


III

Calendar No. _____

117TH CONGRESS
2D SESSION

S. RES. 456

Expressing support for a free, fair, and peaceful December 4, 2021, election
in The Gambia.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2021

Mr. DURBIN (for himself, Mr. RISCH, Mr. LEAHY, Mr. COONS, Mr. ROUNDS,
Mr. BOOZMAN, Mr. CARDIN, and Mr. RUBIO) submitted the following res-
olution; which was referred to the Committee on Foreign Relations

_____ (legislative day, _____), _____

Reported by Mr. MENENDEZ, with an amendment and an amendment to the
preamble

[Strike out all after the resolving clause and insert the part printed in italic]

[Strike the preamble and insert the part printed in italic]

RESOLUTION

Expressing support for a free, fair, and peaceful December
4, 2021, election in The Gambia.

~~Whereas, in 1965, The Gambia became independent from
Great Britain;~~

~~Whereas, in 1970, The Gambia became a republic following
a public referendum, and Dawda Jawara was elected
president and subsequently reelected an additional five
times;~~

Whereas, from 1970 to 1994, The Gambia was one of Africa's longest running democracies and home to the continent's human rights body, the African Commission on Human and People's Rights;

Whereas, in 1994, President Jawara was forcibly removed from office in a coup by the Armed Forces Provisional Ruling Council (AFPRC), led by Lieutenant Yahya Jammeh;

Whereas, after two years of direct AFPRC rule that was heavily criticized by the international community, a flawed constitutional reform process occurred and The Gambia scheduled a new presidential election;

Whereas, in the lead up to the September 1996 presidential election, the Jammeh military government outlawed the country's main opposition parties, restricted media freedom, prohibited meetings between rival candidates and foreign diplomats, and used soldiers to attack opposition rallies;

Whereas Jammeh won the 1996 presidential election in a process widely regarded as flawed by international observers;

Whereas President Jammeh won reelection in 2001, 2006, and 2011 in electoral processes marred by political repression, intimidation, and technical flaws;

Whereas Jammeh's presidency saw targeted violence and widespread gross human rights violations, particularly against members of the media, including the murder of editor Deyda Hydara and the disappearance of journalist Ebrima Manneh;

Whereas President Jammeh personally ordered the kidnapping and torture of individuals he accused of "witch-

craft²² and threatened others over their sexual orientation;

Whereas thousands of Gambians fled into exile out of concern for their safety, becoming refugees in Africa at large and elsewhere;

Whereas the Jammeh government's human rights record was widely criticized by regional and international human rights groups, as well as the United States, European Union, and members of the United States Senate;

Whereas, in December 2016, opposition grand coalition candidate Adama Barrow, who campaigned on the promise of electoral and constitutional reform, won an upset election victory against President Jammeh;

Whereas, immediately after the 2016 election, Jammeh publicly accepted the defeat, but then later rejected the results and refused to depart the presidency;

Whereas Jammeh's refusal to accept defeat was widely condemned, with the African Union refusing to recognize him as president and the Economic Community of West African States deploying an international intervention force to The Gambia;

Whereas, on January 19, 2017, Barrow was sworn in as president at the Gambian Embassy in Senegal;

Whereas, on January 20, 2017, Jammeh and his family departed The Gambia, reportedly stealing more than \$1,000,000,000 from state coffers, eventually to appear in Equatorial Guinea, where he remains in political exile with impunity;

Whereas President Barrow initially agreed to limit his term to a three-year transition ending on January 19, 2020;

but later stated his intent to serve the full five-year constitutional term;

Whereas the Gambian Truth, Reconciliation, and Reparations Commission (TRRC) was established by an act of the Gambian Parliament to examine abuses committed during the Jammeh era and make recommendations as to whom to hold accountable;

Whereas more than 370 victims and former government officials testified at widely viewed TRRC hearings that documented widespread human rights abuses;

Whereas the TRRC's anticipated September 2021 final report submission to President Barrow was delayed; and

Whereas The Gambia will hold the first post-Jammeh era presidential election on December 4, 2021, which will include six presidential candidates: Now, therefore, be it

Whereas, in 1965, The Gambia became independent from Great Britain;

Whereas, in 1970, The Gambia became a republic following a public referendum, and Dawda Jawara was elected president and subsequently reelected an additional five times;

Whereas, from 1970 to 1994, The Gambia was one of Africa's longest running democracies and home to the continent's human rights body, the African Commission on Human and People's Rights;

