

T.R.
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SOCIAL SCIENCES INSTITUTE
FACULTY OF ECONOMICS AND ADMINISTRATIVE SCIENCES
DEPARTMENT OF INTERNATIONAL RELATIONS

**MILITARY REGIMES AND HUMAN RIGHTS
VIOLATIONS: THE CASE OF THE GAMBIA**

ABASS DARBOE
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SUPERVISOR
Associate Professor Nezir Akyeşilmen

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Yukarıda adı geçen öğrenci tarafından hazırlanan **MILITARY REGIMES AND HUMAN RIGHTS VIOLATIONS: THE CASE OF THE GAMBIA / ASKERİ REJİMLER VE İNSAN HAKLARI İHLALLERİ: GAMBİYA ÖRNEĞİ** başlıklı bu çalışma 29./03./2019 tarihinde yapılan savunma sınavı sonucunda oybirliği/oyçokluğu ile başarılı bulunarak, jürimiz tarafından yüksek lisans tezi olarak kabul edilmiştir.

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Doç.Dr. Nezir Akyeşilmen Danışman
Dr. Öğr. Üyesi Demet S. Margın
Dr. Öğr. Üyesi Aysegül Güler

TABLE OF CONTENTS

Abstract.....	iv
ÖZET	iv
Topic.....	vi
Significance	vi
Assumptions	vii
Research Questions.....	vii
Methodology	vii
Limitations.....	viii
Definitions	ix
List of Abbreviations	x
Dedication.....	xi
Acknowledgement	xii
Introduction	1
1. Historical background of The Gambia	2
1.1. Population and Demography	3
1.2. Economy and Foreign Policy.....	4
1.3. Human Rights in The Gambia in Brief.....	5
2. Human Rights and International Human Rights Regimes	11
2.1. What are Human Rights?.....	11
2.1.1. Human Rights Schools of Thought.....	12
2.1.1.1. The Natural Scholars	13
2.1.1.2. Deliberative Scholars.....	13

2.1.1.3. Protest Scholars.....	13
2.1.1.4. Discourse Scholars.....	14
2.2. The Power behind Human Right: International Human Rights Regimes.....	15
2.3. What is a coup d'état?.....	17
2.3.1. Types of Coup D'états.....	20
2.3.1.1. Veto Coups.....	21
2.3.1.2. Guardian Coup.....	22
2.3.1.3. Reform/Breakthrough Coup.....	24
2.4. The Frequency of Military Regimes in Africa: The Dark Era.....	25
2.4.1. The Preconditions for African Military Interventions.....	27
2.4.2. The Junta in office.....	28
2.4.3. Civilianisation of the Junta.....	30
3. Human Rights in Extraordinary Regimes: Gambian Dictatorship.....	33
3.1. The Beginning of Coups in The Gambia.....	33
3.2. Another Coup in the Making: 22 nd July 1994.....	37
3.3. Human Rights under Jammeh 1994 - 2016.....	40
3.3.1. Institutionalisation of Human Rights Violations.....	41
3.3.2. Rights violations of Armed and Security Service Personnel.....	43
3.3.3. Rights violations of Ordinary Citizens – Civilians.....	48
3.3.4. Muzzling the Media.....	52
3.3.5. Clamping Down on Politicians.....	55
4. Conclusion.....	58
4.1 Recommendations.....	61

5. References 63





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ÖZET

Bir çok Afrika ülkesi tek partili demokrasi yanlısı bir çizgide veya askeri kurallar ile yönetilen bir çizgide dururken, Gambiya çok partili demokrasi çizgisi içinde olduğu için bağımsızlığına hızlıca kavuşmuştur. Gambiya, 1965 yılında bağımsızlığını kazandığında sabit bir demokrasi ile (Afrika'da demokratik yönetimin ve ümidin parlayan işareti) olarak kalmıştır. Ancak 1994 yılında, genç bir askeri subay grup tarafından müdahale edilene kadar bahsedildiği gibi ülkede demokratik bir yönetim tarzı uygulanmıştır. Askeri darbe sonrası bir çok alanda olmamasına karşın ani gelişen insan hakları ihlali ile kendini gösteren askeri darbe çok kısa bir süre sonra sivil rejim ortaya çıkmıştır. Askeri darbenin sivil rejime geçmesiyle insan hakları ihlali az da olsa kötü bir şekilde hissedilmiştir. Bu tezin amacı, askeri darbeden önce insan hakları durumunu ülkede gözlemleyerek ve askeri darbe sonrası yine insan hakları durumunu sivil rejime geçmesiyle beraber incelemesinin karşılaştırılması durumudur. Bu amacı geliştirirken, hali hazırda olan kaynakları gözden geçirerek nitel analiz bu araştırmaya bağlanarak metodolojik bir yapı benimsenmiştir. Sonuç olarak bu araştırma, askeri rejimin Gambiya'daki en kötü insan hakları ihlalinin meydana getirdiğini ortaya çıkarmış ve Gambiya insan hakları sicilini önemli derecede etkilemiş olmasıdır.

Anahtar Kelimeler: İnsan Hakları İhlali, Askeri rejim, Jammeh, Junglers, Gambiya



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SUMMARY

At a time when most African countries had been experiencing either a single party democracy or military rule, The Gambia was on the other hand experiencing a multiparty democracy that had began at independence. The Gambia had been enjoying a stable democracy since independence in 1965 (which made her shine as a beacon of hope for democratic dispensation in Africa) until 1994, when it was rudely interrupted by a group of young military officers in a military coup d'état. The aftermath of the coup, as it is in many if not all cases, was acute human right violation by the then military-turned civilian regime. Also the military-turn civilian regime sadly institutionalised human rights violations. The goal of this thesis is to critically analyse the human rights situation of The Gambia before the military coup in comparison to the human rights situation of The Gambia during the then military-turned civilian regime. In achieving this goal, the methodology adopted by this research is to conduct a qualitative analysis by reviewing relevant available literatures. The conclusion this research has reached is that the military regime (1994) brought the worst human right violations on Gambians, and it also strained The Gambia's human rights record.

Key words: Human Rights Violation, Military Regime, Jammeh, Junglers, The Gambia

Topic

Issues such as Human Rights violations take a centre stage within the discipline of International Relation. In line with the above, the subject of this thesis is to critically analyse Military Regimes and Human Rights Violations using The Gambia as a case study.

Aims

The objectives of this thesis are determined as follows:

1. To evaluate the Human Rights record of The Gambian military junta
2. To discuss on Human Rights violations perpetrated by the Jammeh regime
3. To examine how a military junta could emerge from one of Africa's longest standing multiparty democratic state
4. To examine the mechanism and institution used by the junta to perpetrate Human Rights violations
5. To examine the correlations between military juntas and Human Rights violations.

Significance

This thesis on Military Regimes and Human Rights violations citing The Gambia as a case study will help to fill in the vacuum left out by other researcher. There were other researches conducted on the subject at hand but the problem is that those researches were scanty in nature. Another problem is that some of the previous researchers have not in any way conducted an extensive research on the whole duration of the regime. Many of these researches covered the first few years of the regime. This situation creates a dire need for an extensive research as the one proposed here to be conducted to contribute new knowledge to academia. Thus, this research is very important because it shall make a comprehensive and an overall analysis of the 22 year rule of the Gambian junta and the human rights violations perpetrated during this period.

Assumptions

The assumption this research has leaned on is that whereas Human Rights are violated in democratic regimes, human rights violations are more felt and perpetrated in military regimes. The research further assumes that all tyrannical regimes follow the same pattern of acute human rights violations and the case of The Gambia is no exception to this.

Yet another assumption the research hold is that the orientation of the military officer – which is highly autocratic - is one factor that explains the acute human rights violations perpetrated by military regimes. This is so because the soldier is trained to use force to resolve issues rather than other means such as diplomacy.

This research dismisses the assumption that military regimes may at some point or in some cases obtain a good and clean human rights record.

Research Questions

This thesis will seek to produce answers to the following questions:

1. What are Human Rights and Human Rights Schools of Thought?
2. What are Military Regimes?
3. What was the human rights situation of The Gambia before the junta?
4. Did the human rights situation of The Gambia change during the junta's rule?
5. How has the human rights situation changed?
6. How were human rights violations institutionalised?
7. Has the junta's human rights record affected her relations with the outside world?

Methodology

Conducting a research with the objective of investigating the alleged or actual human rights violations that have been perpetrated by a regime over a period of 22 years is indeed a daunting task. As such, there is need for the research to be placed on a carefully designed methodological approach; otherwise the purpose of the research will be defeated from the very beginning. This research has settled on using a qualitative method of inquiry

to discuss the subject matter at hand. By doing so, the researcher has used both primary and secondary sources that are very reliable and have been used in previous researches. This is in line with the fact that using secondary data analysis is an acceptable norm within the discipline of International Relations. During the process of this research, the researcher has collected data from newspapers, academic articles, books, manuscripts of the victims of human rights abuses, confession of the perpetrators of the alleged abuses, published Master's and PhD thesis, manuscripts of commission proceedings, institutional reports, conference proceedings and policy documents. The researcher has also benefitted significantly from the proceeding of the Truth Reconciliation and Reparations Commission (T.R.R.C) conducted in The Gambia. The testimonies of the victims of human rights violations and the confessions of some of the perpetrators to the abuses have offered the researcher with the most accurate primary source of information. The commission sat in public hearings and the perpetrators of the crimes voluntarily confessed to their crimes in public.

Limitations

Conducting such a research will require a lot time, energy and resource. The nature a master's program such as the one I am pursuing is time bound and this situation creates a constraint on the part of the researcher. The result is that the researcher is forced to circumvent to the amount of time allocated for conducting a research in partial fulfilment of a master's with thesis program.

Investigating on the human rights violations perpetrated by junta regimes using the Gambia as a case study will definitely require the researcher to conduct some interviews with some of the victims of the junta regime. Thus, the research is faced with two major problems. On one hand the research is faced with the problem of the willingness of victims to take an interview and on the other hand is the problem of finance in conducting such interviews. But even whereas some of the victims are willing to take an interview, corroborating their account of events is yet another limitation to this research.

In order to have a balanced and an objective opinion on the subject matter, it is paramount for the researcher to conduct an interview with some of the alleged perpetrator of these human rights violations. Conducting an interview with some of the alleged perpetrator of these crimes is almost impossible for many of them have fled the country out of fear of being arrested and the few that remained are currently under state custody. This situation has become a limitation to this research.

Definitions

For the purpose of this research we shall be focusing on tyranny as a form of government and analysing this form of government through the lenses of human rights. Plato argued that tyranny emerges because of the failure of the best form of regimes – democracy.

This research shall use the human rights definition set forth by the United Nations Human Rights office. United Nations Human Rights office defines human right as rights inherent to all human being irrespective of; sex, nationality, religion, language, ethnicity or any other status, and that these rights are interrelated, interdependent and indivisible. We shall also look at human right from the perspectives of the different schools of thought.

List of Abbreviations

AFPRC	Armed Force Provisional Ruling Council
APRC	Alliance for Patriotic Reorientation and Construction
BATT	British Army Training Team
ECOMOG	Economic Community of West African States' Monitoring Group
GNA	Gambia National Army
NADD	National Alliance for Development and Democracy
NATAG	Nigerian Army Training Assistance Group
NCP	National Convention Party
NIA	National Intelligence Agency
NPRC	National Provisional Ruling Council
PIU	Police Intervention Unit
PPP	People's Progressive Party
TRRC	Truth Reconciliation and Reparation Commission

Dedication

I wish to dedicate this thesis to all the victims of Yahya Jammeh's 22 years of tyrannical rule in The Gambia.



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Introduction

The concept of Tyranny can be said to have emerged from the work of the great Greek philosopher Plato. Plato identified five forms of regimes in his masterpiece (The Republic) and he listed these forms of regimes as; Aristocracy, Timocracy, Oligarchy, Democracy and Tyranny. While all the other forms of regimes are important, this research shall be focusing on tyranny as a regime and analysing this form of regime through the lenses of Human Rights. Plato argued that tyranny as a form of regime emerges when democracy the best form of regimes degenerates (Sikkenga, 2002, p. 379). In a tyrannical regime, there is rampant indiscipline and chaos in society. It is also important to mention that tyranny does not necessary have to emerge from a democracy for there are moments when tyrannies emerged from an Aristocracy. Reading through Plato's argument we can understand that a tyranny emerges as a result of the failure of the best form of government. The failure of the best form of government, in this case a democracy, automatically propels interest in the minds of another group of society to correct those failures. Often, as argued by Plato, this group is the military and they rule by honour and duty. He cited the Spartan military as one example of such a group.

Tyrannical regimes are anything but new within the discipline of International Relations. The issue with such regimes is the manner with which they rule the masses. The main concern about such regimes is there undisputable tattered human rights record. Mitchell and McCormick (1988) argued that whereas governments build police and armies to protect their citizens, they also kill, torture, and even imprison their citizens (p.476). These forms of human rights violations are the terrible legacies that tyrannical regimes leave behind. The simple logic behind such terrible human rights violations is that tyrannical regimes come to power not by ordinary intellectual means but by the use of force. They often venture into serious human rights violations as a means of commanding order and respect for their regime.

Interestingly, this form of regime – tyranny – had been dominant especially in the Middle East, South or Latin America and Africa. In fact as Clifford (1984) argued that,

more than half of African countries have been ruled by a tyranny. From Uganda, to Libya, The Gambia, Ghana, Liberia, Nigeria, Sudan, Chad, Burkina Faso, Benin, Cameroon, Central Africa Republic, Equatorial Guinea, Mauritania, Egypt, etc have all experienced tyrannical regimes at some point in time. What became interesting is that, when much of Africa was coming out from the swamps of tyranny and struggling to establish democratic institutions and multiparty democracies, things in The Gambia took a U-turn. A group of young military officer hijacked the seat of the government with little or no plans in mind as to what to do with the country.

1. Historical background of The Gambia

By virtue of her small size and population she failed to capture the attention of international media outlets until her recent political impasse (2016). Notwithstanding, she retains her position as a very peaceful and stable state on the African continent. The Gambia, having derived her name from the river that virtually divides her into North and South bank, is situated on the west coast of Africa along the Atlantic Ocean. She is surrounded on the north, south and east by her cultural, linguistic and biological sister Senegal. On her very west is the Atlantic Ocean. The tiny West African state has a total land area of 11,295 sq. km, which is about 4,363 sq. mi. It stretches over 400 kilometres inwards from the west to the east, and it's width is about 50 kilometres at the mouth of the river and about 24 kilometres at the far east (Gambia Bureau of Statistics [GBOS], 2017). The Gambia was formerly a British colony and in 1816 the British settlement of Bathurst was established (Hughes & Perfect, 2006). Even before the arrival of the British to this island (Bathurst) there were people living there. These people were predominately Wolof. The former settlement, Bathurst, is the present day Banjul, the capital city of The Gambia.

