

## After Truth, Gambian Victims' Long Wait for No Justice

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The Gambia was a stable multiparty democracy until July 1994 when a group of five young army officers, led by former President Lt. Yahya Jammeh, overthrew the country's founding president, Dawda Kairaba Jawara. Twenty-two years of dictatorship ensued until Jammeh lost elections to current President Adama Barrow on 1 December 2016. Jammeh was forced into exile in January 2017, when he unsuccessfully tried to annul the election results a few days after his initial concession speech.<sup>1</sup> West African leaders throughout the Economic Community of West African States region ('ECOWAS') deployed military forces to convince him to leave, a section of which still guards the Gambian presidency. In January 2019, the Truth, Reconciliation and Reparations Commission ('TRRC'), established by the Parliament in 2017 and assented to by President Barrow in 2018,<sup>2</sup> began public hearings.

The Gambia's TRRC eventually found Jammeh directly responsible for killing 240 people.<sup>3</sup> This was mainly done by targeted executions in peace-time – in a country of a mere two million people. The Gambia, under Jammeh, was dictatorial: journalists were tortured, some were forced into exile, and others like Deyda Hydara were murdered. To this day, the whereabouts of journalists like Chief Ebrima Manneh (arrested by security forces in July 2006) remain unknown.<sup>4</sup> Jammeh held a tight grip on power, exercising absolute control over the media and rendering critical journalism comatose. The extent of the widespread abuse by Jammeh's government was only revealed after he fled into exile.<sup>5</sup>

Not only were prominent journalists killed and the perpetrators not apprehended, a cousin of Jammeh himself, Haruna Jammeh, disappeared, and no information was known as to his whereabouts until the TRRC started its public hearings.<sup>6</sup> Additionally, some 54 West African migrants were arrested in The Gambia and executed, though the government denied involvement or any knowledge.<sup>7</sup>

While the blame is often shifted to the so-called 'Junglers', serious concerns remain as to whether such crimes could have been committed without the Jammeh administration's involvement or complicity. The TRRC's findings were an insight into the 22-year mystery of not just these crimes, but also others such as the death of at least 31 patients who had been taken off their HIV/AIDS medications and purportedly died as a consequence.<sup>8</sup> The Jammeh administration certainly did not represent the 'soldiers with difference' brand image that was marketed in the early days of their coup.

When the TRRC began its live hearings, all those who waited for years to know about the fate of their relatives tuned in – knowing that at least five Junglers were in custody. The Junglers were a team of hitmen under the command of the State Guards, the elite unit guarding The Gambia's presidency. Created in 2003 and directly under the command of Jammeh, the group, according to the TRRC, was responsible for dozens of killings and the torturing of the political detainees.<sup>9</sup> The TRRC also enjoyed popular support, as witnessed when a former junta member, Yankuba Touray – one of the five young officers involved in Jammeh's coup – refused to testify before the Commission. He was nearly lynched by an angry crowd who insisted that he must testify.<sup>10</sup> The government was then forced to charge him with the murder of former Finance Minister Ousman Koro Ceesay. Touray was later sentenced to death in July 2021.<sup>11</sup>

Following the conclusion of the TRRC's investigation, the government accepted the majority of its recommendations and pledged to prosecute over 69 perpetrators.<sup>12</sup> This was expected to be done through the establishment of an internationalized hybrid court which could sit anywhere in the ECOWAS region and a special criminal division of The Gambia's High Court.

The regional bloc is yet to confirm their participation in the establishment of the hybrid court, though authorities in Banjul are hopeful. The Special Criminal Division was created in January 2024 to "handle cases arising from the implementation of the rec-

<sup>1</sup> "Gambia Crisis Ends as Yahya Jammeh Leaves for Exile", *Al Jazeera*, 22 January 2017.

<sup>2</sup> Law Hub Gambia, "Truth, Reconciliation and Reparations Commission (TRRC)" (available on its web site).

<sup>3</sup> Kebba Jaffang, "8 Children, Dozens of Women Among Nearly 200 People Unlawfully Killed by Ex-President Jammeh – TRRC", *Malagen*, 27 December 2021.

