHRP) funded by the Peacebuilding Fund (PBF) and jointly implemented by UNDP and OHCHR in partnership with government and CSOs. As a reminder, Former President of The Gambia, Yahya Jammeh, went into exile on 21 January 2017, leaving behind a legacy of human rights abuses, near empty coffers, and an institutional vacuum. He ruled for 22 years with an iron fist and little regard for democratic and human rights principles. Scores of political figures, journalists, civil society activists and students were harassed, detained, tortured, murdered, made to disappear, or forced into exile during his regime. Freedom of expression, association and assembly were severely restricted, several critical media houses were shut down and justice institutions were systematically manipulated to preserve his power. The project is in response to the theory of change, to which: “*If the legacy of past human rights violations and abuses is addressed in a comprehensive, inclusive, principled, rights-based, and victim-centered manner, then the healing of past grievances will be promoted, and the Gambian population can build new confidence and trust in state institutions.*” The TJHRP was therefore established with the aim to seek the truth on human rights violations, heal past grievances and thus restore confidence and trust in state institutions. This would be achieved through five outcomes, namely, endowing the Gambian government with a transitional justice national strategy(1), empowering key members of the Gambian society and State institutions with the capacity and knowledge to participate and oversee the implementation of the transitional justice processes in The Gambia (2). creating a reparations mandate in close collaboration with the population (3), provide Gambian Civil Society Organizations, particularly victims’ associations, media professionals, women and youth groups with adequate capacities to participate proactively in transitional justice processes (4), and strengthen the Human rights institutional framework as well as the capacity of non-governmental organizations to ensure increased respect for human rights in The Gambia (5).

To assess whether the project’s overarching objectives and outcomes have been achieved, the evaluation team used a qualitative methodology which entailed a literature review of project documents and conducted 37 interviews with the following representatives of institutions: 8 officials of the Truth, Reconciliation and Reparations Commission (TRRC), the National Human Rights Commission (NHRC), the Office of the President through the Department of Strategic Policy and Delivery (DSPD) and the Ministry of Justice, respectively; 19 non state actors of which 11 were civil society organizations, 4 international implementing partners, 2 Gambian journalists, 2 direct victims of human rights violations and direct beneficiaries of the project, 2 donors and 8 project staff of whom 4 were from OHCHR and 4 from UNDP. The interviews with the victims of human rights violations were conducted at their respective homes in Brikama situated in the West Coast Region of The Gambia. The other interviews were either conducted virtually, at interviewees’ offices, or at the UN Projects Office. The evaluation team also relied on quantitative data from the Never Again perception survey conducted in 2020 and on data from the *Afrobarometer* survey conducted in 2017 to understand people’s thoughts and expectations from the project. The interview guide was designed

to assess the relevance, the effectiveness, the efficiency, the sustainability, and the impact of the project. Two cross-cutting issues namely gender mainstreaming and the rights of the marginalized were equally assessed.

The evaluation found that the project's theory of change remained valid in regard to the Gambian sociological context; that the TJHRP, which formed part of the Gambia government's National Development Plan on dealing with human rights violations, remains valid.¹ In other words, the TJHRP was implemented at the request of The Gambian government to address large scale human rights abuses that occurred during Yaya Jammeh's regime. The project can be categorised as effective due to the proven fulfilment of its 5 intended outcomes for beneficiaries, namely: endowing the Gambian government with a national strategy on transitional justice, providing key government institutions and civil society organizations with essential transitional justice capacity and knowledge, and establishing the Truth, Reconciliation and Reparations Commission (TRRC) to promote the right to truth for victims. This institution conducted the process with inclusivity and transparency. The institution was also legitimate because 72% agreed that it performed very well its mandate. Therefore, the work of TRRC has changed the Gambian narrative on past large-scale human rights abuses which is a great contribution to peacebuilding and social cohesion despite skepticism of a fringe of people in FONYI, the region Yaya Jammeh originates from. Moreover, the TJHRP increased proactivity and participation of the Gambian civil society, particularly victims' associations, in transitional justice processes. Furthermore, the project enhanced respect of human rights in The Gambia through the establishment of the National Human Rights Commission (NHRC) as a permanent state body to address human rights violations. For instance, Gambians use radio programs frequently to express their views and question public authorities. They also use the same channel to sensitize people on their rights which was not possible during the Yaya Jammeh era. In doing so, the TJHRP indisputably increased inclusivity across the Gambian society and increased the legitimacy of the Gambian state in addressing human rights violations. In other words, the project's achievements made Gambians believe again that their institutions can protect their basic human rights.

The evaluation also found that the project funds were administered efficiently and that, due to its results-effectiveness, the project had a catalytic effect on other donors who supported the transitional justice process. These include, *inter alia*, the Irish Aid, International IDEA and the African Transitional Justice Legacy Fund (ATJLF)... With regard to the project's sustainability, the training provided and the establishment of the NHRC to follow up on the TRRC's recommendations are a solid foundation for the TJHRP to last. While it is too early to measure the project's impact, it is reasonable to make positive predictions on it due to the observable change in people's attitudes and behaviors vis a vis freedom of speech and expression. One example of this change is the behaviour of a National Assembly member, Ya Kumba Jaiteh, in 2019 when she challenged President Adama Barrow's decision to revoke her nomination to the National Assembly before the Supreme Court,

¹ We say that theory of change remains valid because the same theory of change still explains why follow-on activities should continue after the termination of this project. This is also to say that the theory of change was well designed because the project has contributed to change the Gambian human rights landscape.

which in turn repealed the presidential order in January 2020.² A human rights activist working with ANEKED stated that “People now live in peace and claim for their rights. They are now well informed and report any human right abuse.”

On cross-cutting issues, the evaluation found the unwavering determination of the TJHRP to mainstream gender and ensure inclusion of marginalized people from the design to the implementation. The creation of the Gambian gender platform is the most striking example of gender mainstreaming a gender activist declared.

At the same time, the evaluation considers that this project aimed to address only two of the five pillars of the holistic concept of transitional justice, namely, the right to truth and reparations. Prosecutions, Clemency and Guarantees of non-recurrence were not a part of this project and are yet to be addressed. The setback of the security sector reform jeopardized in the country the guarantees of non-recurrence as security officials formed a great part of alleged perpetrators of human rights violations. Reparation mechanisms should also be strengthened by the Gambian Government to ensure justice for victims, both individual and collective.

To strengthen the holistic feature of the transitional justice process, this report recommends:

To the Government of The Gambia:

- A.** full implementation of the recommendations of the TRRC's final report.
- B.** initiation of legal proceedings to combat impunity to satisfy 76% of Gambians who want to see the prosecution of perpetrators.
- C.** continuation of the momentum of gender mainstreaming triggered by the project.

To the Gambia's technical and financial partners

- D.** further mobilization of funds for other projects related to the three remaining pillars of the process.
- E.** support capacity building of civil society to strengthen the demand side.
- F.** continuation of support to the National Human Rights Commission.

² A senior executive officer of the NHRC mentioned the Ya Kumba Jaiteh case to illustrate how the TJHRP has gained foothold in The Gambia. Without the human rights project, this would have hardly happened in The Gambia he declared.

1. Background and purpose

Former President of The Gambia, Yahya Jammeh, went into exile on 21 January 2017, leaving behind a legacy of human rights abuses, near empty coffers, and an institutional vacuum. He ruled for 22 years with an iron fist and little regard for democratic and human rights principles. Scores of political figures, journalists, civil society activists and students were harassed, detained, tortured, murdered, made to disappear, or forced into exile during his regime. Freedom of expression, association and assembly were severely restricted, several critical media houses were shut down and justice institutions were systematically manipulated to preserve Jammeh's power.

Following the tension-filled, but peaceful transfer of power from President Jammeh to President-elect Adama Barrow on 21 January 2017, an urgent need arose in The Gambia for reforms that promote democratic governance, respect for the rule of law and human rights, socio-economic recovery, sustainable development, and peace. In February 2017, during a UN Inter-Agency Mission to The Gambia, the government highlighted several key reform priorities including, setting up a transitional justice mechanism, reforming the security sector, ensuring the respect of human rights and restoring confidence in the Judiciary and law enforcement institutions. Three months later, the government of The Gambia approved Project no. 00105687 "*Support the capacity of the Government and national stakeholders to establish credible transitional justice processes and mechanisms that promote reconciliation and sustainable peace in The Gambia*" (TJHRP)", funded by the UN Peacebuilding Fund (PBF) adjointly implemented by UNDP and OHCHR funding from The project also aimed to support The Gambia in its efforts to deal with legacies of past human rights violations and abuses, and to help the delivery of truth, justice, and healing for victims and communities. The project ended and UNDP commissioned Africa Label Group (ALG) to conduct its terminal evaluation. From the evaluation process, a number of deliverables are expected including this final report.

Beside the background and the purpose of the project depicted above (1); the final report summarizes the TJHRP's activities alongside its theory of change (2), the project result framework (3), the purpose of the evaluation (4), the evaluation questions (5), the evaluation methodology (6), the ethical consideration (7), the key findings of the evaluation (8), and the conclusion and recommendations (9).

2. Summary of TJHRP's Activities

With \$ 4,699,999 from the United Nations Peacebuilding Fund, the Transitional Justice Human Rights Project (TJHRP) was implemented nationwide jointly by UNDP and OHCHR for 49 months, from May 2017 to June 2021. This included one cost and one no cost extensions. The TJHRP aimed to support The Gambia in its effort to deal with legacies of past human rights violations and abuses, and to help the delivery of truth, justice, and healing for victims and communities as stated above. The Project posited the theory of change that *if* the legacy of past human rights violations and abuses are addressed in a comprehensive, inclusive, principled, rights-based, victim-centered manner, *then* the healing of past grievances will be promoted, *and* the Gambian population can build new confidence and trust in state institutions. To provide services that can enable the expected change, the project included key actors, such as the Ministry of Justice, the National Assembly, the Truth, Reconciliation and Reparations Commission (TRRC), the National Human Rights Commission (NHRC) and civil society organizations (including Women in Leadership and Liberation (WILL), African Network against Extrajudicial Killings and Enforced Disappearances (ANEKED), Transitional Justice Working Group (TJWG), The Girl's Agenda, Nova Scotia Gambia, AIDS Free World and International Centre for Transitional Justice (ICTJ).

3. Project result framework

The TJHR Project included 15 outputs spread across 5 outcome areas:

1. Development of a national strategy on transitional justice,
2. Provision of basic, essential capacity and knowledge on transitional justice to key state institutions and civil society organisations,
3. Operationalization of the Truth, Reconciliation and Reparations Commission,
4. Increased proactivity of civil society, particularly victims' associations, in transitional justice, and
5. Enhanced respect for human rights.

The Project Document also included for administrative reasons a sixth outcome area, which was to institute a Secretariat for the coordination and quality assurance of all PBF projects in The Gambia as the TJHR was the first project funded in The Gambia under the PBF mechanism. The PBF Secretariat in The Gambia, which was housed under the TJHR Project, is not included in the scope of this evaluation.

The TJHRP's Governing Board and Technical Committee, both chaired by the Ministry of Justice, respectively oversaw the management of the Project and advised on technical matters. The TJHR Project Management Unit (TJHRPMU) also worked in collaboration with a wide range of domestic and international actors and organizations on transitional justice including, but not limited to, the International Centre for Transitional Justice (ICTJ), Human Rights Watch (HRW), Justice Rapid Response (JRR), Search for Common Ground (SFCG), Institute for Integrated Transitions (IFIT) and IDEA International in the implementation of its activities, and in support of the Truth, Reconciliation

and Reparations Commission (TRRC), the National Human Rights Commission (NHRC), other state institutions and civil society organizations (CSOs) promoting the national transitional justice and human rights agenda.

4. Purpose of the evaluation

The evaluation has five key objectives:

1. To assess the contribution of the project activities to the realization of project objectives and outcomes by determining how the project is relevant, efficient, effective, impactful and sustainable.
2. To identify and provide analysis of the factors that have either positively or negatively affected/impacted the project beneficiaries.
3. To recognize any possible catalytic effects of the project.
4. To assess the project's contribution towards national strategies on transitional justice and human rights, as well as peacebuilding, including its contribution towards strengthening Government-led coordination and planning in this sector.
5. To provide recommendations for improving UN support to transitional justice and human rights in The Gambia, including the country's sustainable peace agenda on transitional justice and human rights.

5. Evaluation questions

The evaluation questions are guided by five OECD-DAC criteria outlined in the TOR, i.e., **relevance, effectiveness, efficiency, sustainability and impact**. In terms of effectiveness, the evaluation relied on the achievement of all outputs and outcomes to predict whether the project will yield impact overtime. The five objectives have effectively been achieved to a great extent: the Government has been endowed with a comprehensive national transitional justice strategy to ensure truth and accountability for past human rights violations (1), the key Gambian society and its state institutions endowed with basic essential capacity and knowledge to participate and oversee the implementation of the transitional justice processes in The Gambia (2), the TRRC has been established and performed its mandate effectively in relation to truth, reconciliation and reparations, in close collaboration with the population (3), the Gambian Civil Society Organizations, particularly victims' associations, media professionals, women and youth groups were provided adequate capacities to participate proactively in transitional justice processes (4), and Human rights institutional framework and the capacity of non-governmental organizations have been strengthened, ensuring increased respect for human rights in The Gambia (5). In other words, the impact analysis focused on outputs and immediate results that indicate the project is on track to achieve the desired impact. The evaluation has also realized the achievement of cross-cutting issues namely human rights of marginalized groups and the mainstreaming of gender equality from the design to the implementation of the project.