As argued by Hatton (1966), in order to clearly stipulate the territorial limitation between the two sister countries (The Gambia and Senegal), the present day boundaries of The Gambia were mapped out in 1889 (p.123). This development eventually resulted to The Gambia becoming the smallest country on mainland Africa.

The Gambia, just like many other British West-African colonies began a struggle for political independence and self governance in the early 1900s. Hopes for The Gambia's flag independence reached its peak in 1964 when The Gambia independence Act was ratified in the United Kingdom (Gambia Information Site, 2017). On 18th February 1965, The Gambia became an independent country. This development gave chance to Sir Dawda Kairaba Jawara, who was serving as the Prime Minister from 1963, to serve as the first President of The Gambia. According to Senghor (2008), prior to The Gambia attaining her independence the United Nations and Britain recommended for The Gambia to become a part of Senegal (p.17). Such a recommendation would have made The Gambia the 7th region of Senegal. The main reason for their recommendations was that they doubted the economic viability of The Gambia. Additionally, they also had questions as to the possibilities of The Gambia being able to defend her own territorial integrity. These and some other doubts are succinctly laid out in the work of Berkeley Rice –Enter Gambia; the birth of an improbable nation.

1.1. Population and Demography

According to the 1963 population and housing census, carried out by the then statistics department, “at independence, The Gambia has a population of about 300,000” (Ceesay, 2016, p. 49). The population has grown steadily from independence. The 2013 population and housing census results indicate that, after five decades of statehood, The Gambia's current populations is estimated to be about 2 million people (GBOS, 2017). Of this population, 50.8% are female and 49.2% are male. 96% of the Gambian populations are Muslim, while 3% worship the Christian faith, and about 1% worship traditional religions. The 2013 Population and Housing Census result indicates a very sharp increase in the population, which to a large extent is attributed to the high level of fertility in women. Perhaps another factor to the steady and rapid growth in the population is polygamous marriage mainly among the Muslims.

Looking at the land size of the country, The Gambia is a textbook example of a small country. The Gambian population is composed of various ethnic groups, each of

which has their own cultural practices. The Gambia stands out as a small country with respect to her population and land size as compared to other African countries. Notwithstanding, there are about 12 ethnic groups harmoniously living in this tiny West African state. Each of these ethnic groups has their own language and culture – their way of life. The ethnic groups are; Mandingo, Wolof, Fula, Jola, Sarahule, Manjago, Serer, Aku, Balanta, Karoninka, etc. As it is the case in many African countries, such ethnic and cultural diversity is a perfect condition for internal conflict or civil war. Nonetheless, this ethnic and cultural diversity has in fact strengthened togetherness in the Gambian society. The Gambia has never encountered civil war or ethnic conflict. And for this reason, it is often referred to as the smiling coast of Africa. Cultural intermarriages, religious tolerance and inter-ethnic jovial relationships are certainly the fabric of The Gambia's peaceful environment.

1.2. Economy and Foreign Policy

According to Touray (2000), at independence the country was not on a very sound financial footing, the country's economy was completely dependent on mono-culture agriculture and the per capita income stood at £ 30 (p.1). On the other hand, the Gross Domestic product of The Gambia was estimate at £ 9 million. Clearly the poor financial standing of the country was a huge challenge that the new government of 1965 had to deal with. However, there was also another problem that the new government had to deal with besides the economic situation of the country. Apart from the poor economic standing, the new government had to also deal with the strong desire on the part of Senegal to incorporate The Gambia as one of her provinces. These two main problems were very influential factors in determining the foreign policy of the new state. Consequently, the country developed a foreign policy that would address her economic and security needs. From the word go, "The Gambia developed and focused on three main foreign policy objectives namely; the struggle to put in place a strong domestic economy, to protect her territorial integrity, and to pursue limited but consistent participation in global affairs" (Touray, 2000, p. 31). The calculations behind such foreign policy objectives is that the government had clearly understood that The Gambia's security depended on Dakar's

goodwill gestures for at the time The Gambia had no army of her own. Another reason was that Banjul knew that a limited but consistent participation in international affairs will help to sell her good image at the international arena.

1.3. Human Rights in The Gambia in Brief

For almost three decades (1965-1994), The Gambia has been jealously guarding her achieved status as one of the longest standing multiparty democracies in Africa (Eddie, 2000, p. 161). This phenomenon was abruptly interrupted on 22nd of July 1994, when a small group of young military officers toppled out the democratically elected government through a coup d'état (Wiseman, 1996, p. 917). The coup in itself was historic because it did not follow the trend of other military coups in Africa and elsewhere, which were always bloody. The military coup led by Lieutenant Yahya Jammeh, slowly ushered in the second republic in The Gambia. Nevertheless, the aftermath of the coup would leave much to be decided.

While there are divergent views on the rationale for the coup, common consensus also exist. The coup leaders argued that the previous government (Jawara's government) was too corrupted and that the former President (Jawara) was too soft, thus the people behind him often misled him and they squandered the resources of the state at their desire. Others argue that the rationale for the coup is not in any way connected to corruption and mismanagement of national resources by state minister and other bureaucrats but to some other factors. David Perfect, for example argued that the rationale for the coup was based on some personal grievances on the part of the coup leader Lt. Jammeh and other rebellious junior officers (Perfect, 2008, p. 431). Lt. Jammeh had some personal grievances against former President Jawara, who removed and disarmed him (Jammeh) as the commander of the Presidential Guard (after serving in the post for about five months) and redeployed him to the barracks. This experience left Jammeh very humiliated and frustrated.

Another group of people argued that the rationale for the coup was the possibilities for personal enrichment sensed by the young junior military officers, and also the shear

dissatisfaction of seconding Nigerians officers in the Gambia army. Some of the young officers that planned the coup knew that if it succeeds, they will have unlimited and uncontrolled access to the meagre resources of the country. Not only were they motivated by financial desire but also by the possibility of changing the command structure of the Gambia army. The junior officers and by extension a good chunk of the senior military officers – except those who were blinded by the little access they had to state coffers - interpreted seconding Nigerian officers in the Gambia army as a serious violation of national security and that the government had lost trust in her own officers. The understanding was that the government had chosen to entrust national security to Nigerian military officers, while Gambian officers only served as assistants to the Nigerians.

Even though majority of Gambians welcomed the coup with the expectation that it will salvage them from a deteriorating economy, Jammeh found himself under intense pressure to restore civilian rule. Much of the pressure came from Britain, the United State and the European Union. Saine (2000) stated that in order to satisfy some of the mounting pressures, Jammeh decided to cut short his four year transition plan to two years, he resigned his commission and opted to contest for elections in 1996 (p.197), which he won and thus with the 1997 constitution, the second republic was ushered in.

As soon as Jammeh found himself in charge of stirring the affairs of the state (after July 1994), he was greeted with some serious interrelated and interconnected problems, one of which includes economic challenges. He was also greeted with condemnations from many parts of the world, especially from the West. As a result, Lt. Jammeh and his fellow officers (the Armed Forces Provisional Ruling Council - AFPRC) crafted a foreign policy based on two main issues; economic survival and legitimizing the regime (Saine, 2009, p. 107). The Gambia being a country that typically depends on economic assistance - mostly from the United States of America, Britain and other countries - found herself trapped in serious economic problems when donors threatened to suspend assistance until a democracy and civil rule was reinstated.

Lt. Jammeh and his AFPRC were economically suffocated by donor countries, mainly the West, with the hope that it will influence their decision to reinstate civilian rule in the soonest possible time. Saine (2009) states that international financial institutions such as the; World Bank and International Monetary Fund together with Western powers imposed economic sanctions on Jammeh's regime thus forcing him to adhere to a two year transition. Soon after the coup, the United State, Britain, and Japan immediately suspended all economic assistance to The Gambia. The EU also suspended assistance but Jammeh gave their delegation a very disheartening respond that "*The Gambia has faith in Allah and shall continue to exist as a sovereign and independent state.*" (Touray, 2000, p. 175).

Suspending economic assistance to The Gambia and rejecting her loan applications at the IMF and World Bank has had its repercussions anyway. This seriously affected the country for much of the economy was dependent on economic assistance, which account for 80% of the national development budget, and loans from the World Bank and International Monetary Fund. These economic hardships forced Jammeh to resort or in some cases to establish relations with Anti-Western states in order to benefit from them economically. Libya was the first to stretch a helping hand to Jammeh with an amount of 15 million dollars in the form of a grant; China also came in with a 23 million dollar grant for agriculture, and then followed Taiwan with a loan of 35 million dollars (Saine, 2009, p. 107). Three years later, Taiwan announced an extra grant of 411,500 million dollars to the Jammeh government in order to pay the salaries of the Cuban, Nigerian and Egyptian Doctor and health workers.

After Jammeh succeeded in returning the country to democratic rule and legitimizing his regime by contesting and winning the 1996 election some amount of hope for economic assistance returned. In April and June 1998, the World Bank and IMF lifted their restriction on the government of The Gambia and gave her a loan of 18 and 27 million dollars respectively, and then the United State and United Nations Development Program (UNDP) follow suit. The European Union and ADB (African Development Bank) also restore help and loan services to The Gambia. Other countries such as the United

Kingdom, Denmark and Sweden also played their part by advising and encouraging tourist to visit The Gambia.

When economic assistance and loan services were slowly restoring, Jammeh's human rights records became a major course of concern both domestically and internationally. The fact remains to be that whereas Jammeh resign his commission as a military officer, he has not in any way resigned his behaviour and military orientation and this to a large extent influenced his human rights record. Jammeh's poor human rights record was dependent on two major factors. The first factor is that the regime in itself started on the wrong footing and the second factor is that Jammeh decided to betray the alleged agreements of the coup. As the saying goes, a bad beginning makes a bad ending. Before they toppled the first republic the young military officers allegedly agreed amongst themselves that after the coup is successful they shall preside over an election for a government to be elected democratically after which they shall return to the barracks, but Jammeh decided to look the other way based on his personal quest for power. In November 1994 a group of soldiers and officers were accused of an alleged countercoup attempt and about 40 of them were summarily executed without due process of the law. Some argued that the countercoup was in fact a manoeuvre by Jammeh to settle his scores with those officers and soldiers who were forcing him to hand over to civilians and return to barracks as agreed. What Jammeh had failed to understand was that his human rights record was going to be the basis of his relations not only with the international community but also the Gambian population.

During Jammeh's regime The Gambia experience the highest level of obstruction with regards to freedom of speech and press freedom. A legendry journalist Deyda Hydera, a strong Jammeh critic, was shot dead by Jammeh's alleged hit squad (B.B.C., 2004). Additionally another talented and critical minded journalist in the person of Chief Ebrima Manneh was arrested from his office (Daily Observer, the state owned newspaper) by state secret service personnel in 2006. His family never saw or heard from him and many speculate that he has been tortured to death (Foroyaa Newspaper, 2017).

Ever since Jammeh took over office “in 1994, he ruled Gambia with often-ruthless repression of dissent, a tight clamp on virtually all independent media, and the use of state security forces and shadowy paramilitary groups to intimidate and silence all deemed critics of the government” (Amnesty International Report, 2017, p.1). Jammeh’s regime brought democracy and respect for human rights to their knees. The regime was simply characterized by arbitrary arrests, forced disappearance, illegal detention, extrajudicial killing, limited press freedom and freedom of expression, and forced exile.

After 22 years of political bullying, serious human rights violations, mismanagement and misallocation of government resources, limited press freedom and freedom of speech, misinformation and misrepresentation of the Gambian people’s interest, the quest for change became evident for all and sundry. Jammeh has managed to win all four presidential elections he had contested. His 22 years of rule has been characterized by several coup attempts namely; November 11, 1994, January 1995, March 2006, October 2009, and December 30th, 2014 (Dailymail, 2015). Fortunately for him, he managed to survive all the alleged coup attempts.

One reason why Jammeh won all the elections he contested was that he had not faced any serious opposition that really threatened his chances of winning. In fact, ahead of the 2006 Presidential election, the opposition political parties formed a coalition – the National Alliance for Democracy and Development (NADD). NADD did not register much success because just shortly before the election the coalition almost disintegrated. The largest opposition party, the United Democratic Party withdrew from the coalition before the 2006 Presidential election. The political scenario changed completely in the December 2016 presidential election. For the first time in the political history of the country all the opposition political parties, but one, rallied their support behind one candidate to take on Jammeh. Quite unknown to many people, Mr. Adama Barrow, a real estate developer was chosen as an independent candidate by the opposition coalition to take on Jammeh in the December 1st election (Foroyaa, 2016). After a rigorous nationwide campaign all was set for the ball to roll on Election Day. Hopes for democratic changes of government were very high and an end to tyranny was very visible.

Then came December 1st, the day everyone was waiting for. People turned out in their large numbers and casted their votes. As the Independent Electoral Commission (IEC) announced the result of the election from various constituencies, the margin between Jammeh and Barrow was getting wider. At midnight, it was clear that Jammeh had lost the election and on Friday 2nd December Barrow was declared the winner of the election (BBC, 2016). Later that night Jammeh made a televised speech conceding and accepting defeat only to change his mind a week later based on some dubious claims of abnormalities.

Jammeh called for fresh elections and the situation escalated into a political impasse, which was resolved by the Economic Community of West African States (ECOWAS) through diplomacy and threat of use of force. Barrow took over the mantle of leadership, while Jammeh was forced into exile.

2. Human Rights and International Human Rights Regimes

The task set forth in this chapter is to make a review of relevant as well as key literatures on the subject matter at hand – military regimes and human rights violations. In doing so, the contribution of different scholarly literatures on military regimes and human rights violations shall be discussed in order to create a comprehensive understanding of the topic while looking at the loop holes of the literatures. The chapter is structured into various sections, each discussing on a particular concept. The very first section will give a definitional overview of what is meant by Human Rights, and the different Human Rights schools of thought. The section following will be centred on what is meant by a coup d'état and the different types of coups. Thereafter, the rationale for military coups shall be discussed together with how military Juntas are civilianised. Finally, the emergence of military coups in Africa shall be discussed.

2.1. What are Human Rights?

The concept of Human Rights means different things to different people. In that, people see and understand the concept from very different perspectives. Cultural difference is one responsible factor that has created a divergent view of our understanding of Human Rights. Beitz (2003) argues that in trying to suggest a befitting answer to the question of what human rights means, ones' point of focus should be on the founding document of modern Human Rights doctrine – the Universal Declaration of Human Rights – adopted by the United Nations General Assembly in 1948. The United Nations Human Rights office defines human right as “rights inherent to all human being irrespective of; sex, nationality, religion, language, ethnicity or any other status, and that these rights are interrelated, interdependent and indivisible” (United Nations Human Rights Office of The Higher Commisioner, 2017). This definition sounds as a somewhat comprehensive definition of Human Rights. Taking it from a different angle, Zeisler (1952) argued and defined human rights as “something a person may do without incurring any blame, liability or so on” (p. 416). Zeisler's definition can be analysed as more of a legally aligned definition of Human Rights. Other theorists such as the natural right theorists argued and define human rights as

“rights that individuals enjoy in the state of nature” (Akyeşilmen, 2009, p. 8). This simply means that Human Rights are rights that individuals enjoy within the state of nature. The point of convergence of all the above definitions is that as argued by Donnelly (1999) that human rights are inalienable, that is to say they should not be taken away from us.

