



International Convention for the Protection of All Persons from Enforced Disappearance

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Summary record of the 515th meeting

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Chair: Mr. Ravenna (Vice-Chair)

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Mr. Ravenna (Vice-Chair) took the Chair.

The meeting was called to order at 3.05 p.m.

Consideration of reports of States Parties under article 29 (1) and additional information under article 29 (4) of the Convention (continued)

Initial report of the Gambia (CED/C/GMB/1; CED/C/GMB/Q/1; CED/C/GMB/RQ/1)

1. *At the invitation of the Chair, the delegation of the Gambia joined the meeting.*
2. **A representative of the Gambia**, introducing his country's initial report (CED/C/GMB/1), said that, under the previous regime, enforced disappearance had been used systematically as a tool of oppression against political opponents, journalists, security personnel and ordinary citizens. Victims of that crime had been subjected to torture and, in many cases, extrajudicially executed, and their families had been denied the right to know the fate of their loved ones. The climate of fear prevailing in the country at that time had allowed the perpetrators of those violations to act with impunity. However, since its transition to democracy in 2017, the Gambia had been firmly committed to ensuring that such violations did not happen again. No new cases of enforced disappearance had been reported since the current Government had taken office.
3. Since ratifying the International Convention for the Protection of All Persons from Enforced Disappearance in 2018, the Government had taken significant steps to prevent the occurrence of new cases and to investigate and address past cases of enforced disappearance. Under the Access to Information Act of 2021, the families of persons whose whereabouts were still unknown had the right to obtain copies of official records concerning them. With the adoption of the bill on enforced disappearance, which provided for, *inter alia*, the criminalization of enforced disappearance as a stand-alone offence, the institution of legal safeguards against secret detention and the establishment of clear avenues through which victims and their families could seek justice, the Convention would be fully incorporated into Gambian law. At the first World Congress on Enforced Disappearances, held in Geneva in January 2025, the Gambia had reaffirmed its commitment to finalizing the bill by 2026.
4. The Truth, Reconciliation and Reparations Commission, which had been established in 2017 to, *inter alia*, investigate and establish an impartial historical record of the human rights violations committed between July 1994 and January 2017, had revealed that the security forces and a paramilitary death squad known as "the Junglers" had systematically carried out State-sanctioned acts of enforced disappearance, that their victims had been tortured and executed and their remains discarded, and that families seeking news of their loved ones had faced intimidation, harassment and threats from State agents. In response to the Commission's findings, the Government had undertaken to prosecute the perpetrators of those acts, to ensure that victims and their families received reparations, to strengthen institutional safeguards to prevent such crimes from taking place again and to conduct forensic investigations to locate and identify the remains of disappeared persons. The Victims Reparations Act of 2023 established a framework for ensuring that persons affected by past human rights violations received meaningful reparations and psychological and other types of support. The Special Tribunal for the Gambia had been set up to prosecute perpetrators of human rights violations. It would work in tandem with the Special Prosecutor's Office, which had begun operating in 2024, to help to ensure that victims' rights remained at the centre of the country's judicial processes.
5. The National Human Rights Commission played a pivotal role in preventing the recurrence of enforced disappearance by exercising independent oversight over detention facilities, investigating complaints and monitoring compliance with the country's human rights obligations. Human rights training programmes for law enforcement officials had been strengthened with a view to reinforcing respect for due process, transparency and accountability in detention and arrest procedures.
6. Through active international cooperation, the Gambia had made progress in prosecuting persons responsible for past human rights violations who had left the country. Several such persons had been convicted or had legal proceedings initiated against them in

recent years. The Mutual Legal Assistance in Criminal Matters Act of 2023 enabled the Government to collaborate effectively with foreign law enforcement agencies in obtaining evidence, securing witness testimonies and facilitating extraditions.