<sup>4</sup> "Where is Chief Manneh?", *The Point*, 2 July 2013.

<sup>5</sup> "Gambia: 'The Media was the Most Persecuted Institution under Jammeh'", *Justiceinfo.net*, 15 July 2019.

<sup>6</sup> Fatou Toray, "TRRC Witness Paints a Gruesome Picture of Haruna Jammeh's Killing", *Kerr Fatou*, 4 October 2021.

<sup>7</sup> Mustapha K. Darboe, "Gambia: The Story of a Government-Sanctioned Massacre and its Cover-Up", *Justiceinfo.net*, 11 March 2021.

<sup>8</sup> Omar Bah and Mafugi Ceesay, "Jammeh's HIV Treatment Linked to 31 Deaths", *The Standard*, 10 November 2020.

<sup>9</sup> Adama Tine, "Junglers Killed Over 80 People", *The Point*, 4 February 2022.

<sup>10</sup> Mustapha K. Darboe, "Key Junta Member Touray Puts Gambia's Truth Commission to the Test", *Justiceinfo.net*, 28 June 2019.

<sup>11</sup> Yankuba Jallow and Nelson Manneh, "Court Sentences Yankuba Touray to Death by Hanging", *Foroyaa*, 14 July 2021.

<sup>12</sup> "MoJ: TRRC Recommends 69 People for Prosecution", *The Voice*, 2 June 2022.

ommendations of the Truth Commission”.<sup>13</sup> There is no case before it but the Office of the Special Prosecutor was expected to be occupied by the beginning of July 2025. The Ministry of Justice is reviewing a shortlist of candidates at the time of writing.<sup>14</sup> This office is expected to lay the foundation for the investigation and prosecution of Jammeh-era crimes.

### 1. Lack of Money – or Priority

The biggest setback in the implementation of the TRRC’s recommendations and the payment of reparations that it recommended is lack of money. The United States (‘US’) had provided major monetary support to The Gambia’s transitional justice process through a US Agency for International Development (‘USAID’) programme. That programme was shut in 2025, leaving the country struggling to raise a budget of USD 60 million to prosecute Jammeh-era crimes.<sup>15</sup> The budget is intended for the establishment of a hybrid court, the special prosecution unit, and for other operational aspects of the process.

The sum of USD 60 million excludes the USD 4 million proposed by the TRRC as the remaining amount of monetary reparations to be paid to the victims.<sup>16</sup> In November 2023, Gambian authorities passed into law the Victims Reparations Act which established a commission to finish the payment of reparations due.<sup>17</sup> The commission is also tasked with reassessing the reparations proposed by the TRRC and identifying other victims (than the 1,009 identified by the TRRC) who may have been missed.

As part of its founding instrument, the TRRC was empowered to pay reparations.<sup>18</sup> The government promised to pay at least USD 1.4 million<sup>19</sup> (GMD 100 million, at the time), but it only paid USD 700,000 (GMD 50 million). Initially, a sum of GMD 50 million was pledged to be paid directly from money raised through the sale of Jammeh’s assets, while the remaining half was pledged by Senegal, the neighbouring West African country which surrounds The Gambia on both sides. In the end, only GMD 50 million was received by the TRRC, while the government failed to explain, despite repeated questioning from victims, what became of the other half donated by Senegal.<sup>20</sup> Qatar had also provided USD 3 million and it remains unclear what this was spent on.

After Jammeh’s surprising election defeat, the Gambian government opened an inquiry into his financial dealings. It found that he pilfered at least USD 362 million from his own government, with some experts putting the figure at USD 1 billion – equalling the country’s GDP or its total public debt in 2016.<sup>21</sup> After the inquiry, all of Jammeh’s assets and finances were forfeited to the state. Many have argued that a part of the resources of the former ruler

should be used to pay reparations and prosecute crimes under his rule.<sup>22</sup>

Recovery efforts of Jammeh’s loot have been marred with corruption, with only a fraction (USD 23 million) recovered at the time of writing from the sale of his 35 real-estate holdings, including a vehicle garage, livestock, five aircrafts, 458 vehicles, 197 tractors, shares in four companies, dividend payments from three companies, and valuable items found at his Dunes Resort and Casino.<sup>23</sup> However, even this amount, based on public records, was not committed to reparations for or prosecution of Jammeh-era crimes.