The interdependent, interrelated and indivisible nature of human rights is such that the enhancement of one right assists the improvement of another, while the denial of another right negatively affects the others. For example the right to life, education, freedom of expression and the right to social security are all interrelated and interdependent. All these rights are interrelated and interdependent in the sense that the right to freedom of expression cannot be enhanced and improved if the right to education is not enhanced or improved. While human rights are interrelated and interdependent, they are also categorised into various groups. Kilby (2015) states that there are various types of human rights for example; social, economic, cultural, political and civil rights (p.113). Civil and political rights include; the right to life and freedom of expression, while economic, social and cultural rights includes; the right to self-determination, the rights to education, etc.

Human rights are both rights and obligations. In that states have an obligation to respect, protect and also to fulfil human rights under International Human Rights Law. States must not in any way prevent the enjoyment of universal human rights protected by the Universal Declaration of Human Rights. In essence, the State is the sole duty bearer to the protection of International Human Rights.

2.1.1. Human Rights Schools of Thought

As there are difference in the definition of Human Rights, so too are difference in what different schools think about Human Rights. What we mean by this is that, even whereas human rights have been generally defined as rights that are inherent to all human beings, there are arguments that not everyone thinks about human rights in the same way. Generally there are four schools of thought with regards to Human Rights. Each of the schools of thought has their own set of argument as to what human rights are. The four

schools of thought are the; “Natural, Deliberative, Protest and Discourse scholars” (Dembour, 2010, p. 1).

2.1.1.1. The Natural Scholars

The Natural scholars believe in and cherish the modern definition of Human Rights as the “rights people possess simply because they are human beings” (Dembour, 2010, p. 3). They push along the wave that human rights are entitlements given by nature and they are universal. On the subject of recognition, natural scholars hold on to the belief that human rights exist independent of social recognition, even though social recognition is desirable. What they mean by this is that human rights do not necessary become rights because they are recognised by the society, but instead they exist irrespective of social recognition.

2.1.1.2. Deliberative Scholars

The argument put forth by the Deliberative scholars is a different one all together. The Deliberative scholars argue that “human rights are political values that liberal societies choose to adopt” (Dembour, 2010, p. 3). A befitting example can be that of the right to marry a person of the same sex. Same sex marriage has become a right because liberal societies have chosen to adopt them as such. They reject the argument that human rights are natural entitlements, and thus putting a counter argument that human rights exist because the society agrees to them. In that, what becomes a right is totally dependent on the fact that a particular thing has been agreed upon over time by the society. They think with time human rights could become universal.

2.1.1.3. Protest Scholars

The Protest school believes that human rights are “rightful claims made by or for the poor, underprivileged and the oppressed” (Dembour, 2010, p. 3) and those human rights allows for the status quo to be contested. Thinking along this school of thought, it is acceptable therefore to agree that the right to education, healthcare, etc, would entails human rights as these are rightful claims made for or by the poor, underprivileged and

oppressed people. This particular school of thought has triggered a concept that was later known as the Rights-Based Approach to Development. An approach to development based on claiming fundamental rights.

2.1.1.4. Discourse Scholars

The Discourse school of thought has argued for human rights but in perhaps the simplest term. They argue that “human rights exist only because people talk about it” (Dembour, 2010, p. 4). By this, they argued that because people continuously talk about a particular thing, it then eventually becomes a human right. They raised an alarm on the possibility of an imperialism to be build out of human rights and they acknowledge the power behind the language of human rights. To them there is so much power behind the language of human rights and this powerful language can be influential in even changing a regime. Such is the case in the Libya, Syria and Iraq.

Irrespective of all the different definition set forth by the different schools of thought, the common point of arrival is that all human beings irrespective of their geographical locations, age, sex, culture, etc seek to enjoy some form of human rights. It is also important to note that human rights violations do occurs especially by tyrannical regimes.

Mitchell and McCormick argued that human rights violations are universal and that human rights violations know no economic or political boundaries. They also argued that whereas governments build police and armies to protect their citizens, they also kill, torture, and even imprison their citizens (Mitchell & McCormick, 1988, p. 476). These forms of human rights violations are the terrible legacies that tyrannical regimes leave behind. This is because they come to power not be ordinary intellectual means but through the use of force. They often venture into serious human rights violations as a means of commanding order and respect for their regime.

2.2. The Power behind Human Right: International Human Rights Regimes

A regime is defined by Krasner as “implicit and explicit principles, norms, rules and decision-making procedures around which actors’ expectations converge in a given areas of international relations” (Krasner, 1983, p. 2). What can be deduced from Krasner’s definition is that a regime can be formed on any area of interest in International Relations, but that the basis of the formation of a regime should be centred on principles, norms, rules and decision-making procedures that shall be in conjunction with the general interest of the actors participating in the regime. He further argued that a regime is formed on the basis of ‘standards of behaviours defined in terms of rights and obligations. This is to suggest that a regime is guided by the rights members enjoy, as well as the obligations they have to fulfil. Keohane & Nye (1977) on the other hand defined regimes as “sets of governing arrangements that include networks of rules, norms and procedures that regularise behaviour and control its effects” (p. 19). This also suggests that regimes are formed based on arrangements and that all parties to the regime agree to these arrangements. Regimes can therefore be established on any issue of concern in International Relations, for example on issues of Human Rights. Since the nature of international politics is anarchic, the formation of international regimes is no certain way of establishing ‘order’ (Donnelly, 1986, p.601). Naturally then, the formation of an international regime around Human Rights is definitely not an issue, but it is the power behind the language of international Human Rights that becomes the issue.

As argued by the Discourse and Deliberative scholars, there is a great deal of power behind the language of Human Rights. The Deliberative scholars would argue that “human rights are political values that liberal societies choose to adopt” (Dembour, 2010, p. 3). These values pointed out by the Deliberative scholars are values that are mostly cherish by the advanced world, whereas in the developing and developed worlds the large chunk of the population is struggling in the attainment of such values. The values liberal societies choose to adopt include but not limited to the following; liberty, democracy, individualism, etc. The pursuit for such values at a universal stage can lead to the creation of an international regime around the subject matter of Human Rights. In that, the developed

world can politicise the pursuit of such values like democracy, liberty, equality, etc as an indispensable factor and a benchmark for international human rights.

From the perspective of the Discourse scholars, there is a potential of building imperialism (an international regime) around the concept of Human Rights. For them – discourse scholars - “human rights exist only because people talk about it” (Dembour, 2010, p. 4). Their argument that Human Rights exist only because people talk about them may not be totally correct but it is still their angle to the issue of Human. Importantly, however, their argument that there is a potential for building imperialism or an international regime around the concept of Human Rights has stood the test of time. The argument of an international regime around the subject matter of Human Rights is evident in the Universal Declaration of Human Rights (Donnelly, 1986, p. 606).

The Universal Declaration of Human Rights is certainly the international Human Rights regime discourse scholars had hinted about. The declaration (U.D.H.R) has fulfilled all the fundamental characteristics of an international regime, in that; it is based on principles, norms, rules and decision-making procedures. This would mean that states will enjoy rights under such an international regime, but they will also have to fulfil their obligations. More often than not, the obligation on States to fulfil the enjoyment of fundamental human rights under this international regime is perhaps the beginning of another problem altogether. This is because as Donnelly (1986) would argue that the State is the main or even perhaps the sole violator of Human Rights. States in many cases violate the enjoyment of political and civil rights by their citizens. Some of these rights include but not limited to; the right to freedom to expression, peaceful assembly, freedom of religious association, the right to participate in government, etc.

The question however is that, who can force a State to respect Human Rights and what are the enforcement mechanisms of international Human Rights? It is the enforcement of international human rights that gives power to the language of Human Rights. The power behind human rights is addressed in many bilateral foreign agreements at many different multilateral schemes. In the event a particular State fails to fulfil her

obligations, the United Nations is platform for addressing the issue. In some instances, some States will take the burden of enforcement on themselves, for example the United States, United Kingdom and some other World Power. A textbook example is the United States and United Kingdoms' invasion of Iraq in 2003. The U.S and U.K on the grounds of promoting the liberal value of democracy invaded Iraq in 2003 (Panke & Risse, 2007, p. 100). Almost a decade later (2011), the U.S led a NATO intervention - on the contested issue of the 'Responsibility to Protect' - elsewhere in Libya to 'save the lives of peaceful pro-democracy protesters' from a dictator (Dembinski & Reinold, 2011. P.1). The two textbook examples cited above (Iraq and Libya interventions) have clearly indicated that there is a great deal of power behind the language of international human rights regime and the enforcement of this regimes is in many if not all cases catastrophic. This is evident in the fact that the interventions or invasions have certainly created more problems in these countries as compared to the intent of establishing a democracy.

2.3. What is a coup d'état?

Governments or administrations come and go by the use of many different modalities. These modalities include but not limited to the following; general elections, military coups, revolutions, and even conquests. Our focus here is on military coups or otherwise known as Coup d'état. The modern government or administration is structured into two main groups; the armed forces and the civil or public service. The armed forces is a branch of the government that is trained and armed by the State to specifically use force to ameliorate problems that the State may encounter. On the other hand, the civilian population are not trained to use force but rather intellect to resolve issues. However, both the armed forces and civil or public service is further structured in a hierarchical order, even though in many case such a hierarchy is more rigidly followed in the armed forces. Because the armed forces are the only legitimately trained branch of the government in the use of force to resolve issue and also because this branch does not have an equivalent to it, the branch is in many case tempted to resolve issues such as maladministration through military coup. As Geddes, Frantz & Wright would argue "to defend against foreign and domestic enemies, governments organise military forces supplied with weapons and

trained to use them. The concentration of weapons and training in militaries makes them potentially dangerous to those who pay their salaries.” (Geddes, Frantz & Wright, 2014, p. 148). Luttwak (1969), argues that “a coup consist of the infiltration of a small but critical segment of the State apparatus, which is then used to displace the government from its control of the reminder” (P.12). Luttwaks’ definition suggests that a coup involves the seizure of power by a military-type force but the coup does not necessarily need to be dependent on any particular political orientation (it is politically neutral). The political neutrality of a coup clearly distinguishes it from a revolution.

For Fawole, (1994) a Coup d’état (generally understood as a military intervention) can be defined as “the conscious act of displacing and supplanting an existing political order, a government, by soldiers with the objective either of governing or influencing the political affairs of the country in a particular direction determined largely by the interventionist themselves.” What can be deduced from this definition is that a coup d’état is a calculated move by the military and the move entails removing a regime they do not consider fit to run the affairs of the State. They remove the government either to rule themselves or to dictate the tune of the play in the next government towards fulfilling their institutional interests. Such a move – Coup d’état – is more often than not the case in developing and underdeveloped nations. It is a rare occurrence in the developed world, where institutions are strengthened and the military or army has the solemn responsibility of protecting the country against external threats but not interfering in domestic politics.

The renown scholar of military coups Alex Thomson (Military Histotian) has defined a coup d’état as “a sudden illegal displacement of a government in which members of the security forces play a prominent role” (Thomson, 2005, p. 131). The involvement of members of the security forces in critical to the success of the coup. However, for a coup to be pulled out successfully there has to be a limited number of security force personnel involved in the planning and even the execution of the coup. Thomson further argued that whatever the circumstance and irrespective of how it happens (bloody or bloodless), a coup must be sudden. In that it must last a few hours or days. It must not exceed to weeks for

this will indicate a weakness on the part of the coup plotters and it will give opportunity to the regime they are trying to topple to regain control.

Arguing and defining a coup d'état in a similar sense, McGowan and Johnson defined a coup as "an event in which an existing political regime is suddenly and illegally displaced by the action of relatively small elite groups in which the military, police or security forces of the state play a role either on their own or in conjunction with a number of civil servants or politicians" (McGowan & Johnson, 1984, p. 365). This definition of a coup d'état has opened another angle for analysis of coups. In that, the definition has indicated that coup d'états are not necessarily hatched or planned by the military or those in the security forces, but rather that civilians and politicians are also involved in the planning of coups. The distinction is that while civilians and politicians may be involved in the planning of coups, it is the military, police or other security forces that are in most if not all cases responsible for executing the coup. This is because those in the armed (security) forces are the only group of people that have the means - the barrel of the gun - to execute a coup. It can be deduced from the definition that coup d'états can either be carried out by the military alone or together with civilians or politicians. By this, civilians or politicians can financially sponsor members of the security forces to overthrow the government, or in some other case those in the armed forces can be promised lucrative government positions in order to motivate them to execute a coup.

To summarise therefore, a coup d'état can be said to be an activity in which a government or regime is illegally and suddenly stopped and removed from the responsibility of running the day-to-day affairs of the State - without following the due process of the laws of the State (elections or otherwise). In the pursuit of such an exercise, seizing some key government installations such as; radio and television stations, communications network installations, and other symbols of State power is imperative to the success of the coup. Notwithstanding, there are different types of coup d'états. The fundamental difference between the various types of coups is in the composition of the coup plotters (who are involved in planning out the coup) and also in the interest of the coup plotters.

2.3.1. Types of Coup D'états

As it is succinctly laid out by the great scholar of military involvement in politics, Samuel P. Huntington, the military not only has the capacity to demonstrate against a government through a mutiny but also the capacity to replace the government – otherwise referred to as the capacity to govern. This capacity is only peculiar to the military unlike other social forces like student unions, workers unions, etc. This peculiar characteristic possessed by the military stems from the organisational coherence that exists among the rank and files of the army. It is this organisational coherence that the military heavily relies on to hatch out a coup d'état as a political technique of unseating a government. In addition to organisational coherence, the military can be said to be a highly disciplined group where the hierarchical structure of the organisational can never be compromised. Huntington further argued that, *“as society changes, so does the role of the military. In the world of oligarchy, the soldier is a radical; in the middle-class world he is a participant and arbiter; as the mass society looms on the horizon he becomes the conservative guardian of the existing order. Thus, paradoxically and understandably, the more backward a society is, the more progressive the role of its military, the more advance a society becomes, the more conservative and reactionary becomes the role of its military”* (Huntington, 1968, p. 221).