6. Evaluation Methodology

6.1. Desk review

A desk review of all relevant documents³ related to the project was conducted to provide a comprehensive understanding of the projects' activities, outputs and outcomes.

6.2. Evaluation methodology design

Qualitative-led methodology.- The evaluation methodology is qualitative and is complemented by some secondary quantitative data from the perception survey which covered all seven regions of The Gambia. A total of 1,200 individuals (men 51% and 49% women) were involved. 54.5% of those interviewed were youth within the ages of 18 to 35, 31.2% were between 36 to 55 and 14.4% were 56 years old and above. The evaluation team found that the methods used by the researchers increased the reliability and accuracy of the Never Again report. In essence, the survey data informed the team about people's views on various aspects of the transitional justice process and recommendations for the future. The evaluation team could have initiated an opinion survey if the data in the Never Again survey report were not deemed sufficiently consistent and up-to-date. Indeed, the survey dated back to only 6 months (November 2020) prior to the end of TRRC activities on May 28, 2021.⁴ Also, none of the field data ALG collected contradicted the Never Again survey results. Instead, respondents emphasized follow-up activities to implement the TRRC recommendations.

The Never Again survey covered the following issues: perceptions on human rights, the TRRC, scale of human rights abuses and violations, victims and national healing, amnesty and prosecutions, reparations, and provided recommendations. Exploring the extent of human rights violations and the extent to which the actions of the TRRC - victims' care and national healing, amnesty, prosecution, and reparations - were relevant, effective, efficient, sustainable, and impactful for victims, the perception survey covered issues which provided insight on project relevance, effectiveness, efficiency, sustainability, impact as well as human rights.

The key informants for this evaluation were selected in accordance with the TJHRP's evaluation reference group including senior management and relevant program staff of UNDP and OHCHR; the Ministry of Justice, the Department of Strategic Policy and Delivery (DSPD) and other stakeholders such as the TRRC's commissioners, the NHRC's commissioners, direct beneficiaries, including victims of human rights violations. Overall, the evaluation team conducted 40 interviews⁵ (M: 15; W: 22) disaggregated as follows:

³ Never Again Perception Study; Final 2019 Updated CDA Report 18 July 2019; Final Report CDA The Gambia June 2018; Final Monitoring Report TRRC Commissioners ; 2018 Mid-year PBF Report (June); 2018 Annual PBF Report (November); 2019 Mid-year PBF Report (June); 2019 Annual PBF Report (November); 2020 PBF Semi-annual report-TJHR project final; PBF report June 2021, TJHR Project; 2017 PBF annual report; Mark Kersten and Michael Benedict, *Mission report of the AGJA-WAYAMO Delegation to The Gambia. Meeting Expectations on the Road to Justice: Achieving Accountability in The Gambia*, May 2018, p6, available at <https://www.wayamo.com/wp-content/uploads/2018/05/2018-TheGambia-Report-Wayamo.pdf> accessed in September 8, 2021.

⁴ Never Again: Public Perceptions on Transitional Justice and the Truth, Reconciliation and Reparations Commission in The Gambia. CEPRASS. (2020).

⁵ The evaluation TOR listed 13 main actors the Project worked with. For triangulation purpose, the evaluation team decided to enlarge the number of key informants as follows: donors who were reachable during the field work (2);

[Document title]

1. Gambian officials: 9 interviews of which 4 interviews from TRRC (3 women and 1 man); 3 from the NHRC (2 men and 1 woman), 1 from the DSPD (1 woman) and 1 from the Ministry of Justice (1 man).
 2. Non-State Actors: 18 interviews disaggregated into CSOs (7 women and 3 men); International NGO partners (3 women and 1 man); Media (2 men) and victims (1 man and 1 woman).
 3. The project staff: 8 interviews were divided into OHCHR (3 women and 1 man) and UNDP (3 women including the UNDP country representative).
 4. The PBF secretariat: 2 interviews (1 woman and 1 man).
1. Resident Coordinator's Office: 1 interview (1 man).
 2. Donors: 2 men (African Transitional Justice Legacy Fund and International IDEA).

Data collection.- Prior to field data collection, the evaluation team submitted the final data collection instruments and sources to UNDP-OHCHR for approval. A single interview questionnaire was used because all potential interviewees are meant to be able to address the OECD five criteria. Almost all the interviews were conducted in English (38) except two that were conducted in Wolof and Mandinka. All interviews were transcribed in English. All instruments used in conducting the evaluation and raw data are included in the Annex of this final report.

Data analysis.- The analysis of data was conducted through the analysis of interviewees' responses.

Reporting. - The first draft report is provided within 30 days for review and comments by UNDP-OHCHR, PBSO. Feedback received allowed the evaluation team to increase the quality of the report. The evaluation design matrix is enclosed as Annex 2.

6.3. Target geographical coverage

The evaluation was conducted in The Gambia. The evaluation team conducted a field visit in Brikama and spoke with the TJHRP's direct beneficiaries. Brikama was selected because it is home to some direct beneficiaries of the project. The evaluation team was composed of three people. Dr Kilomba Sumaili Adolphe is the team leader. Ndey Ngoneh Jeng is the national human rights subject matter expert at the national level in The Gambia. She supported the team specifically with her national expertise on The Gambia's socio-political context. Her knowledge of local languages was an asset on which the team relied on during the key informant interviews. Tatiana Sikunu played the role of second human rights subject matter expert and supported the team in terms of data analysis and drafting of the report. While leading the evaluation, Dr Kilomba Sumaili Adolphe conducted a 15 day field research with Ndey Ngoneh Jeng in The Gambia from 24 September 2021 to 09 October 2021. The rest of the time was dedicated to the drafting of the final report.

UNDP's project staff (3); OHCHR's project staff (4); The Gambian Government with the Ministry of Justice (1); the DSPD(1); the NHRC(3); TRRC (4). During interviews, the evaluation team heard of the African Union's interaction with the project and decided to interview its focal point who worked with the project. 2 people from Justice Rapid Response were interviewed because the TOR listed it as a project partner as it is with the ICTJ. Doing so, the evaluation team increased the list of key respondents from 13 to 37 key actors.

7. Ethical consideration

All measures were taken by the evaluation team to protect the rights of the human subjects who participated in this assessment and to respect the ethical principles of respect, beneficence and justice as defined by the National Commission for the Protection of Human Subjects in Biomedical and Behavioural Research. In order to achieve this, the evaluation team obtained the voluntary verbal consent of all KII participants. Written notes, transcripts and questionnaires will always remain with ALG. Detailed interviews were conducted in private settings to ensure privacy of responses. The participation in this evaluation was completely voluntary and each participant was free to withdraw consent at any time without giving explanation. There was no payment or allowances for participation. Interviewees are anonymous in this report.

8. Key findings of the evaluation summarized by assessment question

The key findings of the study are summarized in 6 points corresponding to the evaluation criteria and cross cutting issues assessed: Project Relevance, Effectiveness, Efficiency, Sustainability, impact, and cross-cutting issues.

8.1. The Relevance of the project

The relevance of the project is analyzed through the following five questions: Is the theory of change based on valid assumptions and has the project's conflict analysis remained valid? (1); did the project address relevant key causes and drivers of conflict and fragility (2); have interventions been flexibly adapted over time to respond to the needs in the sector? (3); what is the relevance of project interventions as perceived by beneficiaries, the local population (including women, men and young people), and external observers (including age and sex disaggregated data)? (4); to what extent have project interventions reflected strategic, national considerations and priorities on transitional justice and human rights, and/or influenced national policies on legal reforms and human rights protection? (5).

8.1.1. Is the theory of change based on valid assumptions and has the project's conflict analysis remained valid?

Considering and explaining the theory of change.- The TJHRP was designed based on the following theory of change: “If the legacy of past human rights violations and abuses is addressed in a comprehensive, inclusive, principled, rights-based, victim-centered manner, *then* the healing of past grievances will be promoted, and the Gambian population can build new confidence and trust in state institutions.” From the transitional justice's scholarship, compared to the context of The Gambia coming from 22 years of dictatorship, the theory of change is based on a valid assumption because the project theory is adequately aligned with the United Nations definition of transitional justice

issued in 2004.⁶ It also lines up behind the abundant transitional justice literature produced by Ruti Teitel, Priscilla Hayner, Noémie Turgis, Kilomba Sumaili, etc.⁷ The worldwide experience suggests that countries that have implemented a process at such a standard experienced a *renaissance*.

Theory of change remains valid at the end of the project.- Throughout slightly more than 4 years of implementation, the TJHRP theory of change remained valid, as the project made victims' voices heard by the state and served as a catalyst of the reconciliation process. "This theory of change is still relevant because it will be an input for the rest of the transitional justice mechanisms" in The Gambia. In supporting the Gambian state to operationalize the TRRC, the TJHRP made the Gambian state listen to victims and assure them of increased security and respect of human rights. In operationalizing the NHRC, the TJHRP supported the Gambian state to positively change its image vis-à-vis its people. Gambians learned to look differently at the state which created specific bodies to address human rights violations. This increased trust in the State, in comparison to countries where governments deny human rights violations by agents of the State.

Validity beyond the TRRC mandate.- Even if the mandate of the TRRC was limited, its effect goes beyond the mandate. In fact, as stressed by some respondents, "the issues of reparations, restitution and satisfaction are very important because the country is under stress."⁸ Another reason for its validity is that peace-seeking will be important for the victims who feel harmed. It is so important for the victims to know what happened and how wrongs will be addressed that they find the closure of the project unfortunate: "It is pity to see the project being closed while we started getting some results"⁹. The shifting political context could have derailed the process, but the whole process went well. »¹⁰ «This theory of change is still relevant because it will be an input for the rest of the transitional justice mechanisms »¹¹ in The Gambia. Moreover, the TJHRP came at a good time to return The Gambia a democratic state. «The project was able to address several issues at the same time. »¹² « The project was relevant in all aspects. »¹³

People were marginalized and human rights violations were systematically violated by the Government. Marginalization across this country was indeed a fact.¹⁴ Similarly, Justice Rapid Response said that the project came to rebuild trust between the state and people of The Gambia, and

⁶ See United Nations Security Council, "The Rule of Law and Transitional Justice in Conflict and Post-conflict Societies", Report of the Secretary-General, S/2004/616, August 23, 2004, paragraph 8.

⁷ See Ruti Teitel, "Transitional justice genealogy" 16 *Harvard Human Rights Journal*, Spring 2003; Priscilla Hayner, *Unspeakable truth: transitional justice and the challenge of truth commissions*, New York, Routledge, 2011; Noémie Turgis, *La justice transitionnelle en droit international*, Bruxelles, Bruylant, 2014; Adolphe Kilomba Sumaili, *La justice transitionnelle au miroir des réalités congolaises*, Enghien-Belgium, Les Editions du Pangolin, 2019.

⁸ See Interview with a senior Program Officer at International IDEA's Interview in October 1, 2021

⁹ See Interview with a human rights specialist at the African Union Mission The Gambia in October 05, 2021.

¹⁰ See Interview with a senior officer at TRRC on October 05, 2021.

¹¹ See Interview with a senior officer at UNDP-Gambia in October 05, 2021.

¹² See Interview with a Project Specialist at UNDP - TJ Project on September 29, 2021.

¹³ See Interview with an executive officer at the TRRC- The Gambia on October 1, 2021.

¹⁴ See Interview with a senior officer at ICTJ-The Gambia in October 04, 2021.

that all the consultations with CSOs, or the general public have contributed to building trust in the democratic process in The Gambia.

Validity of Conflict Analysis.- A conflict analysis conducted at the onset of the project highlighted the main drivers of conflict and fragility in The Gambia in terms of human rights abuses and political divide due to ethnicity. Stating that “the project was designed to support national capacities to address conflict drivers,”¹⁵ one of the respondents testified that the TJHRP was sensitive to conflict. This is evident in the creation and operationalization of the TRRC and its counterpart, the NHRC. The evaluation team has been informed that the TRRC told the story of the emergence of Yaya Jammeh and the creation of his junta. In addition, informants confirmed how outreach activities were powerful at the grassroots level to address the causes and drivers of the country’s fragility; how they had a great impact on people's lives as traditional leaders have been trained in reconciliation and reparations.