7. To help to ensure the effective implementation of the bill on enforced disappearance once it had been signed into law, the Government was continuing its efforts to enhance the operational capacity of the judiciary and law enforcement agencies, to strengthen forensic investigations and to build specialized expertise in handling past cases of enforced disappearance. Sustainable resources also needed to be secured to ensure that victims received reparations and protection and that long-term institutional reforms were carried out. The pursuit of perpetrators of past human rights violations outside the Gambia would require continued support from the international community in the form of mutual legal assistance, particularly in connection with extradition processes, and capacity-building partnerships.

8. **Ms. Kolaković-Bojović** (Country Rapporteur) said that she would like to know whether the State Party followed a standardized procedure in preparing reports for submission to the human rights treaty bodies and, if so, how it ensured the inclusiveness of that procedure. If such a procedure did not exist, she would like to learn more about the procedure that the State Party had followed in preparing its initial report and how it had selected the civil society organizations that had participated in that process.

9. She welcomed the State Party's intention to recognize the Committee's competence to receive and consider individual and inter-State communications under articles 31 and 32 of the Convention, respectively, and would be grateful to learn more about the consultations that were currently taking place with a view to formalizing the related decision and ensuring the alignment of national policies with those provisions, including the timeline for the completion of the consultations process.

10. It would be helpful to receive an update on how many of the recommendations issued by the Truth, Reconciliation and Reparations Commission had been fully implemented. She wished to learn more about the positive outcomes of implementing such recommendations, the challenges that had been encountered and the specific groups of recommendations that had been implemented. More information about the staffing, resources and expertise of the National Human Rights Commission would also be welcome.

11. She would be interested to know to what extent the bill on the promulgation of the Constitution of the Republic of the Gambia of 2024 addressed the shortcomings identified in the current Constitution, particularly with respect to the domestication of the Convention and the non-derogability of its provisions.

12. The Committee would welcome more information on the bill on enforced disappearance, including an indication as to whether it merely defined enforced disappearance and prescribed penalties for that crime or whether it also addressed procedural matters such as prevention, searches, investigations and victims' rights, and as to when it might finally be adopted. It would be useful to hear more about the content and status of the bills on criminal offences, criminal procedure, prevention and prohibition of torture and international crimes and the obstacles hindering their enactment. Lastly, she wished to know how the State Party intended to ensure consistency between the bill on enforced disappearance and the relevant provisions of that raft of bills, and which of the bills would ultimately remedy the discrepancies identified between national law and the Convention.

13. **Mr. de Frouville** (Country Rapporteur) said that, if possible, the Committee would like to receive a copy of the bill on enforced disappearance. The delegation might confirm whether the bill established the non-applicability of a statute of limitations to enforced disappearance when it constituted a stand-alone offence in addition to when it constituted a crime against humanity and whether the bill provided for the exercise of criminal jurisdiction over enforced disappearance in all the scenarios provided for in article 9 of the Convention.

14. It would be useful to hear more about the steps that the State Party was taking to strengthen the independence and impartiality of the judiciary, to combat the corruption that reportedly existed in that branch of government and to improve citizens' access to justice, including through the provision of legal aid. An update on the status of the bills concerning the judiciary that, as he understood it, were currently under consideration, including a bill on

the remuneration of judges, would be appreciated. He wished to know whether the State Party planned to formally exclude the competence of the military courts to try military personnel suspected of committing an act of enforced disappearance and other serious crimes under international law, in line with the Committee's statement on enforced disappearance and military jurisdiction. It would be helpful to receive more information on the Special Tribunal for the Gambia and its statutes. He wondered whether the crime of enforced disappearance fell under the subject matter jurisdiction of the Special Tribunal and, if that crime was provided for in its statutes, in what form and under what definition. The Committee would be grateful to receive more information on the Special Prosecutor's Office, its sphere of competence and its structure.

