



**National Assembly, New Assembly Building, Reginald Pye Lane,
Banjul, The Gambia**

PARLIAMENTARY DEBATES

[HANSARD]

OFFICIAL HANSARD REPORT

FOURTH SESSION – FOURTH MEETING

WEDNESDAY 13TH DECEMBER, 2017

SESSION – 2017



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Gambia**

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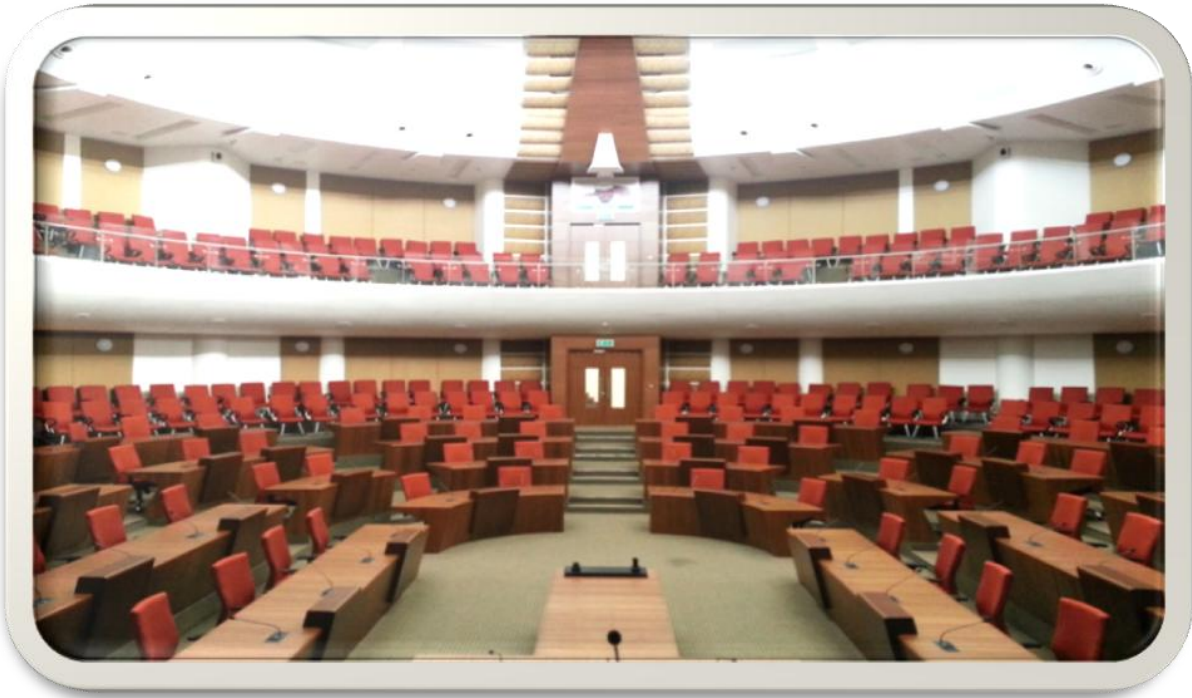
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Of the Second Republic of The Gambia.
Proceedings of the Sitting of Wednesday 13th December,
2017

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THE CHAMBERS OF THE NATIONAL ASSEMBLY OF THE GAMBIA

**OFFICIAL HANSARD REPORT OF THE PROCEEDINGS OF THE
HOUSE**

**FOURTH ORDINARY SESSION OF THE FIFTH ASSEMBLY OF THE SECOND
REPUBLIC IN THE 2017 LEGISLATIVE YEAR**

Wednesday 13th December, 2020

AFTERNOON SESSION

[THE HOUSE RESUMES AT 4:30 PM]

THE SPEAKER: Good afternoon, sit down please, thank you. The session resumes.

BILL: The Truth, Reconciliation and Reparations Commission Bill, 2017.

[By: Hon. Attorney General and Minister of Justice]

HON. ABUBACARR BAA TAMBEDOU [ATTORNEY GENERAL AND MINISTER OF JUSTICE]: Honourable Speaker, Honourable Members, I beg to move that the Bill entitled the Truth, Reconciliation and Reparations Commission Bill, 2017 be read the second time.

Honourable Speaker, the objects and reasons for this Bill are that it is imperative for The Gambia to carry out a thorough investigation of the Human Right violations and abuses of the past 22 years. It is important to have an accurate and impartial historical record of the violations, document them for posterity to ensure that never again do we encounter a recurrence of such abuses.

Honourable Speaker, Honourable Members, The Truth, Reconciliation and Reparation Commission Bill seeks to establish a non-Judiciary mechanism for the investigation of violations and abuses of Human Rights in The Gambia between July 1994 and January 2017 in order to promote healing and reconciliation, respond to the needs of the victims, address impunity and prevent a repetition of the violations and abuses suffered. This bill also seeks to establish and make known the fate or whereabouts of disappeared victims, provide victims an opportunity to relate their own accounts of the violations and abuses suffered as well as grant reparations to victims in appropriate cases. Victims of Human Right violations have a right to reparations as recognized under International Law and Laws of The Gambia. This bill reinforces the right not only to grant the reparations but also to restore the civil rights and dignity of the victims.

Honourable Speaker, Honourable Members, the Truth, Reconciliation and Reparations Commission Bill 2017, is envisaged to be an important vehicle for largescale institutional, legal and administrative reforms in The Gambia. At the end of its operations, the Commission shall submit a report to the President of the Republic. The report will contain the findings and recommendations of the commission which are expected to strengthen and consolidate our burgeoning democracy.

Honourable Speaker, Honourable Members, allow me to add that the Truth, Reconciliation and Reparations Commission Bill is the product of a very extensive and wide consultations both in and outside the country. Under the leadership of my Ministry and my personal leadership, we went on a nationwide tour in the country. We cover every administrative region, sought and provided opportunity to members of the Gambian public from all walks of life: from women groups, youth groups, civil society organizations, religious communities and traditional leaders, all of them expressed their views and opinion on the Commission.

We also sought the assistance of experts in the field of truth commissions outside this country, who also provided us with comments. We would like to take this opportunity to thank all of them for their comments.

This bill is the product and result of those consultations and I hasten to add that we also conducted study tours in the sister Republics of Sierra Leone and South Africa. We also consulted widely, we read materials on the establishment of truth commissions around the world and the consensus really is that there are no one-size-fits-all truth commissions around world; that each truth commission has to be tailored to the particular context of the country. We have endeavoured to do that as best as we could in this Bill. We have managed to strike the right balance between the mainly two views. On one hand, the view expressed that impunity should not and must not be encouraged and therefore those responsible for these abuses should be prosecuted. On the other hand, the view expressed [and in many cases by victims] that the path to healing and reconciliation in our country is the establishment of the truth first and foremost.

And both views are of course legitimate. We managed to strike an appropriate balance between those two views in this Bill and I hope I will have a further opportunity to discuss the contents of the Bill as the debate is open to Members of this Honourable Assembly. For those reasons, Honourable Speaker, I beg to move that this Bill: the Truth, Reconciliation and Reparations Commission Bill 2017, be read the second time.

THE SPEAKER: Thank you very much Honourable Minister. Any seconder?

HON. LAMIN F. M. CONTA [KOMBO EAST]: Madam Speaker, I second the motion.

[Question Proposed]

THE SPEAKER: Now, any Honourable Member who wishes to take part in the debate may do so. Please, may I just indicate that let us debate on the Bill proper and then when we come to Committee Stage we will then put in our proposals for any amendment that we deem necessary.

HON. DAWDA KAWSU JAWARA [UPPER FULLADU WEST]: This is another interesting and timely Bill to be tabled before this august Body. I cannot but express my appreciation to the Ministry for coming with a very comprehensive and detailed objects and reasons for tabling this Bill. Like you rightly said, we are at crossroads here. Today The Gambia is faced with a problem of either pursuing the retributive justice or the restorative one. I think that is something which is open to debate but I am more inclined to and supportive of the latter given the nature of our traditions and culture and the fact that, like the Minister rightly said, there is no one way of confronting this kind of issue. At the end of the day, what we want as the bottom-line is to actually see to it that justice is served with the minimal effect to the society and to our democracy moving forward.

The commitment to setup the Truth and Reconciliation Commission was made by the Coalition Government led by the President [Adama Barrow] in a Memorandum of Understanding as far as I am concerned. It stated earlier that the Coalition Government aims to setup a Truth and Reconciliation Commission to enhance the healing of wounds that have caused pain and trauma through the cycle of confessions, repentance, forgiveness and remedies for injustice including the payment of compensation by the State.

Also, in an the earlier interview with Human Rights Watch, the Minister of Justice [Mr. Tamedou] also went further to say that we want to ensure first and foremost that there is social cohesion and national reconciliation, to establish the truth and document an accurate historical record of past abuses in order to learn appropriate lessons and prevent recurrence. He further went on to say, to rebuild our administration of justice system in order to ensure not only prosecutions should be required but also safeguard the fair trial of the accused in accordance with minimum standards of international Human Right norms.

Generally, the point I am trying to get is this, it has been learnt across the world in Europe in the early ages, Germany, Poland, Hungary, but coming down to Africa, as you rightly mentioned, Sierra Leone and South Africa, those are lessons we can learn something from. I will take a particular lesson from the South African case. The truth and reconciliation commission was established in South Africa in pursuance of the promotion of national unity and reconciliation; an act will empower the TRRC and define the Commission as vehicle of bridging the division. It seems therefore that the TRRC must, among many of its functions, establish an archive which accumulates most of the facts about the past in order to inaugurate the future.