8.1.2. Did the project address relevant key causes and drivers of conflict and fragility?

The Gambian state institutions under Yaya Jammeh were less responsive to needs of people and aspirations. In reforming state institutions, the TJHRP strengthened the rule of law in The Gambia. The list of conflict drivers provided by the 2019 CDA singled out accountability and political Leadership in Transition as the first conflict driver on the list of six.¹⁶ The project addressed the issue of accountability and instilled the culture of good governance “in making Gambians aware of the weaknesses of their institutions and training them on how to address them.”¹⁷ In doing so, it addressed the first conflict driver and promoted a new form of political leadership for the country. Throughout its implementation, the project advocated for institutional reforms which is the way towards building guarantees of non-recurrence. Its support to operationalize the TRRC and the NHRC can be considered as a big step towards respect and promotion of human rights. The project also reactivated the National Assembly's Standing Committee on Human Rights and Constitutional Matters. Moreover, it prompted the Gambia Government to establish the National Mechanism on Reporting and Follow-Up (NMRF) on human rights treaty obligations which is yet to be established.¹⁸ The civil society also became stronger than ever with the project. CSOs were technically and financially supported by the project. They were also repeatedly trained on human rights and transitional justice issues such as the Victim Center; Network against gender based violence; Women in Leadership and Liberation (WILL); FLAG; Transitional Justice Working Group; the Women’s Bureau; Women’s Association for Victims’s Empowerment (WAVE); the Center for Research and Policy Development; the African Network against extrajudicial killings and enforced disappearances (ANEKED); the Gender Platform and alike to name only a few. It should also be mentioned that the trained CSOs trained in turn their counterparts at the grassroots. “ The civil society was moribund and practically

¹⁵ See Interview with a senior officer at ICTJ-The Gambia in October 04, 2021.

¹⁶ See Final 2019 updated CDA report July 2019, p7.

¹⁷ See interview with a senior executive officer of ANEKED, a local NGO that partnered with the project in September 30, 2021.

¹⁸ See 2020 PBF Semi-annual report-TJHR project final, p3.

nonexistent. Thanks to the project, the civil society is now active and stronger.”¹⁹ “I was contracted to train CSOs and Journalists on human rights issues.”²⁰

8.1.3. Have interventions been flexibly adapted over time to respond to the needs in the sector?

“The project was receptive to new needs of stakeholders”²¹, a respondent told us. A series of extra budget undertakings provided evidence to this statement.

Exhumation activities: In addition to its original mandate, the TRRC was given the additional task of exhumation which has specific technical requirements that are costly, but no additional budget was provided to the TRRC. TJHRP has been responsive to the new needs created by this additional work of the TRRC.

Humanitarian assistance.- COVID-19 pandemic adversely hit the project’s calendar with the risk of either slowing down or postponing activities looming large on the TJHRP’s activities. To get around the obstacle, the project shifted into online activities using new technologies. Such an innovative shift sustained the project interventions in an unforeseen, yet flexible manner. Data collected in the field largely adds evidence sustaining such a statement. During the COVID-19 outbreak, TJHRP provided food assistance to victims without a supplemental budget. Key informants said that this humanitarian support "encouraged victims to continue to participate in TRRC activities". The project’s flexibility was experienced by the NHRC, whose first year rent was paid for by the TJHRP. The support of radio programs and grassroots activities to manage COVID-19 constraints is the additional evidence of the TJHRP’s flexibility. The project catered for almost everything to operationalize the NHRC. Although institutions always encounter cumbersome procurement procedures, this was not the case for the TJHRP. Despite the UNDP’s heavy and cumbersome procurement requirements, the TJHRP was able to address any need coming from the NHRC as long as it strengthened its capacity to become much more operational.²²

Additional evidence of TJHRP’s flexibility.- The implementing actors stated that they "used to consult with various actors to adjust the project accordingly" and that to "avoid a *fait accompli*, TJHRP set up a technical committee of seven partners, including government officials to frequently review issues that required adjustment from the original plan". For instance, the support for the TRRC to draft the final report was not initially planned, but the TJHRP provided for it. To maintain the TRRC commissioners, residual salary funds from TJHRP were used to pay TRRC staff for two years. Flexible and receptive to new ideas, the project team added livelihood support to the project thanks to unforeseen Irish aid.

¹⁹ See interview with a senior executive officer of the Africa Transitional Justice Legacy Fund in September 27, 2021.

²⁰ See interview with a senior executive officer of the Institute for Human Rights and Development in Africa (IHRDA) on October 08, 2021.

²¹ See Interview with a senior officer at ICTJ-The Gambia in October 04, 2021.

²² See Interview with a senior executive officer at the NHRC on September 30, 2021.

Creation of the TRRC.- An agenda conflict caused a delay in the creation of the TRRC. This conflict moved the TJHRP to rearrange its plan and budget so as not to miss its goal of operationalizing the TRRC. Created from scratch, the TRRC required more than TJHRP had anticipated. The project has been flexible to accommodate all these unanticipated needs.²³

8.1.4. What is the relevance of project interventions as perceived by beneficiaries, the local population (including women, men and young people), and external observers (including age and sex disaggregated data)?

*More than 70% of people during the perception survey found TRRC's work very well.*²⁴- The majority of key informants consulted, acknowledged a positive trend for TRRC's work, confirming The Never Again Perception survey which revealed that 94% of respondents were aware of the TRRC activities while 72% declared that the TRRC performed very well.²⁵ In other words, 94% of the interviewees were aware of TRRC's activities and 72% of them had a positive perception of the TRRC. In spite of being aware of TRRC's activities, which is good, the 22% were not able to judge its activities.

Navigating against people eagerness to criminal prosecutions.- Also almost eight in 10 (76%) of the respondents reported that those suspected to be responsible for human rights violations should be tried before a court, 13% disagreed and 11% said that they did not know. This result compared to the 2018 Afrobarometer survey shows the strong public support for prosecutions of alleged human rights violations. 65% of those that answered in affirmative believe that prosecutions would serve justice, 19% said prosecutions would be useful "to get the full details of their actions," whilst 7% believed it would deter future recurrence of similar violations and crimes."²⁶ "Similarly, when asked about what should happen to those found guilty of Human rights violations, half (50%) of the respondents said imprisonment, but 12% said that they should not be imprisoned."²⁷ Before such speaking results, the Government of The Gambia is thus far navigating contrariwise with only two cases brought to justice as what follows will demonstrate.

The praise from The New York Times alongside the incoming ICC prosecutor.- The TRRC has performed numerous reconciliatory activities. In the furtherance of its mandate, "the TRRC has received over 1200 statements to date, at least 235 of which are from women. A total of 219 witnesses, of whom 54 were women, 35 alleged perpetrators and 23 from the Gambians Diaspora have also testified across 12 public hearings and 1 closed hearing."²⁸ This led the New York Times to describe the TRRC as "the most accessible truth commission in history."²⁹ In the same vein, "Beyond The

²³ See Interview with a senior officer at International IDEA on October 1, 2021.

²⁴ See Never Again Perception Report, Figure 10, p19.

²⁵ See Never Again Perception Report, Figure 10, p19.

²⁶ *Ibid*, p27.

²⁷ See Never Again Perception Report, Figure 10, p27.

²⁸ See New York Times edition on Gambia at <https://www.nytimes.com/2019/08/31/world/africa/gambia-truth-commission-yahya-jammeh.html> accessed on Sept 7, 2021. See also, 2020 PBF Semi-annual report-TJHR project final, p7.

²⁹ *Ibid*.

Gambia, incoming ICC Prosecutor Karim Khan tweeted after the final TRRC public hearing on 28 May, that TRRC's "Lead Counsel Essa Faal's submissions deserve attention. "Justice must happen."³⁰ Moreover, the ICTJ relayed the positive vibes it often receives once its articles on The Gambian transitional justice process are issued on its website. « I would say that from time to time, the ICTJ published articles on the Gambian transitional justice process and the feedback was always positive because we were focusing on giving chance to women. »³¹ The ICTJ conducted a frequent perception survey that showed people appreciating the closeness with which the TJHRP works with people.³² Nonetheless, those loyal to Yaya Jammeh remain skeptical, especially some in FONI, the place he originates from.³³

Clear-cut trend to mix up the TJHRP and the TRRC.- There is a divide among beneficiaries on the way they perceive the TJHRP's interventions. Some of them were able to understand its real role in the sense that it is meant to support TRRC's activities which oversee both truth-seeking and reparations. "We strived to separate the project from reparatory activities that are meant to be performed by the TRRC. »³⁴ On the other hand, there were some beneficiaries who expected more than the project could afford and should do. They also wondered why the TJHRP did not cater for reparations as well. In response to such an expectation, it is worth mentioning that the TJHRP conducted training before the TRRC performed its mandate. The project also provided medical assistance for victims that gave statements to or testified before the TRRC. Overall, one should acknowledge the global positive feeling of people *vis-à-vis* the project. In fact, « coming from 22 years of human rights violations, people liked the project and wished the project to continue. »³⁵ « I spoke to some members of local communities who told me that the TRRC is seen as an institution that was necessary for the country. »³⁶

8.1.5. To what extent have project interventions reflected strategic, national considerations and priorities on transitional justice and human rights, and/or influenced national policies on legal reforms and human rights protection?

8.1.5.1. The project as a reflection of national priorities

These points will encapsulate the validation of document review data by field data. It will also demonstrate that transitional justice was a priority of the Government in delivering on its electoral promise. It outlines that the TJHRP emanated in fact from the Gambian government. Last and not least, this section will show how timely was the TJHRP about gender mainstreaming in The Gambia and demonstrate how the TJHRP is an embodiment of national priorities.

³⁰ See PBF Report June 2021 TJHR-Project, p8.

³¹ See Interview with a senior ICTJ-The Gambia in October 04, 2021.

³² Ibid.

³³ See Interview with a senior officer at the NHRC on September 30, 2021.

³⁴ See Interview with a UNDP senior officer, former project staff on September 29, 2021.

³⁵ See Interview with a Journalist at QTV on October 4, 2021.

³⁶ See Interview with a human rights specialist at OHCHR on October 01, 2021.

Field data validate document review data.- The literature review revealed that the achievement of the project outcome n°3 shows how far the project went in factoring national considerations and priorities on transitional justice and human rights as defined by the consultative conference held upstream of the process. The national conference on Rule of Law and Justice Reform held in May 2017 identified key reform areas. The project then complied with the conference guidelines *including* its recommendations for a holistic transitional justice process. One should remember that the holistic transitional justice process means the mixture of truth, prosecutions, clemency (amnesty, grace, parole), reparations and guarantees of non-recurrence.³⁷ Achieving the operationalization of the TRRC evidenced the unwavering determination of the TJHRP to promote the right to truth which is the starting point of a credible, principled, rights-based and victims-centered transitional justice process. This finding has been cross validated by the 37 interviews the ET conducted at the end of the project. "Human rights are among the Government priorities »³⁸ declared a senior officer of the Coordination Unit of the DSPD. The project matches with the strategic national development plan (SNDP) of The Gambia and the sustainable development goals (SDG) set by the UN.³⁹ The goal to be achieved by the project is related to justice and human rights.⁴⁰ The project then addressed the priority of the government and the UN.⁴¹

Transitional justice was a priority of the Government to deliver its electoral promise.- First and foremost, The Gambian Government was eager to embark into a transitional justice process at any cost. It made an electoral promise to the people that justice must be done. The appointment of Aboubakar Tambadou who had an interesting international background as the Attorney General and the Minister of Justice evidenced the clear-cut will of the Government to restore justice in The Gambia.⁴² Joining words to acts, the Gambian government allocated \$1,000,000 USD generated from the sale of Yaya Jammeh's aircraft to the TRRC.⁴³ In fact, « the project reflected the national priority because human rights violations by the Gambian state are matters of national concern. The Gambian government understood the need of changing its way of dealing with human rights. »⁴⁴

The TJHRP emanated from the Gambian Government.- The Gambia's National Development Plan has 4 priorities. The second point is about good governance and respect of Human rights. This is to say that the project emanated from the Gambian priorities⁴⁵, an International IDEA 's senior officer declared. This statement was confirmed by an African Union senior officer working in the AU support team to The Gambia in Banjul: « the project was need-based."⁴⁶ The upstream needs assessment

³⁷ See Adolphe Kilomba Sumaili, *La justice transitionnelle au miroir des réalités congolaises*, Enghien-Belgium, Les Éditions du Pangolin, 2019, p169.

³⁸ See Interview with a senior executive officer at DSPD-Coordination Unit in October 05, 2021.

³⁹ See Interview with a UNDP senior executive officer on October 05, 2021.

⁴⁰ See Interview with a UNDP senior executive officer on October 05, 2021.

⁴¹ *Ibid.*

⁴² See Interview with two senior officers at Justice Rapid Response (JRR) on October 07, 2021.

⁴³ *Ibid.*

⁴⁴ See Interview with a senior officer in charge of victim support at TRRC on September 29, 2021.

⁴⁵ See Interview with a senior program officer at International IDEA's Interview on October 1, 2021.

⁴⁶ See Interview with a senior human rights specialist at the African Union Mission The Gambia in October 05, 2021.

outlined the country's main needs and challenges.⁴⁷ People were in need to know the truth about the Yaya Jammeh's brutal regime and the TJHRP responded timely.⁴⁸ « Therefore, the TRRC and NHRC are good institutions for this country. »⁴⁹

Coincidence with the end of Yaya Jammeh's 10 years gender policy.- Even if there is still much more to improve in the gender mainstreaming chapter, it should be emphasised that the TJHRP empowered women to speak out about their concerns and instilled enough confidence in men to interact with the TRRC. Another merit is that it came timely for women. In fact, its implementation coincided with the termination of the 10 years National Gender Policy (2010-2020). 2020 was a right moment for women to own fully the drafting of the new gender policy for The Gambia. In empowering them, the TJHRP made them ready to take advantage of the opportunity to express their views and design the new gender policy for the upcoming ten years in The Gambia.⁵⁰ Consultations were meant to start last year but were postponed due to COVID-19.⁵¹ They may start anytime.

