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THE GAMBIA: ACHPR COUNTRY BRIEFING REPORT: HUMAN RIGHTS VIOLATIONS AND VIOLATIONS OF THE AFRICAN CHARTER (OCTOBER 2024 – APRIL 2025)

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1. Introduction

1. This report aims to monitor and document critical human rights violations occurring in The Gambia between October 2024 and April 2025. It specifically focuses on abuses related to arbitrary detention, fair trial, torture, enforced disappearances, and the accountability of The Gambia for these violations. Despite the country's transition from two decades of authoritarian rule under Yahya Jammeh, there are ongoing concerns regarding the criminal justice system, civil liberties, and transitional justice. While The Gambia has witnessed democratic reforms and increasing civic activism, persistent human rights violations undermine the full realization of these reforms.

2. In terms of the governance dynamics, the executive branch continues to dominate political life. Allegations of favouritism, the sidelining of reformist voices, and the entrenchment of patronage networks have slowed institutional reform. The president's alliance with the former ruling party APRC, widely associated with Jammeh's abuses, has drawn criticism from civil society and opposition leaders. The shift towards democracy in The Gambia, which began in 2017, has raised hopes for a more transparent and accountable government. However, the growing frustration with state actions such as excessive use of force against demonstrators and continued arbitrary detention demonstrates the gap between promise and practice. The passage of the Anti-Corruption Bill in December 2023 marked a long-awaited milestone. However, the effectiveness of this law remains contingent on the creation of an independent anti-corruption commission with adequate resources and prosecutorial powers¹. Transparency International continues to rank The Gambia in the lower half of its Corruption Perceptions Index².

4. The recent debates around constitutional law reforms like the potential repeal of the ban on Female Genital Mutilation (FGM), has sparked public protests³⁴. These protests, though pushing for progress, were met with a heavy-handed response from security forces.

5. In this context, this report examines violations of several key provisions of the African Charter on Human and Peoples' Rights (ACHPR). These include the right to life (Article 4), the prohibition of torture (Article 5), the right to liberty and security (Article 6), the right to fair trial (Article 7), and the protection of vulnerable groups (Article 18). Drawing from verified media reports, interviews with victims, legal proceedings, publications by local and international NGOs, and findings from the Truth, Reconciliation and Reparations Commission (TRRC), this report provides a fact-based account of ongoing violations. Moreover, it includes actionable recommendations to address these concerns, focusing on legislative reform, enforcement of legal protections, and the empowerment of civil society.

¹ <https://www.movedemocracy.org/the-gambia-passes-anti-corruption-bill-with-crucial-support-from-gambia-participates>

² <https://www.transparency.org/en/cpi/2023/index/gmb>

³ <https://www.reuters.com/world/africa/gambias-bid-unban-fgm-divides-families-parliament-2024-07-13/>

⁴ <https://time.com/7216397/female-genital-mutilation-gambia-fatou-baldeh/>



The Gambia's transition continues to be fragile, with significant challenges in aligning the country's legal and political frameworks with international human rights standards. This report not only documents ongoing violations but also calls for stronger state accountability and international support to address the systemic challenges facing The Gambia's justice sector.

2. Legal and Institutional Framework

6. The Gambia ratified the African Charter on Human and Peoples' Rights in 1983, which legally commits the state to uphold and protect the human rights outlined in the Charter. However, there exists a significant gap between the state's obligations under international law and the domestic application of these rights. The 1997 Constitution of The Gambia remains the primary legal document governing the protection of civil rights, including the freedom from arbitrary arrest, freedom of expression, and the right to a fair trial. Nonetheless, despite the constitutional guarantees, there are considerable deficiencies in the application and enforcement of these rights.

7. The Gambia's legal framework also includes key statutes such as the Criminal Code, the Evidence Act, and the Children's Act. These laws are intended to protect individuals from abuses such as torture and unlawful detention. However, the failure to enact comprehensive legislation to combat torture (in line with the United Nations Convention Against Torture) and the lack of a clear anti-torture framework leaves serious gaps in protection. Detention procedures remain weak, with instances of detainees being held without charge for extended periods, often in violation of constitutional time limits.

8. Institutionally, the judiciary remains under-resourced, and while some progress has been made in ensuring judicial independence, political influence continues to impact prosecutorial decisions. For example, the Gambia Police Force, particularly the Anti-Crime Unit and the Police Intervention Unit (PIU), are known for their involvement in extrajudicial actions, such as arbitrary arrests and excessive use of force against demonstrators. The National Human Rights Commission (NHRC), established in 2017 to oversee human rights concerns, is seen as a credible watchdog. However, its lack of enforcement power limits its effectiveness in ensuring compliance with human rights standards.