15. He would appreciate detailed information on the number of complaints received in relation to acts of enforced disappearance that had allegedly been committed during and after the period 1994–2017. Notwithstanding the absence of an autonomous offence of enforced disappearance, he would be interested to know how many complaints had been lodged with the courts in cases where the Truth, Reconciliation and Reparations Commission had identified acts of enforced disappearance. He wondered how many investigations had been opened in such cases, how many people had been prosecuted, what penalties had been imposed and whether any of the cases had arisen in the context of migration or concerned trafficking in persons. He would be grateful to receive information on any legal proceedings – aside from the cases in Germany, Switzerland and the United States of America – that had been instituted in other countries against persons suspected of having committed human rights violations in the Gambia. He would also appreciate information on the activities of the Missing Persons Task Force under the Office of the Inspector General of Police and the joint investigations task force of the Gambia Armed Forces and the police, on the coordination between the two bodies, if any, and on the outcome of their work.

16. He would be interested to hear about the outcome of the trial of the nine high-ranking officials of the former National Intelligence Agency who had been prosecuted over the death in 2016 of Mr. Ebrima Solo Sandeng. Similarly, he would welcome an update on the legal proceedings in the case of Mr. Yankuba Touray, who stood accused of the murder of Mr. Ousman Koro Ceesay. It would be useful to know whether the State Party had a specific strategy for prosecuting cases of enforced disappearance, whether an institutional framework had been established for the investigation and prosecution of cases of enforced disappearance that had occurred during the period 1994–2017, and whether the mandate of the Special Tribunal for the Gambia included bringing perpetrators of enforced disappearance to justice. He wondered whether an investigation had been conducted into the killing by Gambian security forces of some 50 West African migrants in 2005, and whether the recommendations of the Truth, Reconciliation and Reparations Commission on that subject had been implemented. Moreover, the delegation might indicate the status of implementation of the judgments handed down by the Court of Justice of the Economic Community of West African States in cases involving human rights violations, including acts of enforced disappearance, and whether the authorities investigating cases of enforced disappearance had access to the archives of State bodies, including the former National Intelligence Agency.

17. He wished to know whether the State Party carried out vetting procedures with the aim of identifying and removing from their posts any individuals who were suspected of involvement in acts of enforced disappearance committed under the former regime.

18. Lastly, noting that the Truth, Reconciliation and Reparations Commission Act established a framework for the protection of informants and witnesses, he wished to know whether any other protection mechanisms were available for persons who cooperated with investigations and who believed themselves to be at risk of reprisals. It would be interesting to know what measures, procedures or mechanisms had been put in place to empower the families of victims of enforced disappearance and to facilitate their participation in investigations.

19. **Mr. Diop** said that, since enforced disappearance was not yet a stand-alone offence in Gambian law, he would be interested to know the basis on which perpetrators of enforced disappearance could be prosecuted. Given that some members and collaborators of the former regime had been prosecuted in other countries, he would be curious to know why the Gambian authorities had not yet indicted the former president, Mr. Yahya Jammeh, and

whether he might conceivably be prosecuted for crimes against humanity under article 7 of the Rome Statute of the International Criminal Court.

20. **Ms. Kolaković-Bojović** asked whether the Government had taken any steps to translate and disseminate the Committee's general comment No. 1 (2023) on enforced disappearance in the context of migration and to incorporate it into its migration policies.

The meeting was suspended at 3.55 p.m. and resumed at 4.20 p.m.

21. **A representative of the Gambia** said that the initial report of the Gambia had been prepared using a multisectoral approach with the involvement of civil society organizations. When reporting to the treaty bodies, the Government usually engaged with the Association of Non-Governmental Organizations in the Gambia, an umbrella organization, to identify civil society organizations with mandates relevant to the report in question, which were then invited to participate in the process. The Government planned to strengthen its procedure for the preparation of reports by establishing regular structures and harnessing information and communications technology.

22. The Government had accepted 263 of the 265 recommendations made by the Truth, Reconciliation and Reparations Commission and had launched an ambitious five-year implementation plan. It was working with the National Human Rights Commission to ensure the accuracy of its monitoring and reporting to the National Assembly. Despite challenges related to institutional capacity, resources and coordination across departments, steady progress had been made, and the Government hoped to increase the pace of implementation in 2025.