The hierarchy of this organisation – the military – categorise those in the force into two sub-groups; the officer cadre (commissioned) and the soldier cadre (Non-commissioned). Relying on this hierarchical order, in his book *Political Order in Changing society*, Huntington classically argued that there are three types of military coups namely; the reform/breakthrough coup, guardian coup and veto coup. This classification by Huntington is dependent on who in the military are involved in the planning and the execution of the coup – meaning what stratum of the military in involved in the coup – and it also gives a befitting understanding to the 1994 military coup in The Gambia.

2.3.1.1. Veto Coups

From the word itself, “veto” is understood to be a right or power of one sub-set of a group, for example a government, to suspend or delay the decision of another sub-set of the same group. The military often thinks of herself to have possessed the power to veto certain decision(s) of a government. This analogy is critical in explaining Huntington’s definition of a veto coup. Huntington argued that a veto coup is hatch under two main conditions. “One is the actual or prospective victory at the polls of a party or movement which the military oppose or which represents groups which the military wish to exclude from political power” (Huntington, 1968, p. 223). This first condition is a very important factor in the planning and execution of a veto coup for it give the military an excuse to involve in politics on the basis of defending national interest when in actual sense it is about defending the military’s interest. In such a case –the actual or prospective win of the military’s rival at the polls propels the need to launch a coup a few months before elections or immediately after the elections. An example is the military’s cancellation of the election results and removal of President Frondizi from office in Argentina in March 1962 (Huntington, 1968, p. 223).

The second condition is that a veto coup can happen “when a government in power begins to promote radical policies or to develop an appeal to groups whom the military wishes to exclude from power” (Huntington, 1968, p. 224). When a government begins to support or even show some sympathy towards some groups or movements that the military conceives as a threat either to the country’s national interest or the interest of the military, then the military is motivated to hatch a coup against the government. A classic example is the case of the 1948 coup in Peru. When President Bustamante refused to ban the American Popular Revolutionary Alliance, his government was overthrown in a military coup. Additionally, when a government seeks to promote radical policies – such as a swift towards communism or socialism – this creates the much needed excuse for the military to hijack the government. A clear and befitting example is the Indonesian attempted coup of 1965.

The bottom line is that, considering the two sets of conditions that Huntington argued would instigate the hatching of a veto coup, the coup in itself does not generally change anything worthy of mention. This is because the aftermath of the coup is more often than not the installation of an authoritarian regime. Also, such coups – veto coup – is characterised by bloodshed as it is the case in Turkey, Indonesia, just to mention a few. In summary, the military is more likely to collapse the state than rescue it from institutional decay (Zartman, 1995).

2.3.1.2. Guardian Coup

The second type of coup Huntington had identified in his classification of coups is the Guardian coup. The logic behind such a type of coup is linked to the notion that the military is viewed as the sole guardian of the existing order – political order. Such logic is very much supported especially in less developed or developing societies, where strong political institutions are often lacking. The military, therefore, “view themselves neither as the modernisers of society nor as the creators of a new political order but rather as guardians and perhaps the purifiers of the existing order” (Huntington, 1968, p. 225). This confirms the analogy that the military does not see her role as to be responsible of establishing a new political order, but rather to generally stay away from politics. The military is naturally dormant with regards to issues that have to do with politics unless thing get out of hand then it comes in to assume her guardian role. The guardian role of the military is either clearly or vaguely expressed in the constitution of many developing and less developed States. In a constitution where the military’s guardian role is vaguely expressed, it is then open to interpretation depending on the situation at hand. On the other hand, were the constitution of a country is explicit about the guardian role of the military, it then becomes the “tutelary institution that zealously watches over the fulfilment of laws and the virtues of government” (Rand, 1966). In more advance or developed societies, the United States for example, such guardian role is bestowed on the Supreme Court, and this clearly and totally expels the military from politics.

The military's involvement is not in any case spontaneous but rather a consequent of a series of factors. These factors could include; corruption, anarchy, etc. Huntington further argued that a guardian coup "is prompted by corruption, stagnation, stalemate, anarchy, subversion of the established political system, and once these are eliminated, the military claims that they can then return the purified polity to the hands of the civilian leaders" (Huntington, 1968, p. 226). In essence, the military assumes her role as the guardian and seeks to cleanse the polity by establishing order and then hand it over to civilians for a fresh start. In other words, the role of the military is temporary and they intervene to "just straighten out the mess and then get out" (Huntington, 1968, p. 226). If such alleged temporary role is anything to go by, the 1994 military coup in The Gambia can be classified as a guardian coup, for the coup plotters said they just want to purify the polity and then hand over. However, events following the coups have indicated that plotters did not intervene to cleanse the polity but rather to have their fair share of the national cake.

Whereas the intention of the military is too clear, many a times things are not as easy as they assume it will be. Soon after a guardian coup is successfully executed – after a brief period of relief – the military then finds itself dealing with issues it is not prepared to handle. This situation often leads to split in the top brass of the coup plotters; the moderates wanting to hand over power and retire to the political sidelines and the radicals wanting to stay longer. In the midst of such a struggle between the moderates and the radicals, the objectives of the coup slowly and steadily disappear into the thin air. If the coup has not already been marked by bloodshed, this situation – the disagreement between the moderates and radicals – will create the necessary condition for a bloodbath. This is so because it is then a matter of who wins – the radicals or the moderates. In other words, "once a successful coup has occurred, military factionalism leads to a more coup behaviour" (McGowan, 2003, p. 339). A typical case this research shall discuss later is the November 11, 1994 attempted coup in The Gambia.

This then creates a further problem. In that, the flood gates of human rights violations are opened through consolidating coups and counter coups. If in the event that

the coup plotter ever return power to the civilians, the military then becomes very active in politics for it frequently hatches a coup against the civilian leader on the basis of any flimsy excuse of corruption or anarchy (Huntington, 1968). The result of this situation is that even when power is return to the civilian leader, they always live in the fear of another coup and they are cognisant of the fact that they have the responsibility to run the affairs of the State but the power to do that still resides with the military.

2.3.1.3. Reform/Breakthrough Coup

The breakthrough coup is similar to the veto and guardian coup in the sense that the objectives of all these coups is to topple a government illegally. However, this type of coups is different from a guardian and veto coup based on the composition of the coup plotter – their ranks – and the type of change such a coup brings about. The second and third quarter of the twentieth century has brought about a new dynamic in the type of coups that were hatched. During these periods, the role of the military became more pronounced especially in the Middle East and Africa (Haddad, 1965). The scholar of Middle East, Manfred Halpern argued that “the army is the vanguard of nationalism and social reform” especially in the Middle East (Halpern, 1963, p.75).

Understanding these potentials possessed by the military, Huntington defined a reform/breakthrough coup as “the displacement of an oligarchy and the accession to power of the middle-class by military officers - who themselves come from a middle-class background” (Huntington, 1968, p. 220). This type of a coup is mostly hatched by junior military officer and Non-Commissioned officers, those with the rank of captain and below. The cadre of the military is referred to as the ‘militariat’ – synonymous to the working class of the society (Kandeh, 1996, p. 387). The objective of such a coup is solely to expand political participations thereby creating a reform as well as a breakthrough in the political system. It brings to the political scene new actors. In short, the military is on the side of reform and not any other interest group.

The objectives of the military in such a coup – reform/breakthrough coup – is to trigger the much needed social and economic reforms amongst other, and also to expand

the political arena. Such a modernising and reforming role has been successfully demonstrated in some Latin American countries in the 1930s and 1940s. Guatemala, Peru, Bolivia, etc are classic example of some of the countries that have experienced a reform/breakthrough coup (Huntington, 1968). After the coup is successfully executed, the military is faced with two critical alternatives to choose from. One alternative is for the military to peacefully hand over to the civilians – mainly the middle-class – to implement the much needed reforms – social, economic, etc. The second alternative is for the military to implement the reforms they anticipate themselves. Whatever alternative the military chooses, the possibility of a counter coup and the continuous involvement of the military in politics cannot be overruled.

2.4. The Frequency of Military Regimes in Africa: The Dark Era

The period immediately following political independence in Africa – decolonisation - has been largely marked by coups of many forms. Some of the coups were hatched solely to; stamp out corruption, trigger social reform, resolve government inefficiency, etc., while others were hatched as a result of the fragile political systems their colonial masters had left behind. After the white colonial master had left, they were quickly replaced by a new master, whose presence and similarity to the white colonial master was mostly unfelt by the masses until she began to highjack government. The new master is of course an African who has been trained and armed at the expense of the State and she is expected to use that training to defend the State against external threats. Unfortunately, the new master often uses the arms and training against the very State that financed her training and pays for her arms. The sad reality is that the new master – the military - will stay forever. As argued by Gutteridge (1985) that “once the military in a particular State has lost her political virginity, the discipline of a professional tradition of acceptance of civilian authority dissipates” (p. 80). Putting such an argument at a continental level, it is ideal to argue that from the first African coup d’état, complete and unflinching acceptance of civilian authority began to erode everywhere on the continent, – lost of political virginity –, but with a few exceptions.

At a very quick glance, it would appear as if Africa is a continent that is mainly characterised by military regimes. This is so because almost all African States have experienced a military regime or a quasi- military regime at one point in time. The Sudanese military coup d'état of 1958 by General Abboud had opened the flood gates of military regimes in Africa. In fact, the success of the 1958 coup in Sudan was followed by three failed coups in the year 1959 alone. Elsewhere in the Democratic Republic of Congo, a successful coup d'état has been executed (McGowan, 2003, p. 363). Three years later (in 1963), successful coups had been registered in Congo Brazzaville, Togo and Benin. But even before this year (1963) some failed coup attempts had been observed in Ethiopia - 1960, Somalia -1961 and Senegal in 1962, (Galvan, 2001, p. 52). These few examples of failed and successful coups between 1958 and 1963 depict a sharp emergence of military regimes in Africa, and as Welch (1983) argued that the separation of the military from politics in Africa has been "protracted, hesitant and partial" (p. 541). In countries where the military has been disengaged from politics, Finer (1974) argues that this disengagement had only been brief "contingent disengagement" (p. 19).

In his study, covering 46 years of military intervention in Africa -1956-2001, McGowan (2003), argues that "a major but not the only manifestation of domestic political instability in Sub-Saharan Africa is the military coup d'état, of which 80 were successful and 108 were failed attempted coup by element of the military and related security services" (p. 340). Of the 80 successful and 108 failed coups, West Africa accounts for 80%. This is relatively high when compared to North and East African, which accounts for 53% (McGowan, 2003, p. 356). Central Africa accounts for 26%, while Southern Africa accounts for only 11%. The data clearly indicates that coups –both failed and successful ones – are mostly common in West Africa than any other part of the continent. Political instability is one major factor in the preconditions that necessitate military interventions in Africa.

2.4.1. The Preconditions for African Military Interventions

Creating a comprehensive list of the preconditions necessary for a military intervention is definitely not an easy task, and during the process of creating a list certain very important conditions may be left out. Notwithstanding, and irrespective of the analysis or methodology used in a research certain conditions will make it on every researchers list. Decalo (1973), argues that the expanded role of the military is as a result of 'systemic disequilibrium'. Decalo further expounded on the systemic disequilibrium as to mean "failure of elites to resolve economic problems, corruption, governmental inefficiency, and inter-elite strife, and even the political tampering of the military's professional integrity" (Decalo, 1973, p. 108). Certainly the preconditions mentioned here is not an exhaustive list of the prerequisites that necessitate a military intervention but rather those that cannot be left out on any.

Firstly, more often than not, military interventions in Africa and elsewhere are triggered on the basis of a civilian government's inability to carefully handle economic problems that the country is faced with. In the face of such economic hardships, the military would often conceive that the hardship is as a result of maladministration or weak economic policies. The solution apparent to the military is to take over and be at the helm of affairs. Fosu (2002) argues that the problem however is that, no sooner than the military is in charge of the economy, they begin to realise that turning the economic tides around is not as easy as they had imagined and they wished they had left it to the civilians to handle it, and in fact the result of a military takeover is a sharp decline in the Gross Domestic Product.

Secondly, corruption stands out as a key factor that necessitates almost all military interventions in Africa. Whenever the military wants to meddle into State politics, they accuse the civilian leaders of being corrupt, and this clears the way for them to highjack the government. The 1994 coup in The Gambia, 1966 in Nigeria, 1966 in Burkina Faso, in Mali in 1968 amongst others are classical examples of the military's intervention in politics on the basis of corruption contentions. Leaders of the Sierra Leone National

Provisional Ruling Council “tried to pass themselves off as revolutionaries and that their mission was to end corruption” (Kandeh, 2003, p. 393). The military historian and political scientist, Edward Luttwak states that “after the coup, the village policeman come to read out a proclamation, the radio says that the old government was corrupt and the new one will provide food, health and schooling” (Luttwak, 1968, p.21). Accusing the previous government of being corrupt coupled with the promise of a better government for everyone, is certainly the fastest means by which the military convinces the general population to support their course. Interestingly, the military leaders do not always come to salvage the State but in many cases to enrich themselves. McGowan (2003) argues that military rule is often very corrupt, and this is very evident in the rule of General Babangida, Sani Abacha, and Bedel Bokassa, just to name but a few. The simple fact is that once they are in office, the military leaders slowly start copying the lifestyle of their predecessors. They often party in the same clubs, ride the same cars, sleep in the same mansions, and dine and wine with the same women as their predecessors.

Whatever the preconditions maybe, Luttwak (1968) states that when coups occur, generally people at different level react to it differently. The poor man in less developed or developing countries is often told that the previous government was corrupt and the new regime will bring positive change like schools, healthcare and food. The lower level civil or public servant will not general react by repelling the coup for to them the new boss is more important that the policies or legitimacy of the previous regime. For the high level bureaucrat (civil, military or police) the coup brings forth both dangers and opportunities to him and he has to carefully select. Some will endeavours to stay and fight back the coup, thereby trying to reinstall the legitimacy of the old regime. Yet others will decide to step forward and support the new regime so that they can be rewarded for early loyalty. This is mainly the situation in Africa and elsewhere.

2.4.2. The Junta in office

After the successful execution of a coup - the junta is now in control of the machinery of the government - they embark on a series of activities that reflects their

objectives of illegally displacing the previous regime. In most cases, even before the dust settles, the coup leaders will pass orders for the arrest of senior government officials. This will include cabinet ministers, senior government technocrats, and even senior officers in the armed and security forces. One case to substantiate this assertion is the 1979 Ghanaian military coup, in which Flt. Lt. Rawlings had chosen to conduct a “house cleaning operation” (Wifing, 1983, p. 88). The rationale for such hasty decision is to silence any voice of dissent at the earliest possible time. The arrest of cabinet ministers and senior officers of the armed and security forces is to have an overriding control over both the civilian masters as well as those in the security forces. In a country where the coup is executed by junior officers, they usually arrest the top brass of the armed and security forces, especially those above their ranks.