9. Furthermore, there is a significant backlog in reporting to African and UN mechanisms. Although the Ministry of Justice has pledged to implement reforms following the TRRC's recommendations, progress has been slow, and many reforms remain delayed or only partially implemented. This highlights the ongoing contradictions between legal provisions and the state's obligations under international human rights law. To address these issues, substantial constitutional reforms are necessary, as well as the introduction of new legislation that aligns with international human rights standards, particularly regarding torture and detention.

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3. Main Violations Identified

A. Arbitrary Arrest and Detention

10. Arbitrary arrest and detention remain prevalent in The Gambia, particularly during public demonstrations⁵. Police units, notably the Anti-Crime Unit and the Police Intervention Unit, frequently engage in mass arrests without warrants, particularly during protests or gatherings that criticize the government's actions or policies. In the period under review, students protesting against tuition fee hikes and journalists covering allegations of Government corruption have resulted in widespread violations and arbitrary detentions. Many of these detainees are not informed of the charges against them, are denied access to legal counsel, and are held beyond the constitutional time limits for detention without charge.

11. Arbitrary arrests are often used as tools to suppress dissent and intimidate activists, for example, students involved in the protests in November 2024, were detained without warrants, held incommunicado, and released only after public pressure⁶. This trend suggests ongoing disregard for the constitutional guarantees of liberty and security of the person guaranteed under Article 6 of the African Charter.

B. Enforced Disappearance

12. Even though enforced disappearances have drastically decreased since the fall of the Jammeh regime, cases of forced disappearance have been reported in the period between October 2024 and April 2025. One of the most notable cases involved Alhagie B., a political organizer who disappeared after criticizing government inaction on regional development issues. Despite numerous appeals from his family and civil society organizations, no official investigation has been opened, and local authorities have denied any involvement in his disappearance. This failure to investigate, compounded by the harassment of his family members, exemplifies the ongoing challenges in ensuring justice for victims of enforced disappearance. Such incidents, though sporadic, reflect a culture of impunity within the security apparatus. The National Intelligence Agency (NIA), now rebranded as the State Intelligence Services (SIS), still operates with considerable secrecy. Families of the disappeared face intimidation and are often discouraged from filing legal complaints or speaking to the media.

C. Denial of Fair Trial

13. For many individuals accused of politically sensitive crimes, pre-trial detentions have become a de facto punishment. In such cases, the detainees often face prolonged detention without a trial, with extensive delays in the judicial proceedings. This is mostly true for activists, journalists, and political dissidents, many of whom are denied legal representation. For some cases, trials are conducted in closed courts, which further limits the access to proper justice and public scrutiny. In one case that was reported, a journalist was tried in a closed courtroom on allegations of inciting unrest after publishing a report/document on the government's

⁵ <https://www.amnesty.org/en/location/africa/west-and-central-africa/gambia/report-gambia/>

⁶ https://www.amnestyusa.org/press-releases/gambia-release-peaceful-protestors-and-community-members-arbitrarily-detained/?utm_source=chatgpt.com



mismanagement of health care services⁷. It was not until the second hearing that the journalist was granted access to legal documents to help their case. This trial lacked public transparency.

14. Military courts are no longer commonly used for civilians, but their legacy still influences judicial culture. The judiciary, while increasingly independent, remains under-resourced and vulnerable to executive pressure, particularly in high-profile or politically charged cases. Pre-trial detention is frequently used as punishment, not as a legal measure to ensure attendance at trial. These actions of the government highly contradict the Gambia's obligations under both under Article 7 of the African Charter and Article 14 of the International Convention on Civil and Political Rights (ICCPR), to which it is a signatory.

D. Prison Conditions and Ill-Treatment

15. Prison conditions in The Gambia remain substandard, particularly in Mile 2 Central Prison, which remains overcrowded, poorly ventilated, and lacking essential medical facilities. The prison's overcrowding exacerbates the risk of disease outbreaks and puts detainees at severe health risk. Additionally, detainees have reported instances of ill-treatment, including physical violence, solitary confinement, and psychological abuse.

16. A February 2025 inspection by the National Human Rights Commission revealed that juveniles and adults were being held together in one facility in the West Coast Region, in violation of both domestic law and international norms. The Ministry of Interior has yet to issue a reform plan, despite repeated promises to address prison overcrowding and torture.

17. These conditions contravene the provisions of Article 16 on the right to health, and Article 5 on the freedom from degrading treatment, of the African Charter on Human and Peoples' Rights and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules).