The notion of an archive will not only give the platform for remembering and forgetting, but also have a mutual function to law. The most important lesson we can learn from it is the intervention of Archbishop Desmond Tutu, the Chairman of the South African TRRC who said that and I quote: "*God has given us a great gift which is the Ubuntu*". Ubuntu in our culture here, in my local language of Mandinka is call "*Hadamaya*". The notion in English is the notion to love one another and in humanness. I think that is a fact that we can actually have to embrace. Desmond Tutu went further to say that God has given us a gift which is the Ubuntu. Ubuntu says I am human only because you are human; if I undermine your humanity, I dehumanize myself. So, you must do what you can to maintain this great harmony which is perpetually undermined by resentment, anger and desire for vengeance. That is why the African legal system is more restorative rather than retributive.

Madam Speaker, the point I am trying to say is that we should try to find a common ground of reconciliation instead of trying to use punishment as a way of addressing our past. That is why I think this Bill is of huge significance and I cannot but say it is necessary because you cannot also not address the past and be able to move on.

Madam Speaker that is all I want to say now because it is long. I think I have summarized my intervention, to say that I am very much in full support of this Bill and see to it that we pass it through.

HON. NDEY YASSIN SECKA [NOMINATED]: Truth, Reconciliation and Reparations Commission, I would like us to reflect on our National Anthem where we say "*We strive and work and pray that all may live in unity, freedom and peace each day and let*

justice guide our actions..." I think this justice guiding our action is the Truth and Reconciliation Commission.

During the debate this morning, I think most of the interventions are for this Bill. What I would say here is that I do not think anybody in this august gathering will say no to this bill; maybe just to intervene and then make it stronger and we commend the Minister. Honourable Minister, we really commend you. You have been working day-in day-out with your people and the whole Ministry. May Allah, the Almighty, bless you.

I see no reason why we should not, we have to think about even those people. During the 22 years, those people with disabilities were just being arrested for begging. During the Ramadan, I used to go and give them breakfast at the Banjul Police Station. Talking to the authorities, what they were telling me was "Leave them; these people do not know themselves". So, they do not know themselves, in what sense? These are all issues that we have to talk about.

Honourable Minister, I do not know whether you met people with disabilities during your tour but I think if you happen to meet them they would have told you their problems. To me everybody has a disability in one way or the other but the disabilities differ. That being the case, I see no reason why this Bill should not be tabled before us. Really, I am in support so I do not want to keep talking. Please, can I beg my Honourable Member colleagues, let us not repeat ourselves we should support it.
[Applause]

HON. SAMBA JALLOW [NIAMINA DANKUNKU/MINORITY LEADER]: Let me also join my colleagues to thank the Minister of Justice for coming along with another important Bill. Honourable Minister, I thank you. It seems that you are really working with the spirit of this government [Coalition 2016]. In fact, even during the formation, at the early stage of the Coalition 2016, a committee was set up at that time foreseeing that after everything there would be a national reconciliation. Honourable Ousman Sillah, Member for Banjul North, was the Chairperson. That means that definitely your government is really working with the spirit of the present government.

Honourable Speaker, I put the Bill into 3 contexts as it is stated: Truth, Reconciliation and Reparations. When you say truth that mean that the Truth should be established. After establishing the truth, then a Reconciliation process starts. After the Reconciliation

process, Reparation comes in. That is how I put it into context, which I believe is very important.

Actually, the Bill is non-controversial. I will definitely urge Members to pass this Bill as quickly as possible. The truth must be established so that people can forgive. If the truth is not established, nobody can forgive.

Honourable Minister, I have looked at the Bill and I have a little worry in establishing the truth. I would like you to guide us in that process. If you look at most of the atrocities committed, most of them were committed in the absence of an eye witness. There could be again a distortion of evidence. In this regard, I do not see anywhere in the Bill where you need a foreign expert who has that technical know-how or knowledge to establish such fact. Other than that, I will not definitely belabour much on this Truth and Reconciliation Bill. Definitely, atrocities were committed and we need to address them. Honourable Minister, I thank you and your Ministry for coming up with this wonderful Bill.

HON. MOMODOU CAMARA [FONI BINTANG KARANAI]: May I join my colleagues to thank the Minister for coming up with this Bill. Madam Speaker, if you could remember, during our first adjournment debate here, I talked about Truth and Reconciliation Bill. I thank the Minister for bringing it here and it is timely. I have only two concerns here on which I need clarification from Minister.

When you go to Section 5, Appointment of Members, Section 5 [1] [d], [f] and [h], not long ago, we debated about this Women Federation. It is showcasing here and we understand that they should not be appointed on partisan issues. The second thing is the victim; I think they have a vested interest in this Truth and Reconciliation Commission. So, if they are there, would that not jeopardize the Commission? When you go to number 3, Section 6 [Independence of the Commission] that the commission shall be impartial and fair in the performance of its functions. That is my concern about the victims and the third one is the Regional Governors. I think they are political appointees and they should not be partisan. When you go to Section 5 (3), a person shall not be qualified for appointment as a commissioner if he/she is known to be actively involved in a political party.

Also, my second concern is removal i.e. Section 10 [3] and [4] that read: the President shall not remove a Commissioner from office under Subsection 1 [b] or [c] unless he/she receives a report submitted by a committee appointed by the Chief Justice. The committee appointed by the Chief Justice under Subsection 3:

- a) shall comprise of a Judge of the Court of Appeal
- b) a Member of the Bar Association

Maybe this is a typographical error because [d] is here. I think it should be [c], a representative from The Association of Non-Governmental Organizations i.e. NGOs, my concern here is [b] and [c] because when you look at the appointments, the Non-Governmental Organizations and the Bar Association is there. If the Chief Justice is to set a panel that will also investigate the same people, for example your senior is at this commission and they happen to say that your junior would be investigating, would that be fair? That is my concern.

HON. DEMBA SOWE [NIAMINA WEST]: Good afternoon Madam Speaker, Attorney General and Minister of Justice and my colleagues. I just do not want to say more about this Truth and Reconciliation Bill because it is something that was overdue. We are all Gambians and a lot of things have been done in the past years. Yet still, we as Gambians need to go forward, not backward.

I wonder whether this Truth and Reconciliation Bill will not have an impact on our democratic process in The Gambia. My brother [Sergeant Yorro Jallow] was murdered. I do not want to go back anywhere to repeat and complain about that because that will raise my temper. If I could see the suspect near me, I can create something that is unnecessary because it is very painful. Anyway, the victims need to be considered. Definitely, I am an opposition figure in this House but I am saying a big thanks to the Government of The Gambia because they are doing a lot and they are not serving any area for the meantime. I am expecting this to continue.

The Minister of Justice is doing all his effort [my temper is eve raised] to satisfy either the victims or the other side. In The Gambia here or in the world, anything you are doing, make sure you prepare for tomorrow. God will give you the powers today; you have the power you are doing everything you want without realizing that tomorrow is also coming. As Gambia is a small community, we do not want these things to repeat. I

am also appealing to the Minister to consider people who are God-fearing; people who will not side with anybody. I know others may come with anger, others may report some people who were forced to do an act without their own intention. It happened here, other will do it deliberately but others were pushed in a condition that forced them to do something that even they themselves know is unnecessary because they want to save their lives. Definitely, I do not have much to say on this. All I want to say is, I appreciate the Bill and I want my colleagues to pass it immediately.

HON. OUSMAN TOURAY [SABACH SANJAL]: Thank you Honourable Attorney General and Minister of Justice for coming up with this non-controversial Bill. I think nobody here will argue about the necessity of this Bill. I am left with little to say because the previous speakers have already touched on what I wanted to say. I just want to make a little emphasis on what Honourable Jallow, Member for Niamina Dankunku said, to establish the truth.

Truth, in actual fact, is the genuine thing; it is something that is genuine or realistic, not the fiction. If you want to get that, as he was alluding to, you need to get somebody who is very frank. I do not think this Bill is aimed at witch-hunting anybody but to establish the truth and find the way forward by reconciling the people. Reconciliation here is very key. It happened in other countries in Africa here. We can learn from the likes of Liberia, Sierra Leone and many other countries in Africa where such abuses happened and people reconciled at the end of the day.

I think we are trying to come up with that approach to solve the problem of The Gambia. If we do not reconcile, it will be difficult for us to see ourselves as one nation. It is therefore important for us to have that understanding and ensure that this Bill is passed in a very successful way.

Reparation also is very important because if somebody is abused and somebody established the truth, you accepted that you caused the problem, the person or the victim needs to be compensated; you need to give something to that individual. We should also consider the maintenance of what will build our future because this has happened already; we would not want it to happen anymore.

In establishing the truth, you compensate the person. Compensation can be done in many ways. I can tell you examples of Liberia; there were people who were seriously

abused and when they reported their matters people who did those abuses came in public and accepted that they did it and later they reconciled and they were forgiven. Any moment we do that we see ourselves as one Gambia.

I think the purpose of the Bill is not to witch hunt anybody. Let us just try to work hard on how to establish the truth. That is my worry and if we have those evidences, I think we are all one people - one nation. I cannot go to the extent of how they are going to execute this or how they are going to implement the dictation of the Bill. Anyway, my points are already highlighted by the previous speakers and I am left with nothing but to support the Bill and tell the Attorney General this is a step in the right direction. Keep doing this because The Gambia needs this at this very moment. Thank you very much.

HON. OUSMAN SILLAH [BANJUL NORTH]: I believe that the country, given the experience it had, needs healing and reconciliation. I believe this step in establishing this commission is geared towards that direction; to heal the nation and then to reconcile the people. It was the promise of this new dispensation that reconciliation is going to be a priority area. In fact, as cited by the Honourable Minority Leader, it even went further to established a committee that would be engaging in reconciliation because it envisaged that after the elections there might be the need for such efforts. The new dispensation has gone further to give that the effect of law by trying to establish this commission. It is welcome, I think this commission is not only about yesterday but is also going to help in our conduct from henceforth regarding our relations; the relation between power and the people who entrusted them with power [those in positions of authority, I mean their relations with the people who have given them that power] and the institutions of the State in their relations with the people.