Based on the suspicion that a similar fate awaits other funds recovered by the government from Jammeh’s loot, the US government asked The Gambia to establish a reparations commission to which would be paid a sum of USD 3.5 million recovered from the sale of his mansion in Maryland, US. The mansion had been procured by Jammeh in September 2010 through a trustee – MYJ Family Trust – but was forfeited to the US Department of Justice in 2022.

### 2. Trading Justice for Power

The Gambia’s transitional justice process started in a relatively calmer political climate. The TRRC, the security sector reforms, the constitutional review commission – all connected to justice – were moving smoothly at different times with popular support. However, the coalition of seven parties and two independents that supported the current President Barrow’s rise to power started crumbling immediately after he ascended to power.

The early political fallout of the coalition became a windfall for the United Democratic Party (‘UDP’), President Barrow’s own party, from which he resigned to contest against Jammeh as an independent candidate. As the UDP went into the first parliamentary and local government elections under President Barrow – with the executive in their favour – it won seven out of eight regional government seats, half of the ward councillor seats, and more than half of the seats in the National Assembly.

This political stability kept the country’s transition on path, with little to no interference from the executive. As President Barrow entered his second year, cracks began to show in his relationship with his former party, since he desired to contest again for the 2021 presidential elections. In June 2019, quite expectedly, Barrow kicked the UDP out of his government, contributing the single-biggest destabilizing factor to the transition. However, President Barrow could only convince one of UDP’s five chairpersons and two mayors to join his political movement – and he could only persuade eight of the UDP’s 31 lawmakers to join him.<sup>24</sup>

Out of despair, President Barrow formed a new political party, the National People’s Party (‘NPP’) to remain in power. Facing two major opposition parties, he looked to the former ruling Alliance for Patriotic Reorientation and Construction (‘APRC’), Jammeh’s party and the biggest critics of the TRRC; naturally, to the dismay of activists and victims. Towards the end of the TRRC, with presidential elections scheduled for December 2021, President Barrow softened his position on APRC and Jammeh. Most observers saw this political manoeuvre as the biggest threat to the transitional justice process.<sup>25</sup>

Though Jammeh later abandoned the idea of a coalition with

<sup>13</sup> “Judiciary Establishes Special Criminal Division for TRRC Cases”, *The Point*, 2 January 2024.

<sup>14</sup> Jankey Ceesay, “Gov’t to Identify Special Prosecutor in June 2025”, *The Point*, 6 December 2024.

<sup>15</sup> Mariam Sankanu, “Gambia: A Special Court in Search of Funds”, *Justiceinfo.net*, 18 March 2025; Omar Bah, “Brody said USAID Freeze will Affect Jammeh’s Prosecution”, *The Standard*, 10 February 2025.

<sup>16</sup> Mustapha K. Darboe, “Gambia’s Truth Commission Puts a Price on Reparations”, *Justiceinfo.net*, 30 July 2021.

<sup>17</sup> Ramatoulie Jawo, “Victims Reparations Bill 2023 Passed by the National Assembly of The Gambia”, *Kerr Fatou*, 1 November 2023.

<sup>18</sup> The Gambia, Truth, Reconciliation and Reparations Commission Act, 31 January 2018, Article 20 (‘TRRC Act’) (<https://www.legal-tools.org/doc/1p638o2y/>).

<sup>19</sup> Baba Galleh Jallow, “Government Contributes D50 Million to TRRC Victim Support Fund”, *The Standard*, 9 October 2019.

<sup>20</sup> Mustapha K. Darboe, “Gambia’s Transition: Expensive Justice for a Poor, Little Country”, *Justiceinfo.net*, 4 June 2019.

<sup>21</sup> “Gambia’s Ex-President Yahya Jammeh ‘Stole at Least \$362m’”, *Al Jazeera*, 29 March 2019.

<sup>22</sup> Mariam Sankanu, “Jammeh’s Stolen Money Could be Used for Reparation”, *Justiceinfo.net*, 16 May 2025.