Another activity many, if not all, junta regimes embark on is the setting up of a commission of inquiry. Commissions of inquiries are very strategic instrument for many junta regimes. The junta uses such commissions as a strategy to justify their claim that the previous government was corrupt. In many cases former ministers and top government officials are usually purged through commissions of inquiries. The target is to investigate their assets with the sole objective of proving, either by confessions from the people purged or otherwise, that they had embezzled government funds to procure those assets. Some classic examples include the Commission of Inquiry set up by the National Provisional Ruling Council (NPRC) in Sierra Leone, and the Alghali Commission set up by the Armed Forces Provisional Ruling Council to investigate “government malpractice and corruption in the Jawara Era” (Wiseman, 1996, p. 930). Such commissions are dual-sided sword – meaning they can kill two birds with one stone. Not only do they help in delegitimizing the previous government, they also help in garnering more support for the junta takeover.

Military regimes often have a great deal of concern for political parties. Decalo (1973) states that once the junta forces herself into office, they in many cases hastily ban all political parties or at the least they will suspend the activities of political parties. The understanding is that the toppling of the former regimes does not necessarily mean the end

of a struggle by civilian politicians to be at the helm of affairs. In fact it redoubles their hopes, for their only serious contender has gone and never to return coupled with the notion that the military will soon return to barracks. The banning of political parties is very advantageous to the junta because it clears the way for them in the event they wish to civilianise the regime.

Once in office, the junta is also busy on improving the corporate interest of the military. This may include upgrading the salary scale (fat increment) of the military, or at least a good chunk of it. In Congo-Brazzaville for example, the middle-grade officials (the army included) received a 20% increase (Decalo, 1973, p. 118). As a strategic compensation management mechanism, the junta is also busy on the rapid promotion of soldiers and officers, especially those that have actively participated in the execution of the coup. This strategy helps the junta to keep the military on check by quashing out any chances of a mutiny in the barracks while they are busy on their self appointed job. In the event a coup is execute by junior officers, what follows is that they will quickly promote themselves to higher ranks. A typical example is the case of Lieutenant Yahya Jammeh promoting himself to Captain and later to Colonel. Personnel of the armed and security services in some cases do enjoy some tax exemptions, for example import tax exemption when a junta is in office.

2.4.3. Civilianisation of the Junta

Irrespective of the type of coup the military launches – veto, guardian or reform/breakthrough – in order to illegally displace a government; the aftermath of the coup is a troubling experience for both the civilian population and the military. This experience becomes more troubling especially if the military decides to stay in power. Such situations have been evident in the Middle East, Latin America and Africa. The African continent in particular has had a strong history of military coup and counter coups in the third and fourth quarter of the twentieth century. In that, as argued by McGowan & Johnson (1984) that by the 1990s almost all African states have had some taste of a military regime and most of the coup leaders had stayed in power to enjoy their share of

the national cake. However, if the military officer decides to stay in power after the coup, he has two options to choose from. The military officer will either choose to continue wearing his camouflage uniform or he will have to switch the camouflage for a suit and tie. Assensoh (2001) argues that, “if the military leaders do have an interest in turning their coup into a semblance of a civilian government, they simply drop their commanders’ batons and assume civilian suits” (p. 85).

Some classic examples of military leaders that have; turned themselves to civilians overnight, attempted but failed to civilianised their regimes, or have succeeded in civilianising their regimes include but not limited to; Colonel Gaddafi, Lt. Yahya Jammeh, Ft. Lt. Jerry John Rawlings, Col. Mohamed Ould Abdel Aziz, just to name but a few. In other instances, military leaders have overseen elections and successfully handed over power to an elected civilian only to come back later contesting for elections as a civilian candidate. A textbook example is the return of Gen. Obasanjo and Gen. Buhari. The re-emergence of these military leaders on the political platform, or better still the civilianisation of their regimes seems to confirm the assertion of Lord Acton that “Power corrupts and absolute power corrupts absolutely”. One possible explanation for the civilianisation of military regimes is that once they are in power, they begin to understand what it means to have absolute and unchecked control of the coffers of the State.

In the process of the civilianisation of the military junta, a key stage is that the leader of the regime resigns his commission, thereby making himself a civilian. Resigning from the army is a clear indication that the leaders has officially parted ways with the military, but whether he has indeed parted ways with his military orientation and behaviour is another thing altogether. Resignation from the military gives room to the former military leader to “come through the political front door” and contest for elections (Assensoh, 2001, p. 87). A case at hand is that of J.J Rawlings who resigned from the military and ran as a civilian candidate in the 1992 Presidential election and he won. Elsewhere in The Gambia, Lt. Yahya Jammeh – later promoted himself to Colonel – resigned his commission as a military officer and contested for the 1996 Presidential election and he also won. Jammeh

succeeded in turning the Armed Forces Provisional Ruling Council (AFPRC) to a political party called the Alliance for Patriotic Reorientation and Construction (APRC).

In a nut shell, in the process of civilianisation, the coup leader resigns from his military duties and creates a political party – if one is not in existence already under another name – and then contest for election as a civilian. This is a tactic used by coup leaders to stay in power, for there was no coup leader who resigned from the military to run for elections and ended up losing it. Where they fail to win by popular vote, rigging the election then becomes the golden alternative to staying in power.



3. Human Rights in Extraordinary Regimes: Gambian Dictatorship

In this chapter, the discussion is centred on Human Rights issues in extraordinary regimes – military regimes. The focus is on Human Rights violations that have been perpetrated during the 22 years (1944-2016) rule of Yahya Jammeh. In an attempt to discuss such Human Rights violations by the Jammeh Regime, this chapter is divided into various sections. In the first section, an analysis is made on the emergence of coups in The Gambia making reference to the July 1981 coup. The section following that focuses on the July 1994 coup. The third section discusses on the Human Rights situation under Jammeh. This section is further divided into subsections, which lay out; a comparison between the human rights situation during President Jawara's regime and the human rights situation during Jammeh's regime, the institutionalisation of Human Rights violations, clamping down on political opponents, muzzling the media, the rights violation of personnel of the armed and security services, etc. In the rest of the chapter, disappearance without trace of a journalist and two Gambian-Americans, student massacre, establishment of the hit squad-Junglers, the 2006 abortive coup, etc., are discussed.

3.1. The Beginning of Coups in The Gambia

Until 1981, the small West African state of The Gambia has had relative peace and stability. Democracy and the rule of law was the order of the day and a functional multiparty democracy was in place. During this period the country's president Sir Dawda Jawara has not had any serious opposition to his presidency, not at least from the opposition contenders in the elections. He has successfully won all the elections on very clear margins. The smooth pace at which the country has been governed in terms of pure democratic principles was commendable and as Wiseman (1981) states that most observers would have placed The Gambia in the category of countries that have "developed permanent immunity to a coup and that a continuation of a constitutional civilian rule was very likely in the foreseeable future" (p. 373). By July 30th 1981, observers would definitely have reconsidered putting the country into another category.

On this fateful day –July 30th 1981 – a group comprising civilians and some members of the state’s Para- military wing (Field Force) managed to take control of some of the key State installations in and around the capital city (Wiseman, 1981, p. 373). They immediately announced that they have overthrown the government of President Jawara, who was in Britain attending a royal wedding. Despite the fact that the coup plotters have quickly controlled many State installations including the national radio, some members of the Field Force remained loyal to the State and by extension to President Jawara. When the news of a coup was relayed to him, President Jawara rejected an offer of taking refuge in Britain and instead he announced that he was immediately returning to Banjul.

Soon after the coup plotters took somewhat control of the country, they announced a National Revolutionary Council headed by kukoi Samba Sanyang. The 12 man National Revolution Council suspended the constitution, banned political parties and dissolved the parliament (Sallah, 1990, p.633). The general trend leading to African military takeovers is that limited opportunities for oppositions to contest and even lay out their agendas in political platforms, meaning the existence of a single party politics tightens the possibility of political participation. And as such, the use of violence perhaps becomes the only alternative to power. On the contrary, the situation in The Gambia was totally different and the coup leader (kukoi Samba Sanyang) was once an opposition candidate for the National Convention Party (N.C.P) in the 1977 parliamentary elections. He lost the election to the People’s Progressive Party’s (P.P.P) candidate (President Jawara’s party). Kukoi knew that in a free and fair election, he has little or no chances of winning and thus he resorts to the use of violence. As Wiseman (1981) succinctly puts it “the coup was the act of political failures and nonentities” (p. 375).

Because the coup plotters had absolute control of the airport, President Jawara could not fly in directly to Banjul out of fear that the aircraft might be shot down or he can be arrested upon landing. He flew to Dakar and he was able to canvas support from Abdou Diouf. The Senegalese President offered him some troops in order to quash the rebellion on the basis of the mutual defence pact between The Gambia and Senegal (Wiseman, 1981, p. 374). With the help of the Senegalese troops and the loyal Gambian Field Force troop,

the country was slowly and steadily taken back from the rebels. President Jawara's family, who were held hostage, were also rescued. In the process of reclaiming the country from the rebels, several lives were lost on both sides (Wiseman, 1981). The number of deaths can be estimated at several hundreds or even to about a thousand or two. In the end, some of the coup plotters – including the coup leader Kukoi – fled the country and went into self-proclaimed exile, and President Jawara was back in the State House. As soon as Jawara settled in the State House, the arrest of National Convention Party executives together with several hundreds of their party militants began. The arrest began with the party leader Sheriff Mustapha Dibba. The NCP was accused by the government to have been part of the coup because one of their candidates in the 1977 parliamentary elections was the leader of the coup. Some NCP members were detained for 10 months without trials and unfortunately some even had to contest the parliamentary elections behind bars (The Gambia, TRRC, 2019).

Naturally, there are reasons that trigger the plotting of a coup in any country, but in the case of the 1981 abortive coup establishing such motive was a difficult task because the coup plotters did not have the chance to prove their point. One particular reason they had announced over the radio is that the Jawara government was corrupt. Such an assertion had become a pardonable excuse on which so many military coups are premised. The fact that there was corruption in the Jawara government was an open secret especially within the civil service and “President Jawara himself has stated this on many occasions” (Wiseman, 1981, p. 377). Thus, when the National Revolution Council made a claim that the Jawara government was corrupt, the general public did not object to this assertion, notwithstanding they showed no support for the coup. The logic for such inaction on the part of the general public can be related to the fact that coups were really a strange phenomenon in the country.

The other rationale that might have triggered the coup was the economic hardship the country was faced with. There is a general scholarly opinion that economic depression poses a danger to political stability. Whereas this opinion may hold true in many African coups, the paradox is that those who participated in staging the 1981 coup – the Field

Force members – were receiving a very stable salary, and interestingly, the rural masses that were directly affected by such hardship did not show support for the coup. To give the economic malaise rationale a slag, some of the austerity measure that were introduced by the government – which includes an increase in direct and indirect tax - weeks before the coups can possible explain to some extent the rationality of hatching the coup.

The immediately aftermath of the coup was the signing of the Senegambia confederation in February 1982 (Hughes, 1992, p. 200). The establishment of this confederation at the time was perhaps a win-win situation. In that it gave the Senegalese the rare opportunity to push forward the idea of making a confederation with The Gambia. On The Gambia side, President Jawara capitalised on the insatiable desire for confederation on the part of the Senegalese government to tame any security threats eminent in his backyard. The calculation on the Senegalese side was that with time they will be able to lure The Gambia into agreeing to a unitary State. Also the Senegalese did not want the unrest in The Gambia to spread to the Cassamance region, where an active rebellion had existed, and in fact Kukoi was the same tribe with the Cassamance rebels. On one hand, if Kukoi was able to establish links or seek for help from the Cassamance rebels that would have been a disaster for Senegal. On the other hand, President Jawara had no serious interest in the confederation but he had to play along the game. His prime interest was to use the Senegalese force to suppress any possibilities of a coup at least until he finds a permanent solution. Jawara was never interested in the confederation because with a unitary State, he will have no option but to surrender his Presidency and perhaps be relegated to the position of a Prime Minister – if he was even that lucky. Seven years after the confederation was signed, Jawara succeeded in re-establishing political authority and in the process the memories of the 1981 coup had quickly faded away. Thus, in the summer of 1989 the Senegambia Confederation was formally dissolved and the basis that The Gambia was dragging her feet with regards to fully operationalising the confederation (Hughes, 1992, p. 200).

3.2. Another Coup in the Making: 22nd July 1994

The presence of the Senegalese forces in The Gambia -1981 to 1989 – was not an entirely welcomed gesture especially by the Gambian Gendarmerie. Under the Senegambia confederation, the formation of a Gambian military was necessary. Through the Gambia Armed Forces Act of 1985, The Gambia National Army and The Gambia National Gendarmerie were established. The two were part of the plans of a confederal army, in which the Senegalese took the lion's share. In the process, many Gambian gendarmerie and army officers became unhappy with the presence of the Senegalese forces. Some radicals among them even hinted that the presence of the Senegalese forces was an act of occupation forgetting that the Senegalese forces had once rescued The Gambia from chaos. The frustration of The Gambian gendarmerie and army officers was understandable because they felt they were manly enough to handle their own national security and that the Senegalese presence was an unnecessary occupation.

When the Senegambia confederation was dissolved in 1989, this left The Gambian army and gendarmerie to be independent bodies for the first time. Resentment towards the government from officers of the army and the gendarmerie was slowly fading. In the meantime, the British Army Training Team (BATT) was invited to assist in the structuring of the Army. Under Commanding Officer Ndow Njie the army was progressing smoothly until in 1991 when a mutiny occurred. Soldiers of The Gambia National Army, who were deployed to Liberia under the Economic Community of West African States' Monitoring Group (ECOMOG), demonstrated against the late payment of their allowances (Wiseman, 1996, p. 920). The mutineers were paid the money the government had owed them and later Colonel Ndow Njie was relieved of his command and redeployed to the Foreign Service.

President Jawara announced that the Nigerian Army Training Assistance Group (NATAG) would be coming to help in training and equipping The Gambia Armed Forces. In 1992, another mutiny occurred. The mutiny was staged by the 2nd contingent to Liberia, under the ECOMOG, demonstrating for the late payment of their special allowances. By

this time it was clear that the army was not in order and that there were so much resentment within the rank and files of the army. To make matters worse, when the Nigerian Army Training Assistance Group arrived, they took over command responsibilities of the army from Gambian officers. General Dada was made the Commanding Officer of the Gambia National Army. This became a very frustrating experience for the Gambian senior officer as they were relegated to seconding Nigerian officers. These resentments became a perfect motivation for a coup (Wiseman, 1996, p. 920). It became apparent to senior officers of the Gambia national army that the Jawara government had lost hope in her own officers. Some senior officers of the Gambia army did not only lose their command responsibilities but also the utility vehicles that were allocated to them. The behaviour of Nigerian soldiers and Officers towards their Gambian counterparts did not help issues at all. In fact some of the Nigerians were accused to be chronic womanisers.