The TJHRP as the embodiment of national priorities.- « It effectively reflects national priorities. »⁵² After ousting dictator Yaya Jammeh in the December 2016 elections, the coalition led by President Adama Barrow formulated its 3 years transition government with clear-cut priorities to reform The Gambia such as, establishing new institutions, the rule of law, Human rights and women rights as well as the development of the country. This is how the transitional roadmap looked alike after the collapse of Yaya Jammeh's regime.⁵³ « I would then confidently say that the project was timely and relevant. »⁵⁴ Without the TJHR, the improvement we are experiencing nowadays would have never even started. »⁵⁵ The respect of human rights is among national priorities because the country comes from 22 years of brutal regime. Therefore, "by making people aware of that, the project has created a conducive environment for future changes across the country. »⁵⁶ The project matches with the strategic National Development Plan (NDP) and the UN sustainable development goals (SDG). The goal targeted by the TJHRP was about improving justice and human rights in The Gambia. At the same token, the project contributed to building peace and justice. Therefore, « it is obvious that the project addressed the priority of the government and the UN. »⁵⁷

8.1.5.2. The project has influenced to a great extent the national policy.

Influencing policy in favor of human rights and reparations for victims.- In terms of policy, the literature review provided information that the project has helped the Gambian government establish

⁴⁷ *Ibid.* See also an interview with a DSPD senior executive officer on October 05, 2021.

⁴⁸ See Interview with a senior officer at NHRC in September 30, 2021

⁴⁹ *Ibid.*

⁵⁰ See Interview with a senior executive officer at Women's Bureau on October 05, 2021.

⁵¹ *Ibid.*

⁵² See Didier Gbery, International Centre for Transitional Justice's Interview on October 04, 2021

⁵³ See Didier Gbery, International Centre for Transitional Justice's Interview on October 04, 2021

⁵⁴ See Didier Gbery, International Centre for Transitional Justice's Interview on October 04, 2021

⁵⁵ See Didier Gbery, International Centre for Transitional Justice's Interview on October 04, 2021

⁵⁶ See Aliou Ceesay, Journalist at QTV interview on October 4, 2021.

⁵⁷ See Aissata De, UNDP Representative in The Gambia Interview on October 05, 2021.

“a comprehensive nationally owned, inclusive, gender-sensitive and victim-centered strategy of high quality on transitional justice.”⁵⁸ This was confirmed by a senior officer at the Ministry of Justice.⁵⁹ The project also influenced the national policy on legal reforms and human rights protection. The evidence of such an influence is that “there are also currently 16 bills before the National Assembly that seek to improve the human rights institutional framework of The Gambia.”⁶⁰ In the same vein, “the Gambia’s human rights institutional framework was significantly strengthened through the establishment of the NHRC and revival of the National Assembly Standing Committee on Human Rights and Constitutional Matters. Over the past 12 months, The Gambia has witnessed the full activation of the NHRC’s broad mandate from receiving and resolving 72 human rights complaints in 2020, conducting 3 community outreach activities, participating in the 66th and 67th Ordinary Sessions of the African Commission on Human and Peoples’ Rights, paying courtesy calls to the Police, Ministry of Justice and Judiciary, and advising the Government on a myriad of human rights issues and its obligations, particularly during the state of emergency that persisted at the height of the COVID-19 pandemic.”⁶¹ This was utterly confirmed by a senior executive officer of the NHRC.⁶² Thus, the existence of an operational and effective NHRC is one of the significant and sustainable interventions of the project that will surely support the sustaining peace agenda of the country.⁶³ The national reparations policy should also be mentioned. For this matter, the project hired consultants from South Africa and the American Bar Association to make the policy adequately addressing reparatory challenges in favor of the victims. The project hired a consultant to harmonize all the documents.⁶⁴ The policy is yet to be endorsed by the Government.

Influencing policies and legislative reforms.- The policy was absolutely influenced and the NHRC is the indisputable evidence of such an influence.⁶⁵ In its tireless efforts to influence policies, the TJHRP engaged in a series of legislative reforms that were yet to be passed when the project was closing in July 2021. It then supported the Ministry of Justice and the National Assembly to draft and revise *inter alia* the bill on international crimes, the torture bill, the criminal procedure code, the disabilities bill and alike. “We had a retreat in KANILAI to work on those bills. Lawyers were invited to support the work of reviewing the aforementioned bills. »⁶⁶ There is need to note that these bills are still under scrutiny at the specialized committees of the National Assembly before being submitted to the plenary. When? The National Assembly will tell. However, it is worth mentioning that the bill on the access to information was passed by the National Assembly alongside the law on people living with

⁵⁸ See 2017 PBF annual report, p3.

⁵⁹ See interview with Hussein Thomas, senior officer at The Gambian Ministry of Justice in October 25, 20021.

⁶⁰ See PBF December 2020 TJHR project, p11.

⁶¹ See PBF report June 2021, TJHR Project, pp10-11.

⁶² See interview with a senior executive of the NHRC in September 30, 2021

⁶³ *Ibid*, p11.

⁶⁴ See Interview with a TRRC senior executive officer on October 1, 2021.

⁶⁵ See Interview with a senior officer at TRRC on September 29, 2021.

⁶⁶ See Interview with a UNDP senior officer, project staff on September 29, 2021.

disabilities.⁶⁷ The law on torture is yet to be passed though.⁶⁸ « In terms of influencing policies, I would say that the project supported the NHRC in developing a human rights policy, reforming laws and many legislatives' changes. »⁶⁹

The high risk of Elections affecting legislative reform.- Meanwhile, it seems difficult for this year as the presidential campaign resumes since Yaya Jammeh's ousting elections in December 2016. To avoid or diminish the election's influence on transitional justice process' outcomes, a OHCHR senior officer in Western Africa identified a lesson that any transitional justice plan should from now on factor preventing any coincidence with elections schedule.⁷⁰ Some examples are telling such as the national transitional justice strategy and the sexual harassment policy drafted by the National Human Rights Commission and alike.⁷¹ The project also supported the Constitutional Review Commission which prepared the draft constitution.

8.2. Effectiveness

Per definition, effectiveness is « the extent to which the development intervention's objectives were achieved, or are expected to be achieved, considering their relative importance. »⁷² Therefore, assessment of project effectiveness focuses on how the project achieved its outcomes.

8.2.1. Achievement of project outcomes

Findings revealed that the effectiveness of the TJHRP in The Gambia has been achieved to a great extent. Overall, the project has conducted all its activities as foreseen for 49 months.⁷³

Outcome 1: National Strategy on Transitional Justice

Project outcome 1 intended to endow The Gambia with a comprehensive national TJ strategy to ensure truth and accountability for past human rights violations and contribute to the security reform. This outcome was achieved in October 2019. Despite COVID-19 pandemic adverse impact on outreach activities which hampered the dissemination of the strategy planned for 2020, the TJHRP equipped the government of The Gambia with the National Strategy on Transitional Justice which clarifies its vision for the short, medium and long term. The drafting of the strategy was led by the Ministry of Justice through the project's technical working group.⁷⁴ The security sector reform is still underway, but the project achieved its outcomes in terms of the transitional justice strategy being drafted.⁷⁵

⁶⁷ See interview with a senior officer at ICTJ in October 04, 2021

⁶⁸ *Ibid.*

⁶⁹ See Interview with a senior human rights specialist at the African Union Mission The Gambia in October 05, 2021.

⁷⁰ See Interview with a senior executive officer at the OHCHR in Western Africa on October 08, 2021.

⁷¹ See Interview with a OHCHR senior office/project staff on Sept. 30, 2021.

⁷² See <https://www.oecd.org/dac/evaluation/revised-evaluation-criteria-dec-2019.pdf> accessed on October 30, 2021.

⁷³ *Ibid.*, p1.

⁷⁴ See Interview with a UNDP senior officer, project staff on September 29, 2021

⁷⁵ See Interview with a OHCHR senior Human rights specialist in Oct 01, 2021

While the publication of a national strategy is a service delivery by the government on transitional justice, awareness raising activities should be considered to increase peoples' awareness and ownership. Doing so will surely get people ready to push for the implementation of the strategy.

Outcome 2: Basic capacities and knowledge for the society and state institutions

Project Outcome 2 aimed at empowering key state institutions (the ministry of justice, the NHRC Commission and the TRRC) and CSOs in transitional justice matters. Respondents testified that the project provided "key Gambian society and its State institutions with basic essential capacity and knowledge to participate and oversee the implementation of the transitional justice processes in The Gambia."⁷⁶ "The project gave support to the Government and to the National Human Rights Commission. The NHRC and TRRC are the direct results of the project activities. The project provided all support to these institutions to conduct the work they were meant to. The project also provided stationeries to us so that we could keep conducting our activities in support of the reconciliation momentum triggered by the project."⁷⁷ "The project improved national capacities because it supported the ministry of justice, the Human rights commission, the TRRC and the civil society."⁷⁸

They added that learning tours to Sierra-Leone and South Africa reportedly ensured the commissioners' knowledge of basic mechanisms of transitional justice. The project also trained several other people including police officers. Not only did the TJHRP bring into The Gambia the needed skills on transitional justice, gender issues and human rights,⁷⁹ it fully supported "the TRRC's first regional hearings dedicated to the 2009 state-sanctioned "witch-hunts", which translated into over 300 statements being taken by the Commission, mostly from female and/or elderly victims, 48 of whom also publicly testified during those hearings."⁸⁰

The project supported the drafting of a Paris Principles⁸¹ compliant bill to establish the NHRC⁸² and "generated the need for much greater respect for human rights as there are currently 16 bills before the National Assembly seeking to improve the institutional framework for human rights in The Gambia."⁸³ "This is an invaluable contribution by the TJHRP to sustain the human rights momentum it has triggered. "The project has enabled The Gambia to develop a human rights policy that it never had"⁸⁴, concluded one respondent.

Arguably, the NHRC and the TRRC evidenced that transition is unfolding in the Gambia. However, the evaluation team was informed that the opening of their field offices was delayed. Without satellite

⁷⁶ See 2020 PBF Semi-annual report-TJHR project final, p6.

⁷⁷ See interview with a senior executive officer of FLAG on September 28, 2021.

⁷⁸ See interview with a senior executive officer of the NHRC on September 28, 2021.

⁷⁹ See Interview with a senior officer at OHCHR, project staff on Sept 30, 2021.

⁸⁰ See 2020 PBF Semi-annual report-TJHR project final, p4.

⁸¹ See Paris principles available <https://www.un.org/ruleoflaw/files/PRINCI~5.PDF> accessed on October 14, 2021.

⁸² See 2017 PBF annual report, p5.

⁸³ See PBF December 2020 TJHR project, p11.

⁸⁴ See Mam Jobe, Human rights specialist at the OHCHR on Oct 01, 2021.

offices, the TRRC and NHRC would hardly operate efficiently. It was also noted that the Ministry of Justice did not yet take over the project coordination mechanism. In the closing month of the project in June 2021, the project's technical Committee and Governing Board was still acting as the main coordinating mechanism of transitional justice processes in The Gambia.⁸⁵ The Ministry of Justice indicated that discussions were underway with UNDP to monitor project activities to ensure that the results of the TJHRP were maintained.⁸⁶

Outcome 3: The TRRC is operationalized and engaged with people.

To foster its service delivery capacity, the TRRC was set up with multiple units namely, the legal unit, the research and investigation unit, the communications unit, the outreach unit, the reconciliation unit, and the victim support unit.⁸⁷ The TRRC received \$74,904 US from the UN PBF to conduct its activities, the final transitional justice fact sheet reveals. It is also worthy mentioning that the TJHRP went extra mile in supporting unbudgeted TRRC's activities such as exhumations. The TRRC was operationalized and fulfilled its mandate related to truth, reconciliation and reparations in close collaboration with the population.⁸⁸ "It made the government understand that it is the first duty-bearer of human rights protection. The CSOs were also trained. I would rate the project a 9/10 as it increased the understanding of human rights across the Gambian society."⁸⁹ Considered a trustworthy body,⁹⁰ the TRRC performed numerous reconciliatory activities at the global standard level, such as the thematic hearings on serious human rights violations, which "produced over 2,800 live videos accessible on YouTube."⁹¹ Participating in its public hearings enabled victims to speak out and obtain medical support, psychosocial support, restoration, etc. In doing so, the TRRC catalyzed the social cohesion in bringing back to the social fabric victims whose lives were affected by stigma and stereotypes.⁹² "People now aspire to live in peace in this country. Victims' lives have become better thanks to the help they got from the project. The project has brought back hope in The Gambia" a victim of human rights abuse said.⁹³

With TJHRP funds, TRRC was "able to bring back to school orphaned children who were still in school age."⁹⁴ For those who could not go to school anymore, the TJHR project provided livelihood support: « Based on criteria we set, we were also able to provide livelihood support to some victims as well. »⁹⁵ Overall, 76 children (40 boys and 36 girls) received scholarships.

⁸⁵ See 2020 PBF Semi-annual report-TJHR project final, p6.

⁸⁶ See Interview with a senior officer at the Gambian Ministry of Justice on October 25, 2021.

