CIVIL SOCIETY'S JOINT POSITION PAPER

ON THE NATIONAL ASSEMBLY'S SPECIAL SELECT COMMITTEE'S REPORT ON THE SALE AND DISPOSAL OF FORMER PRESIDENT YAHYA JAMMEH'S ASSETS

Table of Contents

CIVIL SOCIETY POSITION PAPER 3

ON THE DISPOSAL OF FORMER PRESIDENT YAHYA JAMMEH'S ASSETS 3

INTRODUCTION 3

LEGAL AND GOVERNANCE CONTEXT 3

BREACHES OF LAW AND PROCEDURE 4

SYSTEMIC GOVERNANCE FAILURES 5

ACCOUNTABILITY AND ENFORCEMENT CONSTRAINTS 6

OUR CALL 8

LEGAL REFORM 8

ACCOUNTABILITY 8

ASSET RECOVERY AND FINANCIAL INTEGRITY 8

INSTITUTIONAL REFORM 8

TRANSPARENCY AND PUBLIC DISCLOSURE 8

OVERSIGHT AND MONITORING 8

CONCLUSION 9

CIVIL SOCIETY POSITION PAPER
On the Disposal of Former President Yahya Jammeh's Assets

INTRODUCTION

This Position Paper is developed following a two-day civil society engagement convened by Gambia Participates from 8th–9th April 2026. The engagement brought together civil society actors, legal practitioners, journalists, governance experts, and accountability advocates for a structured review and interrogation of the findings of the National Assembly's Special Select Committee (SSC) Report on the disposal of assets belonging to former President Yahya Jammeh.

The convening of this engagement was informed by sustained public concerns regarding the governance, legality, and transparency of the processes through which forfeited assets belonging to former President Yahya Jammeh were managed and subsequently disposed of. These concerns have been amplified by findings contained in the SSC Report, which point to significant transparency deficits, conflicts of interest, undue influence, procedural irregularities, and broader institutional weaknesses within the asset disposal framework.[1]

This Position Paper therefore represents a consolidated civil society articulation grounded in constitutionalism, the rule of law, transparency, accountability, and the overarching public interest. It seeks to provide an evidence-based response to governance deficiencies identified in the SSC Report and to contribute to ongoing national discourse on asset recovery, public financial management, and institutional reform.

LEGAL AND GOVERNANCE CONTEXT

The disposal of assets recovered from former President Yahya Jammeh must be situated within the broader constitutional and statutory frameworks governing asset disposal, public administration, financial accountability, and the exercise of state authority in The Gambia.

The Janneh Commission, established by the President under section 200 of the 1997 Constitution of The Gambia, was mandated to investigate allegations of financial misconduct, abuse of office, and unlawful acquisition of public assets, and to recommend measures for asset recovery.[2] While the Commission exercised quasi-judicial powers for purposes of inquiry, its mandate did not establish a sufficiently clear, comprehensive, and enforceable legal framework governing the subsequent disposal and management of forfeited assets.

This normative gap was compounded by subsequent executive and administrative arrangements that operated in a fragmented institutional environment characterized by overlapping mandates between the Executive, the Commission, Ministries, Departments and Agencies (MDAs). The absence of a clearly defined statutory chain of custody for recovered assets created ambiguity in decision-making authority, weakened oversight responsibility, and diluted accountability mechanisms.

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[1] SSC_Report_2026_Page 27-29

[2] The Commissions of Inquiry Act, 1903

The SSC Report underscores that these institutional overlaps were not mere administrative inefficiencies but fundamental governance failures that contributed to a systemic breakdown in the asset disposal process.[3] As emphasized during the engagement, the process was not the failure of a single institution but rather reflected a broader collapse of coordinated governance systems.

Within this context, the asset disposal process raises serious constitutional concerns, particularly in relation to:

- Section 120 of the Constitution of the Republic of The Gambia, which vests judicial authority exclusively in the courts and safeguards judicial independence;[4]
- Section 160 of the Constitution of the Republic of The Gambia, which governs public finance management and accountability in the use of public resources;[5] and
- The constitutional doctrine of separation of powers, which requires that executive action be exercised within legal limits and remain subject to judicial oversight.

Taken together, these provisions establish that public assets, particularly those subjected to judicial preservation orders, must be managed strictly within the confines of law, due process, and institutional accountability. The deviations identified in the SSC Report therefore engage not only administrative concerns but also core constitutional principles governing the exercise of state power.