<sup>23</sup> Mustapha K. Darboe, “The Assets of Gambia’s Former Dictator go for a Song”, *The Republic*, 30 April 2025.

<sup>24</sup> Mafugi Ceesay, “Defected UDP NAM says He Chose Barrow for the Electorate”, *The Standard*, 10 March 2020.

<sup>25</sup> Aisha Tamba, “Victims Centre says NPP/APRC Alliance a Betrayal of Public Trust”, *The Standard*, 7 September 2021.

the NPP, his party leadership had already struck a deal with NPP, causing a split in the APRC. Jammeh held onto a so-called ‘no-to-alliance’ faction – a group that now has five elected representatives in the National Assembly – and lost the party whose executive he endorsed while in exile. Meanwhile, victims could only watch as the power balance dramatically shifted in Banjul.

A once strong critic of the TRRC who led a protest in Banjul advocating for the Commission to be banned, Fabakary Tombong Jatta, was later appointed by President Barrow as his Speaker of Parliament, the third highest job in The Gambia. For context, Jatta was Jammeh’s most vocal lawmaker during the passing of a law indemnifying the killing of student protesters in April 2000.<sup>26</sup> His deputy, Seedy Njie, was Jammeh’s last information minister and left with him in self-imposed exile to Equatorial Guinea. Njie had insisted that President Barrow stole the 2016 elections from Jammeh, but he later joined the NPP after coming back from Equatorial Guinea. Additionally, Justice Minister Abubacarr Tambadou, who began his term during the transition, quit only a few months before President Barrow’s alliance with the APRC. This exacerbated the situation and most victims saw it as the end of the political will to prosecute Jammeh-era crimes.

The members of the Junglers – a paramilitary hit-squad that testified to killing dozens of Gambians on Jammeh’s orders – were left to roam the streets of Banjul. Soon, several top generals and army officers who left The Gambia started returning to total freedom, including Jammeh’s most feared military commander, General Sulayman Badjie, the head of the State Guards.

According to the investigation by the TRRC, the Junglers who killed on Jammeh’s orders were also under direct orders of the Commander of the State Guard.<sup>27</sup> Today, there are growing concerns about the well-being of the Junglers and other security officials who are either staying in the country or have recently returned. At least two Junglers – General Bora Colley and Amadou Badjie – have died without facing accountability.<sup>28</sup> Though an inquest into the death of General Colley found no foul play, it was concluded that the military had failed to provide essential medicines and injections to a chronically ill detainee. Concerns are growing that other Junglers may face a similar fate. The Junglers are not just perpetrators, they are the most vital witnesses the state needs to hold Jammeh accountable.

### 3. Universal Jurisdiction and Hope for Justice

Since Jammeh left power, only two Jammeh-era crimes have been prosecuted in the country. Members of the leadership of the feared National Intelligence Agency were sentenced to life for the murder of Ebrima Solo Sandeng,<sup>29</sup> and former junta member Yankuba Touray was also sentenced to life for killing former Finance Minister Ceesay in 1995.<sup>30</sup>

Sandeng’s prosecution was pursued amidst huge political pressure from President Barrow’s party, considering it was also one of Jammeh’s last major crimes. The case against Touray, however, was forced by other circumstances. The government deliberately pursued a case against him after he refused to testify before the TRRC

in an attempt to discourage any such action by others.<sup>31</sup> Since then, aside from the progress made on paper, the move towards justice within the borders of The Gambia has been very slow, to the frustration of the victims of the human rights violations.

As opposed to these two prosecutions, none of which were direct results of the work of the TRRC, at least three Jammeh-era crimes were prosecuted in Europe and the US. Bai Lowe was jailed in Germany in 2023 for being the former driver of the hit team that killed 58-year-old journalist Deyda Hydara in 2004.<sup>32</sup> A former interior minister of Jammeh, Ousman Sonko, was jailed in Switzerland in May 2024. And, in April 2025, a US-based court sentenced a former Jungler, Michael Sang Correa, for his role in the torture of prisoners and detainees in The Gambia.<sup>33</sup>