23. The bill on the promulgation of the Constitution of the Republic of the Gambia of 2024 was currently before the National Assembly and the first reading had taken place. The Government had requested the postponement of the second reading until June 2025 to allow dialogue to take place with different sectors of society and to reach a political consensus on certain divisive issues. The human rights provisions in the draft 2024 Constitution were more elaborate and more closely aligned with modern best practices in international human rights law than those contained in the 1997 Constitution.

24. The bill on enforced disappearance had been drafted on the basis of model legislation. The Government would likely solicit support from the Committee and other international partners with a view to ensuring that the bill was as comprehensive as possible and included provisions on prevention, investigation, prosecution and victim protection, among other aspects.

25. The Government took corruption in the judiciary seriously, as illustrated by the ongoing prosecution of two sitting magistrates. The authorities acted swiftly to deal with cases of corruption whenever they were detected. Since 2017, considerable progress had been made in ensuring judicial independence and impartiality and in "Gambianizing" the judiciary. The bill on the remuneration of judges was pending before the National Assembly and would be considered during its June 2025 session. Once passed, the bill would help to ensure that judges were well paid and enjoyed security of tenure, which would make them less susceptible to corruption.

26. Military tribunals did not have jurisdiction to hear cases of enforced disappearance. Pending the adoption of the bill on enforced disappearance, which established enforced disappearance as a stand-alone offence, the Gambian courts would continue to use the existing provisions of the Criminal Code to deal with the conduct envisaged in the Convention. Statistics on the number of investigations opened into alleged acts of enforced disappearance were not readily available but could be provided to the Committee at a later date.

27. The task force on enforced disappearance established on the recommendation of the Truth, Reconciliation and Reparations Commission was chaired by the Solicitor General under the auspices of the Ministry of Justice and included many stakeholders from different sectors. Its members had met three times in 2024 and received support from the International Committee of the Red Cross, including in the areas of investigation and victim support.

28. All nine senior intelligence officers who had been tried in connection with the killing of Mr. Ebrima Solo Sandeng had been convicted and were currently serving prison sentences. Mr. Yankuba Touray, a former member of the military junta, had been convicted of the murder of Mr. Ousman Koro Ceesay and was currently serving a term of imprisonment.

29. Regarding the mandate of the Special Tribunal for the Gambia, it should be recalled that the National Assembly had passed legislation establishing the Special Accountability Mechanism, which consisted of three institutions tasked with addressing atrocity crimes: the Special Tribunal, a special division within the High Court and the Special Prosecutor's Office. The Special Tribunal was a hybrid court designed to deal with offences that had not been known to Gambian law at the time of their commission. It would have jurisdiction to enforce customary international law, which would help to prevent impunity for crimes such as enforced disappearance. The Special Tribunal had been established in accordance with a statute adopted by the Heads of State of the Economic Community of West African States, the text of which recognized the offence of enforced disappearance.

30. The Truth, Reconciliation and Reparations Commission had investigated the killing of West African migrants and had reported its findings. Once the new Special Prosecutor was appointed, those findings and relevant evidence would be handed over to the Special Prosecutor's Office. The Special Prosecutor had a mandate to prosecute all individuals suspected of committing offences between 1994 and 2017 and who had been identified and recommended for prosecution by the Commission. The Special Prosecutor would have full discretion to file indictments before the Gambian courts or the Special Tribunal for the Gambia. The Special Prosecutor's Office had an investigation department, which would enable the Special Prosecutor to conduct further investigations, if necessary.

31. There was no specific strategy for prosecuting cases of enforced disappearance. The piecemeal approach to the prosecution of atrocity crimes, which, to date, had resulted in relatively few convictions, would hopefully be transformed by the establishment of the Special Accountability Mechanism. All such prosecutions had been deferred pending the establishment of the Special Tribunal for the Gambia and the appointment of the Special Prosecutor – a position that would be advertised in the following days. The Gambian authorities had not yet sought the prosecution of the former President for the sole reason that the necessary institutional arrangements were still being made. More information on the process of recognizing the Committee's competence to consider individual and inter-State communications under articles 31 and 32 of the Convention, respectively, could be provided once the ongoing consultations had concluded.