⁸⁷ See Interview with a TRRC senior officer on September 29, 2021

⁸⁸ See interview with the president of the network of community radios on October 1, 2021.

⁸⁹ See interview with the President of the Gender platform on September 28, 2021.

⁹⁰ See 2020 PBF Semi-annual report-TJHR project final, p7.

⁹¹ *Ibid.*

⁹² See interview with a TRRC senior officer on September 29, 2021.

⁹³ See interview with a direct victim of Yaya Jammeh's regime on September 30, 2021.

⁹⁴ See Interview with a TRRC senior officer to support victims on September 29, 2021.

⁹⁵ *Ibid.*

It was mentioned during interviews that a few Gambians found the establishment of the TRRC unnecessary, arguing that the country needed development instead. This argument did not resonate with respondents who stressed that human rights are among the main components of any development process as recalled in the agenda for sustainable development goals (SDG). It goes without saying that there is no development without respect for human rights.⁹⁶ In this sense, a former TRRC official said that without TRRC's support, the country “would never have had such a progressive human rights situation”⁹⁷

While they were unanimously supportive of the TRRC's achievements, respondents acknowledged, however, that some of the activities planned by TRRC were delayed, did not take place, or did not meet the expectations of the victims.

The Memorial initiative was delayed.- To commemorate the victims, it was planned to rename the Banjul Arch built by President Jammeh. This plan has not been realized because the Ministry of Justice and the TRRC have not reached agreement on what should be prioritized among a multitude of activities.⁹⁸ The evaluation team is informed that the TRRC is working with civil society through the Center for Victims⁹⁹ on this initiative, which will be led by civil society rather than the government.

Media house was not completed.- While the memorial project has experienced major delays, the media house construction project simply failed because the journalists' union did not provide the land it had promised.¹⁰⁰

Reparations for victims did not meet expectations.- The TRRC has achieved immediate results by providing interim reparations to victims¹⁰¹ in the form of medical treatment, scholarships, entrepreneurship initiatives, and other benefits. A victim testified: « President Jammeh’s convoy hit me. I was two months pregnant when the accident occurred. The project was relevant as it helped me improve my life because after the accident, I couldn’t walk without crutches. Two types of support were provided: I got subsistence allowance in the form of groceries, and medical assistance. The TRRC listened to all my complaints and took me to Dakar for medical treatment because I was seriously injured because of the accident. My left leg underwent surgery and because of that, I’m now able to walk without the aid of crutches. TRRC paid for my accommodation, feeding and medical expenses. »¹⁰² Respondents were satisfied that TRRC started issuing reparations to victims,¹⁰³ but acknowledged that the reparations granted have not fully met the expectations of the victims. It is

⁹⁶ See Interview with a UNDP project specialist on September 29, 2021.

⁹⁷ See Interview with a TRRC senior outreach officer on October 05, 2021.

⁹⁸ Ibid.

⁹⁹ See interview with TRRC’s senior executive officer on October 1, 2021.

¹⁰⁰ Ibid.

¹⁰¹ See interview with a ICTJ senior officer on October 04, 2021.

¹⁰² See Victim of Yaya Jammeh’s regime interview on October 2, 2021?

¹⁰³ See interview with a OHCHR senior human rights specialist on Oct 01, 2021

worth reminding that it was not the intention of the project to replace the Government and to provide monetary reparations to individuals.

Outcome 4: CSOs, victims' associations, media, women and youth-led organizations capacitated to participate

CSOs were effectively trained to engage people in the process. - The project monitoring report shows that the civil society, particularly victims' associations, media professionals, women and youth groups were provided multidisciplinary capacities to proactively participate in transitional justice processes. "The transitional justice and human rights project made visible the shortcomings of institutions. It also provided knowledge to institutions. At the same token, the project trained the civil society organizations."¹⁰⁴ For example, the project trained the Government's Department of Social Welfare and 8 gender and youth sensitive CSOs, i.e., The Gambian Centre For Human Rights Violations (Victim Centre), Safe Hands for Girls, The Shores Home for Women and Girls, Network against Gender Based Violence (NGBV), The HIV Support Team, Women in Liberation and Leadership (WILL), Paradise Foundation and SOS Children's Village on trauma, PTSD and Prolonged Exposure (PE) therapy to provide adequate psychosocial support for victims of human rights abuses and violations¹⁰⁵. Voiceless and lacking necessary capacities to operate before 2017¹⁰⁶, the CSOs were strengthened to adequately play their role in replicating what they have received to the grassroots and increase the reach of the project. « This is the first time for The Gambia to conduct a transitional justice process. The project galvanized the voice of civil society. »¹⁰⁷ As project partners, ICTJ and SFCG supported the effort to improve civil society skills. The grassroots,¹⁰⁸ the media, including community radio networks, were supported and equipped to increase their reach and promote gender. Journalists and traditional communicators were trained and qualified to report on human rights violations. "The project was very useful for the country and for community radios. Radios informed rural communities about the content of the projects. The community radios were airing TRRC's activities. Thanks to them, local communities were sensitized about TRRC's activities. The power cut was addressed through the project support in terms of providing solar equipment. It brought our radios to the heart of local communities. With the support of the project, community radios could earmark funds to support other activities. Without the project support, radios would have never been able to make communities aware of the reconciliation dynamics across the country. Without the project support, Greater Banjul, Rural Gambia, North Bank to Basse, Lower river region, Central river region and alike, would have stayed unaware. All these parts of the country followed TRRC's hearings thanks to community radios that aired TRRC's activities, thanks to the project support. Community radios also relayed ICTJ messages on transitional justice issues."¹⁰⁹ Gender

¹⁰⁴ See interview with a senior executive officer of the Centre for Research & Policy Development / CepRass, September 28, 2021.

¹⁰⁵ See 2020 PBF Semi-annual report-TJHR project final, p8.

¹⁰⁶ See Interview with a OHCHR senior human rights specialist on Oct 01, 2021.

¹⁰⁷ See interview with a senior executive officer at the CRPD / CepRass in Sept 28, 2021.

¹⁰⁸ See Interview with Women's Bureau on October 05, 2021.

¹⁰⁹ See interview with the President of the network of community radios on October 01, 2021.

mainstreaming has been such an important part of the training that CSOs now check on how the media report on gender mainstreaming.¹¹⁰ It should be reminded that the project has supported the creation of the gender platform in The Gambia.

Outcome 5: Human rights institutional framework and NGO capacities are strengthened

The creation of the NHRC and the TRRC is a clear political will from The Gambia government to instill the culture of respect for human rights across the country. “After being trained, CSOs have created their own platforms, and partnered with the NHRC. The transitional justice project supported the NHRC trip to Geneva. It made us attend the meeting during which The Gambia’s human rights situation was under scrutiny.”¹¹¹ These platforms now work to increase pressure on the Government and advocate for further respect of human rights in The Gambia. The evaluation results revealed that the Constitutional Review Commission (CRC) tasked with drafting a new constitution for The Gambia had learned a lot from the transitional justice process. The process so inspired the constitutional experts that they put many details into the draft constitution to ensure that the same mistakes are not repeated.¹¹² While the heaviness of the text ultimately explained partly its rejection by parliament, the TRRC remains an important step in framing a new constitution¹¹³ and bringing reforms in The Gambia. Several reforms are still underway, including the security sector reform and the judiciary.

8.2.1.2. What were the main factors that have led to good or poor result achievement?

Performance enabling factors.- Among the main factors of the project’s good performances, respondents cited the Gambians’ acceptance and ownership of the project;¹¹⁴ people’s eagerness to know the truth;¹¹⁵ the good relationship and close cooperation between project implementers and partners, especially the ministry of justice; the commitment to do things that meet international standards;¹¹⁶ absence of political interference;¹¹⁷ the political will of the new Gambian leadership to have this project implemented and skills transferred to National stakeholders; partnership with international Idea, ICTJ and SFCG; the people-centered nature of the project; the involvement of young and diaspora Gambians in the TRRC’s steering committee; people’s understanding of the

¹¹⁰ See Interview with TRRC senior outreach officer on October 05, 2021.

¹¹¹ See interview with a NHRC senior executive officer on September 30, 2021.

¹¹² See Interview with a senior officer at International IDEA on October 1, 2021.

¹¹³ See Interview with a senior officer at International IDEA on October 1, 2021.

¹¹⁴ See Interview with a TRRC senior outreach officer on October 05, 2021.

¹¹⁵ See Interview with a OHCHR senior officer/Project staff on Sept 30, 2021.

¹¹⁶ See Interview with a OHCHR senior human rights specialist on Oct 01, 2021.

¹¹⁷ "Since 2016, one should commend the Barrow's administration for refraining to interfere throughout the transitional justice process. Such an attitude is commendable except for the constitutional review committee where politics made the process fail. It should also be mentioned that the Gambian army alongside its counterpart police forces cooperated with the TRRC. » See Interview with a NHRC senior officer on September 30, 2021.

staggering milestone the TRRC is on the Gambia's trajectory; the intergenerational composition of the TRRC staff,¹¹⁸ the openness to new ideas¹¹⁹, and commitment to hearing the stories of victims.

8.2.2. What is the evidence that the process of developing the transitional justice strategy was consultative (including a wide range of government, civil society, religious, and traditional stakeholders), inclusive of marginalized groups, gender-sensitive, and victim-centered?

Conference on the rule of law and justice reform. - The national stakeholder conference on Rule of Law and Justice Reform held in May 2017 is indisputable evidence of the consultative nature of the transitional justice process in The Gambia. The conference helped the government establish "a comprehensive nationally owned, inclusive, gender-sensitive and victim-centered strategy of high quality on Transitional Justice."¹²⁰ It identified key reform areas and recommended a holistic transitional justice process, including the establishment of the TRRC and the development of a national strategy on transitional justice.¹²¹

Nationwide consultations for buy-in of the process. - Because of the political tensions that polarized supporters and opponents of the outgoing President Yaya Jammeh in the aftermath of his demise in January 2017, consultations were initiated by the TJHRP to ensure buy-in and participation of all the Gambians in the process. « We had national consultations before starting the project. »¹²² Reconciliation being in the given circumstances the priority of the authorities, the TJHRP started with the TRRC encouraging dialogue.¹²³ The TRRC brought victims and perpetrators together during public hearings and allowed the victims to speak out, which is a recognition of their suffering and a response to their demands.¹²⁴ Over 1,100 people were involved in the pre-TRRC consultation process of which women accounted for 25%. The consultation involved a wide range of society: religious and traditional leaders, people living with HIV¹²⁵, youth, women, rural residents¹²⁶, parliamentarians, students¹²⁷, and the diaspora.¹²⁸ Monitoring of the process was ongoing as the commissioners met several times with all stakeholders to ascertain their feelings and concerns. "Sign language was used to communicate with the deaf and hard of hearing"¹²⁹ These wide-ranging consultations indicate that the needs and concerns of the people have been considered in the process.

The downside of this consultation was the lack of inclusion of PWD and LGBT even though the sign language was used sometimes. "People living with disabilities and LGBT concerns were not clearly

¹¹⁸ See Interview with a UNDP senior executive officer on October 05, 2021.

¹¹⁹ See Interview with a senior executive officer at Women's Bureau Interview on October 05, 2021.

¹²⁰ See 2017 PBF annual report, p3.

¹²¹ *Ibid.*

¹²² See Interview with a OHCHR senior human rights specialist in Oct 01, 2021

¹²³ See interview with two senior officers at Justice Rapid Response (JRR) on October 07, 2021.

¹²⁴ *Ibid.*

¹²⁵ See Interview with TRRC's senior executive officer on October 1, 2021.

¹²⁶ See Interview with a senior Program officer at International IDEA's Interview on October 1, 2021.

¹²⁷ See Interview with a TRRC senior officer to support victims on September 29, 2021.

¹²⁸ See Interview with TRRC's senior executive officer on October 1, 2021.

¹²⁹ See Interview with NHRC senior officer on September 30, 2021.

featured during consultation. No focus was also paid to socio-economic rights”.¹³⁰ Inclusion of LGBT “was difficult because same sex relations is criminalized in The Gambia.”¹³¹

8.2.3. Which partners (national and international delivery partners, civil society, and private sector) have the project worked effectively with, and why?

8.2.3.1. National Government Partners

As the first national government partner of the project, the Ministry of Justice provided support to project actors throughout its implementation. Likewise, the Ministry of health and the National Assembly played a significant role in the process. The involvement of these state bodies in the project demonstrated the Gambian decision-makers’ political will to address the past legacy which is fraught with large-scale human rights abuses. The National Human Rights Commission’s role should also be recognized. Born from the project, the TRRC and NHRC became great partners of the TJHRP.

8.2.3.2. International delivery Partners

The International Centre for Transitional Justice (ICJT) and Search for Common Ground (SFCG) partnered with the TJHRP to increase the project’s effectiveness. By taking over the training of civil society organizations, this partnership gave the transitional justice process a push. The project has garnered interest from other international partners who contributed funds to support the activities. This is the case of the Government of Ireland that availed 250,000\$ US to encourage women to actively participate in the TRRC public hearings. In fact, numerous organizations supported the momentum triggered by the project such as, The Catholic Relief Service, the Victim center, BAFROW, African Union, International Idea, Action Aid International, IFIT, IHRDA, Community members including the victims especially those affected by SGBV, the youth through the national youth council, the Civil society working group on transitional justice, gender platform, the medical board from the ministry of health, the diaspora, and UNICEF that conducted a capacity training for women in the district tribunals to fight early child marriage.