Of course, we need to revisit the past to identify the atrocities that were committed, identify victims and allow them the opportunity to heal from the disturbing experience of losing a loved one in the form of establishing the truth; create the opportunity for forgiveness and then also apply justice to those who bear serious responsibilities. Justice is also an element in this and then reparations.

I think that is the peculiarity of The Gambian case as cited by the Attorney General, that not all Truth and Reconciliation Commission are the same. There are peculiarities,

given the context. I think the Gambian context has that element of reparation, compensating the victims.

What has been happening was within a context and that context was the culture of silence and I hope this commission is also going to address that. Henceforth, impunity can only be fought if people speak out. I am hoping that the recommendation is also going to encourage the creation of that environment where people will be allowed to express themselves so that there will be zero tolerance to impunity when people start speaking [when the culture of silence is broken and eliminated]. It is also important to ensure that this is not a witch-hunting exercise. Every effort must be made to give assurance that this is not witch-hunting, it is about establishing the truth, establishing justice, allowing for reconciliation and we move on as a nation. Like my previous position, the composition of the commission, the processes must engender confidence and trust so this is also an element that must be hammered home. That at all times people would be free to come out if they know that at the end of the day, my intervention is intended to serve the ends of justice. People will be free to come and divulge information or even come forward to confess. I have even seen that there is an avenue for those who come forward to confess for amnesty. There is an element of amnesty.

What I have not also seen, and I have raised this earlier in a previous session of the National Assembly. I asked the Honourable Attorney General that I have seen that it is talking about torture, disappearances, murder and the like and of course pecuniary issue i.e. financial. I have not seen the victims whose properties were demolished and appropriated whether that is factored here. Right to ownership of property is also a human right but I have not seen it factored. Perhaps it is embedded somewhere, the Attorney General can help us there. They too, their issues need to be addressed; like the incident that occurred at Batokunku where people invested a lot in buying land, building solid structures and then just waking up one day, seeing them demolished and then appropriated from them.

This is something I support. Like I said, we are expecting that this commission is going to establish the parameters that will define the relations between law enforcement and the public so that abuses of the past that we have experienced and which I am sure

everybody is going to condemn would not be repeated. We want a New Gambia whereas we will be respected. People are allowed to exercise their rights. There is also a saying: "Telling truth to power without any consequence", of course within the confines of law. Those are the things that we expect. The expectations that we have for the outcome of this commission are so high and we are hoping that it will help The Gambia to establish the truth, justice and also help the populations to reconcile. We must help the people to reconcile, we must make everything possible to ensure that Gambia belongs to all of us regardless of our partisan leanings, our ethnolinguistic backgrounds or geographical origins, name it. Every effort must be made by this commission to ensure that national reconciliation is given the topmost priority to ensure that at the end of the day it is going to be a win-win for everybody; that those who have been victims would be satisfied with the outcome and those who are identified as perpetrators would accept the consequences of what they have done. At least, the whole nation would accept that definitely justice is done. They deserve whatever punishment is meted on them based on the crimes they have committed. On that note, I want to urge my colleagues that this is something that we can support and I am giving it my support.

HON. SIDIA S. JATTA [WULI WEST]: It is true that there is a measure of complementarity between the two bills because they do have some crosscutting issues; nonetheless, they are not duplicative of each other. Their complementarity has to do with the fact the one is anaphoric the other one is cataphoric or to put it more simply as the Minister himself puts it, one is backward-looking and the other is forward-looking.

Like the Minority Leader has indicated, the Executive Committee of the coalition had thoughts about the need for this type of institution. That is why we created a Committee bearing exactly the same name which went into operation immediately in the aftermath of the Presidential elections because there were some disputes. You settled some disputes in Tanji area in collaboration with the Police; in Brufut area and in West Coast generally, not one place many places. It was with the same Committee which was responsible for bringing back the 60,000 Gambians who flee the country during the impasse. Some went to southern Senegal, some went to northern Senegal.

It is expected that this bill will come here. In fact, it should have come here a long time ago. This should have come immediately after everything so as to be able to deal with the problems as I highlighted before because there are many problems. As some have already indicated, the commission's tasks are more critical than the one that we have dealt with already because that one is going to deal with cases that are, and in fact, that commission is partly preventive. It is a deterrent because people know that there is going to be no more impunity. If you do something there is an institution to deal with you immediately, so in that sense it is a deterrent.

This one, its work is more critical because it is already going to deal with matters that had happened. Therefore, the composition of the Committee of this commission is more critical, more sensitive than the previous one. It is really a sensitive commission whose members must not be ordinary Gambians. We cannot have sentimental Gambians here, we cannot have punitive Gambians here; we have to have people who are above all that. That is why the word reconciliation... what about the truth? The truth is to unravel everything that had happened which is in the reign of violation of human rights. For example, looking somebody right in the face and calling him or her a witch and punishing him or her because of that is the highest form of violation of human right.

Just looking right into my face, arresting me in my home in the presence of my kids, my wives, my neighbours and nobody dare lift a finger and taking me away describing me as a witch and punishing me for that matter. That is the highest form of dehumanization. The person doing that is a dehumanized person. A human being with human values can never do that. The person doing it has not got all those values; he is dehumanized.

In other words, the commission also has the responsibility to humanize people. Reconciliation cannot take place without humanizing people. The angers are great, violence against people are huge. To be able to function as we expect it to function, the fundamental task is to humanize with a view to reconcile. I do not like the word compensation. We use it but it is very inadequate you cannot compensate a life. *[Applause]*.

No one can compensate a life, we can appease people [appeasement] but we cannot compensate people because they have lost a loved one. We can appease them but

billions and billions of Dollars and Dalasi cannot compensate a life lost because that life is capable of generating multiple of those billions that is why it cannot be compensated but it can be appeased. It can be humanize and appeased. So the function of this commission is crucially important and the people to occupy the chairs in this commission are to be very careful people.

Madam Speaker, when I talk about the first Bill, some of the words I used there are, in fact, the words I should have used here because this is the commission to deal with those matters that one is going to deal with the future and the future is bright because the future is now characterized by freedom and responsibility. People know now there is no more impunity, so their work is lightened. It is going to be further lightened by this work that is going to be done because once we are through this, it is like we are all cleansed. It is a cleansing exercise that these people are going to indulge into. Cleanse not only those who supposedly have committed crimes but even we ordinary people who have not gone through it but by going through this commission we all become cleanse because to have gone through 22 years in this country is like we have all been contaminated in one way or the other. So we have to be cleansed of anger, we have to be cleanse of hatred. That is what I mean by cleansing and this commission's work is precisely that. This is a highly welcomed commission. I emphasize the members of the commission as special people; they must be special people who are not angry with anybody, who are as clean as this light above my head and who mean to lay the pillars for a new Gambia scintillating with freedom and democracy.

HON. SAINÉY TOURAY [JARRA EAST]: The bill before us Madam Speaker is very simple. Like I always say, every bill comes with prayers and this one is no exception. The prayers contained in this bill are threefold; they are tripartite in nature: truth, reconciliation and reparation. So, it is a three-legged bill; a bill that is out to address three fundamental things i.e. truth, reconciliation and reparation.

Madam Speaker, I believe vehemently, that travesty of justice anywhere is a travesty of justice everywhere; for injustice anywhere is injustice everywhere. The truth, reconciliation and reparation are meant to distinguish the chaff from the grain or the grain from the chaff. With you kind permission, allow me to digress to my mother tongue for deeper understanding.

THE SPEAKER: The language of the National Assembly is English. I know we all want to go in; there have been instances when it has been suggested but it is not yet the law. I am sure what you are saying everybody understands.

HON. SAINÉY TOURAY [JARRA EAST]: The aims and objectives of the bill is to respect the sanctity of life; that life is sanctity, is sacrosanct, is very important. It is very dear and if I may take you to memory lane, what obtains in the past cannot be narrated in a pleasant manner. A lot of water have passed down the bridge and no amount of time or the passage of time can make us forget. That is why it will be very difficult for any of us to relive the past, even to reminisce of what obtained in the past is tormenting because of the horrendous human right black holes that happened in this country. It beats my imagination [a human with your thinking faculty] if that person is capable of unleashing terror on his fellow human beings. You all have to know who the captain of this dispensation was. If you know the captain and given the captain's inferior moral compass i.e. the former dictator, you would not be taken aback. I always tell my friends that my hands are not meant to unleash terror neither are they meant to fight. Why god gives me these hands is to serve peacefully, to help my friends to have peace and not the opposite.

Having said that, in life things are created in pairs; you have the stick and carrot approach. What I mean by that is, those who bear the greatest responsibility will be given the stick and those who bear the least will enjoy the carrot. We cannot allow impunity to be the order of the day. If that happens, it means all of us have failed abysmally. There is need for us to put on our thinking caps and understand the prayers sought in this bill beyond the bare essential. When we do that, we will be able to put two and two together but without that we are nowhere.

Madam Speaker, we have illustrious sons and daughters of this great land of ours who have undergone serious suffering in the persons of the late Solo Sandeng [of blessed memory]. Solo was tortured in what I will call the most gruesome manners. He did not suffer an easeful death but Solo suffered a gruesome death in the hands of his brothers and sisters who are supposed to be his keepers. Solo was killed in execution style that is against the grain of justice and fairplay. We have another illustrious son of the land in the person of the late Deyda Hydara [of blessed memory]. Deyda also met his untimely

demise in the most gruesome manner. His life was looped out of him without any justification. And for Deyda, he was shot at close range; Deyda was killed in the full glare of the public in broad daylight.

