

TRUTH, RECONCILIATION & REPARATIONS COMMISSION (TRRC) DIGEST

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EDITION 11

Presented by:

THE POINT for freedom and Democracy

**A.N.E
K.E.D** 

AFRICAN NETWORK AGAINST EXTRAJUDICIAL KILLINGS AND ENFORCED DISAPPEARANCES

The Truth, Reconciliation and Reparations Commission (TRRC) is mandated to investigate and establish an impartial historical record of the nature, causes and extent of violations and abuses of human rights committed during the period of July 1994 to January 2017 and to consider the granting of reparations to victims and for connected matters. It started public hearings on 7th January 2019 and will proceed in chronological order, examining the most serious human rights violations that occurred from 1994 to 2017 during the rule of former President Yahya Jammeh. While the testimonies are widely reported in the press and commented on social media, triggering vivid discussions and questions regarding the current transitional process in the country, a summary of each thematic focus/event and its findings is missing.

The TRRC Digests seek to widen the circle of stakeholders in the transitional justice process in The Gambia by providing Gambians and interested international actors, with a constructive recount of each session, presenting the witnesses and listing the names of the persons mentioned in relation to human rights violations and – as the case may be – their current position within State, regional or international institutions.

Furthermore, the Digests endeavour to highlight trends and patterns of human rights violations and abuses that occurred and as recounted during the TRRC hearings. In doing so, the TRRC Digests provide a necessary record of information and evidence uncovered – and may serve as “checks and balances” at the end of the TRRC’s work.

After each release, the Digests are translated into Fula, Jola, Mandika and Wolof, and transmitted over local radio stations.

#NeverAgain

DISCLAIMER

The current publication is **NOT** a document emanating from the TRRC. It is produced by ANEKED and The Point Newspaper.

The information in this publication has been compiled from live testimonies given at the TRRC hearings. Great care has been taken to accurately represent the verbal testimonies, however errors cannot be fully excluded.

Please note that the culpability of any persons mentioned by witnesses can only be established by a competent court.

Discrepancies and conflicting testimonies are highlighted on the next page.



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DISCREPANCIES/CONFLICTING TESTIMONIES

Imam Baba Leigh vs Omar A. Jallow

On the torture of Imam Baba Leigh, Imam Baba Leigh insisted that he did not know the identities of his torturers. However, in testimony given in July 2019 Omar A. Jallow (session 6) alleged that he heard that Imam Baba Leigh spoke during his torture and it was recorded on an audiotape. Omar Jallow attested that he later heard that Imam Baba Leigh had mentioned Oya (Omar A. Jallow) and Nfansu Nyabally.

There was also significant discrepancy regarding the number of torture sessions. While Omar Jallow testified that he only participated in one torture session, Imam Baba Leigh insisted he was tortured for nine nights in a row.

Imam Baba Leigh vs Amadou Badjie

Amadou Badjie also told the Commission (session 6) that he had only participated in one torture session. Though Imam Baba Leigh testified that he endured nine torture sessions and did not specify the names of his torturers during his testimony, it is important to note this discrepancy.

Ganyie Touray vs Yunusa Ceesay

Ganyie Touray testified that according to the records of the governor's office, there were 35 compounds and not 81 compounds in Kerr Mot Ali in 2009 and that out of the 35 compounds, 15 were not part of the Ndigal sect. This contradicts Yunusa Ceesay's testimony, which stated that there were 81 compounds in the village of Kerr Mot Ali in 2009 and that the inhabitants were all followers of the Ndigal sect. Furthermore, during Ganyie Touray's hearing, the Lead Counsel tended in a document, which showed the proposed layout for Kerr Mot Ali in 2009 and it included 81 compounds. He stated that he had shared the document purposely to show

that there were many homes in Kerr Mot Ali at the time. As to the ownership of those properties, the court had clearly established that the people of Kerr Mot Ali owned those properties and highlighted that this was not the issue in dispute here but rather the forcible exile of Gambians from Gambian soil on account of their religious beliefs.