BREACHES OF LAW AND PROCEDURE

The findings of the SSC Report reveal a consistent pattern of conduct in the disposal of former President Yahya Jammeh's assets that appears incompatible with established legal, administrative, and public financial management standards. These concerns are not indicative of isolated procedural lapses but rather point to broader failures in compliance with due process, statutory obligations, and principles of accountable governance.

A central issue relates to compliance with judicial orders governing the preservation of recovered assets. The High Court issued orders directing that the assets be frozen and preserved pending lawful determination and further judicial processes. However, evidence reviewed by the SSC indicates that aspects of the disposal process proceeded notwithstanding the preservation objective underpinning those orders.

These actions raise serious questions regarding compliance with judicial directives and respect for the constitutional principle of separation of powers, which requires all organs of the State to act within the limits of their lawful authority.[6] The apparent departure from the preservation orders may therefore be viewed as undermining judicial authority and the integrity of court-supervised processes. Furthermore, the circumstances surrounding the disposal raise questions as to whether certain actions could potentially amount to contempt of court, a matter ultimately falling within the jurisdiction of the courts to determine.

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[3] SSC_Report_2026_page 35-37
[4] Section 120 of the 1997 Constitution of The Gambia
[5] Section 160 of the 1997 Constitution of The Gambia
[6] Chapter VIII, beginning at Section 120

Closely linked to this issue is the failure to comply with established public finance and procurement laws and standards. The SSC Report documents instances of irregular valuation practices, preferential transactions, non-transparent disposal procedures, and inadequate documentation of asset sales.[7] Such practices are inconsistent with the principles of transparency, competitiveness, fairness, accountability, and value for money that underpin sound public financial management.

The absence of competitive bidding processes and the reported reliance on unverified or inconsistent valuation methodologies created conditions conducive to the undervaluation of public assets. In several instances, disparities between assessed market values and final disposal prices raised concerns regarding whether the State received fair value for recovered assets and whether fiduciary obligations owed to the public were adequately discharged.

The SSC Report further identified governance and ethical concerns relating to conflicts of interest, preferential treatment, and undue influence in aspects of the disposal process.[8] These findings suggest that certain decision-makers have operated in circumstances where personal, political, or institutional interests were insufficiently separated from official responsibilities. Even where criminal liability is not established, such conduct raises significant governance concerns and undermines public confidence in the integrity of public administration.

The cumulative effect of these irregularities points to systemic weaknesses in accountability safeguards rather than isolated administrative shortcomings. The disposal process therefore raises fundamental questions regarding legality, transparency, institutional integrity, and compliance with the principles of good governance that should govern the management of recovered public assets.

SYSTEMIC GOVERNANCE FAILURES

Beyond individual breaches of law and procedure, the SSC Report exposes deep structural weaknesses within the governance architecture governing the recovery, management, and disposal of former President Yahya Jammeh's assets. The findings suggest that the challenges identified were not merely the result of isolated administrative errors but rather, reflected broader institutional deficiencies that weakened accountability, transparency, and oversight throughout the asset disposal process.

A primary concern is institutional fragmentation. Overlapping mandates and unclear lines of authority among the Executive, the Janneh Commission, ministerial taskforces, receivers, and sectoral agencies characterized the disposal process.[9] This institutional complexities created ambiguity regarding decision-making authority, weakened oversight responsibilities, and contributed to inconsistent implementation practices.

In effect, governance structures that should have ensured accountability instead, generated fragmentation, duplication, and institutional uncertainty. Responsibility for key decisions was often diffused across multiple actors, making it difficult to establish clear accountability for actions

[7] SSC_Report_2026_page 29
[8] SSC_Report_2026_page 15
[9] SSC_Report_2026_page 86

taken during the management and disposal of recovered assets. Participants observed that this diffusion of responsibility created an environment in which governance failures could occur without effective institutional checks or corrective measures.

Compounding these challenges was the absence of reliable record-keeping and documentation systems. Across multiple asset categories, including livestocks, vehicles, landed properties, and financial assets, documentation was reported to be incomplete, inconsistent, inaccessible, or entirely absent.[10] The lack of comprehensive records undermined traceability, auditability, and effective oversight, making it difficult to verify transactions, establish accountability, or assess whether public assets were managed in accordance with legal and administrative requirements.