Another gentleman, by the name the late Ousman Koro Ceesay, also met his death in the most gruesome of manners. He was burnt beyond recognition. What was left of him was his charred remains. After having had these sad tales, is this not capable of sending jitters in our spines? Is this not capable of making us shed tears that are not hypocritical tears [genuine tears]? These people are with us and they did not suffer a natural death but their lives were snuffed out of them by their fellow human beings. Is this not beyond comprehension? Those who were behind their death, are we going to apply what I will call "an eye for an eye" principle? When we say truth, reconciliation and reparation, we must be ready to dichotomise between truth and reconciliation; there is a fundamental distinction. I, for one, if I am confronted with a choice between truth and reconciliation, I will chose the former as opposed to the latter because it is the former that gives birth to the latter. Truth is the parent and reconciliation is the child. There can no reconciliation when truth is not established and when I say truth it must be truth that can be described as unblemished, untainted, unadulterated and the truth that is not deflowered [very pure]. That is the truth this Bill is seeking for.

Those who have departed to their early graves, they have families behind them. Those families continue to live in dolour and they continue to live in dolour [sadness]. Is it not time to take a sober reflection as to what is happening to those families? The breadwinners are nowhere to be found and there must be food on the table. Who is to be blamed for their early departure? This is why this commission is very important. The setting of this commission is informed principally because of the atrocities committed in the past. People have been subjected to gruesome murder, disappearance without trace, detention without trial, being the constitutional pale. As we all know, that used to be the nominative practice and still they say they are human beings.

They say "What is good for the goose is also good for the gander". Justice must be allowed to flourish on tramrail. It must be allowed to flourish without any let or hindrance. This is the New Gambia, it is the new dispensation. We must be ready to say NO to undercover tactics, dehumanization and gruesome killings for no just cause.

Gone are those days. We are in a new dispensation and what that calls for is for us to assert our independence and that independence cannot be achieved in isolation of truth, reconciliation and reparation.

To this end, Honourable Speaker, allow me to pour encomium on the Honourable Attorney General and his able lieutenants for injecting enormous efforts in this document. By looking at this document, you know it is not an ordinary document; it is a masterpiece. When you go to the composition of the commission members, I have little to say. Taking into account that it is a masterpiece addresses everything. It is my hope that men and women of integrity, men and women of moral fortitude, men and women of moral latitude as oppose to moral turpitude will be in this commission. For I believe, whoever is put in this commission would not be found wanting. I also believe fervently that they will be men and women of sharp intellect and profound ability.

That is my take, Madam Speaker, and that is my prayers. Before I take my seat, I want to pray to the Almighty, the most Clement, to grant the departed souls the highest Jannah.

HON. OMAR DARBOE [UPPER NUIMI]: Madam Speaker, let me seize this opportunity to, first of all, thank the Honourable Minister and his team of experts for the wonderful job done. Madam Speaker, the coming of Truth, Reconciliation and Reparations Commission Bill is timely as far as the past 22 years is concerned.

Madam Speaker, for the past 22 years, the people of this country had been subjected to the most degrading human treatment. Our people had been killed, jailed, tortured, raped and sent out of this country. The deceased of some families were even refused to be buried in this country; all these had happened in the past 22 years.

Setting the commission, Honourable Minister, there is a need to put the culture and tradition of this country into consideration. The people of this country are sympathetic, they are forgiving. We do not know what happened to the former regime. We do not know the type of culture they had brought in this country but it is alien to this country.

Honourable Minister, in setting up the commission, we do not only have to look for the qualification of the people but also look into the integrity and the good track record of the people that are going to be part of the commission. That is my appeal and I have a

question Honourable Minister. What about those who were wrongfully dismissed from their jobs; those who were dismissed, detained for so many months or years without being paid? I think it is a violation of their rights as human beings. They need certain reparations as Gambians. Honourable Minister, without taking much time, I know we all know the setting up of this commission is timely and it is welcomed by everyone. As far as I am concerned, I am giving my blessing and support to the commission.

HON. BAKARY NJIE [BUNDUNKA KUNDA]: I would like to thank Honourable Minister for coming up with this Bill: Truth, Reconciliation and Reparation. Our country at this juncture, we are at a crossroad. This is a very difficult time for us and it is a trying moment because in one way or the other, we have to forge ahead. What had happened [if you want to look back], if we do not come with something, obviously it would be very difficult for us to move ahead. We have to know that what binds us as a country, as Gambians, is far greater than the architect of the mystery we found ourselves in.

The dictator, whom we trusted and made him our leader went up to a point that he thought he even owns us as Gambians. He thought he could do anything that he feels like, he could not even realize that we put him there to govern us how we want and not how he wants it. As I said, if we look we cannot look further. Everybody has a story to tell; every Gambian [in one way or the other]. We must [as a nation] forge ahead to make sure that we move or we develop our country and live as Gambians [how we used to be]. That is what is important at this juncture.

However, some people need to realize that if we want to talk about truth and reconciliation, obviously we should talk about everything. If the victims are to be curtailed not to say whatever, it would be difficult.

All Gambians who are affected, in one way or the other, should clear their chest. Whatever happens, they should be given time. They should be allowed to air everything out so that there will be nothing in their chest that will disturb them. Obviously, we all know that he [the dictator] did not do it alone. He had enablers and those enablers are within us. Sometimes they come from the people we least expected. This is why we have to be strong as a nation. We have to, because if we do not, we cannot go ahead. There are people within us and as we go, things will unfold. Obviously, we will see, we

will hear and we will come to know people, events, situations that we might not have even thought of before.

Honourable Minister, this is a coalition Government. We know that during our sittings, you have come up with Bills that can help our country. Those are the tools [the mechanisms] that we need at this point in time to move forward as a country. Without these things, we will be dragging and it will be difficult to move our country as far as we want to. Since this is a coalition government which has a mandate of 5 years, for some of these things to come in the first year of the coalition government, it is really commended and you have my support.

HON. SAIKOU MARONG [LATRIKUNDA SABIJI]: First and foremost, I would like to thank my fellow National Assembly Members for the job well done. This is a clear warning and it is a clear signal to everybody in The Gambia that Gambia is moving in a right direction under the able leadership of our President, Mr. Adam Barrow.

I just stood here to give my support to this Truth, Reconciliation and Reparations Commission Bill simply because a lot has happened in this country here during the past 22 years. Being young, old or whatsoever, we all know what we feel here. I could remember in this country there was a time, sometimes even if you stand beside the wall, you tell yourself let me be careful because you think the wall might talk to people; we were all afraid. Our intellectuals cannot even express themselves simply because they were afraid. If I think of April 10th and 11th [what happened in this country here], I sometimes wonder whether we really have a President in those days. Who dares say it out? Nobody. How many people then left their homes in good health, go to their offices and never return back to their families? How many of the young ones just gather at Westfield requesting for election reforms and one among them did not return home?

Madam Speaker, I think we need justice for the victims. Yes, we need reconciliation, it is important; we know it but before reconciliation, it is justice first. Other Honourable Members said it here, no amount of compensation will bring back the life of Solo Sandeng, Deyda Hydera, Koro Ceesay, the victims of April 10 and 11 [young boys and girls who were murdered] in a manner that even up to now if you talk to some of their parents, the first thing they would do is shed tears simply because of how their loved ones were murdered.

Honourable Speaker, there is a saying that "He who feels it, knows it". So, I strongly believe that the victims need justice. Back in the days, if you are passing by Mile 2, you say to yourself these are very bad people of our community. But from 1994 to January 2017, only the good citizens of our country were kept there: the intelligent ones, the brilliant ones, those that can change this country simply because they say something which is the truth. This is why they were jailed.

Some of them left the jail and could not make it. Honourable Speaker, it is clearly said in our anthem: "Let justice guide our action". We need justice so I believe this Bill is timely, it is a time for people to know what exactly transpired in this country from 1994 to January 2017. Honourable Speaker, even if I look around within this Chamber here, sometimes I shed tears simply because of what has happened in this country. Other Speakers have said it here that some people were in power before the then government and they have gone. There is a government now and they would go. We know all that but this type of Bill will send a signal to everybody that if you are dealing with people, you should know what to do it. It is important to give them their dues. Honourable Speaker, without going far or saying so much, let me just take my seat and say to the Honourable Minister thank you very much.

HON. MAHTARR M. JENG [LOWER NUIMI]: For me, I want to ask some very few questions. What happened to warrant what happened to happen? How did what happened happen? What course of action is going to be taken to address what happened for it not to happen again? Madam Speaker, I want to appeal to you, next time you should call me before Upper Nuimi because you pass through Lower Nuimi before going to Upper Nuimi.

If we were to call these people here [those we are saying had done these atrocities], they would question themselves. They themselves would say what happened could not have happened if they were thinking of the consequences of what happened. If we have the chance now to have them here and say "Why did you do this?" They would begin to question their integrity. They would begin to question their personalities because it slipped out of their hands, it slipped out of their thoughts, and it slipped out of their personalities to such an extent that we are talking now. The prison of

conscience is much greater than the prison of the locks there. I do not know whether you understand what I am saying.

What these people are going through right now is much more than bringing them back and locking them up. Their conscience is constantly putting them into question. Their consciences are asking them: why did you do that, how could you have done that to your fellow human beings? You think they are not guilty? They are, and the guilt is exposed through the questions that the conscience asks they themselves. This is why when your conscience beats you; you are not a human being.

You become so confused; you become so disillusion that your thoughts are out of yourself. You become another thing. Some people were asking whether those who were doing this were human beings. Yes, they were human beings, they had two legs, they had conscience, they had all the physical build-ups that we have. They were doing it so as to justify or perpetuate themselves in power and the enablers were helping those in power to be greater seated so that their little enjoyments would be continuous. No situation is permanent and no situation will ever be permanent. This is the justification of history and what next?