### 4. “Forgiveness is Not Reconciliation”

The TRRC had three mandates: (1) finding the truth about the circumstances around killings, torture and disappearances committed during the Jammeh-era; (2) fostering reconciliation in the aftermath of Jammeh’s oppression and manipulative politics; (3) identifying and paying reparations to those who qualified due to harm done to them by the Jammeh administration.<sup>34</sup>

When the Commission started, most of its time was directed at the first mandate due to the sheer magnitude of the cases before it and the limited time, material and human resources it possessed. This was because investigations and proceedings were being conducted at the same time. This meant that significant time could not be spent on reconciliation and reparations, even though attempts were made. For instance, the TRRC was empowered to pay reparations throughout its process and it provided interim reparations, mainly in the form of medical treatment to victims of rights violations.<sup>35</sup>

As with reparations, reconciliation was also meant to be part of the process. The Gambia is a small community where, in some places, perpetrators live with their victims. In the case of the ‘witch hunts’ directed by Jammeh, some community leaders reportedly co-operated with ‘witch doctors’ to hunt down fellow community members.<sup>36</sup> When the Commission started the hearing on these incidents, it held sessions within communities most affected, including Jammeh’s home region, Foni. Jambur, one of the most affected communities during the witch hunt, was deeply scarred by accusations and counter-accusations. The intensity of the effect upon the community was such that the Commission had to hold a special reconciliation hearing to address grievances there.<sup>37</sup>

But this was only a temporary attempt at suppressing anger. The lack of a plan and strategy to deal with the reopening of the wounds inflicted on communities and families by the Jammeh administration was not the only issue. The grievances of the victims regarding justice were also an ongoing issue as they feared fading political will with President Barrow going into an alliance with Jammeh’s APRC. The perpetrators, emboldened by the lack of political will, intensified their denial of crimes committed under Jammeh. One of those deniers was Fabakary Tombong Jatta, who President Barrow later appointed as the Speaker of the National Assembly in 2022.

<sup>26</sup> Patrick Gomez and Lamin Dibba, “Gambia: Amendment is Repugnant and Unconstitutional, Says Halifa Sallah”, *The Independent*, 23 April 2001.

<sup>27</sup> Mustapha K. Darboe, “Gambia’s Full Terror Exposed before the TRRC”, *Justiceinfo.net*, 26 July 2019.

<sup>28</sup> “Former Jungler General Bora Colley Dies in Army Custody”, *The Alkamba Times*, 10 March 2025.

<sup>29</sup> Yankuba Jallow, “Court Sentences Yankuba Badjie & Co to Death”, *Foroyaa*, 14 July 2022.

<sup>30</sup> Mustapha K. Darboe, “Yankuba Touray Sentenced to Death in Gambia”, *Justiceinfo.net*, 16 July 2021.

<sup>31</sup> Darboe, 2019, see *supra* note 10.

<sup>32</sup> Danai Nesta Kupemba, “Deyda Hydara Murder: Gambian Sentenced in Germany for Crimes Against Humanity”, *BBC*, 30 November 2023.

<sup>33</sup> “U.S. Jury Finds Gambian Death Squad Member Guilty of Torture”, *Trial International*, 15 April 2025.

<sup>34</sup> See, generally, TRRC Act, Articles 13–14, *supra* note 18.

<sup>35</sup> Darboe, 2021, see *supra* note 16.

<sup>36</sup> Mustapha K. Darboe, “In Gambia, Reconciliation Still on the Back Burner”, *Justiceinfo.net*, 30 September 2021.

<sup>37</sup> Mustapha K. Darboe, “Gambia: When It Is Time for Reconciliation”, *Justiceinfo.net*, 1 June 2021.



This exacerbated the situation further.<sup>38</sup>

To compensate for this apparent weakness in the implementation of the TRRC, the Commission conducted some 'reconciliation hearings'. These hearings were more like a television show of carefully picked high-profile individuals who appeared to forgive each other and exchanged handshakes and hugs. One of these was a controversial reconciliation between two high-profile alleged perpetrators, Edward Singhatay and Sanna Sabally – two key members of the military junta that backed Jammeh to power. But, as the Commission's lead counsel Essa Faal said when asked if there was anything new that he learned at the Commission: "forgiveness is not reconciliation".<sup>39</sup>

## 5. Conclusion

The Gambia is seeking to mobilize the international community to back the establishment of its internationalized regional court and support it with resources, including adequate human resources, such as personnel with expertise on forensic science. For this, The Gambia needs to demonstrate serious commitment to justice. This may not be possible while having Jammeh's party leader and his longest serving majority leader in the Parliament – Fabakary Tombong Jatta – act as the third-most important person in the republic. Therefore, The Gambia is required to effect political reforms by matching its call for justice with actions that do not undermine justice initiatives.