The disbandment of the gendarmerie in 1992 and the amalgamation of it to the Police Force created further resentment within the Armed Forces of The Gambia. It is important to note that some of the gendarmerie officers were transferred to the army, one of which included Lieutenant Yahya Jammeh. Within the army, resentments towards the government and the Nigerians grew. By early 1994 rumours of a coup d'état started emerging. Some of these rumours made it all the way to the Presidency, but since Jawara was a democrat by all standards he gave them a deaf ear. Around mid 1994, General Dada's tour of duty in The Gambia was over and his replacement was sent in. Dada refused to hand over and return to Nigerian even though his replacement was already in The Gambia. In the midst of this leadership crisis within The Gambia army, President Jawara comfortably travelled to England for his annual holidays. What he had failed to understand was that with the military leadership crisis he was leaving behind, things would never be the same when he returns from his holidays.

In his absence, a coup plan was hatched. President Jawara was to return to Banjul from his holidays on the 21st July 1994, and Darboe (2019) states that the plan of the coup plotters was to arrest the President at the airport together with his cabinet. Information

about the planned coup reached the army headquarters and as pre-emptive measure soldiers that were part of the parade in respect of the Presidents arrival were ordered to open their rifles for inspection before the President landed. The objective was to ensure that none of them had live ammunitions in their riffle. Lieutenant Yahya Jammeh, who was the commander of the Military Police unit was the only one armed with live ammunition but he was later disarmed as well before the parade began. Technically, as the commander of the military police unit, Lt. Jammeh was supposed to be armed and with life ammunition but because of the suspicious of a coup he was asked to surrender his weapon (Wiseman, 1996, p. 920). The parade was conducted and the President's convoy left the airport for the State House without any discrepancies. The coup plotters hopelessly return to Yundum barracks without having to fulfil their objective of executing a coup. The rest of the evening was smooth and peaceful as usual.

The next day - 22nd July 1994 – when other civil and public servants were trying to make it to their offices and workplaces, the coup plotters were also working on materialising their plan. They took control of Yundum barracks and arrested some of their colleagues who did not want to participate in the coup or perhaps wanted to stop it. As it is the case in all military coups, the coup leaders targeted key government installations and infrastructures. The closest to them was the Banjul International airport which was separated from the Yundum barrack by the Brikama – Banjul highway. They took control of the airport and headed for the seat of government in Banjul seizing key government installations along on their way to Banjul. The most instrumental personalities in the execution of the coup were Lt. Sanna Sabally, Lt. Edward Singhateh and Lt. Yahya Jammeh. On their way to Banjul, the laypeople thought it was one of the mutinies again, perhaps because the government has failed to pay the peacekeepers from Liberia. This explains why the coup was executed in a very calm environment as people went about their normal business. Before they arrived at Banjul, President Jawara, his family, some cabinet ministers and other government officials were already on the American warship that came to Banjul for a pending military exercise. With little or no resistance they took over the seat of government and announced the Armed Forces Provisional Ruling Council chaired

by Lt. Yahya Jammeh (Perfect, 2010, p. 53). The constitution was suspended and the parliament was dissolved. Political parties were prohibited and the Jawara government was dissolved. This marked the beginning of the darkest chapter in Gambian history characterised by serious Human Rights violations. The country went through 2 years of military rule and 20 years of dictatorship under Yahya Jammeh.

3.3. Human Rights under Jammeh 1994 - 2016.

In trying to conduct a befitting study of the Human Rights situation of The Gambia under Yahya Jammeh, spanning a period of 22 years, it is ideal to first start by analysing the Human Rights situation of The Gambia under President Jawara. The 29 years rule of President Jawara has been marked by his high regards for human rights both domestically and internationally. Jawara was himself a strong advocate for human rights to the extent that some people would argue that he was too soft or lenient. He was tolerant to political as well as ideological opposition. During his tenure in office, the average Gambian had no course to fear expressing his/her opinions in public or otherwise. The same is true for the media. As Saine (2009) states, Sir Dawda “played a very important role in the establishment and ratification of the African Charter on Human and People’s Rights,” (The Banjul Charter) (p. 73). Through the charter, the African Commission on Human and People’s Rights was established and in honour of Sir Dawda’s efforts the commission was based in Banjul.

Certainly Jawara’s regime was not totally free of Human Rights violations but such violations were trivial in comparison to those perpetrated under Jammeh. Some Human Rights violations under the People’s Progressive Party regime included the extended detention of some National Convention Party members following the 1981 failed coup. Some NCP executives, Kemeseng Jammeh for example (no relations to Yahya Jammeh), were detained for 10 months without trial and he even had to contest the parliamentary elections while in detention (The Gambia, TRRC, 2019). Notwithstanding, Jawara’s Human Rights records remained to be a yardstick for assessing the performance of other

States within the continent and afar. President Jawara was an ardent advocate of Human Rights by all standards. In fact some politicians and public servants took his adherence to the rule of law as a sign of weakness and some even ventured into high scale corruption with the hope that nothing serious will come out of it.

Generally, Jammeh's Human Rights record is very poor to the extent that I will argue that during his tenure, Human Rights violations have been institutionalised.

3.3.1. Institutionalisation of Human Rights Violations

Almost a year after the takeover, in June 1995, the National Intelligence Agency (N.I.A) was established by Decree No. 45 of the Armed Force Provisional Ruling Council. Under this Decree the NIA has the mandate to "obtain and provide the government with information relating to actions or intentions of persons which may be a threat to state security' and 'to arrest and detain for investigation any person ... suspected of having an intention to undertaking or undertaking activities inimical to the security of the state" (Foroyaa, 1995). In addition the National Intelligence Agency was placed directly under the Office of the President. The Director General of the NIA reports to the President Directly. The establishment of this agency marked the institutionalisation of human rights violations under the Jammeh regime, in that the institution became the repressive machinery of the government. The excessive powers granted to this institution gave it the authority to arrest anyone and in most, if not all, cases on dubious claims. People are often arrested and detain at the NIA for months without appearing before a court. The tack tick used by the NIA agents is to arrest people very late at night and later deny having knowledge of their arrest(s).

The National Intelligence Agency also became the torture chambers of the government. In some of her prison cells such as the famous "Bambadinka"- Crocodile Hole - detainees are placed in some very tight room with snakes as a strategy of obtaining information from them. One of the most brutal tortures on earth happens at the NIA's Bambadinka. Some of the detainees are electrocuted on their genitals, and in some cases there are reports that some detainees have been castrated at the NIA (The Economist,

2019). The cruel treatment of NIA detainees also includes the dripping of melting plastic bags on their body parts. In a few cases, there are allegations that some female detainees are raped, but considering the stigma associated with rape the detainees often prefer to conceal that information. Some male detainees have reported that NIA agents have played with their private parts during their detention at the NIA headquarters. Key among the victims of the NIA was Solo Sandeng, a member of the then opposition party United Democratic party. Sandeng was arrested for peaceful protesting without obtaining permit and he was tortured to death and later secretly buried at the NIA training school at Tanji. During Jammeh's regime, every Gambian irrespective of your position in society or government lived in the fear of being taken away to the NIA headquarters.

Section 19 sub-section 3b of the constitution of The Gambia state that "upon reasonable suspicion of his or her having committed, or being about to commit, a criminal offence under the laws of The Gambia, and who is not released, shall be brought without undue delay before a court and, in any event, within seventy-two hours". Under this section, it is explicitly that no person can be kept in detention for a period exceeding 72 hours without having to appear before a court. Unfortunately, the NIA and by extension the Jammeh regime had no respect whatsoever for the constitution let alone sections that stipulate the timeframe for detention. What obtains is that often, people are detained for weeks and months without having to appear before a court or any charges pressed against them.

Another repressive machinery of the Jammeh regime that works hand in glove with the National Intelligence Agency and executes operations that the NIA would not dare is the Jungler unit. The Jungler unit is a special team of army commandos formed in 2002 under the State Guards Battalion but the existence of such a unit is unofficial. The official name for the unit is the Patrol Team. The unit reports directly to only the President. The Junglers unit is composed of more than 20 Libyan trained Gambian commandos and the most prominent names among the unit include but not limited to; Bai Lowe, Sanna Manjang, Michael Jatta, Michael Correa, Malick Jatta, Modou Jarju, Nuha Badjie, Bora Colley, Kawsu Camara, etc. This para-military unit is often armed with weapons that are

not registered on the inventory of the Gambia National Army as a strategy to conceal their operations and also to delink any suspicions towards the army. The Junglers unit is Jammeh's hit-squad and it is commonly known to many as the assassin team. As per the confession of Bai Lowe and Malick Manga (the drivers of the Junglers unit) under direct orders from Jammeh the unit has exterminated and in some cases attempted but failed to eliminate so many innocent Gambians. Some of their victims include but not limited to; journalist Dayda Hydera, journalist Kanyiba kanyi, journalist Chief Ebrima Manneh, Daba Marena (former Director General of the NIA), Ebou Lowe, Alieu Ceesay, Alpha Bah, Manlafi Corr, 44 Ghanaians, Jasaja Kujabi (Jammeh's cousin), two Gambian –Americans (Alagie Mamut Ceesay and Ebou Jobe), Haruna and Massie Jammeh (Jammeh's first cousin brother and sister), Ma-Hawa Cham, Sulayman Ndow, etc., (Freedom, 2017). Whereas the names highlighted is not an exhaustive list of the victims of the Junglers unit, it shed light on some of the people that have been summarily executed by the unit.

In analysing the Human Rights situation of The Gambia under Jammeh (1994 - 2016), I have decided to look at the violations mainly in two groups; civil and political rights and economic and social rights. Under the two main groupings I have further demarcated the violations into sub-groups such as; Human Rights Violations towards personnel of the Armed and security services, political opponents, the media, ordinary citizens, etc. As the saying goes 'a bad beginning makes a bad ending,' Jammeh's regime can be summarised in just those words.

3.3.2. Rights violations of Armed and Security Service Personnel

From a civilian perspective the assumption is that those in the armed and security services stand the highest chance of enjoying whatever freedom or benefit there is to enjoy under the Jammeh regime. This is because Jammeh came to the helm of State affairs through a coup d'état and as it is the norm in many countries, the military in particular and those in the armed and security services in general enjoy the lion's share of the national cake after a military takeovers. Unfortunately, what transpired during Jammeh's 22 years

in office was the direct opposite of what the civilian populace had thought. The regime perpetrated one brute after another on personnel of the armed and security service.

From the very day of the coup – 22nd July, 1994 – and the days that will follow was characterised by mass arrest of personnel of the armed and security services. The Armed Forces Provisional Ruling Council under the chairmanship of Lt. Jammeh began arresting senior and junior officers of the Gambia National Army as well as other security agencies. Those targeted included officers that Jammeh had personal scores to settle with or officers that have not hidden their loyalty to the PPP government or better still their disapproval of the coup. On a third front, officers that were perceived as a threat to the AFPRC were also arrested and detained for periods exceeding several months without trials. As Sarr (2007) explains, some of the officers and senior Non-Commissioned officers that were arrested on the 22nd, 23rd July and the days immediately after the coup include but not limited to; Major Chris Davis, Lt. Sheriff Gomez, Regimental Sergeant Major (RSM) Jeng, Mr. Kebba Ceesay (Director General State Intelligence –National Security Service), Mr. Bun Jack – Permanent Secretary Ministry of Defence, Chongan etc (p.88). These officers were later joined at the State central prison (mile II), on the 26th July, by Captain Samsideen Sarr and Captain Mamat Cham, who were busy helping the junta towards forming a government. The detainees had no access to a lawyer and their families were not allowed to even visit them. At the least, they were not even told why they were arrested or detained. The rest of the months they spent at the prison was characterised by torture, and mock execution meted out on them by soldiers and officers they senior both in rank and age. The arrest and illegal detention without trial of these officers marked the beginning of the beginning of human rights violations perpetrated on personnel of the armed and security service.

November 11 1994 was a very tragic day in the history of the Gambia National Army for a generation of highly disciplined and professional officers was lost. A few months after the coup resentments towards the AFPRC started growing in the barracks and as former army Private Sait Darboe explained during his testimony at the Truth Reconciliation and Reparation Commission, a plan for a counter coup was hatched (The

Gambia TRRC, 2019). The agitations within the camps were about the inability of the junta to improve the living conditions of soldiers and the general situations in the barracks. Before the coup – 1994 – the junta members had promised salary increase and the improvement of the conditions in the barracks as a strategy of canvassing support for the planned coup. In an attempt to crush the counter coup in the making, several junior officers and Non-commissioned officers were captured and summarily executed. The narrative from Jammeh's side was that there was a coup attempt and during an exchange of fire some of the coup plotters lost their lives. What was laughable about Jammeh's narrative was that none of the AFPRC loyalist soldiers even sustained a bruise from alleged the fire fight. In total about 40 soldiers were said to have been summarily executed.

Former army Corporal Alagie Kanyi confessed at the Truth Reconciliation and Reparation Commission (TRRC) to have participated in the execution of the captured soldiers and he states:

I reported to work at Yundum barracks as usual and after a while the Vice-Chairman of the AFPRC Lt. Sabally and other members drove into the barracks with a truck carrying some captured officers and the dead bodies of Lt. Ablie (Dot) Faal, and Lt. Basiru Barrow. He (the Vice-Chairman) asked if I knew about the coup and I responded in the negative and he told me that people from Jarra (my region) wanted to be President. He then told me to shoot at Lt. Faal and Lt. Barrow, I pulled the trigger but the handgun had no ammunition. An unwillingness on my part to shoot the captured soldiers as per Lt. Sabally's orders will give him the impression that I am part of the attempted coup. Later I was again ordered by Lt. Sabally to get rid of Sgt. Basiru Camara but I was hesitant and Lt. Singhateh told me to follow him to go and execute the sergeant. While we were going Sgt. Fafa Nyang was also asked to join us because we should exterminate him as well. We walked a few meters and Lt. Singhateh told them (Sgt. Fafa Nyang and Sgt. Basiru Camara) to stop and then myself and Lt. Singhateh opened fired on them causing death. Later I was ordered to join the truck carrying the rest of the captured officers and we drove to the Brikama forest about 9 kilometres from

Yundum barracks. Deep into the forest we parked the vehicles and the captured officers were lined-up. We also lined-up facing them and Lt. Sabally told them to say their last prayers. As we (myself, Lt. Sabally, Lt. Sadibou Hydara, Lt. Edward Singhateh, Lt. Peter Singhateh, Lt. Yankuba Touray, Col. Baboucarr Jatta, Pte. B. Njie, Pte, Suso, Pte. B. Njie, L. Fatty, and J.C.B Mendy) were lined-up with our rifles, on Lt. Sabally's orders we opened fired on them causing death. We opened fire on Lt. Gibril Saye, Lt. Lamin Darboe, Lt. Buba Jammeh, Lt. Ablie Bah, Lt Bakary Manneh, and Cadet Amadou Sillah. We took the dead bodied back to Yundum barracks and we buried them in an abandoned dumping ground in the barracks.(QTV Gambia, 2019)

A summary of the confession, under oath, of former army Corporal Alagie Kanyi at the Truth Reconciliation and Reparation Commission (TRRC) on the 28th February, 2019.