When we come to pass this Bill tomorrow or when we come to pass this Bill today, we would get to know that, we have had the power these people have had but they could not utilise it the way we are utilising ours. This is the best way because time has given us the importunity to sit and think and be sympathetic to our situation. Do you know my fellow people that Deyda Hydra is my cousin? Four days before he was murdered, I was going to Georgetown, then I was a Tour Guide working with the African Adventure Tours and we were travelling to Georgetown on an excursion with some white men, we met on the ferry in Barra when he went to visit his mother. Four days later, I heard that he was shot dead. You know that street where he was killed should be named after Deyda Hydra but it is called what Mamadi Manjang High Way or Sankung Sillah? I think that is going to be another thing that we are going to follow so that we could rename that place in memory of Deyda. Madam Speaker, my questions are just that.

HON. ABDOULIE CEESAY [OLD YUNDUM]: Madam Speaker, I would not say much because many of my colleagues have spoken about all that I have to say. Just to add a few words, I must first thank the Minister of Justice for bringing such a bill which is the

Truth Reconciliation and Reparations Commission Bill. It is important that we reflect on the past as well. In as much as we want to consider this Bill, that will give us the opportunity to pass the Bill. Without making a reflection, it will be difficult as well. We understand that during the past 22 years, as the right Honourable Member used to say, our mouths were muzzled by the use of power. Our rights were abused i.e. our constitutional rights and then we could not say anything. A lot of atrocities were happening in this country and nobody dared to talk. We really know that most of those atrocities were committed by a few individuals in this country and that is only the former dictator and some of his enablers. It is important that we bring in the Truth Reconciliation Bill, first to look at the truth with regards to what has happened before. The victims who suffered some of these committed crimes will be there forever to think about what happened before. Despite the fact that we want to bring in any compensation or whatever for them, it is important to give them the opportunity as well to speak their minds because not me, not even the Government can speak on behalf of those victims, they must be given the opportunity to talk. It happened to them and they must talk. I said I would not say much, those are some of the few contributions that I want to make towards this Bill. Of course, I believe we will pass the Bill but those things need to be looked at as well. Madam Speaker, I beg to take my seat, thank you.

HON. FAKEBBA N.L. COLLEY [KIANG WEST]: Thank you very much Madam Speaker, I rise to support the Bill before us. This is a bill that should have come here earlier than today. Madam Speaker, we are thinking of Truth, Reconciliation and Reparation. I hope truth will be established. If there is truth, reconciliation is possible but we can never forget.

I for one, I am a victim of atrocity and impunity. I was arrested six times in 2016, taken away from my family, taken to an unknown place without my family knowing it. So, I can reconcile upon truth but I cannot forget. Madam Speaker, the day we were arrested at Westfield with the party leader and 20 other people, that day was a difficult day. We were highly beaten by PIU members and then taken to Mile 2 and locked into our confinement cells without going for trial. Madam Speaker, in the cells, we were detained for 24 hours without food and sometimes we were not given chance to even take bath. The experience we had gone through at the Mile Two Central Prisons was very unbearable.

THE SPEAKER: Sorry Honourable Member, I do not want to interrupt you and as somebody rightly said everybody has a story to tell. The reason why we are here now is that we are debating the merits and demerits of the Bill. I think your story will best be told after.

HON. FAKEBBA N.L. COLLEY [KIANG WEST]: Nonetheless, I support the Bill and I guess my other colleagues will also support the Bill. Before assuming my seat, I have one or two questions to ask. Under Objectives of the Commission Section 13 (a) page 8.

THE SPEAKER: I want to be guided, which page you are reading from?

HON. FAKEBBA N.L. COLLEY [KIANG WEST]: I am reading from page 13A which is talking of the objectives of the Commission. Now what is it talking about is the reparations to the victims.

THE SPEAKER: Specifically, what section are you referring to?

HON. FAKEBBA N.L. COLLEY [KIANG WEST]: I am talking of two sections here: 13 (a) on page 8; I was trying to make a comparison with Section 20 [1] on page 14. It seems there is controversy between them. I am trying to make a comparison there. Section 20 (1) on page 14 is saying Commission may grant reparations to an applicant who is a victim upon consideration of the evidence received or obtained in order to restore the human and civil dignity of the victim. Here, what I am trying to say is that, I cannot understand whether as a victim, you are going to apply because it is talking of applicant. I want the Minister to shed light on that compared to the objectives of the Bill. Are you there with me? From there I go to Page 7, Section 10 [2], the removal of a member of the Commission by the president. Here, it is talking of a recommendation from a single doctor. I am here recommending that instead of a single doctor, we can have more than a single doctor.

THE SPEAKER: Now I am seeing your points, the points that you are raising should be raised at the Committee Stage. You are making some proposals for amendments. That will come later but now we are debating the Bill.

HON. SULAYMAN SAHO [CENTRAL BADDIBU]: I think we are making another history today, this Commission, as my colleagues rightly said, is long overdue but as the saying goes, goodness is never late. Truth is truth and it is no offense. Throughout

history, it has been inaction of those who should have acted and ignorance of those who did not know or have not known better and silence of those people who should have voiced it out which made evil to triumph in The Gambia. I think we are making history whereby impunity, torture and terror will never be repeated in The Gambia.

Madam Speaker, Truth and Reconciliation Commission is a right step in the right direction. 22nd July 1994 marked the beginning of terror, detention without trial, and disappearance of people which we put to an end in December 2016. Madam Speaker. The victims need to know what went wrong, fathers have gone, mothers were arrested, tortured and detained. The family members want to know those who were responsible for these actions. If this Commission is not established or supported, it means we are denying justice and as my colleague rightly said "a threat to justice anywhere is a threat to justice everywhere". By promoting justice, we need to ensure that in 1995, some Gambians came out and demonstrated at the American Embassy. They were arrested and tortured. Those people need justice: they need to know why they were detained; they need to know why they were beaten. Some have gone, they are in the graves but bear me witness, squirrels and other rodents will tell them in their graves "Your sons and daughters are fighting for you on your behalf".

Madam Speaker, in the 1996 Denton Bridge Ambush, the United Democratic Party supporters were ambushed at Denton Bridge, beaten and some died after the incident. Their families need justice, they need to see that justice is done and seen to be done. Madam Speaker, 10th of April [2000], students demonstrated peacefully. Students came out to ask, to request to know why their colleague died and why their colleague was raped but they were brutally killed by the military officers and paramilitaries so we want to know those who did the shooting.

Madam Speaker, the so-called July 22nd Revolution did more harm than good not only to the civilians but even to the military themselves. Kebba Dibba [Capitan Dibba], Chongan and others were detained, arrested and tortured for years. We want to know, who were the people who tortured them? Madam Speaker, coming to the later part, we all witnessed the death of Solo Sandeng; it happened, how did it happen? The family of Solo Sandeng wants to know, who were the killers? As National Assembly Members, we are making history to ensure that the families know who killed their bread winners.

Madam Speaker, my colleague mentioned Ousman Koro Ceesay and Deyda Hydera. It is shocking. We do not want history to be repeated. We do not want to create that gang of criminals who will use all necessary means to cling on power.

We want to make a stop to that. We do not want that one to be repeated in The Gambia. We need this Commission to come up so that those people will be known. Then, we can talk of reconciliation. It is key; South Africa did it and it went well. Sierra Leone also did it and it went well. Now it is the turn of Gambians so Gambians must come out and serve as witnesses. We should not stay away as my colleague said culture of keeping things is no more in The Gambia. We need to come up and speak well and show to the world that, we have a New Gambia which is trying to promote peace and human rights in The Gambia. Madam Speaker, with your permission, I would like to give you a few names of my people in my village and constituency who were brutally tortured by Jammeh's regime and were left *[Interruption]*

THE SPEAKER: As I always say, decorum. At least, when the Chair is addressing, it is good to maintain decorum. What I am trying to say is that you can reserve that list for the Commission but you can still go ahead with your intervention.

HON. SULAYMAN SAHO [CENTRAL BADDIBU]: Thank you Madam Speaker. My region was left undeveloped because of our political feelings, which was a gross human rights violation. I believe this Commission will help us so that the new government will try to develop my areas to give them their basic needs like water, electricity and health services. Madam Speaker, why do we need this Commission? We all witnessed that Section 17 of the Constitution, where we have the fundamental rights and freedoms, was seized and taken away from us. If you go to the other Sections 18, 19 and 21, you will see the same on Section 18 [protection of the right to life]. This was not existing in The Gambia, our rights were not protected. Section 19 also is the same where the protection of the right to personal liberty was not happening. They were jumping into our homes at night, arresting people on their way to work, and abusing them in front of their family members. That was the order of the day so we need this Commission. Madam Speaker, the reason why we need this Commission again is to promote civil rights and dignity so that every Gambian will be living in dignity rather than fear. We

want to eradicate the idea of fear so that people will speak up their minds anywhere they are.

Madam Speaker, we want leaders to be responsible. This Commission will help us to have leaders who will be responsible and will be champions of democracy and good governance. Madam Speaker, this Commission will help us to avoid creating room for dictatorship in The Gambia. It had been created already but there is chance of creating it again if we do not put up measures like this. It is very easy to create a dictator; it could be done in the twinkle of an eye. This Commission will help us to have responsible leaders who will have respect for humanity.

Madam Speaker, it is also the right of the victims to get reparation and to know what went wrong. Madam Speaker, I want to appeal to the international community because Truth and Reconciliation Commission is never easy. It needs financial support, moral support and mental support.

I want to appeal to the wider world to help Gambia so that we can do justice to this Commission so that people can come out and tell their personal stories so that judges or members of the Commission will be able to perform their duties without being corrupted. We need the international community to come up and if need be, as other colleagues said, we need neutral persons so that justice will be done and seen to be done.