E. Repression of Human Rights Defenders and Victims' Families

18. Activists, lawyers, and victims' families have continued to face harassment and surveillance during the reporting period. Several leading members of victims' associations who have been pushing for the implementation of TRRC recommendations reported being followed, subjected to online threats, and excluded from public consultation events⁸.

19. One lawyer known for representing detained opposition activists reported having her office broken into in early 2025. While nothing was stolen, confidential case files were found disturbed. The incident was reported to police, but no follow-up investigation occurred.

20. Journalists remain vulnerable to defamation lawsuits, police harassment, and online smear campaigns. Women human rights defenders face even greater challenges, with some being

⁷ https://www.ifj.org/media-centre/reports/detail/the-gambia-two-journalists-arrested-and-charged-with-false-publication-against-the-president/category/press-releases?utm_source=chatgpt.com

⁸ https://standard.gm/victims-centre-asks-for-full-implementation-of-trrc-recommendations/?utm_source=chatgpt.com



threatened with exposure of confidential information or family harm if they continue advocacy efforts—particularly around FGM, GBV, and children’s rights.

4. Case Studies

21. This section presents three representative case studies from The Gambia between October 2024 and April 2025. Each case illustrates one or more human rights violations detailed in the previous sections. Names have been anonymized where necessary for safety reasons.

Case Study 1: Arbitrary Arrest of a Student Protester

22. Name: Lamin J. | **Date:** November 3, 2024 | **Location:** Kanifing
Actors Involved: Police Intervention Unit (PIU) and Ministry of Higher Education.

Incident: Lamin, a 22-year-old economics student. On November 3, 2024, he was one of several students arrested during a protest over rising tuition fees and delays in scholarship disbursements. PIU officers used tear gas and rubber bullets to disperse the crowd. Lamin was arrested without a warrant and held at a local station for five days without access to a lawyer or family visits.

23. Legal/Public Response: Following intervention by the Gambia Students’ Union and legal aid groups, Lamin was released on November 8, 2024. No formal charges were brought. His case drew attention on social media and was mentioned in Parliament by an opposition lawmaker.

24. Government Response & Outcome: Lamin suffered minor injuries during his arrest and reported being threatened with re-arrest if he returned to activism. The Ministry of Higher Education denied ordering the crackdown, while the Ministry of Interior claimed the police acted “within legal parameters.” Thus, no investigation was conducted. The National Human Rights Commission released a brief statement expressing concern and calling for restraint in handling peaceful protests.

Violated Provisions of the African Charter:

- **Article 6:** Right to Liberty and Security of the Person
- **Article 7(1)(c):** Right to be Defended by Counsel of One’s Choice
- **Article 11:** Right to Freedom of Assembly

Case Study 2: Enforced Disappearance of a Political Organizer

25. Name: Alhagie B. | **Date:** January 22, 2025, | **Location:** Basse, Upper River Region
Actors Involved: Alleged involvement of State Intelligence Services (SIS) and local police

Incident: Alhagie, an organizer for a minority opposition party, disappeared shortly after a rally where he criticized government's neglect of rural infrastructure. Eyewitnesses reported

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seeing him being led away by two men in civilian clothes into an unmarked vehicle. Local authorities initially denied any knowledge of his detention.

26. Legal/Public Response: His family filed a *habeas corpus* petition with the Basse Magistrates' Court. Civil society organizations including the Centre for Victims of Human Rights Violations launched a campaign demanding accountability. Amnesty International issued an urgent action alert.

27. Government Response & Outcome: As of April 2025, Alhagie remains missing. His family has been repeatedly threatened by unknown callers, discouraging them from speaking to journalists. The Ministry of Justice stated that “there is no evidence linking any state body” to Alhagie’s disappearance. No criminal investigation has been opened. The NHRC requested access to state detention records but has not received a response.

Violated Provisions of the African Charter:

- **Article 4:** Right to Life
- **Article 5:** Right to Dignity and Prohibition of Torture
- **Article 6:** Right to Liberty and Security

Case Study 3: Ill-Treatment in Detention of a Journalist

28. Name: Fatou Sowe | **Date:** December 14, 2024, | **Location:** Serrekunda
Actors Involved: Gambia Police Force, Anti-Crime Unit

Incident: Fatou, a freelance journalist, was arrested after publishing a story on alleged corruption in the municipal council. She was detained overnight and denied access to legal counsel. During interrogation, she was reportedly slapped and verbally abused by officers who accused her of “inciting public hatred.”