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Whereas, after two years of direct AFPRC rule that was heavily criticized by the international community, a flawed

constitutional reform process occurred and The Gambia scheduled a new presidential election;

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Whereas Jammeh won the 1996 presidential election in a process widely regarded as flawed by international observers;

Whereas President Jammeh won reelection in 2001, 2006, and 2011 in electoral processes marred by political repression, intimidation, and technical flaws;

Whereas Jammeh's presidency saw targeted violence and widespread gross human rights violations, particularly against members of the media, including the murder of editor Deyda Hydera and the disappearance of journalist Ebrima Manneh;

Whereas President Jammeh personally ordered the kidnapping and torture of individuals he accused of "witchcraft" and threatened others over their sexual orientation;

Whereas thousands of Gambians fled into exile out of concern for their safety, becoming refugees in Africa at large and elsewhere;

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Whereas President Barrow initially agreed to limit his term to a three-year transition ending on January 19, 2020, but later stated his intent to serve the full five-year constitutional term and run for reelection;

Whereas the Gambian Truth, Reconciliation, and Reparations Commission (TRRC) was established by an act of the Gambian Parliament to examine abuses committed during the Jammeh era and make recommendations as to whom to hold accountable;

Whereas more than 370 victims and former government officials testified at widely viewed TRRC hearings that documented widespread human rights abuses;

Whereas, on November 25, 2021, the TRRC submitted its final report to President Barrow detailing the death of more

than 240 people, torture, rape, and disappearances under the Jammeh regime;

Whereas, on December 4, 2021, The Gambia held the first post-Jammeh era presidential election, which included six presidential candidates;

Whereas the December 4, 2021, election occurred peacefully, with high voter turnout and under the observation of a significant number of domestic and international monitors;

Whereas, on December 5, 2021, The Gambia's Independent Electoral Commission (IEC) announced results showing that President Barrow had won reelection;

Whereas, on December 5, 2021, domestic election observers and other stakeholders released a joint statement noting that "the elections were conducted generally in an atmosphere of transparency and fairness as observed by domestic and international observers" and reminded candidates of the Code of Conduct for Peaceful Elections provision to "accept the results of the election as announced by the Chairperson of the IEC";

Whereas, on December 5, 2021, former President of Sierra Leone Ernest Bai Koroma, who led an election observation mission from the Economic Community of West African States (ECOWAS), appealed to all the Gambian candidates "to accept the outcome of the election in good faith";

Whereas, on December 24, 2021, the Gambia Truth, Reconciliation, and Reparations Commission published its findings that former President Jammeh was responsible for more than 20 years of killings, torture, and rape and recommended that those responsible be prosecuted, saying, "To forgive and forget with impunity the violations and

abuses. . . would not only undermine reconciliation but would also constitute a massive and egregious cover-up of the crimes committed.”;

Whereas, on December 28, 2021, the Gambia Supreme Court dismissed a challenge to the election results; and

Whereas, on January 18, 2022, the Independent Electoral Commission announced that National Assembly elections will be held on April 9, 2022: Now, therefore, be it

1 *Resolved, That the Senate—*

2 (1) ~~congratulates the Gambian people on the~~
3 ~~successful 2016 presidential election;~~

4 (2) ~~supports the courageous and necessary work~~
5 ~~of the Truth, Reconciliation, and Reparations Com-~~
6 ~~mission to bring accountability, healing, and rec-~~
7 ~~onciliation to the nation;~~

8 (3) ~~calls on all parties and presidential can-~~
9 ~~didates to participate in a free, fair, credible, and~~
10 ~~peaceful December 4, 2021, presidential election in~~
11 ~~The Gambia; and~~

12 (4) ~~expresses the support of the American peo-~~
13 ~~ple in The Gambia’s continued and noteworthy~~
14 ~~democratic path forward.~~

15 *That the Senate—*

16 (1) *congratulates the Gambian people on the suc-*
17 *cessful 2016 and 2021 presidential elections;*

18 (2) *supports the courageous and necessary work*
19 *and recommendations of the Truth, Reconciliation,*

1 *and Reparations Commission to bring accountability,*
2 *healing, and reconciliation to the nation, and calls on*
3 *the government to follow through with appropriate ac-*
4 *tions with regards to justice, accountability, and rep-*
5 *arations for victims;*

6 *(3) calls on all parties and voters to again peace-*
7 *fully participate in the upcoming April legislative*
8 *election and to peacefully follow all legal processes*
9 *with regards to the results; and*

10 *(4) expresses the support of the American people*
11 *in The Gambia's continued and noteworthy demo-*
12 *cratic path forward.*