The much bigger trigger of this crisis may be President Barrow's perceived need to stay in power at any cost. He promised to stay in power for only three years, but is now gunning for a third term. This has, *inter alia*, cost the country a new constitution after a failed attempt in 2020. It has derailed the transitional justice process, including judicial justice, and led to a sheer lack of governance reforms. The mantra of a 'New Gambia' – which was born out of the desire to change governance after Jammeh – still remains a fantasy. Therefore, for financial and other significant support to come, the international community needs to see things move within the country. The Gambia must reform laws that empowered Jammeh to abuse rights, such as draconian media laws or the 1961 Public Order Act,<sup>40</sup> which gives excessive power to the police to stop or control peaceful protests.

The Gambia must ensure that significant domestic resources are mobilized from the sale of Jammeh's assets to fund prosecutions of the crimes committed by his administration. Reparations should also be paid using these domestic resources, which were once abused by Jammeh to commit crimes.

As of now, not only is the recovery of the sale of Jammeh's assets marred by corruption, there is no publicly available data showing how funds already recovered from such assets were spent. Once The Gambia takes charge of this process, and leads the way,

the international community may be motivated to assist. Using the TRRC or its findings to raise funds, in a manner not driven by principles or desire for justice, will only lead to more donor fatigue.

Additionally, individuals known to have been involved in torture and other crimes under the Jammeh administration must be removed from office. As part of its recommendations, the TRRC named a list of individuals who should be banned from public office, which mainly consisted of security officials.<sup>41</sup> Five years on, only a few of these individuals have been removed. But this removal should not be only of those security officials who carried out crimes, but equally of their political handlers. It is unconscionable to punish soldiers who, for instance, killed students in April 2000, but to allow individuals such as Fabakary Tombong Jatta to hold office, who defended the soldiers and participated in a process to indemnify them.

The Gambian authorities should also, in co-operation with the Junglers in custody, map all potential mass graves and excavate those buried there with the aim of providing justice. The Gambian police has only one forensic expert, and the strength of the forensic unit has not improved following almost eight years of Jammeh's removal. The remains of soldiers killed on 10–11 April 1994 by the junta were excavated in April 2019, but these bodies have yet not been identified. The families of the victims still wait for the state to identify the victims, to bury their family members. The more dependent The Gambia is on other countries to deliver justice, the more expensive justice will be.

Finally, the government should also find means to begin prosecution of crimes already addressed under Gambian laws and those that can be handled by the High Court of The Gambia. It is largely believed that there is sufficient evidence for this to be done, as in the cases of Yankuba Touray and the seven former officials of the National Intelligence Agency for the murder of Ebrima Solo Sandeng.<sup>42</sup> To assist these investigations and prosecutions, the government should provide medical services to the Junglers in the country and place them under adequate witness protection. Any successful prosecution of Jammeh may depend on the participation of Junglers in the process, among others.

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<sup>41</sup> Mustapha K. Darboe, "Gambia: Suspect Officials Remain, as Government Stalls on TRC Recommendations", *Justiceinfo.net*, 5 September 2022.

<sup>42</sup> Jallow, 2022, see *supra* note 29.

<sup>38</sup> Mustapha K. Darboe, "Gambia: 'We Want Truth Commission's Final Report Binned'", *Justiceinfo.net*, 9 September 2021.

<sup>39</sup> Mustapha K. Darboe and Thierry Cruvellier, "Essa Faal: 'We Don't Want the Truth Commission to be Seen as a Toothless Bulldog'", *Justiceinfo.net*, 20 January 2020.

<sup>40</sup> "UDP Bangs Gov't Over 'Repressive' Public Order Act", *The Point*, 12 May 2025.



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