32. The Government would continue to pursue persons suspected of having committed atrocity crimes in the Gambia through mutual legal assistance with partner countries. It was cooperating with other countries that were willing to invoke universal jurisdiction and to facilitate the prosecution of fugitives from justice who were found to be living in their territories.

33. Since 2017, the Gambia had been a party to many cases before the Court of Justice of the Economic Community of West African States. Despite the large number of judgments handed down, the Court had commended the Gambia for its high level of compliance, recognizing that more than 90 per cent of its judgments had been enforced in the country. There were a small number of outstanding cases – which the Government was working to resolve – in which victims were still awaiting compensation pursuant to a judgment of the Court.

34. The recommendation of the Truth, Reconciliation and Reparations Commission that all public servants implicated in human rights violations should be banned from holding public office had been all but fully implemented. All individuals named in the Commission's recommendation had been put on administrative leave pending a final decision as to how they would be separated from the public service, for example, through compulsory retirement or dismissal.

35. Victims in the Gambia had organized themselves into different groups based on the violations to which they had been subjected. Victims of enforced disappearance were periodically consulted and enjoyed good relations with the Government. They would play a leading role in investigations into cases of enforced disappearance and in any resulting

prosecutions. Victims would be protected throughout legal proceedings and would have access to reparations. The delegation was not yet familiar with the Committee's general comment but would make efforts to rectify that situation. The Committee's general comment would prove useful in developing a national framework for combating enforced disappearance.

36. **A representative of the Gambia** said that, when the Truth, Reconciliation and Reparations Commission had commenced its investigations, it had been granted access to the archives of the State Intelligence Services. A committee had been established that could request access to any document deemed necessary for the purpose of conducting its work. All the relevant documents were still in the possession of the Commission and would be used as evidence in any legal proceedings that took place.

37. **Ms. Kolaković-Bojović** said that she wished to know whether the State Party planned to harmonize the provisions relating to enforced disappearance contained in the bill on criminal offences, which, once adopted, would amend the current Criminal Code, with those contained in the bill on enforced disappearance, and to hear about the obstacles that were hindering the adoption of the bill on criminal offences, which had been before the National Assembly since 2022. She wondered whether the Government might consider inviting special procedure mandate holders to visit the Gambia so that they might assist the State Party in reforming its justice system.

38. In addition to the Committee's general comment, the Government might also consider consulting the Committee's Guiding Principles for the Search for Disappeared Persons (CED/C/7), its statement on non-State actors in the context of the Convention and the joint statement on illegal intercountry adoption, which it had issued in conjunction with the Committee on the Rights of the Child.

39. **Mr. de Frouville** said that he would be grateful to receive the texts of the judgments handed down in the case of the nine State intelligence officers convicted of killing Mr. Ebrima Solo Sandeng, the case involving Mr. Yankuba Touray and the other cases mentioned by the delegation. The Committee would also like to examine the statute of the Special Tribunal for the Gambia to determine whether it would have jurisdiction in cases of enforced disappearance. It would be useful to receive a comprehensive list of all the cases of enforced disappearance in the Gambia that had been tried by the Court of Justice of the Economic Community of West African States, as well as information on the status of implementation of the judgments handed down.

40. **Mr. Diop** said that he wished to know where the Special Tribunal for the Gambia would be located. Given that the former President of the Gambia might be a key figure in any proceedings brought in connection with past cases of enforced disappearance, and that his political party was still active in the country, it would be interesting to know how the State Party would protect the victims and witnesses in those proceedings and whether a special programme would be implemented to that end. Information on any compensation that might be awarded to victims of enforced disappearance would also be welcome.