8.2.3.3. Civil society partners

Civil society organizations, as beneficiaries of the project, delivered a tremendous service in terms of capacity building and mobilization of the population. They contributed to the development of visual communication tools on transitional justice and human rights in The Gambia. “Hashtags on Twitter, Facebook, and Instagram on #transitionaljustice in #TheGambia documents a sizable number of webinars, talk shows, chat trails, documentaries, photo exhibitions, poems, jingles, videos, and songs about various aspects of transitional justice by activists, organizations, artists and academics. Much of the conversations being heard on public platforms today focus on the implementation of the TRRC recommendations. Thus, it can be said that “project implementation and coordination has also directly contributed to the increased capacity and proactive participation of the Gambian CSOs, particularly victims’ associations and women-led organizations, in transitional justice and human rights

¹³⁰ See Interview with a NHRC senior officer on September 30, 2021.

¹³¹ See Interview with a OHCHR senior officer/project staff, 2021.

mechanisms and processes.”¹³² Indeed, the project has improved the capacity of CSOs to promote and sustain a peace agenda during the transition period and going forward.

8.2.4.4. Private sector partners

The private business and persons supported the TRRC’ reparations program with 24,000 \$ US.

8.2.5. Has the project used innovative techniques and best practices during implementation, and what results and lessons learnt were derived from doing so?

During its implementation, the project has demonstrated enough adaptability by using mainstream and innovative approaches such as the-tea-debate “Attaya” to meet out-of-school children in their environment, study tours to learn from global experience, cultural influence groups to persuade local communities, and new technologies such as youtube, facebook, twitter and alike to reach more people.

The project used ordinary and innovative approaches. - A mix of ordinary and innovative approaches was used to increase the project effectiveness. Because out-of-school children are often reluctant to meet in a formal environment, the TJHRP reached out to them through the “Attaya Project” consisting of informal tea-drinking sessions with young men during which matters related to transitional justice and SGBV were discussed.¹³³ To innovate, the TJHRP stressed strongly on learning from other country's experiences. Thus, study tours to South Africa and Sierra-Leone were organized to increase transitional knowledge of the commissioners and The Gambian government members. The lessons learned were adapted to the Gambian context and fed into the draft legislation for the establishment of the TRRC.¹³⁴

Using cultural influential groups to persuade local communities.- The project trained traditional communicators and tasked them with delivering a consistent message to their respective communities. These are groups of women who compose children's songs and perform plays to disseminate information to communities in a language they can hear and understand. In carrying out their mission, the traditional communicators encouraged women and girls to speak out to the TRRC on how they were wronged. Many people receive messages through songs they compose.¹³⁵ Through these sensitizations, the Gambians who were in denial prior to the TRRC, came to accept what happened and knew that human rights violations were perpetrated by Gambians. The idea of NEVER AGAIN was then embraced by everybody. »¹³⁶

Use of new technologies to further reach out to people. - The evaluation team received several testimonials about the project's use of social media: “The process was unique because all the hearings are available on YouTube and everybody can access them”.¹³⁷ “The public hearings were even

¹³² See 2020 PBF Semi-annual report-TJHR project final, p3.

¹³³ See Interview with a TRRC senior outreach officer on October 05, 2021.

¹³⁴ See Interview with two senior officers at Justice Rapid Response (JRR) Interview on October 07, 2021.

¹³⁵ See Interview with a senior executive officer at Women's Bureau on October 05, 2021.

¹³⁶ See Interview with a TRRC senior outreach officer on October 05, 2021.

¹³⁷ See Interview with a UNDP senior executive officer on October 05, 2021.

broadcasted on Facebook to increase the reach of the project.”¹³⁸ The use of new technologies included the use of virtual platforms like Twitter, WhatsApp and an e-learning platform from the session held in Geneva. The TRRC received support to record messages to beef-up its outreach activities¹³⁹ and podcasts on reparations that could be shared on radios and WhatsApp.”¹⁴⁰

8.3. Efficiency

8.3.1. Were the project’s approaches and resources (human, financial and organizational) sufficiently sensitive to the political and development constraints of The Gambia?

The project’s sensitivity to political and development constraints of The Gambia. - The transitional justice scholarship on the Gambia has shown that the project’s approach has been sensitive to The Gambia’s political and development constraints. The Africa Group for Justice and Accountability (AGJA) and the Wayamo Foundation conducted a consultative mission in the wake of President Jammeh’s exit from power. Their mission report issued in 2018 highlights the Gambian political and development constraints among which the need of building capacity for justice and accountability: "A twenty-two years of autocratic rule during which the country’s ministries were often no more than a " rubber stamp ", however, The Gambia’s institutional capacity is severely weak. The previous government purposefully left the country’s public institutions crippled."¹⁴¹ In supporting the transitional justice process, the TJHRP has significantly contributed to building new institutions and re-create trust between people and the Gambian state. It goes without saying that the project has been sensitive to political and development constraints of the post-Jammeh Gambia.

Human rights as a development constraint of The Gambia. - « The development constraints of The Gambia are numerous including human rights. Therefore, addressing human rights violations is somewhat a guarantee to build a peaceful country that ensures everybody. »¹⁴² Human rights violations are at the origin of the fragility in The Gambia.¹⁴³ That is why several respondents pointed out that addressing human rights violations is a national priority. “Endowing the states with human rights institutions such as the TRRC and the NHRC means helping the state to be fully aware of its human rights duty-bearer identity. »¹⁴⁴ « Now people can easily speak out and report about human rights violations. People are now able to hold the government accountable. They now wonder about the period post-TRRC. »¹⁴⁵

¹³⁸ See Interview with a ICTJ senior officer in October 04, 2021

¹³⁹ See Interview with a OHCHR senior human rights specialist on Oct 01, 2021.

¹⁴⁰ See Interview with a ICTJ senior officer on October 04, 2021.

¹⁴¹ See Mark Kersten and Michael Benedict, Mission report of the AGJA-WAYAMO Delegation to The Gambia. Meeting Expectations on the Road to Justice: Achieving Accountability in The Gambia, May 2018, p6, available at <https://www.wayamo.com/wp-content/uploads/2018/05/2018-TheGambia-Report-Wayamo.pdf> accessed in September 8, 2021.

¹⁴² See Interview with a UNDP senior officer/project staff on September 29, 2021.

¹⁴³ See Interview with a UNDP senior officer/project staff on September 29, 2021.

¹⁴⁴ See Interview with a NHRC senior executive officer on September 30, 2021.

¹⁴⁵ See Interview with a ATJLF senior executive officer in September 27, 2021

Affirmatively sensitive though financially limited to cover reparations.- Responding to the question of project efficiency, one interviewee outlined the project financial limitations: “The only gap that I can see is that resources were not adequate to meet the Government’s expectations on the reparations fund. Another concern is about the security reform that the project's funds could not afford. The recommendations related to the victims will need a huge amount of money that the project could not afford. The financial gap was huge.”¹⁴⁶ Apart from these gaps,¹⁴⁷ which are quite understandable given the extent of the damages and therefore the needs for compensation, respondents confirmed that the resources made available to the project have been managed adequately to efficiently serve the entire transitional justice process.

8.3.2. Were alternative approaches considered during the design and implementation of project interventions?

The project was effectively flexible to alternative implementation ways, especially during the COVID-19 pandemic, where the project subcontracted some of its activities with its implementing partners.¹⁴⁸ It was noted that project partners always needed to work closely with the Government to increase the likelihood of successfully implementing the project plan.¹⁴⁹ Yet, the unexpected resignation of the Minister of Justice and the rejection of the draft constitution were two major events that could have hampered the process,¹⁵⁰ if the project was not flexible enough, referring to the temporary mandate of the TRRC and considering the NHRC to take over. By transferring some personnel from TRRC to the NHRC, the strategy was to perpetuate the institutional memory.¹⁵¹ This swift transfer of competencies that preserved the project at this defining moment prompted some responders to assert that the project was right to foresee the creation of the TRRC alongside the NHRC. “The NHRC is the alternative to the TRRC which is meant to not last for long. I would then say that the project effectively considered alternative approaches during its design and its implementation.”¹⁵²

8.3.3. Has the project contributed to the momentum for peace by encouraging communities to develop their own peace initiatives?

From the understanding of a senior OHCHR regional officer in Western Africa, the project inadvertently contributed to the peace agenda.»¹⁵³ The same was echoed by a senior NHRC officer: “Frankly, this aspect did not come out clearly and it was not really done. At least, I am not aware of

¹⁴⁶ See Interview with a OHCHR senior executive officer in Western Africa on October 08, 2021.

¹⁴⁷ It is worthy mentioning that financial support is essential for healing, but it is not necessarily a gap as per the project objective.

¹⁴⁸ See Interview with a OHCHR senior officer/project staff on Sept 30, 2021.

¹⁴⁹ See Interview with a OHCHR senior human rights specialist on Oct 01, 2021.

¹⁵⁰ See Interview with a UNDP senior officer/project staff on September 29, 2021.

¹⁵¹ See Interview with a TRRC senior officer on September 29, 2021.

¹⁵² See Interview with a NHRC senior executive officer on September 30, 2021.

¹⁵³ See Interview with a OHCHR senior executive officer in Western Africa on October 08, 2021.

that. The most attention was dedicated to truth-seeking. »¹⁵⁴ In light of its objectives, it is true the project was not designed to encourage local peace initiatives. However, the TJHRP supported its partners to reach out to local communities. Thus, the TRRC conducted several grassroots activities to engage with local communities. « The TRRC had local teams composed of 3 ladies and 2 men. They used peace techniques to bring people together. For instance, we went to Kanilai to start the peace process because people were fragmented. Our team trained these people through a lot of peace-building activities. »¹⁵⁵ The grassroots work was conducted in partnership with Alkalolu, a community/village, to empower the local communities.¹⁵⁶ TRRC's outreach activities supported peacebuilding efforts at community level as confirmed by a respondent: « We worked with 5 communities to draft local strategies for peace clearly identifying the issues they face and what is the way out of that. The aim was transforming beneficiaries into actors of peace. It is a right-based approach. »¹⁵⁷ Another project's partner declared that « the project started with critical areas such as traditional chiefs and it built their capacities in human rights issues. »¹⁵⁸

8.3.4. To what extent has the building of ownership and participation included both men, women and youths?

The TJHRP's activities in 2020 were geared towards strengthening the capacity of new staff at the Ministry of Justice and other key state institutions on transitional justice and human rights frameworks in The Gambia, as well as on support to resource mobilization initiatives by the government on the implementation of the National Strategy on Transitional Justice, including on human rights.¹⁵⁹

The Ministry of Justice should even take over the project's Technical Committee and Governing Board.¹⁶⁰ Although this has not yet been done, it is worth noting that the project generated a sense of ownership. Indeed, the project has been primarily Gambian-driven.¹⁶¹ After being denied the right to speak for 22 years, it is only natural that the Gambians take ownership of this unique opportunity popularized by various media outlets and social media.¹⁶² All details of Yaya Jammeh's regime were disclosed. Setting the bar very high,¹⁶³ the project worked with a lot of victims using ALKALO to build ownership at the grassroots level.¹⁶⁴ In this respect, it supported CSOs that engaged with community-based associations.¹⁶⁵ «The interaction between the NHRC and people is evidence that

¹⁵⁴ See Interview with a NHRC senior officer in September 30, 2021

¹⁵⁵ See Interview with a TRRC senior officer on September 29, 2021.

¹⁵⁶ See Interview with a OHCHR senior officer/project staff on Sept 30, 2021.

¹⁵⁷ See Interview with a ICTJ senior officer on October 04, 2021.

¹⁵⁸ See Interview with a senior executive officer Women's Bureau on October 05, 2021.

¹⁵⁹ *Ibid.*

¹⁶⁰ See 2020 PBF Semi-annual report-TJHR project final, p6.

¹⁶¹ See Interview with a UNDP senior executive officer on October 05, 2021.

¹⁶² *Ibid.*

¹⁶³ *Ibid.*

¹⁶⁴ See Interview with a OHCHR senior officer. Project staff in Sept 30, 2021.

¹⁶⁵ See a OHCHR senior human rights specialist on Oct 01, 2021.

people now own the project's effects.”¹⁶⁶ Moreover, “when the TRRC was created, there was a bias that it would perform secretly. It has been a surprise for victims seeing the perpetrators who were sometimes their neighbors coming out. It was a moral satisfaction and this contributed to the ownership of the project. All victims accessed the TRRC.”¹⁶⁷ Another way of evidencing ownership is the training people underwent at the community level. “Those individuals who were empowered, absorbed the learning and capacities to share with others. They will then help their communities.”¹⁶⁸

8.3.5. Has the project generated its catalytic effects to bring other donors (both national and international) to continue to maximize its core objectives?