Madam Speaker, I thank you for giving me the opportunity and I thank the Minister and his team for bringing this Truth, Reconciliation and Reparations Commission Bill to this National Assembly. History is in the making and we will give our full support to you.

HON. ALHAGIE S. DARBOE [BRIKAMA NORTH]: Yes, each and everyone has a story to tell. I will not tell my story in detail but I must say the mission is accomplished with the introduction of this Bill that is paving the way for something that I have been crying for since the 2000 April 10th and 11th student disturbances as they called it. I was privileged to deliver a speech at GTTI marking the first-ever anniversary of April 10th and 11th student disturbances [without my written speech] in a gathering that was supposed to be dominated by student folks but rather by security personnel. I had to speak off-head. In reaction to the outcome and decision of the government on the Commission of inquiry set to look into that student disturbance, I had no option but to

condemn the decision taken by the government in the name of reconciliation and had this to say: "We can only reconcile when justice is not only done but seen to be done". That decision of the government was imbalanced as there was no justice done. We were hopeless as there was nowhere we can put our case to. In fact, the worst was the passing of the Indemnity Amendment Act that made it very difficult for us to pursue the case to ensure that justice is done in the case of the victims of April 10th and 11th.

At that forum, I had this to tell the students: "History is our judge and it is going to judge accordingly. One day, the culprits are going to be brought to book". I believe today is that day when we are fortunate to have this Bill before us to make sure all the victims have an opportunity to be heard. We were ready for reconciliation but I did also say that we can only reconcile when justice is done. Without justice, there will be no reconciliation and I have seen that this Bill is also providing that. For our lost ones, we cannot get them back but at least they need to be compensated. With this, I am seeing that to be done. That was the struggle I have been fighting and after being a student leader, that got me into politics. There we triumphed to uproot a system and my dream has been realised for us to move forward to ensure that those victims had an opportunity to get justice. That is why I will not waste time to join my colleagues, having that story to tell, that is the key position [as far as my position is concerned] I want to join my colleagues to support the Bill. As earlier on alluded to, it is non-controversial and each and every one is supposed to be supporting it. It is human in us and it is cultural that in as much as we may be affected, we cannot forget but we can forgive and reconcile, provided justice is not only done but is seen to be done.

HON. BAKARY CAMARA [KIANG CENTRAL]: This Bill is my own one. You would recall that when we started newly, during the first adjournment debate, I was the first to say there is a need for reconciliation in this country. Today there is a Bill before us that, in the long run, will become a law which will empower the people of this country to have their stories being told. I am really happy today to see that this Bill is here with us. I said it before that everyone has a story to tell and indeed, I will repeat it again, everyone has a story to tell. People have suffered a lot in this country as far as unlawful arrest, detention, disappearances and killings were concerned. For us to have a system in place that will regulate such things and serve as a deterrent for future occurrences of such things, I think is a step in the right direction. A lot has been done even at the level

of political parties; they have been trying to reconcile people of this country to forget about their past differences. With the coming of this Bill, I think it is sort of reinforcement and I will urge my Honourable Colleagues to give their blessings to this Bill. Like the Honourable Member for Brikama North said, there is no need for us to waste time on this Bill and that is where I will rest my case.

HON. SAIKOUBA JARJU [BUSUMBALA]: Let me also just stand up and give my support to the bill. As the Honourable member for Jarra Central said, I want to say this bill is a bill for the National Assembly. We have been passing so many bills, we have been doing so many great things for the country but this is the time that a bill has come that belongs to us. If you talk about people that were the victim of the former regime we have a victim just sitting within us who is no other than Honourable Fatoumata Jawara, Honourable Fakebba Colley, Honourable Deputy Speaker and Honourable Speaker on top there. They are all victims of the former regime.

What I want to tell everybody is that this bill has come at a time when it is needed. The atrocity of the former regime of AFPRC and APRC government was just like HIV/AIDS. That means if you are not affected you will be infected. Moreover, there is no body in The Gambia that was not a victim of the former regime. You are directly infected with the virus of the regime or you will be affected. If you are not a direct victim, your relative, your loved ones [as Gambia is one] are victims. That reminds me of my great grandparents in Foni. When the time for witch-hunting started, my grandfathers will go to the farm at night because they are scared of the group that was coming to hunt them as witches. It reminds me of Jasarja Colley [Kujabi] of Bwiam, Amadou Scattrel Jannah, my political hero [Honourable Ousainou Darboe], and many have mentioned Solo Sandeng which led to this coalition government.

Madam Speaker, I want to thank the Honourable Minister, through your high table. If all Ministers in this new government are ready to work as he is doing with this team, the objectives of the Gambian people for overthrowing Yaya Jammeh is achieved. He has brought so many bills that are relevant and timely that the Gambian people need. I want to urge him to continue on the good job. We say history will judge but I say history has already judged us that we are not going to be rubberstamps.

Madam Speaker, I am so happy that there is nobody in this Honourable Assembly who would say I have a doubt with this. Everybody unanimously agree that this is a bill that has come; it has even been long overdue, we need the bill. Honourable Minister, like all other bills that you brought, there has never been a bill that we say we do not need your bill at this time.

I want to go back to the objects and reasons of the Honourable Minister. To quote, with your permission Honourable Speaker, paragraph 1 [the objective] says and I quote "It is important to have an accurate and impartial historical record of the violations, document them for posterity, to ensure that NEVER AGAIN to encounter a recurrence of such abuses". This is very important. The generations that are to come need to know as the saying goes: "If you know where you come from, you will always know where to go". The generation of Gambians that are to come should know where we came from, where we are and it will help us when they come to know where they should direct the country.

What entice me most, and I think the Honourable Minister and the commissioners that are going to be nominated or appointed would try to work on the impartiality of their information; impartiality is very important. Madam Speaker, it continues "The bill seeks to establish a non-judicial mechanism for the investigation of violations and abuses of human rights in The Gambia [non-judicial]. When you say reparations, when we say reconcile, I know others are quoting other countries that it happened there and then they reconciled. I am very sure that Gambians will reconcile because I do not see any country in the world that has a higher grade and higher belief in the Almighty God. If we are looking to reconcile [if you are a victim also], you have the belief that what had happened had happened, what is to be more important to you is the continuous peace and prosperity of this country. We need to be very careful.

Madam Speaker, it continues to say the bill reinforces the right not only to grant reparations but also to restore the civil liberty and dignity of victims. Everybody needs rights; if your right is violated you want to be heard and then judgment will be done as it is said. All Speakers have said life cannot be paid. That is true, there is no pay for life but we can forgive as the Honourable Member for Kiang West said. They will never forget but I think they will forgive.

Madam Speaker, on that note, I want to sincerely thank the Minister again because he mentioned that before they came up with the idea to bring the bill to the National Assembly, the first thing they did was consultation [nationwide consultation]. That tells you or gives you the belief that this bill it is not a dictate from them but a dictate from the Gambian people that they need a bill for reparation and to reconcile; the truth will be found.

On that note, I have given my weight and support to the bill and I want to appeal to the National Assembly Members. We are coming to the committee stage and as we all unanimously agree it is timely and noncontroversial, let us not waste time, the Minister has to go and rest. The Gambian people will know we have done a good job. At the Committee Stage, let us go ahead with it.

THE SPEAKER: I have exhausted my list. Honourable Member for Sami, I think I have always said it and you [in particular] are always the last to raise your constituency tag. I think we are going to set rules. You were the first to have the floor; I always go by my list. Now Wuli West and the same comment with regards to Honourable Member for Sami, goes for Banjul North also. Next time we are going to have a list so that we will be able to manage our time.

HON. SUWAIBOU TOURAY [WULI EAST]: Wuli West has spoken twice; you gave him chance to speak twice. I earlier said that this bill is the bill that we have been waiting for since January because we know what has happened for 22 years. Looking at the bill, one becomes emotional but this is not the time for us to be emotional because the caption of the bill is talking about Truth, Reconciliation and Reparation. This is why we [who are debating this bill and approving it] should not be emotional about it so as not to enflame the emotions of people.

The spirit of this bill is to actually set the records straight. This is the history of our country and we need to put the records straight. Reconcile our people for what has happened in the 22 years and give some kind of remuneration to those who were victims during the period. The bill is not [in my opinion] the pursuit of justice as the centre stage of this bill. Countries that have really done that would not have brought a bill that would say few years it will be for a long time because the people who have done those perpetrations are scattered all over the world.

If you look at a country like Germany, after the Second World War, they set up a commission like this but they were pursuing justice. A lot of trials have taken place. They are called the North Hamburg trials. Up to today [any of those people] they are looking for them. Some are even 90 something years but they are still seeking for them so that they can try them and punish them. This bill does not seem to be seeking for that. It is seeking for reconciliation so that our country can have peace and harmony; so that we can begin to take the steps towards developing the country. That is the spirit of this bill.

Honourable Speaker, I do not want to go into all the experiences of other people. I was a journalist during the period. Like others said, everybody has a story to tell but there is no need to go into all those stories. What I want to say is that the commission should not be based entirely in this place. They should be able to reach out to communities; to people that could not come here. For example in 1995, an old man was sitting at his Bantaba in Wuli discussing with his fellows. After he went home, people came who said they were looking for him. They picked him from there, brought him to various police stations before he actually reached the NIA. He was in the NIA for weeks and did not know what has happened. He could not take his ablution, he could not take his prayers, and he could not get the food. These are all experiences so when they reach out to communities, you will see that there will be people in the communities [as is said in Salikenni] coming out to speak out so the victims or family members of the victims would want to know who perpetrated what crime against their relatives. That is very important because victims are not here but family members of some of the victims are around and they will want to know them. Forgiveness will not easily take place unless the perpetrator of the crime is known. If I know who has killed my son, I sit face-to-face with that person and that person accepts: "I was the one who actually killed your son and under these circumstances", then I will be in a position to know whether I should forgive the person or not.