In January 1995, Jammeh's closest comrades had a taste of his wrath. The Vice-Chairman of the AFPRC Lt. Sabally (the mastermind of the 1994) and another AFPRC member Lt. Hydara were arrested on grounds of an alleged counter coup attempt. Sabally and Hydara were sent to the State central prison and locked in maximum security. By this time it became clear to everyone that the AFPRC had broken into factions. While they were in prison, a group of soldiers from the State House led by Lt. Singhateh often visit the prison to severely torture Sabally and Hydara (The Gambia, TRRC, 2019). Hydara later died from acute pulmonary edema in Prison (Kandeh, 2003), and Sabally was leased a decade later.

In 2000 Lt. Almamo Manneh and Cpl. Dumbuya were summarily executed, without the due process of the law, for allegedly plotting a coup. The dead bodies were never returned to their families for a befitting burial. In March 2006, information of a failed coup emerged and the aftermath was characterised by arrest, detention, torturing and summary execution of the alleged coup plotters. The leader Colonel Ndure Cham escaped arrest. Other such as Tamsir Jassey (former immigration Director) received life a

imprisonment sentence. However, according to the voluntary confession made by Former Warrant Officer Class II Bai Lowe (a driver in Jammeh's hit-squad –the Junglers),:

Daba Marena (Director General – National Intelligence Agency), Ebou Lowe, Alieu Ceesay, Alpha Bah, and Manlafi Corr were arrested, severely tortured by beating them with hammers and machetes and later killed at Jammeh's home village in Kanilai. Their bodies were dumped in a well in Kanilai. (Serafini, 2017)

The government's narrative was that the convoy escorting former NIA chief Daba Marena and the other detainees was involved in an accident during a prison transfer and in the process the detainees escaped. The irony about the whole narrative was that the detainees were being moved from the State central prison, which has maximum security, to a provincial prison, which had lower security. Additionally, "even if" the detainees had escaped they would have at some point contacted their families to know about their whereabouts. The leader of the alleged attempted coup – Col. Ndure Cham – escaped arrest but he was later captured and exterminated by the Junglers. According to Warrant officer Pa Ousman Sanneh – a member of Jammeh's hit squad – they (Junglers) received information that Ndure Cham often sneaks in and out of The Gambia and on one occasion they were told he was in Farafeni. They assembled a team and succeeded in arresting him. He was later suffocated to death and buried in a bush in the Fonis – the region Jammeh came from (Standard Newspaper, 2018).

In 2009 news of another coup plot broke. The allegedly attempted coup was said to have been masterminded by the Chief of Defence Staff, General Lang Tombong Tamba. He was arrested and charged together with 7 other people and they were sentenced to death. The people sentence included; Brigadier O.B Mbye, Intelligence Chief – Bo Badjie, Lt. Col. Kawsu Camara, Modou Gaye, Gibril Ngorr Secka and Abdoulie Joof. During their detention and Mile II prison, they were subjected to serious torture (Foroyaa, 2009).

In summary, during Jammeh's 22 years of dictatorship personnel of the armed and security services suffered perhaps the highest level of human rights violations, for many were summarily executed while many others were severely tortured or in a few instances

castrated. The death of the bodyguard of Jammeh's wife in an alleged car accident is another case that substantiates rights violations towards personnel of the armed and security service. The said bodyguard – Ello Jallow – was said to have been murdered by the Junglers on the suspicion that he was having a love affair with Jammeh's wife.

3.3.3. Rights violations of Ordinary Citizens – Civilians

The death of Mr. Ousman Koro Ceesay, the Minister of Finance under the Jammeh regime in 1995, reminded a puzzle until recently when one of the participants in his murder confessed to the crime. Notwithstanding, the motive(s) of killing Mr. Ceesay is still not established. The charred remains of the 33 years old Minister was later discovered in his burnt car (Kandeh, 2003, p. 395). The mystery surrounding his death was unveiled by the voluntary confession of former army Corporal Alagie Kanyi:

At around 5pm, Staff Sergeant B.K Jatta came to my house in Brikama with Tunbul Tamba and he told me that Council member Lt. Edward Singhateh wanted us to go and meet him. Along the way he picked Pa Alieu Gomez another soldier and then we went to the council members' house – the former Vice President's residence. When we arrived Lt. Edward Singhateh briefed us that we are going to get rid of one fucking cunt. At Edward's house, Lt. Peter Singhateh his brother was also present. Later all 6 of us drove to Lt. Yankuba Touray's residence. Lt. Edward Singhateh told us to wait for them at Lt. Touray's residence and that they are going to the airport but they will come back with someone. He instructed me to salute and receive them on their return. As we waited, Lt. Peter Singhateh was the first to arrive, he told us they are coming and he went into Lt. Touray's house. After about 5 minutes, Lt. Edward Singhateh and Lt. Touray and a civilian arrived. We received them at the gate as instructed and he followed them into the house. As we walked into the house (Edward was in front of me, I was right behind him and the minister was behind me), I heard the sound of a loud Stroke. When I turned back to see where the noise came from, the minister was already on the ground, then Edward told me this is the man – referring to the minister. Edward also gave him a

few strokes using a pestle, and then he gave me a firewood stick to also hit the minister. Lt. Touray also used the pestle to hit the man, and the rest of the other soldiers present (Pa Alieu Gomez, B. K. Jatta, and Tunbul Tamba) were invited to beat the minister. The minister was bleeding severely and he eventually died. There was blood all over. We were then instructed (myself, Pa Alieu Gomez, B. K. Jatta, and Tunbul Tamba) to put the body of the minister in his own private car parked outside, and then to clean the floor of the house. The following day we heard that one official car somersaulted and it burnt into ashes and there was one person in it. We later learnt it was Ousman Koro Ceesay, and after a day I saw Lt. Peter Singhateh with a burnt hand. This confirmed my suspicion that he had something to do with the car and the dead body. (The Gambia TRRC, 2019)

A summary of the confession of former Corporal Alagie Kanyi at the Truth Reconciliation and Reparation Commission (TRRC) on the 28th February, 2019.

The castration of Alhagie Mamadi Sabally provides another evidence of the brutality the Jammeh regime meted out on ordinary Gambians. Alhagie Mamadi Sabally was an in-law to the former Vice-President Saihou Sabally. He was detained by the police in 1994 and spent a year in detention during which he was castrated (Foroyaa, 2019). In 2000, students demonstrated against the death of their colleague, who was tortured to death by personnel of the Fire and Rescue Service. In the midst of the demonstration 14 students and a journalist (Omar Barrow) were shot dead by the security forces (Amnesty International, 2001). Out of mounting pressure from the international community, a commission of inquiry was set up in relation to the student massacre but the government later refuted the recommendations of the commission.

The ruthless dictator Jammeh did not even spare religious leaders from his barbarous human rights violations. In the typical Gambian settling, Imams are highly respected and they do not interfere in politics. They are also people of authority in society. In 2004 the Imam of Banjul International Airport mosque, Alhayba Hydera was arrested and detained for about a year for expressing his opinion about the poor coordination of the

pilgrimage program (Hajj) to Mecca (Jollofnews, 2015). After the execution of 9 death row inmates, Imam Baba Leigh publicly spoke against the execution which led to his arrest and detention. In May 2012, Imam Ba-Kawsu Fofana was picked by agents of the National Intelligence Agency (NIA) while he was attending a public function. The Imam was detained for a couple of months and he reported to have been severely tortured at the NIA headquarters.

While participating in a community cleaning exercise at the Kanifing cemetery, Imam Ousman Suwaneh was picked up by NIA agents. He was detained without the due process of the law and no charges were ever pressed against him. In fact his whereabouts was unknown to his family. Imam Karamo Touray also suffered the wrath of the Jammeh regime. During his 2016 Presidential campaign, Jammeh publicly humiliated the Imam of Farafeni at a rally. Jammeh accused the Farafeni Imam of being a member of one of opposition political parties.

The disappearance without trace of two Gambian- Americans in 2013 still remains an unsolved puzzle. The two Alagie Mamut Ceesay and Ebou Jobe flew to The Gambia from the United State. Their intention was to open a business in their country of origin. The two were arrest by the Junglers unit on the presumption that they are planning on recruiting mercenaries for a coup d'état. They were later executed by the Junglers (Freedom Newspaper, 2017). The government denied that her agents did not arrest the two. Until now their families would not have had any information on their whereabouts if not for the revelation of a former Jungler.

At the level of the civil and public service, Jammeh operated a strategy of “hiring and firing.” Civil of public servant that were deemed to be members of opposition parties were often shown the exit door. The strategy he used was to fire them a few months before they are due for retirement, thus leaving them with no retirement package which includes gratuities and other allowances. This creates a very frustrating effect on many that had spent over 3 decades working for the government. In some instances, opponents are lured into the civil or public service only to be fired and jailed on flimsy charges of ‘abuse of

office' or economic crimes against the State. The simplest – if simplest is in fact the right word to use – violation rights violation a civil or public servants that belong to opposition parties would except to receive is a premature retirement. In fact during Jammeh's 22 years of dictatorial rule 84 ministers had been fired. In many cases some of these ministers serve for less than a month in office. Additionally, there are other ministers that have been hired and fired even before they took office.

There is certainly no doubt that Jammeh was brutal to the core. This is substantiated by the fact that even his own cousins had a taste of his brute. In 2005, Jasaja Kujabi a cousin to Yahya Jammeh, and in fact someone who had financially supported his primary education, was arrested by NIA agents. According to Bai Lowe, a former driver of the hit squad (Junglers), Jasaja Kujabi, and Haruna Jammeh were strangled to death by his colleagues Junglers in kanilai – Jammeh's home village (Freedom Newspaper, 2015). Haruna Jammeh was a first cousin to the brutal dictator and they grew up together from child. He was a few years older than Yahya. When Haruna disappeared, his sister, Masie Jammeh – also a first cousin to Yahya – did not let sleeping dogs lie. She confronted Jammeh about the whereabouts of her brother and consequently she was also arrested and murdered in order to silence her.

During Jammeh's 22 years of brutal dictatorship, the violations of the human rights of foreign nationals were also observed. In July 2005, about 44 Ghanaians were murdered by Jammeh's hit squad (Amnesty International, 2009). The bodies of six of the murdered Ghanaian were later exhumed and handed back to their families for befitting burials. As the saying goes a guilty conscience needs no accuser, Malick Jatta, one of Jammeh's hit-men confessed to police investigators to have taken part in the killing of the Ghanaians.

In 2009, on the instructions of crazy and paranoid President Jammeh, thousands of Gambians were forced to drink some dirty concoction all the name of a witch hunt. Several villages were raided by security forces personnel and people that were suspected of being 'witches' were forced at gun point to drink some very dangerous concoction. The concoctions were prepared by some 'witch doctors' Jammeh had hired from the sub region

(Amnesty International, 2010). The effects of the concoction was that it had created kidney failure for many of the victims, and about 6 people lost their lives during the witch hunt campaign.

Dr. Amadou Scattred Janneh, Michael C. Ucheh Thomas (a Nigerian national), Modou Keita and Ebrima Jallow were being charged for treason in 2011 in connection to organising a protest – “End to Dictatorship Now” (Amnesty International, 2012). Janneh was sentenced to life imprisonment, while Michael C. Ucheh Thomas, Modou Keita and Ebrima Jallow were sentenced to three years imprisonment. Michael C. Ucheh Thomas’ only crime was taking a contract from Dr. Janneh to print the T-Shirts for the protest. Thomas later died in prison.

3.3.4. Muzzling the Media

Yahya Jammeh’s regime was recognised for muzzling the media as much as possible. The regime deliberately operates a strategy of misleading the public or keeping the public in the dark by whatever means possible. Journalists and personnel of the media fraternity have suffered serious human rights violations during Jammeh’s 22 years of dictatorship. The proprietor of *The Daily Observer* Kenneth Best – a Liberian – was deported in 1994. His deportation was in relations to writing newspaper articles that were critical of the then AFPRC (Saine, 2009).

In a bid to shut down some of the newspaper companies, the Armed Forces Provisional Ruling Council introduced Decree No 70 and 71. According to the Decrees those who wish to operate or are already operating a newspaper company must pay a bond of \$10,000. A few days after the Decrees were passed proprietors Halifa Sallah, Sidia Jatta, Pap Saine, etc were charged for operating newspaper companies without fulfilling the conditions of the Decrees. Loraine Forster and Baboucarr Sankanu were detained for reporting the defection of Captain Ebou Jallow and giving a report the BBC respectively (Saine, 2009).

In 1998, on the alleged basis of 'irresponsible Journalism' and 'operating a radio station without a licence' the Citizen FM was closed by the government (Amnesty International, 1999). The truth of the matter was that the Citizen FM was much unbiased in her reporting as compared to other radio stations and they often report exactly what has happened. The government saw it as a radio station that was critical to State. In the same year, Musa Sule, a foreign journalist working for The Daily Observer was arrested, detained and later deported to his country of origin. Demba Ali Jawo was also arrested and detained for a few days in the same year. The arrest, detention and in some cases the torture of journalist was becoming a norm in the Jammeh regime and as such, some journalist started to flee the country out of fear of persecution.

The pressure on the part of the government in order to muzzle the press escalated in 2004. The Independent newspaper was vandalised by elements that were believed to be agents of the notorious National Intelligence Agency or the 'Green Boys'- the youth wing of Jammeh's Alliance for Patriotic Reorientation and Construction. The attackers set the newspaper company ablaze. In 2005, the same newspaper was again attacked by unknown elements. This time some of the printing materials of the newspaper company were burnt. The confession of Bai Lowe, a driver in the Junglers unit, confirmed that the Junglers were responsible for having vandalised the Independent newspaper.

What would perhaps indicate the peak of the brutality of the Jammeh regimes towards journalists and personnel of the media fraternity was the cold murder of Dayda Hydera. Dayda was gunned down in 2004 by members of the 'Green boys' (BBC, 2004). The Green Boys are in fact the Junglers – Jammeh's elite hit squad. The revelations of a former Jungler, Malick Jatta, confessed under police custody to have participated in the cold murder of journalist Dayda Hydera (Standard Newspaper, 2017).