The project had had a positive catalytic effect inside The Gambia and outside. The government of Ireland supported the process with 250,000\$ US to encourage SGBV to actively participate in the TRRC’s activities.¹⁶⁹ There were also numerous non-PBF funds that supported the project including the Gambian government contribution. Indeed, “on its reparations mandate, the project has supported the development of the TRRC reparations framework, which includes a policy, regulations and a public guidance note.”¹⁷⁰ “The government contributed a sum of USD 1 million to the Victims Reparations Trust Fund, but the TRRC has also opted to mobilize resources domestically and from the Gambian Diaspora. The project in August to September 2019 supported the TRRC Diaspora engagements that yielded around GMD 1 million from The Gambia Diaspora in the US and some European countries. The TRRC has issued interim reparations to victims over the years, including overseas treatment of several.”¹⁷¹ The TJHRP attracted the UK who supported youth outreach. It also attracted the Africa Transitional Justice Legacy Fund (ATJLF) that helped “revive the Gambian moribund civil society.”¹⁷² After mapping stakeholders in the transitional justice process in the broader Gambian context with support from UNDP and NED¹⁷³, the ATJLF focused on CSOs in FONI, Yaya Jammeh's home region, where there was reported reluctance to engage in TRRC activities. To overcome this reluctance and boycott of the TRRC, ATJLF supported 8 CSOs to increase awareness and acceptance of the TRRC. Examples of grassroots awareness initiatives included the BATABA initiative, support to the witch-hunt victims, and strengthening youth participation in the TRRC process. ATJLF involvement positively contributed to changing the mind of FONI’s people “who finally accepted to make testimonies to the TRRC.”¹⁷⁴

8.3.6. Was partnership building a cornerstone of project design and implementation, and if yes, how have partnerships ensured long-lasting effects and sustainability of project gains?

¹⁶⁶ See Interview with a NHRC senior executive officer on September 30, 2021.

¹⁶⁷ See Interview with a senior program officer at International IDEA’s Interview on October 1, 2021.

¹⁶⁸ See Interview with a senior human rights specialist at the AU’s Mission-The Gambia in October 05, 2021.

¹⁶⁹ See Interview with a UNDP senior officer/project staff on September 29, 2021.

¹⁷⁰ See PBF Report June 2021 TJHR-Project, p8.

¹⁷¹ See PBF Report June 2021 TJHR-Project, p8.

¹⁷² See Interview with a ATJLF senior executive officer on September 27, 2021.

¹⁷³ Ibid.

¹⁷⁴ Ibid.

Partnership to increase the project's reach. - Partnering with civil society organizations was part of the project's strategies to broaden its impact and ensure sustainability. "The NHRC has forged strong partnerships with CSOs through its establishment of the Dialogue Platform (a conglomerate of 23 human rights CSOs), as well as key state institutions such as the Police and under the oversight of a growingly active National Assembly Standing Committee on Human Rights. Combined, these partnerships contribute to an enhanced national platform for open discussion on human rights issues."¹⁷⁵

Relying on partnership to become much more efficient.- The TJHRP was instrumental in triggering the dynamics of human rights respect across the continent. It brought together a lot of stakeholders. "I was working with the African Union (AU) but it happened that I work with the project to avoid duplicating efforts and siloed interventions."¹⁷⁶ In fact, the AU supports The Gambia and its goals aligned right on with those of the TJHRP when it stepped into The Gambia in 2019. There were mutual goals between the project and the AU. For example, "when I joined the NHRC, instead of holding two trainings, we did a joint workshop to avoid duplicating interventions."¹⁷⁷ The partnership was helpful to increase the project reach across the country."¹⁷⁸ "Through partnership, the project was able to increase its reach and cover up the whole country as well as impacting a lot of people. It then contributed to raising awareness nationwide.

8.4. Sustainability

8.4.1. How has the project contributed to the establishment and operationalization of new institutions designed to address conflict and fragility?

Human rights forever in The Gambia. - For a senior officer at the TRRC, the salient signs of project sustainability are the permanent establishment of the "National Human Rights Commission, the TRRC and the training of the ministry of justice staff."¹⁷⁹ In fact, the "project contributed significantly to operationalizing the TRCC and NHRC",¹⁸⁰ two institutions that evidence how the project triggered the human rights dynamics in the country and that forever. The project also strengthened the capacities of the ministry of justice's personnel.

Training the ministry of justice's personnel.- To prepare the Ministry of Justice to take over and lead the national coordination of human rights mechanism in The Gambia, the project has doubled efforts in increasing the capacity of the Ministry of justice, "starting with the development of a National Human Rights Policy and a tool- the National Monitoring Framework, as well as supporting the regular meetings and work of a dynamic team of state counsel tasked with implementing the Monitoring Framework and reporting to international treaty bodies (in lieu of the NMRF, whose

¹⁷⁵ *Ibid.*, p11.

¹⁷⁶ See Interview with a senior human rights specialist at the AU's Mission-The Gambia in October 05, 2021.

¹⁷⁷ *Ibid.*

¹⁷⁸ See Interview with a OHCHR senior officer/project staff on Sept 30, 2021.

¹⁷⁹ See Interview with a TRRC senior officer on September 29, 2021.

¹⁸⁰ See Interview with a senior human rights specialist at the AU's Mission-The Gambia in October 05, 2021.

establishment remains to be witnessed through the passing of a bill before the National Assembly).¹⁸¹

Supporting legislative reforms. - Moreover, the project has operated towards making its impact lasting through the transformation of institutions. "In the absence of the establishment with a comprehensive, national coordination mechanism on transitional justice and human rights, the project has supported the capacity of the Ministry of Justice to lead the preparation of a National Human Rights Policy and Action Plan 2021-2025, including the inter-ministerial taskforce tasked with reporting and following up on The Gambia's international and regional human rights obligations (in lieu of the National Mechanism for Reporting and Follow-Up (NMRF), whose establishment remains to be witnessed through the passing of a bill before the National Assembly).¹⁸² " Thanks to this support, the Government submitted in March 2021, the Initial State Report on the Convention for the Protection of all Persons from Enforced Disappearance."¹⁸³ The Project has positively impacted Gambian institutions, supporting "the National Assembly's Standing Committee on Human Rights and Constitutional Matters, as well as the Government in the establishment of a National Mechanism on Reporting and Follow-Up (NMRF) on human rights treaty obligations."¹⁸⁴

The NHRC works with academia and CSOs. - The NHRC works in partnership with academic think tanks, the Gambian bar association and CSOs to improve human rights across The Gambia¹⁸⁵ and encourage the implementation of TRRC's recommendations and "the reconciliation process that will surely go its way for longtime."¹⁸⁶ "By working with communities, the legacy will remain and it will make the project sustainable."¹⁸⁷ CSOs are now fully aware of the work the society expects from them. After being trained throughout the project implementation, I think that they are now able to fulfill their mission thanks to the TJHRP that fully trained them and financially supported them. More support is still needed to improve the quality of their works.

Indelible traces in The Gambia history. - Respondents unanimously agreed that the effects of the project will last,¹⁸⁸ that the TRRC report is likely to leave an indelible trace in the history of The Gambia¹⁸⁹. With the knowledge and awareness generated by the project's activities, Gambians will no longer tolerate anyone to come to power and violate human rights.¹⁹⁰

Need for a new project. - While clearly recognizing that the project has strengthened institutions and CSOs, some respondents felt that to move forward, continued support from the state and other donors is needed. "There is still a need for support even though CSOs were empowered. They work now in

¹⁸¹ See PBF December 2020 Report TJHR project, p6.

¹⁸² See PBF report June 2021, TJHR Project, p7.

¹⁸³ *Ibid.*

¹⁸⁴ See 2020 PBF Semi-annual report-TJHR project final, p3.

¹⁸⁵ See Interview with a OHCHR senior officer/Project staff on Sept 30, 2021.

¹⁸⁶ See Interview with a OHCHR senior human rights specialist on Oct 01, 2021.

¹⁸⁷ See Interview with a ICTJ senior officer on October 04, 2021.

¹⁸⁸ See Interview with a NHRC senior officer on September 30, 2021.

¹⁸⁹ *Ibid.*

¹⁹⁰ See Interview with a senior Program Officer at International IDEA's Interview on October 1, 2021.

synergy to keep pressuring the government.”¹⁹¹ There is a need for “another project to sustain the gains of the current project.”¹⁹²

8.5. Impact

8.5.1. What are the effects of the project (primary, secondary, direct, indirect, positive, negative, intended, unintended, immediate, long-term, short-term, and lasting)?

Too early but also predictable relying on achievement of outputs and outcomes. - People found it too early to speak of the project impact while the TRRC’s recommendations still need to be implemented to support the project’s achieved outcomes.¹⁹³ However, there is room to predict some impacts because the project has changed the narrative. People are now aware of the past and ready to stand for more human rights respect. People are confident that “justice must be done; justice must be seen. The Gambia should show to victims that they did not suffer in vain and another TRRC is not necessary.”¹⁹⁴ “People are now empowered to advocate for their rights and seek redress.”¹⁹⁵ “The project effects and impact are the knowledge sharing and the institutionalization of human rights in The Gambia.”¹⁹⁶ “The project instilled the democratic spirit and triggered the reconciliation process.”¹⁹⁷ “People now speak of human rights violations and the redress.”¹⁹⁸

Integrating land issues in the TRRC’s report to sustain the impact on farmers. - The ATJLF’s support increased the number of testimonies at the TRRC. To make a long-term impact, the project trained farmers to speak out to Camera so that land issues appear on TRRC’s priorities. These farmers made their voices heard and land issues were solved; expropriated lands were given back to the owners. Another long-term impact is the security reform. Again, the project trained civil society organizations to understand their role in the security reform process and to play it effectively.¹⁹⁹

8.5.2. Is there evidence to suggest that the project has positively affected attitudes, behaviors, relationships, or practices on transitional justice and human rights in The Gambia?

To address this question, the present section will deal with the following points: the respect of the right to truth through TRRC’s activities, changing victims’ lives, the need to sustain the run-up triggered by the project, the feeling of deserving better, and promoting transparency in the management of public affairs.

¹⁹¹ See Interview with a TRRC senior outreach officer on October 05, 2021.

¹⁹² See Interview with a journalist at QTV interview on October 4, 2021.

¹⁹³ See Interview with a ICTJ senior officer on October 04, 2021.

¹⁹⁴ See Interview with a TRRC senior officer in September 29, 2021

¹⁹⁵ See Interview with a OHCHR senior human rights specialist on Oct 01, 2021.

¹⁹⁶ See Interview with a UNDP senior officer/project staff on September 29, 2021.

¹⁹⁷ See Interview with a TRRC senior executive officer in October 1, 2021

¹⁹⁸ *Ibid.*

¹⁹⁹ See Interview with senior program officer at International IDEA’s Interview on October 1, 2021.

The respect of the right to truth through TRRC's activities. - The project has positively impacted the attitudes of victims of Yaya Jammeh's dictatorship regime. Seeing their stories are heard triggered a positive attitude from victims. They felt considered and relieved. Therefore, they regained confidence for a better future.²⁰⁰ The making of a documentary to immortalize the heinous suffering they went through was redemptive for them. *Revealing is healing.* The motto promoted by Desmond Tutu came true for the Gambian victims. Indeed, "the Documentary²⁰¹ captures the important contribution of the TRRC in providing a platform for victims to narrate their stories and in so doing, promote their healing."²⁰²

Changing victims' lives. – The project impacted the behaviors of beneficiaries. M.S was one of the women who publicly testified recounting the socio-economic impact of the witch-hunt attack on herself and her family. She indicated that her darkest days have been when her son came home crying because people told him that his mother was a witch. Closing her remarks, Matty expressed her immense gratitude to the TRRC for affording her an opportunity to finally, publicly defend her family name, noting that it was no longer possible for the world to doubt that the witch-hunts happened in The Gambia, whilst praying that such a crime would never be witnessed again anywhere in the world.²⁰³ Testifying about the personal benefit she had from the project, another beneficiary stated: "I will never be able to repay you for everything you have done for me. You will never understand how much you have changed my life. When you guys were on trek and came to visit me, you made such a huge impact. No one used to visit my mum before you came to visit. When you left, people started visiting her. It may be a small gesture to you, but such a small thing has helped people acknowledge us again. Now you have changed my life even more. I want to work hard so I can bring my children back from Senegal to live with me so we can all be under one roof. God bless you all."²⁰⁴

The feeling of deserving better. – Thanks to the TRRC's work, people said that they will never go back to what they have experienced in the past.²⁰⁵ The freedom of expression has now gone true across The Gambia despite some restrictions.²⁰⁶ The culture of human rights is growing up and people are able to stand for their rights. They now reject any idea of backsliding in the past situation featured by several human rights violations.²⁰⁷ . The project changed the mindset of the Gambians so much that it made possible the YAKUMBA's fairy tale told above. MP YAKUMBA was dismissed by President Adama Barrow who appointed her as a member of parliament, and she challenged the presidential decision before the Supreme Court and was rehabilitated.

²⁰⁰ See interview with a victim on September 30, 2021.

²⁰¹ The documentary is available at <https://www.youtube.com/watch?v=osWZRKhM5dY&feature=youtu.be>

²⁰² See PBF December 2020 Report-TJHR, p5.

²⁰³ See <https://www.youtube.com/watch?v=aOPCMM1CaMQ> cited in 2020 PBF Semi-annual report-TJHR project final, p4.

²⁰⁴ See PBF report June 2021, TJHR Project, p5.