Giving money to victims alone is not sufficient to appease them like the Honourable member for Wuli West has said. The perpetrator must take responsibility for the crime he or she has committed and the one forgiving must forgive the perpetrator based on his or her own conscience not through any other method like to appease him or her with money. That should not be the case. The process should go on in a way that will

allow the individual to come willingly to say I forgive him or her for what he or she has done.

The other area I want to talk about is the publicity dimension. We must use the media effectively to publicise the establishment of this commission and the role this commission is going to play so that the lay person [no matter where the person is, there should not be any excuse] should be informed and have knowledge that this thing is happening at this place and he should be able to come to that particular place to put in his complaint. The media must encourage people to come out, to reach out to this commission so that they can tell them what they want to tell them.

Also, Honourable Speaker, in the area where the bill is talking about the reason for establishing this commission, some of the things have been mentioned there... Something that I believe is important there is not mentioned and that is page 4. Human rights violations or abuses include... Honourable Speaker, rape is not mentioned even though there is a general phrase they call gender based violence. I believe that we need to put rape explicitly there so that everybody knows that rape is a human rights violation. Let us not confuse gender based violence with a man beating his wife. That is a very serious crime and it needs to be put there so that everybody knows that and the commission also would know that this is something that is part of their mandate. Also abductions, some people mentioned arrests...

THE SPEAKER: Sorry Honourable Member, I take your point but I just want you to note them until when we come to the committee stage.

HON. SUWAIBOU TOURAY [WULI EAST]: The other thing I want to say something about is amnesty. Honourable Speaker, amnesty cannot be given to perpetrators when the victim does not want amnesty to be given to that perpetrator. The victim must accept to forgive the perpetrator otherwise the perpetrator should be taken to court and tried. Giving amnesty to the perpetrator when the victim does not feel that he or she has justice and is satisfied that he or she can forgive is like you are not really healing any wounds.

The next thing is that we must take serious care of, like some Members have already said, we are all victims. Even where we are not victims, our relatives are victims in one way or the other. Who and who we put in this commission is very important because if

you put me in and I am a victim who is not ready to forgive, and now I am a commissioner, I will be vindictive. I will be revengeful, I will want to revenge and as a result I cannot reconcile people [a victim and a perpetrator] since I will be on the side of the victim so that the perpetrator is punished or something equal happens to that perpetrator. When we are selecting and I have seen somewhere where they have put organisation of victims to be consulted as to who should be in the commission, let us be mindful. Those are some of the areas I want to say because time is not there.

HON. ALFUSAINY CEESAY [SAMI]: First of all, I would like to thank the Honourable Minister for coming up with this bill which is Truth, Reconciliation and Reparations Commission Bill 2017. Madam Speaker, as the other Speakers have rightly mentioned, everybody here has a story to tell. And as stated by the Honourable Member of Wuli East, this has reminded me of something. I think this commission will not limit themselves to the urban areas. They will also go to the rural areas for the simple fact that if my memory can serve me, in 2005 my father was a victim. He was arrested with 18 people in the month of Ramadan. We would like to know the people who were behind that. This is why it is very important they should not only limit themselves to the urban areas. They should go to the rural areas and find out from those people.

So many things have happened for 22 years. As others have said, in order for this country to be developed, we must establish what we call the truth. After truth, there could be what we call reconciliation. If we do not establish the truth, it will be very difficult to establish what we call reconciliation. So many things happened; it is true people can forgive but they will never forget. For this day that I have already mentioned, I shall never forget that day in my life. I was away when they were doing that human right abuse. I was not there with my people. When I came, it is only the children that I found. There was nobody. This is why I said I cannot forget that day.

Madam Speaker, I have one question for the Minister: what is your Ministry going to do for people who are the causes of these human right violations from 1994 to 2017 and those people are not currently in The Gambia? What are you going to do for those people who are not within us here? Honourable Speaker, other than that, I definitely support this bill. Thank you very much.

HON. MUHAMMED NDOW [BANJUL CENTRAL]: Honourable Minister, I am in support of the Truth, Reconciliation and Reparations Commission Bill, 2017. We all know that many Gambians were traumatised during the past two decades. We went through difficult moments that we will never forget. There were people who were tortured to death, disappearance without trace, detention without trial and so many things happened in this country. There is no family in this country that is not affected directly or indirectly. My family were affected directly because my father's younger brother, Sulayman Ndow, was arrested and killed in Cassamance by the junglers through the directive of the former dictator, perpetrator, murderer and so-called Professor, President Jammeh. It has happened to so many Gambians, the likes of Solo Sandeng who was practising his constitutional right to demonstrate for electoral reforms.

April 10th and 11th, one of the victims was here with us this morning [sitting on a wheelchair]. He used to be a young, dynamic and very handsome boy by then. For 17 years now, he has been sitting on a wheelchair because he is paralysed. He is no longer able to do anything by himself. His family members always help him. It is too sad but it is good that the government has come up with this Truth, Reconciliation and Reparations Commission Bill. This is what we need, we cannot revenge or to witch-hunt. It will not lead us anywhere but to civil wars and things like that is not the way forward for Gambians.

We all know that if this bill is passed through, people can reveal the truth which can lead to reconciliation. It is not easy to compensate people. Even if all the treasures of the world are accumulated to be given to victims or families of victims, they will not be very happy because they miss their beloved ones. Honourable Minister, I am urging and appealing to this government to help those victims who were affected directly or indirectly and are not in good condition of health because some of them went through bad tortures; for the government to take them overseas for medical treatment because some of their health condition is really critical. There is need for the government to help them; one like Pa Yusupha Mbaye who was here this morning. One like him cannot be as he was but his condition can be better so that he can be someone who can be actively doing things by himself and participating in national development. I am appealing to this government to help all those victims who were directly affected and their health conditions are very critical; someone like Honourable Femi Peters whose

condition is very serious. He needs overseas treatment and all others that I do not know of or do not know their names. Honourable Minister, I am really giving 100% support to this bill.

HON. ABUBACARR BA TAMBEDOU [ATTORNEY GENERAL AND MINISTER OF JUSTICE]: For your support to this bill and for your very generous remarks, I will perhaps start with responding to the issues raised and then wind up as requested. I will start with the issue raised by the Honourable Minority Leader on investigations and the need to encourage the perpetrators to tell the truth. The commission is empowered, as you would have noticed from the provisions of the Bill, to conduct investigations. These investigations would rely on a number of investigative techniques. They will be relying on local as well as international investigators.

There will be forensic investigations and in cases where there is limited testimonial evidence, then experienced investigators from around the world have techniques to look for information about the location where the victim was last seen, the person that with whom they last had contact and of course their DNA. Forensic examinations can reveal the samples of fingerprints even with bones buried for a few years. There is always a limit to those investigations as well because the longer the time it has taken, the more difficult it is to elicit forensic results from it. There will be forensic investigations, there will be investigators from both here in this country and from outside.

Regarding how the perpetrators will be encouraged to tell the truth, they will be given a choice. You come forward and tell the truth and help yourself, help the victims and help this country or if there is evidence of your involvement, you will be prosecuted vehemently and I insist vehemently. So, it will be up to them, they will have a choice at that point.

On Section 5 [1] [d], [f], and [h], why consult groups of organizations, well, [d] is certainly out, I believe we will propose an amendment for the replacement of the Gambia Women's Federation at the Committee Stage of the Whole House. Subsection [f] [victims' organization], I have heard some of you raised a question about involvement of the victims in this process. Allow me to say, with all respect that this is not a court of law, it is a non-judicial mechanism and it is a victim-centred approach that will be taken because without the victims, this process is meaningless. We have seen places like

South Africa where, in fact, a victim was the Chairperson of their Truth Commission [Archbishop Desmond Tutu]. It is not an unusual practice for Truth Commission to include victims, even as members serving on the Commission because whether they serve on the Commission or not, the choice of forgiveness is theirs and theirs only. It does not matter whether they are on the Commission or not, if they choose not to forgive, they will not. If they choose to forgive, they will wherever they maybe and that is the fact we need to recognize. So, it is not out of place to have victims involved in this process especially to be consulted on the Membership of the Commission. It provides a sense of ownership for them in this process and that engenders the acceptability of the outcome. The more they feel that they own the process, the higher the chances of them accepting the outcome of the process.

On the consultation of Regional Governors and Mayors, I think the New Gambia has resolved to avoid the politicians being appointed as Regional Governors. I believe I am right in that; the current Governors may be political appointees but they are not politicians. Now, we envisaged a process of appointment of Members of the Commission which will involve all the regions in the country because during the consultations, I think it was unanimous from all the regions that they wanted to be represented on this Commission. If we intend to engage the regions in the process of identifying and selecting their representatives in this Commission, we certainly need to channel it through the Governors because they are the administrative heads in their localities. That is why the Governors have a role here. They will be facilitating the selection process at least in so far as the representatives from all the regions are concerned. That is why these three are here but like I said, the Women Federation will hopefully change very soon if we are allowed to by this House.

I now move on to Section 10 on removal and inclusion of the Bar Association and of the Non-Governmental Organizations. If you are going to have Quasi-Judicial enquiry that will require the chairmanship of a justice of the court of appeal, we thought it is prudent, it makes sense to have a member of The Gambia Bar Association simply because of their professional background and also a member of a Non-Governmental Organization because civil society has an important role to play here as well. We have involved them throughout our processes, right from the Steering Committee on the leadership of the Ministry to the consultations we had throughout this country. That is

the reason why we have involved the membership of the Bar and Civil Society Organizations, at least in the enquiry into any removal of a member of the Commission.