Ganyie Touray also denied that during the attack on the Ndigal sect followers, the Ndigal sect followers were forced to build accommodation for the new Sheikh from Senegal as well as pledge allegiance to him and that they were detained for 21 days at Njau Police Station. This contradicts the testimony given by Yunusa Ceesay who affirmed that during the attack on the Ndigal sect followers, not only were they forced to pledge allegiance to the new Sheikh, they experienced violence at the hands of the paramilitaries, including beatings, and the sexual abuse of multiple women. He added that those captured were forced to build a new house for the Sheikh and detained in Janjanbureh, Njau and Kauur. They were also made to pray contrary to their religious practice.

OVERVIEW

The 11th session of the public hearings of the Truth, Reconciliation and Reparations Commission, TRRC, which began on 20th January 2020 and ended on Thursday 6th February 2020 focused on the **attacks** on the religious freedom of people during the Yahya Jammeh regime.

During the course of this session, witnesses testified to the **arrest, detention, torture and persecution** of imams for preaching a brand of Islam or views that were different from that espoused by Yahya Jammeh. Witnesses put forward that the Supreme Islamic Council played an important role in those **attacks**. A number of witnesses singled out Imam Abdoulie Fatty from the Supreme Islamic Council for inciting hatred and violence, as well as persecuting religious leaders, scholars and religious minorities such as the Ahmadiyyah Muslim Jamat, who suffered a series of **harassments** and **attacks** including destruction of their mosques and denial to bury their dead in a Muslim cemetery under the Jammeh regime.

The attacks on religious minorities were not limited to Muslims who also shared the same faith as Yahya Jammeh but in fact extended to the Christian community, with one witness testifying to what he termed as a catalogue of **persecution** and **harassment** of Gambian Christians during the Jammeh era. This was culminated by the [unconstitutional] declaration of The Gambia in December 2015 as an Islamic Republic. The witness stressed that prior to the Jammeh regime, Christians and Muslims had peacefully coexisted in the country.

The session also heard testimonies from witnesses regarding the **persecution, arbitrary arrest and detention, and torture** of hundreds of Ndigal sect followers, under the purview of the Jammeh regime, resulting in the forcible exile from the village of Kerr Mot Ali Gambia to Senegal where they lived as refugees and still presently do so.

During this session, an expert witness discussed the making of the Jammeh dictatorship and the persona of Yahya Jammeh as the ruler of the country and religious figure.

The session saw 15 persons testify, all men including 1 accused of committing human rights violations. In the course of the session, the human rights violations reported include:

-Religious persecution and intolerance

-Arbitrary arrest and detention

-Ill-treatment and torture including sexual abuse

-Enforced disappearance

-Forced labour

-Forcible exile

58 persons were mentioned by witnesses in relation to human rights violations committed, namely⁴:

Sheriff BADJAN: Vice-president of the Supreme Islamic Council, SIC. Accused of religious intolerance and defamation of the Ahmadiyyah Muslim Jamat.

Landing BADJIE (aka Thirteen Badjie): Inspector general of police in 2002. Accused of arbitrary arrest and detention of Mahamadou Habibullah Secka also known as Ndigal in 2002.

Ousman BADJIE: Minister of Interior in 2002. Accused of arbitrary arrest and detention of Mahamadou Habibullah Secka also known as Ndigal in 2002. Reported to be a project coordinator for a project being implemented in Casamance in 2019.

Yankuba BADJIE: Director General of the National Intelligence Agency, NIA in 2012. Accused of arbitrary arrests and detentions of Ba Kawsu Fofana in 2012. Arrested in February 2017 and facing trial as part of the NIA 9 case on numerous offences ranging from conspiracy to commit felony, assault causing serious bodily harm, murder (of UDP activist Solo Sandeng) and making false documents at time of release of this publication.

Jatta BALDEH: Crime Management Coordinator at the Banjul Police Headquarters in 2005. Accused of arbitrary arrest and detention of Imam Alhaiba Hydara in 2005 and of corruption.

⁴The allegations against individuals listed here are only those that were mentioned in this session. Individuals might have been accused of other crimes in previous sessions. Please check our previous Digests.