29. Legal/Public Response: Her arrest sparked outrage from the Gambia Press Union and international media watchdogs. A complaint was filed with the NHRC, which called for an inquiry. The police initially denied abuse but later admitted to “procedural lapses.”

30. Government Response & Outcome: Fatou was released the next day without charge. She has since gone into self-imposed exile after receiving anonymous threats. Her reporting platform has suspended local operations due to safety concerns. The Interior Ministry called the incident “regrettable” and promised internal disciplinary action. However, no public report or follow-up investigation has been made available. The Minister of Information stated that journalists “must exercise responsibility when reporting on state matters.”

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Violated Provisions of the African Charter:

- **Article 6:** *Right to Liberty and Security*
- **Article 7(1):** *Right to Fair Trial and Legal Representation.*
- **Article 9:** *Right to Freedom of Expression*
- **Article 5:** *Prohibition of Torture and Inhumane Treatment*

5. Reactions by Regional and International Actors

31. The human rights violations documented between October 2024 and April 2025 have elicited varied responses from regional and international actors, reflecting growing concern over The Gambia's commitment to the African Charter and broader human rights obligations.

National Civil Society and Legal Associations

32. The Gambia Bar Association issued multiple press releases condemning the arbitrary detention of students and journalists. It also called for judicial reforms to strengthen due process guarantees and reduce executive interference in high-profile prosecutions.

33. The Gambia Press Union (GPU) held public forums and released a joint statement with international media freedom organizations following the arrest and mistreatment of journalist Fatou Sowe. GPU's Annual Freedom Index (2025) reported a regression in press freedom compared to the previous year.

34. Local NGOs, including the Gambia Centre for Victims of Human Rights Violations and Women in Liberation & Leadership (WILL), mobilized awareness campaigns around enforced disappearances and gender-based violence. These groups continue to push for the full implementation of TRRC recommendations and protection of victims' families from intimidation.

Regional and International Human Rights Bodies

35. The African Commission on Human and Peoples' Rights, headquartered in Banjul, issued a public communication in February 2025 urging The Gambia to investigate recent disappearances and ensure compliance with its obligations under Articles 5 and 6 of the Charter.

36. The United Nations Special Rapporteur on Torture expressed concern over conditions in Mile 2 Prison, citing overcrowding and reports of ill-treatment, and called for the implementation of the Mandela Rules (UN Standard Minimum Rules for the Treatment of Prisoners).

37. Several embassies, including the European Union Delegation, issued statements calling for improved transparency in the judicial process and better protection of civil society actors.

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6. Conclusion and Recommendations

Conclusion

38. While The Gambia has made some strides toward democratic governance, significant human rights violations continue to undermine these gains. Despite the promises of reform, the gap between legal obligations and practice remains wide, with state institutions, including the judiciary and law enforcement, often failing to uphold citizens' rights.

39. Between October 2024 and April 2025, The Gambia has shown that while democratic governance structures remain in place, systemic human rights violations continue to undermine the country's legal obligations under the African Charter on Human and Peoples' Rights. Arbitrary arrest and detention, enforced disappearances, denial of fair trial, and poor prison conditions remain significant challenges. The repression of journalists, human rights defenders, and victims' families highlights an environment where civic space is under pressure.

40. Despite its symbolic position as host of the African Commission on Human and Peoples' Rights, The Gambia's current practices reveal a concerning disconnect between its constitutional and treaty commitments and the realities on the ground. While transitional justice mechanisms, including the TRRC and a hybrid special court, offer a framework for accountability, implementation has been slow, and victims' voices remain marginalized.

41. The persistence of impunity for security forces and inadequate oversight of detention facilities pose direct risks to the rule of law. The government's failure to investigate recent disappearances and the harassment of journalists further illustrate the urgent need for institutional reform and stronger checks on executive power.

Recommendations

42. To the Government of The Gambia:

- Immediately release individuals who have been arbitrarily detained.
- Conduct thorough investigations into all allegations of torture and enforced disappearances, ensuring accountability.
- Fully implement the TRRC's recommendations to address past abuses and prevent future violations.
- Reform the judiciary to enhance independence and improve access to legal aid for vulnerable populations.
- Strengthen protections for human rights defenders, journalists, and victims' families, including legal safeguards and physical protection.
- Improve prison conditions to comply with international standards, ensuring proper medical care and separating juveniles from adults in detention.

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43. To African Regional Bodies:

- The African Union should provide technical and financial support for legal and institutional reforms in The Gambia.
- African regional bodies should support local civil society initiatives aimed at empowering victims and advocating for justice.

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