Malick narrated that it was at night and they drove after Dayda's car. When they reached a quiet and lonely neighbourhood they quickly aligned their car side by side with that of Dayda and then Tumbul Tamba – the chief Jungler – instructed

them to shoot the driver who happened to be Dayda Hydara. (Standard Newspaper, 2017)

Jammeh's government denied any involvement in the brutal killing of Dayda Hydara. In fact at one point in time, Jammeh was asked by the BBC journalist Umaru Fofana in an interview about the death of Dayda and Jammeh got furious. Jammeh rudely responded by asking Umaru Fofana what was so special about Dayda Hydara and whether Dayda was more important than the ordinary Gambians that die in road accidents.

The year 2006 was another heartbreaking one for the media fraternity in The Gambia. Journalist Chief Ebrima Manneh of the Daily Observer was arrested from his work place by agents of the brutal NIA. Ever since his arrest, Chief Manneh's family had never seen or heard from him. The APRC government denied vehemently that her agents did not arrest Manneh. A few years later, the same government reported that they had got information that Chief Manneh had travelled to Europe thorough the Mediterranean Sea. The revelation of a former Jungler – Bai Lowe – has at least helped the family of Manneh to know if he was alive or death. Former Jungler Bai Lowe revealed that Chief Manneh was murdered together with former NIA Chief Daba Marena (Freedom Newspaper, 2013).

At the later part of Jammeh's regime, the closure of media houses became a commonplace practice. In 2011, an independent radio station 'Teranga FM' was shut down by the government. The radio station broadcasts a program that reviews national news in the indigenous languages. The radio was later allowed to reopen after a couple of months only to be closed again (Amnesty International, 2013). In September of the same year, some other media houses were instructed by the government to cease operation. The Standard Newspaper and the Daily News were put on a lock down by operatives of the National Intelligence Agency. In 2015, the managing director of Teranga FM, Alagie Ceesay was arrested and charged for publishing false information.

The general situation is that during Jammeh's 22 year rule the press in The Gambia had suffered all kinds of human rights violations. So many journalists were forced to flee the country out of the fear for their life. In fact, considering the risk of being killed,

imprisoned or forced to exile, it reached a point that many people have tried as much as possible to discourage their children, relatives and closed family members from taking journalism as a profession. I had personally discouraged a close friend and sister from taking journalism as a profession because I feared that she might be picked up the NIA or the Junglers.

3.3.5. Clamping Down on Politicians

Violations of human rights under the Alliance for Patriotic Reorientation and Construction were not only meted out on journalist and the media fraternity, but also on politicians. The political situation of The Gambia under Jammeh's watch was mainly characterised by arrest, detention, torture and imprisonment of political opponents. In some instances, some politicians were forced into exile.

The first blow to politicians under Jammeh watch was the immediate disbarment of all political parties and the suspension of all political activities in July 1994. What followed after the banning of political parties was that politicians became a target of Jammeh's regime. During the early days of the regime, politicians mostly targeted were those who belonged to the P.P.P for they pose more of a threat to the regime than perhaps the combinations of all the other politicians. In 1995, Omar A. Jallow, Momodou C. Cham and other key P.P.P figures were arrested for an alleged demonstration they were planning (Saine, 1996). During their detention, they were subjected to severe torture and as a result of such torture meted out on them Omar A. Jallow lost his left vision. Omar A. Jallow in particular has been arrested on 22 different occasions during Jammeh's regime. Often he was subjected to mock execution. The confession of Army Captain Bubacarr Bah is enough evidence to substantiate that Mr. Omar A. Jallow and other PPP members were severely tortured – a violations of human rights. In his confession, Captain Bah said:

When I went to the guard room of Fajara barracks, I saw a couple of detainees and among them was Omar A. Jallow. Almamo Manneh asked me if I knew him and I replied in the affirmative. He then told me that Omar was the one masterminding the process of hiring some mercenaries to attack the country. I was infuriated by

what Almamo had told me. Out of anger, I also joined the people that were beating Omar and the other detainees. I purposely focused on Omar since he was the said mastermind. I looked for a very good truncheon and I started beating him mercilessly. I was beating him all over his body, the head, etc. (The Gambia TRRC, 2019).

Politicians, ex-ministers and prominent members of the Jawara regime (the People's Progressive Party) were during the first few years of the Jammeh regime perceived as a serious threat until the emergence and dominance of the United Democratic Party in the opposition ranks. Learning from the results of the 1996 Presidential election, Jammeh shifted his attention to the UDP.

Lamin Waa Juwara was one opposition politician who had always frequented the State prisons and other detention facilities – secret or public. In some instances, he had been kept incommunicado without his family or anyone having a clue of his whereabouts and the government had denied arresting him. He was arrested twice in the year 1995 (Amnesty International, 1995). Kesemeng S.M Jammeh an executive of the United Democratic Party (UDP) also suffered the same fate as Lamin Waa Juwara or perhaps even more. Kemeseng has been arrested and detained on many occasions, often at the maximum security wing of the State central prison. Speaking to the Truth Reconciliation and Reparation Commission (TRRC) as a witness, Kemeseng states:

I was arrested 23rd September 1996. When I asked for the reason behind my arrest, I was told they will inform me when we get to Janjanbureh Prison. I was taken to Janjanbureh Prison. I was not processed and no one told me anything as to the reason for my arrest. I stayed in Janjanbureh for two months until one day in the afternoon when I were told that I will be taken to Farafeni for a court hearing. I went to Court and the Magistrate granted me bail and I went home. While at home, Police Officers came the following day and said they had instructions to re-arrest me. (The Gambia TRRC, 2019)

The leader of the United Democratic Party, lawyer Oussainou Darboe also suffered the wrath of the Jammeh regime. Darboe had been often arrested and detained on many different occasions. On one particular instance, he was even tried together with four of his party militants for murder, but the case was later acquitted (Saine, 2009). Jammeh's strategy towards silencing Darboe is to slam him with some kind of charges shortly before the Presidential elections.

As the 2006 Presidential election loomed, leaders of opposition political parties formed a united front – the National Alliance for Development and Democracy (NADD) - against Jammeh. The leaders of NADD, Omar A. Jallow, Hamat Bah and Halifa Sallah were arrested for 'alleged activities that pose a threat to national security' (Amnesty International, 2006). It is quite apparent, to even the layman, that the arrest of the NADD leadership was a strategy employed by Jammeh to slowdown the progress NADD was registering.

The peak of Jammeh's brutality towards politicians was registered in 2016. On April 14th 2016, the youth wing of the United Democratic Party led by Solo Sandeng peacefully demonstrated for electoral reforms ahead of the Presidential election. During the demonstration, Solo and some other UDP members were picked up by the NIA. They were severely tortured at the NIA headquarters and unfortunately Solo died from the beatings. When the UDP executive got news of Solo Sandeng's death in custody, they decided to go to the streets and peacefully demand for Solo. On the 16th April (two days after Solo's death) the leadership of the UDP were on the streets peacefully demonstrating and chanting 'We need Solo Sandeng, dead or alive.' Even though the demonstration was peaceful, the Police Intervention Unit (PIU) forcefully dispersed the crowd and arrested the top brass of the UDP – including the Party leader Lawyer Ousainou Darboe. In the process, the demonstrators were severely beaten with truncheons by the PIU. The arrested demonstrator were taken to the PIU headquarters and later to mile II central prison. They were later tried for demonstrating without obtaining permit. Lawyer Ousainou Darboe, Kemeseng S.M. Jammeh and other UDP executives were sentenced to 3 years imprisonment for demonstrating without obtaining a permit. This move by Jammeh was strategic in that it had exempted Darboe and the top brass of the UDP from participating in the December 2016 Presidential election.

4. Conclusion

After having carefully reviewed and critically analysed existing literatures on the subject matter – Military regimes and human rights violations, this research has reached a conclusion that coups indeed signal a failure of the system. At the very least, a coup d'état be it successful or otherwise and irrespective of the type of coup – Veto, Guardian or Breakthrough/Reform – is a clear indication that something was really wrong with the governance system and the inability or perhaps the unwillingness to resolve the problems gives way for the unwanted presence of the military in the political arena. The failure of the governance system may emerge from; economic hardship, political tampering of the integrity of the military or even high scale corruption within the government. If a veto coup is hatched, then the presence of the military in the political arena will be brief and generally the amount of pain associated with this type of coup with regards to human rights violations is minimal as compared to the other types of coups. In a guardian coup the military usually comes in to sanitise the system and retire to the sidelines of the political arena. The problem, I will argue, is that of a breakthrough coup. It is a type of coup in which the military generally stays in power and the effect is serious human rights violations. A perfect case to substantiate this argument is the 1994 coup d'état in The Gambia. The 1994 coup d'état has perfectly fitted all the characteristics of a breakthrough coup. Firstly, the coup was hatched by junior military officers those under the rank of a Captain. This group – junior military officers – equates to the working class of the society. Secondly, the objective of the coup, as alleged by the Armed Forces Provisional Ruling Council, was to trigger the much needed social and economic reforms. In line with the objective of triggering the needed social and economic reforms, the junta promised that their government will be guided by the principles of 'transparency, accountability and probity.' Whether the junta had delivered her promise of 'transparency, accountability and probity' is a different discussion altogether. In brief, what the junta had promised and what it had delivered to the Gambian people were two sides of a coin.

The 1994 military takeover could have been prevented in its totality. The People's Progressive Party under the stewardship of President Jawara had failed to learn from the

bitter lessons of the 1981 abortive coup. The 1981 coup was triggered by rampant corruption coupled with economic hardship. Although with the help of the Senegalese military President Jawara was reinstated back to power, he did very little in addressing the root causes of the 1981 abortive coup. The aftermath of the 1981 abortive coup was a rise in corruption levels within the civil and public service. Corruption became a norm in the government circles. On several occasions President Jawara had publicly acknowledge that corruption had been thriving in his government, yet he did nothing concrete to quash it out. No single minister or senior government official was ever tried for corruption. In fact, one group that benefitted a lot from corruption within the government circles is the 'Banjul Mafia.' My argument here is that if such corruption within the government circles had been stamped out, the young military officers would have recalculated their plan of overthrowing the government. This is because they would have understood that they cannot legitimise their intended action on the basis of corruption.

Similarly, the presence of Nigerian military personnel at the helm of affairs in The Gambia National Army did not help issues. Giving command responsibility of the Gambia National Army to Nigerian military officers was certainly the worst mistake President Jawara had made, for it was the most substantiated factor leading to the 1994 military takeover. When the Nigerian Army Training Advisory Group (NATAG) arrived in The Gambia, the head of the team – General Dada – was made the commander of The Gambia army. This decision by President Jawara did not go well with senior Gambian military officers. Senior Gambian military officers were relegated to seconding Nigerian officers, and in the process some senior Gambian officers had to surrender the utility vehicles that were allocated to them so that the Nigerian officers could use them. This situation triggered further resentments within the army. Additionally, considering the fact that the Nigerian military had a terrible record of coups and counter coups, inviting Nigerians officers to serve as advisers to the Gambia army was definitely a terrible mistake. A good face they say, is a letter of recommendation. It was apparent that the Nigerians would try to transfer their coup doctrine to disgruntled member of the Gambia army. The presence of Nigerians as commanders in the Gambia army was understood as a barrier to career

progress on the part of the senior Gambian officers. This career frustration on the part of senior Gambian officers was evident in their role in the 1994 coup. Most of them decided to stay neutral and pretended that they had no clue that a coup was in the making. Yet, others encouraged the junior officers with the hope that once the Nigerians leave they will be back in their previous command responsibilities. In short, had the senior Gambian officers not been frustrated by the presence of the Nigerians in the Gambia army, they (senior Gambian officers) would have foiled the 1994 coup.

By any standard, Sir Dawda was a democrat and a very strong advocate for human rights, but the fact remained to be that he stayed in power for too long. Jawara had been in power for almost 29 years. He has also ignored many maladministration issues within the military for too long. For example, the 1991 and 1992 mutinies were enough signals for President Jawara to have understood that the army was not in order. President Jawara should have kept his promise when he publicly announced that he was not going to contest for Presidency in the 1992 elections.

A bad beginning they say, makes a bad ending. The arrest, detention and torture of senior officers of the army and other security forces, coupled with the summary execution of the alleged November 11 1994 coup plotters signalled a very bad beginning of the Jammeh regime. A military takeover more often than not ends up very badly. Rampant human rights violations during Yahya Jammeh's 22 years of rule has confirmed the assumptions of this thesis that, while human rights violations occurs in democracies, the hallmarks of military regimes is acute human rights violations. The human rights situation of the Gambia during Jammeh's regime was terrible as compared to Jawara's regime. During Jammeh's tenure, human rights violations have been institutionalised through the formation of the National Intelligence Agency and the Junglers unit under the State Guards battalion. Instead of collecting and analysing intelligence for national security, the National Intelligence Agency from its inception had been busy collecting information on Jammeh's potential and actual opponents. The NIA has effectively served as the repressive arm of the Jammeh regime and also the torture chambers. The name of the institution alone had created fear in the hearts of every Gambian.

Human rights violations were also institutionalised through the formation of the Junglers unit. The unit was technically the killing machinery of the regime. The Junglers have their fingerprints over the death of so many innocent Gambians and even non-Gambians. Some victims that former Junglers have confessed to have participated in their murder includes; Daba Marena (former Director General of the notorious NIA), Jasaja Kujabi, Haruna and Masie Jammeh (Jammeh's first cousins), journalist Dayda Hydera, Journalist Chief Ebrima Manneh, Ebou Lowe, Alagie Mamut Ceesay, Sulayman Ndow, Alpha Bah, Manlafi Corr, etc.

In a nut shell, Jammeh's regime was characterised by serious human rights violations in the form of; unlawful arrest, detention without trials, the cold murder of innocent citizens, force disappearance, disappearance without trace and imprisonment without trial. The personnel of the media, armed and security service, politicians and even ordinary Gambia suffered serious human rights violations during the 22 years brutal dictatorship of Yahya Jammeh.

4.1 Recommendations

- While it was a good idea to have changed the name of the National Intelligence Agency (NIA) to the State Intelligence Agency (SIS) there is also a need to restructure the institution. In the same vein, illiterate informants and agents within the institution should be laid off
- The formation of the Truth Reconciliation and Reparations Commission (TRRC) is a very brilliant idea but what is more important is that the recommendations of the commission should be followed to the latter
- Victims that have lost their properties to the brutal regime should be compensated or their confiscated assets should be returned to them
- There is need for a reform within the armed and security services
- Serving personnel of the military and other security services that have confessed to have participated in the perpetration of human rights

violations should be suspended from their jobs until the TRRC make her final report

- The government should avoid politically tampering with the integrity of the military
- There is need to prepare an exit plan for the Economic Community of West African States' Mission in Gambia (ECOMIG) forces in the country. The presence of such a force in the country could prompt resentments within the Armed and Security Services, even though their role is a peace support operation.

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