As consistently highlighted during the engagement, weak record management remains one of the most persistent institutional weaknesses within public administration and continues to undermine transparency and accountability across governance institutions. Effective asset recovery and disposal processes depend upon accurate inventories, verifiable documentation, and comprehensive audit trails. The absence of such systems significantly increases the risk of irregularities, mismanagement, and abuse.

Financial governance weaknesses were also evident throughout the disposal process. The continued existence of active and dormant accounts, inadequate reconciliation of recovered funds, weak financial reporting practices, and insufficient Anti-Money Laundering safeguards point to serious deficiencies in financial control and oversight mechanisms.[11] These shortcomings raised concerns regarding whether appropriate safeguards were in place to protect public resources and ensure accountability in the management of proceeds derived from recovered assets.

Such deficiencies appear inconsistent with the principles and obligations established under public financial management frameworks, anti-corruption legislation, anti-money laundering standards, and broader principles of good governance. They also fall short of internationally recognized standards governing asset recovery, asset management, transparency, and public accountability.

Collectively, these patterns demonstrate that the challenges identified by the SSC Report were systemic and structural deficiencies. The failures observed on the one hand reflects abuse of office, disregard of law, professional standards and ethics by Public Officials.to individual decisions or actors but reflected weaknesses embedded within institutional arrangements, governance systems, oversight mechanisms, and accountability structures. Addressing these deficiencies therefore requires comprehensive legal, administrative, and institutional reforms aimed at strengthening transparency, clarifying mandates, improving record management, and ensuring effective oversight of recovered public assets.

ACCOUNTABILITY AND ENFORCEMENT CONSTRAINTS

While the SSC Report identifies numerous irregularities and raises serious concerns regarding the management and disposal of former President Yahya Jammeh's assets,[12] the translation of these

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[10] SSC_Report_2026_page 45
[11] SSC_Report_2026_page 85
[12] SSC_Report_2026_page 51

findings into meaningful accountability measures remains constrained by structural and institutional limitations within The Gambia's legal and governance framework.

A central constraint relates to the constitutional and statutory role of the Attorney General and Minister of Justice, who exercises significant authority over public prosecutions. The power to initiate, conduct, take over, or discontinue criminal proceedings places considerable discretion within a single office and, consequently, has a direct bearing on the extent to which investigative findings are translated into judicial action.

Participants observed that while prosecutorial discretion is an established feature of many legal systems, its exercise must be guided by principles of independence, impartiality, fairness, and the public interest. In circumstances involving allegations of high-level misconduct or politically sensitive matters, concerns may arise regarding the potential for delays, selective enforcement, or perceived political interference in accountability processes. The effectiveness of accountability mechanisms therefore depends not only on the existence of investigative findings but also on the willingness and capacity of competent authorities to pursue appropriate legal action where evidence warrants.

As we noted, this institutional reality significantly influences whether findings contained in investigative reports, commissions of inquiry, and parliamentary investigations ultimately result in administrative sanctions, civil recovery proceedings, or criminal prosecutions.

We further emphasized that the National Assembly's Special Select Committee operates within an oversight and accountability framework and that its findings, while significant, do not possess direct legal force. The SSC Report is advisory in nature and does not automatically create legal obligations or sanctions. Its recommendations require implementation through executive action, administrative measures, legislative reform, or judicial processes where appropriate.

Consequently, the effectiveness of the SSC Report depends largely on political will, institutional responsiveness, and sustained public oversight. Without a structured implementation framework, clear timelines, and regular public reporting, there is a risk that the findings and recommendations may remain largely aspirational rather than producing tangible accountability outcomes.

We therefore stress the need for a transparent implementation mechanism through which recommendations arising from the SSC Report can be tracked, monitored, and publicly assessed. Such a mechanism would strengthen public confidence, enhance institutional accountability, and help ensure that identified governance failures are addressed through concrete corrective measures rather than remaining matters of public record alone.

We further noted that accountability should not be understood solely in criminal terms. Effective accountability may also include administrative sanctions, civil recovery actions, restitution measures, institutional reforms, parliamentary oversight, and public disclosure mechanisms. A comprehensive accountability approach is therefore necessary to address both individual responsibility and the systemic weaknesses that enabled the irregularities identified in the asset disposal process.

Ultimately, the challenge confronting The Gambia is not merely the identification of wrongdoing but the establishment of credible pathways through which findings are translated into consequences, reforms, and institutional learning. The extent to which the SSC Report contributes to meaningful accountability will therefore serve as an important measure of the country's commitment to transparency, the rule of law, and democratic governance.