Now, I turn to the motion of justice, I do not recall now the Honourable Member who had raised it but I believe quite a few of you have raised it [about justice]. We need justice and absolutely we do. What we are engaged in in this process is part of the search for justice. Justice is not only about punitive sanctions against perpetrators, it is also about restoring [to the extent possible] the dignity of victims in this case, through appropriate reparations. An additional element we must also not overlook is the fact that, as I said right from the start, we have struck a fine balance between forgiveness and prosecution and we have mandated the Commission to identify and recommend for prosecution those who bear the greatest responsibility. That is also in the search for justice and the reason why we were specific about the category is that law is a very complex business. You may think that it takes a single person or perhaps a single person is involved in a crime, say murder, and that he is the only one who has committed a crime there. If you look at the circumstances surrounding perhaps that murder, you will realize that there are people who aided, abetted, counselled, procured, ordered and incited and the category just becomes larger and larger. The reality is that we cannot prosecute everyone involved in these crimes over this 22-year period. 22 years, is almost a quarter of a century of crimes. That is what we are talking about here. The incidents are too many, the people involved maybe too many, it may be practically impossible for us as a government to prosecute everyone who have had some role in all of those crimes. So we struck a fine balance I believe between establishing the truth first, reconciling and providing reparations in order to restore the dignity at least to the extent possible of the victims but also to identify those who bear the greatest responsibility for the crimes. So, we are in the search for justice with this Truth Commission Bill.

And of course, we are aware also of the need to appoint members of utmost integrity to this Commission. We are conscious of the fact that the entire process is premised upon trust by the victims, trust by the general public and trust by the perpetrators. Anything that appears to discredit this process should be avoided. We are very conscious of that. Otherwise, it will be meaningless; it will be an exercise in futility, a waste of time for everyone and this Bill is too important in the life of this country to be taken lightly. It is

the bridge that we need to move from our past to our future. It is too important at least as far as the government is concerned to be taken lightly and we will make every effort to ensure that everyone in this country has confidence in the process from beginning to end, including the appointment of members to serve in this Commission. As the Honourable Member for Wuli West said, we need people as clean as the light in this room. We will look for them because they are still around.

On whether victims of properties demolished will be covered by this Commission, I would say this: that there are plans to establish another Commission of Enquiry to look into properties that were allegedly confiscated, demolished, etc. by the previous government and perhaps that Commission may be a more appropriate jurisdiction for victims of land or property demolition, that is what I would like to think.

On whether the mandate of the Commission covers wrongful dismissals, perhaps the single biggest group of victims in this country are those who have been wrongfully dismissed from their employments over the last 22 years. At this point, I am not in a position to say with certainty that they are covered but there are indications in the Bill which tend to suggest that they may be covered. I would like to draw your attention to the interpretation section under the definition of victims and it states "Victims include: *[a] person who individually or together with other persons suffer the harm in the form of physical or mental injury, emotional suffering, pecuniary loss or a substantial employment of rights as a result of violation or abuse of human rights*".

There is a specific reference to pecuniary loss as a result of violation. I think there is a possibility that this Commission will have jurisdiction over people who have been wrongfully dismissed but again that will be up to the Commission to interpret the provisions of this Bill but in my understanding of the reading of it, there is a window here for that.

On Section 20 [a comparison between Section 20 and Section 13] I think it was the Honourable Member for Kiang West who raised it. I do not see any inconsistency in the two provisions except to clarify that victims will have to apply for reparations. We cannot assume that every victim will want reparation; it cannot be an automatic function of the Commission after having identified a victim and proceed to the next stage and gather reparations. The victim must want the reparation first and the

Commission will make regulations to conduct its procedures. It will [I am sure] prescribe forms. I expect it to be simplified, straightforward for those who want to apply for reparations but we cannot assume that everyone wants reparations. Some people may not want reparations. Maybe, the Honourable Member for Kiang West may not want reparations.

Also, Section 13 further qualifies this; it says reparation in appropriate cases. The Commission can grant i.e. Section 13 [d] says grant reparations to victims in appropriate cases. It means a determination has to be made as to whether the case is appropriate upon application by a victim.

On the sittings of the Commission, that the Commission should not just be based in Banjul, I agree absolutely with it. That is why Section 16 of the Bill provides for such an eventuality. It allows the Commission to sit at such times and at such places as the Chairperson shall determine, to give them flexibility to sit around the country. The reason why we have this provision here, I will tell this august Assembly. During the consultations, it was made clear to the touring team that not everyone can travel all the way from the provinces to Banjul and that the Commission should be accessible to everyone in this country. We thought the best way to do that is to allow the Commission to be mobile as well [if they see fit] and that is why the provision is there.

On public information and awareness campaign, we are very much aware of the need to engage in a very vigorous public information and awareness campaign for this process. We have plans to conduct trainings for media practitioners. In fact, one has already occurred a few months back with the partnership of the French government and the expertise of the International Centre for Traditional Justice. There are plans to conduct further trainings because what they will report on these proceedings for public consumption is absolutely crucial to maintain the trust of the public in the process. They will need to be trained very carefully on how to conduct reports on this. The public will need to be sensitized through various means: radio programs, TV, and public fora. In short, our county needs to be prepared for the shock that will emanate from the proceedings in a commission like this. It is not going to be easy [not at all]; it is a difficult process. That is why we have, at the level of my Ministry, engaged with an organisation in South Africa which is willing [on a pro bono basis] to come and provide

psychosocial support for the victims before, during and after the process. The larger population also will need lot of information and understanding of the process so we are very cognisant of the need for that.

On the definition of rape, I can assure the Honourable Member for Wuli East that the definition of sexual and gender-based violence under International Law clearly includes rape. It actually goes beyond rape and there is no ambiguity in that. The Commission will perfectly understand this because they will have sub-committees on violation of Human Rights which may be chaired by experts in this field. There is no ambiguity about the definition of sexual and gender-based violence in terms of its inclusion of rape in its meaning.

On recommendation of amnesty under Section 19, as I said a little while ago, is impossible to prosecute everyone. Therefore, the perpetrators need to be encouraged to speak the truth by offering them the carrot of amnesty and if they fail to take it, we offer them the stick of prosecution. Amnesty will only be recommended by the Commission. Section 19 [1] says the Commission may recommend the granting of amnesty. It may recommend, it shall not recommend and the reason is because constitutionally speaking, it cannot grant amnesty because the power to conduct prosecution in this country is the constitutional mandate of the Attorney General that he exercises through the office of the Director of Public Prosecution. So, they can only recommend amnesty, they will have to consider the reasons for granting amnesty. An application will need to be made. It does not mean that even while they recommend amnesty that recommendation will be accepted. It goes through another process.

On perpetrators outside the country, what will happen to them? Well, it is the same line that we will adopt for them as well as we are adopting for those inside the country. We will encourage them to come and tell the truth and potentially benefit from an amnesty and if they fail to do well, they do so at their own peril. But we will make sure that information reaches everyone in this world through different medium and it will be up to them to decide whether they should come. Once the Commission concludes its proceedings and winds up, the next phase starts [at least in the case of those who did not appear and tell the truth]. That will be the same procedure we will adopt for them.

Honourable Speaker, perhaps the last point from the Honourable Member for Banjul Central [what the Government will do to assist the victims who are in urgent need of assistance], I believe there are efforts at this time to do so [at least from my understanding and information] with the help of the Turkish Government. The Turkish Government is willing to help the Government to evacuate some of the victims who need urgent help. We have also factored in the possibility for the Commission to grant emergency reparations for those that need urgent assistance [while sitting] and cannot really wait until the Commission concludes its work, then the Commission can also grant interim emergency reparations.

Honourable Speaker, I believe those are the issues that were raised during the debate. I would like to conclude and wind up and say this: our country is at a crossroads between the past and the future. This Truth Commission is going to be the bridge that will transport us from that dark past to a brighter future and the Government is totally committed to ensuring that the concerns of the victims are at the forefront of our minds. Those who are going to serve in this Commission are going to come with clean hands. There will be no witch-hunt. Our primary objective is to establish an impartial historical record. If we want to prevent creating another Jammeh, we need to understand how the first Jammeh was created in the first place. We need to conduct an inquest into how we got to this point in the first place. It is not going to be an easy exercise; I can tell you from my personal experience. We must brace ourselves, our people and our country for what is going to be a very long and difficult road. As the Honourable Member for Niamina West said, it is difficult to be in the same home with the man or woman who killed your brother, sister, father or mother. Forgiveness is a difficult thing; we need it to move forward. I thank you all, Madam Speaker.

THE SPEAKER: I think the Attorney General has covered most of the issues raised but I am not sure whether the question with regards to... you mentioned perpetrators outside. I think the question was directed more to victims who are outside. Am I right? Oh, those who have committed? Then it is in order, it has been covered.

COMMITTEE STAGE

[The Assembly now dissolves into a committee of the whole House to consider the Bill part by part]

THE HOUSE NOW RESUMES

BILL: Truth, Reconciliation and Reparations Commission Bill, 2017 by the Honourable Attorney General and Minister of Justice.

THE SPEAKER: May I call the Honourable Minister to report to the whole House what transpired at the Committee Stage.

HON. ABUBACARR BA TAMBEDOU [ATTORNEY GENERAL AND MINISTER OF JUSTICE]: Honourable Speaker, Honourable Members of this Assembly, I wish to report that the Bill entitled Truth Reconciliation and Reparations Commission Bill 2017 having gone to Committee of the whole Assembly with amendments be read a third time and passed.

THE SPEAKER: it is reported that the Bill entitled Truth Reconciliation and Reparation Commission Bill 2017 having gone through the Committee of the whole Assembly with amendments be read a third time and passed.

[Question proposed, put and Agreed to]

[The Bill entitled Truth Reconciliation and Reparation Commission Bill 2017, having gone through the Committee of the whole Assembly with amendments, be read a third time and passed].

ADJOURNMENT

The House stand adjourned to Friday 15th December 2017 at 10 a.m. prompt.