41. **Mr. Kanyongolo** said that he wished to know what the delegation meant by its reference to the "Gambianization" of the justice system and whether that process would also be carried out in other institutions. The delegation might confirm that military tribunals did not have jurisdiction to try cases of enforced disappearance and that they would not have such jurisdiction after the ongoing programme of legislative reform had been concluded.

42. **A representative of the Gambia** said that the National Assembly was expected to adopt the bill on criminal offences in the very near future. The draft contained provisions relating to kidnapping but not to enforced disappearance specifically, which would be dealt with in the bill on enforced disappearance.

43. The Government would carefully consider the possibility of inviting special procedure mandate holders to the Gambia. It would gladly consult the various documents relating to enforced disappearance mentioned by the Committee and would send to the Committee the texts of the judgments that it had requested and the statute of the Special Tribunal for the Gambia.

44. Although the Special Tribunal for the Gambia would be primarily based in Banjul, its statute provided for the possibility of conducting hearings in other cities in the subregion if that proved necessary for security reasons or because a particular case involved nationals of another country. During the dictatorship, a great many foreign judges had been appointed to the benches of the Gambian courts, including the High Court, the Court of Appeal and the Supreme Court. The process of “Gambianizing” the justice system involved replacing those judges with judges who were nationals of the Gambia. That process was almost complete, and the number of non-national judges was now very low.

45. **Mr. Diop** said that he wished to know whether the Special Tribunal for the Gambia would have jurisdiction to try offences of enforced disappearance that had occurred prior to the military coup in 1994 or after the transition to democracy in 2017. He wondered what the timeline was for processing cases of enforced disappearance and how many persons might face prosecution. Would proceedings be brought against every person who was in any way connected to an act of enforced disappearance?

46. **A representative of the Gambia** said that 69 persons had been recommended for prosecution, although some of them would be prosecuted for domestic offences rather than for crimes of an international nature. The Special Tribunal for the Gambia would try all cases involving violations of customary international law, while the national courts would deal with violations resulting from domestic offences. The proceedings for cases of enforced disappearance were expected to be quite lengthy, as not all the suspected burial sites had yet been identified and, once they had been, a significant amount of forensic work would have to be carried out. To save on staffing costs, a pool of qualified judges would be established but the judges from the pool would be paid only if and when they were required.

47. **Ms. Kolaković-Bojović** said that, according to the delegation, the recommendations made by the Truth, Reconciliation and Reparations Commission would be implemented within five years. It would be interesting to know whether that five-year time limit would apply only to the recommendations relating to the establishment of the Special Tribunal for the Gambia or whether it would also apply to the prosecution and punishment of perpetrators.

48. **A representative of the Gambia** said that the 265 or so recommendations made by the Truth, Reconciliation and Reparations Commission fell into four main categories. The recommendations relating to justice and accountability specified that certain perpetrators should be held to account once all the necessary investigations had been conducted. To implement that set of recommendations, the Government was recruiting a special prosecutor and establishing a special court and a detention facility. Another set of recommendations related to the institutional and legislative reforms needed to repair the harm done to public services, the judiciary and the security services during the dictatorship.

49. Victims' affairs, including the awarding of reparations, were the subject of another set of recommendations. Milestones in the Government's efforts to implement those recommendations included the adoption of the Victims Reparations Act and the appointment of the members of the Victim Reparations Commission, a process which was ongoing. The Commission was intended to be a one-stop shop for all victim-related matters. It would administer a fund for victims, as well as the provision of treatment, scholarships for orphans, and financial compensation, reparations and restitution. The seven members of the Commission had all been approved by the National Assembly and would soon be sworn in.

50. The final set of recommendations related to peacebuilding and reconciliation. In that regard, the drafting of a bill on the establishment of a peace commission was approaching completion. It was unclear whether it would be possible to implement all the recommendations made by the Truth, Reconciliation and Reparations Commission within five years.

The meeting rose at 5.20 p.m.