OUR CALL

In light of the findings of the Special Select Committee Report and the observations emerging from this civil society engagement, we call for the following actions:

Legal Reform

We call for the enactment of a comprehensive and a consolidated Asset Recovery and Management Law that clearly defines institutional mandates, asset custody arrangements, disposal procedures, transparency requirements, oversight mechanisms, and accountability measures. Such legislation should eliminate ambiguities, prevent overlapping authority among institutions, and establish a coherent legal framework capable of safeguarding recovered assets and preventing the recurrence of governance and accountability failures in future asset recovery and disposal processes.

Accountability

We call for the prompt, independent, and impartial investigation of all individuals and institutions implicated in the SSC Report and, where sufficient evidence exists, the initiation of appropriate administrative, civil, or criminal proceedings.

Asset Recovery and Financial Integrity

We call for a nationwide forensic audit of all assets recovered, managed, allocated, and disposed of following the findings of the Janneh Commission. This process should include full public disclosure of asset inventories, valuation reports, disposal records, beneficiaries, and revenues generated. Where losses to the State are identified, appropriate recovery measures should be pursued to protect the public interest and restore public confidence.

Institutional Reform

We call for the digitization and modernization of public record management systems, the strengthening of registries and oversight institutions, and the establishment of a centralized and professionally managed asset recovery and management authority. Such reforms are necessary to improve transparency, eliminate institutional fragmentation, strengthen accountability, and ensure effective stewardship of public assets.

Transparency and Public Disclosure

We call for the publication of a verified national register of all assets recovered from former President Yahya Jammeh, including their status, ownership arrangements, disposal outcomes, and revenues realized. Public access to this information is essential to restoring trust and ensuring meaningful public oversight.

Oversight and Monitoring

We call for the establishment of a structured implementation framework for the SSC recommendations, including clear timelines, designated responsible institutions, measurable benchmarks, strengthened National Assembly oversight, and periodic public reporting on implementation progress. The effectiveness of the accountability process must be continuously monitored through transparent and publicly accessible mechanisms.

CONCLUSION

The SSC Report represents a significant milestone in The Gambia's ongoing efforts to strengthen democratic governance, accountability, and the rule of law. Its findings expose not only procedural irregularities in the disposal of former President Yahya Jammeh's assets but also deeper institutional weaknesses relating to legal compliance, transparency, coordination, oversight, and public financial management.

The issues identified extend beyond questions of individual responsibility and point to systemic governance deficiencies that require comprehensive reform. As such, the significance of the report lies not only in what it reveals about past actions, but also in the opportunity it presents to strengthen institutions and prevent similar failures in the future.

The implementation of the SSC recommendations will serve as an important test of The Gambia's commitment to accountability, anti-corruption, transparency, and constitutional governance. Failure to act decisively risks undermining public confidence in state institutions, weakening trust in accountability processes, and entrenching the very governance failures that asset recovery efforts were intended to address.

Civil society therefore reiterates that accountability must not end with the publication of reports. Accountability must ultimately be reflected in meaningful action, institutional reform, effective oversight, and where appropriate, the application of legal consequences. The credibility of public institutions depends not merely on their ability to identify wrongdoing but on their willingness and capacity to respond to it.

This moment calls for political will, institutional discipline, transparency, and sustained public engagement. It demands a commitment to ensuring that recovered public assets are managed in accordance with the law, that public officials remain accountable for their actions, and that the lessons emerging from this process contribute to stronger institutions and a more accountable democratic system.

The management of the Jammeh assets is ultimately not only a question of asset disposal; it is a test of governance itself. The manner in which the State responds to the findings of the SSC Report will help determine the strength of The Gambia's democratic institutions, the resilience of its accountability framework, and the confidence of its citizens in the rule of law.

PARTNER ORGANIZATIONS

1. GAMBIA PARTICIPATES

2. GAMBIANS AGAINST LOOTED ASSETS (GALA)

1. GAMBIA PRESS UNION (GPU)

2. ALLIANCE OF VICTIM-LED ORGANIZATIONS

3. NATIONAL YOUTH PARLIAMENT

4. ACTIVISTA

5. WOMEN'S ASSOCIATION FOR VICTIMS' EMPOWERMENT (WAVE)

6. GAMBIA BAR ASSOCIATION

7. THE EDWARD FRANCIS SMALL CENTER FOR RIGHTS AND JUSTICE (EFSCRJ)