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EFSCRJ Calls for Transparency on the Appointment of the Incoming Chief Justice

The Edward Francis Small Centre for Rights and Justice has taken note of widespread media reports that Pres. Adama Barrow has either nominated or appointed Mr. Edi M.O. Faal as the next Chief Justice of the Gambia. We have also taken note of the press release issued by the Gambia Bar Association (GBA) on 9th July 2026 following its Emergency General Meeting convened to consider Mr. Faal's proposed appointment.

In its resolution, the GBA unanimously concluded that Mr. Faal does not satisfy the constitutional qualifications for appointment as Chief Justice under Section 139(2) of the Constitution. The Association further stated that it has formally communicated its resolution to the President, the Chairperson of the Judicial Service Commission, and the Attorney General and Minister of Justice for their consideration.

The office of the Chief Justice is one of the most consequential constitutional offices in the Republic. As the head of the Judiciary and guardian of the administration of justice, the Chief Justice must not only possess unquestionable integrity and competence but must also meet the constitutional qualifications prescribed under Section 139 of the Constitution.

While Mr. Edi M.O. Faal's published profile indicates over four decades of distinguished legal practice in the Gambia, England and Wales, and the United States, all of which fall under a common law tradition, constitutional compliance cannot rest on assumptions or general descriptions of professional experience. The Constitution requires objective satisfaction of the prescribed qualifications.

For this reason, EFSCRJ believes that the Presidency should place before the Gambian people the factual basis upon which it concluded that Mr. Faal satisfies the constitutional requirements for appointment. This is essential for maintaining public confidence in the Judiciary and demonstrating fidelity to the Constitution. The appointment of Chief Justice must never be perceived as a matter of political discretion. It is fundamentally a constitutional process that demands openness, accountability, and public confidence.

EFSCRJ therefore calls upon the Government to make public the legal and factual basis upon which it determined that the constitutional requirements under Section 139 have been satisfied. In other words, we urge the President of the Republic to ensure full transparency regarding the process, the constitutional basis, and the qualifications upon which Mr. Edi M.O. Faal was considered for appointment as Chief Justice. Given the constitutional significance of the office, the public is entitled to understand the legal and factual basis for the appointment.

Such transparency is essential to strengthening public trust and confidence in the Judiciary and ensuring that the incoming Chief Justice assumes office with the legitimacy, credibility, and institutional support necessary to discharge the functions of that high office effectively and independently.

The Constitution is the supreme law of the Gambia. Every appointment made under it must not only comply with its provisions but must also be seen by the public to comply with them. Public confidence in the Judiciary begins with public confidence in the constitutional legitimacy of its leadership.

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