²⁰⁵ See Interview with a OHCHR senior officer/project staff on Sept 30, 2021.

²⁰⁶ Ibid.

²⁰⁷ See Interview with a OHCHR senior human rights specialist on Oct 01, 2021.

Promoting transparency in the management of public affairs. - The project promoted transparency and accountability. From discussions with interviewees, it appeared that more and more people have the courage to call upon the government to be more transparent. “Now, senior officials have to go on the radio and explain what they are doing.”²⁰⁸ Freedom of expression being guaranteed, people can speak, denounce human rights violations,²⁰⁹ challenge decisions all the way to the supreme court, and stand for their rights.²¹⁰ The project was instrumental in highlighting the rights of individuals including the rights of traditionally marginalized groups. “The empowerment of the marginalized was a reality.”²¹¹ In sum, demanding transparency and holding the government accountable are some of the dividends of the awareness-raising achieved through the project. “People have now more to say about the public issues. It increased the accountability.”²¹²

8.5.3. Has the project achieved its stated (or implicit) purpose, or can it reasonably be expected to do so based on its outputs and outcomes?

The TJHRP achieved its purpose. - The TJHRP achieved its purpose in entrenching the dynamics of change for the future. It changed the narrative of the 22 years of Jammeh’s autocratic regime, accusing foreigners of causing insecurity while it came from state’s security forces. However, socio economic rights should be centered in the future. The Gambian government should also work to fight corruption that still undermines people’s rights.²¹³ The project performed perfectly and yielded expected outcomes.²¹⁴ For instance, in making the TRRC addressing land issues, this will have a long-term impact on farmers’ lives.²¹⁵

Promoting the right to truth. - Based on the achievement of its outcome 3, the TJHRP triggered the momentum of reconciliation across the country. In suggesting the memorialization plans,²¹⁶ the project paved the way for a peaceful and reconciled country for The Gambia.²¹⁷

8.5.4. How have project interventions achieved different results for women, men and boys and girls?

Women, men, boys and girls were all considered throughout the project. - The project interacted with the youth in the awareness raising activities implemented by youth/women-led CSOs partners.²¹⁸ There was no discrimination in TRRC’s activities because the project worked to make people understand that the process was for everybody. Women, boys and girls were all involved and

²⁰⁸ See Interview with a ICTJ senior officer on October 04, 2021.

²⁰⁹ See Interview with a NHRC senior officer on September 30, 2021.

²¹⁰ See Interview with ATJLF senior executive officer on September 27, 2021.

²¹¹ See Interview with a human rights specialist at the AU’s Mission-The Gambia in October 05, 2021.

²¹² See interview with a UNDP senior executive officer on October 05, 2021.

²¹³ See Interview with a OHCHR senior human rights specialist on Oct 01, 2021.

²¹⁴ See Interview with a TRRC senior executive officer on October 1, 2021.

²¹⁵ See Interview with a ATJLF senior executive officer on September 27, 2021.

²¹⁶ *Ibid.*

²¹⁷ See Desmond Tutu, *Il n’y a pas d’avenir sans pardon*, Paris, Albin Michel, 2000, pp38-39.

²¹⁸ See Interview with a OHCHR senior officer/project staff on Sept 30, 2021.

many attended TRRC's activities (355 women made statements; 275 women were reached during outreach activities; 4 women received medical equipment).²¹⁹ "Women were involved and they work with the NHRC while 4/11 commissioners of the TRRC were women."²²⁰ "My presence as the deputy executive secretary is evidence of what I am saying. »²²¹ Six out of 8 CSOs selected to work with the project were women-led organizations to mainstream gender dimensions into project activities.²²² The project recognized that women's rights were critical in a transitional justice process and encouraged women to speak out. Women spoke out and they listened, ensuring their place within the Gambian patriarchal society.²²³ At the beginning, the women did not want men to participate in their activities. Later, they realized that men should also participate since they are both called to live together and interact.²²⁴ The training of the media to promote gender issues has made a great impact as well. The conversation on gender mainstreaming was very important. CSOs also check on how the media report on gender mainstreaming.²²⁵

Engaging with children, youth and other marginalized groups. - The TRRC visited the overall 7 administrative regions of The Gambia to increase the reach of TRRC's activities, and spend days in schools explaining to children the genesis and TRRC's *modus operandi*.²²⁶ Children were urged to think and design poems and poetry on TRRC's activities. Students were also invited to attend TRRC's public hearings to improve their knowledge on the unfolding process. The TRRC used such a strategy to promote inclusion of those already marginalized in Gambian society. The TRRC also worked with the Gambian police forces to make them aware of the transitional justice process unfolding across the country.²²⁷

Including other marginalized groups in the process. - The program was not only gender-sensitive but also inclusive for everyone. Indeed, marginalized people including persons with disabilities benefited from the project.²²⁸ All social layers involved got the opportunities to list their preferred recommendations to be included in the TRRC's final report.²²⁹

Protecting girls in training people to fight early marriage. - Early child marriage *per se* is an issue but people were not aware of. As a result, the project trained and raised awareness about this human right violation so they could report any cases. The NHRC has increased awareness speaking in schools of children's rights²³⁰ and gender-based violence. Plays were developed on SGBV for broadcast on social media and radio stations and Imams were co-opted on occasion to talk to people

²¹⁹ See Interview with a TRRC senior officer to support victims on September 29, 2021.

²²⁰ See Interview with a NHRC senior executive officer on September 30, 2021.

²²¹ See Interview with a NHRC senior officer on September 30, 2021.

²²² See Interview with a ATJLF senior executive officer on September 27, 2021.

²²³ See Interview with a human rights specialist at the AU's Mission-The Gambia in October 05, 2021.

²²⁴ See Interview with a ICTJ senior officer on October 04, 2021.

²²⁵ *Ibid.*

²²⁶ See Interview with a TRRC senior officer on September 29, 2021.

²²⁷ *Ibid.*

²²⁸ See Interview with a OHCHR senior human rights specialist on Oct 01, 2021.

²²⁹ *Ibid.*

²³⁰ See Interview with a NHRC senior officer on September 30, 2021.

and teach them how to avoid sexual violence.²³¹ Girls were informed about their reproductive rights and that nobody was allowed to rape them.²³² The women unit of the TRRC addressed this issue.

Accordance between the literature and field data. - The Never Again report confirmed that the project has mainstreamed the gender dimension from the design to its implementation and that the TRRC process has considered The Gambia's gender diversity and reflected that in the Commission's secretariat gender-balanced structure, with a male Executive Director and female Deputy Executive Director. It further states the TRRC has a sub-committee on Child and Gender Violations.²³³ The project enabled women to get various decision-making positions like directors or commissioners. The Vice Chairperson of the Commission is a woman. No-one can deny that women and girls were paid particular attention by the project. In fact, "gender considerations were central throughout the implementation of the project and were emphasized in all the processes supported under the project. The technical team that supported the national consultations was gender balanced and the team received intensive orientation and training on the gender sensitive aspects of transitional justice. Both the NHRC and TRRC bills address gender issues, both in their membership and on key substantive issues."²³⁴ During the public hearing, 46 women out of 128 people were incentivized to visit the TRRC head-quarter to give their testimonies.²³⁵

That said, the gender equality dimension has been addressed in the design of the transitional justice process. The chairing committee in charge of drafting the national strategy on transitional justice was composed of women from the Women's Bureau and those coming from the Female Lawyer Association.²³⁶ An entire chapter of the strategy is dedicated to gender mainstreaming, urging women to proactively participate in the transitional justice process.²³⁷ At least "4 out of 11 Commissioners at the TRRC are women, 2 of whom are under the age of 35. 3 out of 7 Directors are also women, excluding its Deputy Executive Chair who is a 30-year-old woman. At the NHRC, 2 out of 5 Commissioners are women, including its Deputy Chairperson and excluding its Deputy Executive Secretary and Director of Communications- both of whom are young women."²³⁸

In relation to its truth-seeking processes (statement-taking, investigations, research and hearings), the TRRC has received over 1200 statements, of which at least 235 are from women. A total of 219 witnesses, including 54 women, 35 alleged perpetrators and 23 from the Gambians Diaspora have also testified across 12 public hearings and 1 closed hearing, leading the New York Times to describe the TRRC as "the most accessible truth commission in history."²³⁹ Half of the activities under

²³¹ See Interview with a senior executive officer at Women's Bureau Interview on October 05, 2021.

²³² Ibid.

²³³ See Never Again Perception Report, p6.

²³⁴ See 2017 PBF annual report, p8.

²³⁵ See 2020 PBF Semi-annual report-TJHR project final, p4.

²³⁶ Ibid.

²³⁷ Ibid.

²³⁸ Ibid.

²³⁹ Ibid.

Outcome 4 were women-led from design to the implementation phase. They benefited either women or the youth.²⁴⁰

Moreover, the project partnered with a Women-led organization to promote victims. "In October 2020, the Project successfully partnered with the Women's Association for Victims Empowerment (WAVE) to produce a documentary on the state-sanctioned witch-hunt campaigns in 2009. During the filming of the Documentary, victims of the campaign detailed the bewildering circumstances that led to their kidnapping and arbitrary detention at a location unfamiliar to them, followed by their inhumane treatment, torture, sexual harassment, rape and in many instances, the eventual death of their friends and family members."²⁴¹ To measure the rate at which women and the youth were involved in the project, the overwhelming majority of 92% certified their involvement.²⁴²

Empowering women to increase gender mainstreaming. - The International Center for Transitional Justice (ICJT) was among the international partners of the TJHRP. It focused on women. Being the majority of the Gambian population, women should no longer be marginalized. The TJHRP came at the time where most women victims were unwilling to speak out. They went to the TRRC and were assured that speaking out would not expose them to retaliation. It did not take longer for women to harvest and enjoy the fruits from the TJHRP's advocacy and outreach activities at the grassroots level. The project came to challenge some features of the rooted patriarchy against women in The Gambia especially at community level. Such a shift is being experienced through the appointment of women at some decision-making positions in some Gambian chieftaincies. The outreach is creating a great impact on people's lives. Traditional leaders were trained on reconciliation and reparations. The grassroots level of the country was touched indeed.²⁴³ A Chieftaincy has now been accepted to appoint women at the district courts for instance in NIAMINA District. Pursuing the advocacy on women representation, the West Coast Region (ECR) has also appointed a woman in its district court. To sum up, 5 districts have now appointed women as members of their district tribunals.²⁴⁴

9. Conclusion and recommendations

TJHRP was a project which supported transitional justice and promoted human rights across The Gambia in a critical transition moment for the country, after 22 years of dictatorship. It yielded its five outcomes as initially planned. Notably, the project succeeded in operationalizing the TRRC which is a good start for any transitional justice process because there is no reconciliation without the truth. The reparations have also been entrenched for victims. Clemency has been awarded even though The Gambia has not issued, so far, a policy to clarify who should enjoy it. On the other hand, the reform of the security sector has been a setback so far even though human rights were promoted through the creation of the NHRC. In line with its mandate, the TJHRP addressed 2 pillars of the

²⁴⁰ *Ibid.*, p9.

²⁴¹ *Ibid.*, p5.

²⁴² *Ibid.*, p10.

²⁴³ See Neneh Touray, Deputy Director Women's Bureau Interview on October 05, 2021.

²⁴⁴ See Neneh Touray, Deputy Director Women's Bureau Interview on October 05, 2021.

holistic conception of transitional justice. Criminal prosecutions, clemency and guarantees of non-recurrence were not part of its mandate and are yet to be fully addressed to make the process effectively holistic.

Therefore, the need for a follow-on project geared to address the three remaining pillars becomes obvious. The reparations aspect needs also to be sustained to further meet victims' expectations because only 114 received medical treatment and 76 children went back to school. Therefore, the following recommendations are necessary:

9.1. The Gambian Government

1. Implement scrupulously the TRRC's final report recommendations.
2. Trigger prosecutorial activity to fight impunity.
3. Keep on the gender mainstreaming momentum triggered by the project.
4. Maintain the independence of the NHRC and take the necessary measures to ensure that the public authorities respect and support the autonomy of this institution in order to guarantee its credibility and effectiveness.
5. Make more efforts to better coordinate security sector reform as security is worsening in The Gambia.

9.2. To the International partners of The Gambia

- 1) Raise funds to support the three remaining transitional mainstays namely the prosecutions, clemency policy and guarantees of non-recurrence chiefly security sector and judiciary reforms.
- 2) Further mobilize resources to supplement the reparations process individually and collectively.
- 3) Support the civil society capacity building to strengthen the demand side, support continuously the National Human rights commission and alike.
- 4) Avoid any coincidence between the transitional justice process's timeframe and elections to prevent any jeopardy on transitional justice' outcomes. In other words, transitional justice projects should always be implemented before any electoral process.
- 5) Continuously support the strengthening of the civil society to improve the demand-side of human rights across The Gambia.
- 6) Improve the project indicators-based performance assessment (PIBPA) in reporting regularly indicators to facilitate the longitudinal analysis of the project 's performance.
- 7) Keep on outreach activities in FONI to overcome skepticism.

9.3. To the civil society

- 1) Share their knowledge with the grassroots to further raise awareness.

[Document title]

- 2) Increase partnership with the media to further sensitize people about transitional justice and human rights issues.
- 3) Further network and avoid siloed interventions.