Foday BARRY: Senior officer at the NIA in 2002 and at one point he was the director of intelligence and investigation at the National Drug Enforcement Agency, NDEA. Accused of participating in the arbitrary detention of Imam Baba Leigh in 2002.

Bakary BEYAI: NIA officer in 2012. Accused of participating in the torture of Imam Baba Leigh in 2012.

BOJANG (first name not given): Accused of participating in the torture of Imam Baba Leigh in 2012.

CEESAY (first name not given): NIA officer in 2012. Accused of attempted arbitrary arrest of Ba Kawsu Fofana, of arbitrary arrest of Omar Fofana and of destruction of property in 2012.

Kebba CEESAY: Officer in charge at Janjasureh prison in 2005. Accused of arbitrary arrest and detention of Imam Alhaiba Hydara in 2005.

Chebbo CHAM: Islamic preacher. Accused of religious intolerance and defamation of the Ahmadiyyah Muslim Jamat.

COLLEY (first name not given): NIA officer in 2012. Accused of enforced disappearance of Ba Kawsu Fofana in 2012.

Bora COLLEY: Former Brigadier General in the army and member of the death squad team “the Junglers”. Accused of arbitrary detention of Imam Baba Leigh in 2012. His name is on the list of wanted persons issued by Gambian authorities in 2018.

David COLLEY: Former Director General of The Gambia Prison Services. Accused of arbitrary detention of Imam Karamo Touray, Abdoulie Sanneh, Ba Jerreh Touray, Basansan Sanneh, Malang Kalifa, Alfusainey Touray and Bakary Jatta in 1998. According to media reports, David Colley was dismissed on 24th February 2017 from his position as Director General of The Gambia Prison Services and was charged with conspiracy to commit murder (of Baba Jobe) and abuse of office in March 2018, but released on bail².

Dahaba (last name not given): NIA officer. Accused of attempted kidnapping of Ba Kawsu Fofana from Casamance, Senegal.

Cherno DARBOE: Member of the Supreme Islamic Council executive committee. Accused of religious intolerance.

Abdoulie FATTY: Former imam of State House and member of executive committee of the SIC. Accused of religious intolerance and of persecution of religious leaders, scholars and religious minorities including the Ahmadiyyah Muslim Jamat. Secretary General of the SIC at time of release of this publication.

Bakary (Bubacarr) GASSAMA: Former director of finance at the NIA. Accused of arbitrary arrest and detention of Imam Alhaiba Hydara in 2005.

Omar Faba GITTEH: Islamic preacher. Accused of religious intolerance and defamation of the Ahmadiyyah Muslim Jamat.

Louis GOMEZ: Former deputy director of the NIA. Accused of arbitrary arrest and detention of Baba F. Trawally in 2009; of attempted arbitrary arrest of Ba Kawsu Fofana; of arbitrary arrest of Omar Fofana and of destruction of property in 2012. Deceased (2018) whilst standing trial with eight former NIA officials for the murder of UDP activist Solo Sandeng.

JALLOW (first name not given): Officer within the Police Intervention Unit, PIU in 2009. Accused of participating in the persecution, arbitrary arrest and detention, and forced removal of the Ndigal sect followers in 2009.

Ebrima JALLOW/BAH³: Accused of participating in the arbitrary detention of Imam Baba Leigh in 2002. Said to be deputy chief to the head of the drug squad at the time of mention and to have once been posted at the Gambian embassy in the United Kingdom.

Famara JALLOW⁴: Station Officer at Brikama Police Station in 1998. Accused of arbitrary detention and ill-treatment of Alfusainey Touray whilst in custody in 1998.

²See publication by The Point Newspaper: Ex-prison chief charged over Baba Jobe’s murder, 20 March 2018.

³The witness was unsure if the surname was “Bah” or “Jallow”.

⁴Also spelt Nfamara.

Modou Pika JALLOW: Former NIA officer. Accused of participating in the torture of Lamin Waa Juwara in 1998.

Ousman JALLOW: PIU officer in 2011. Accused of participating in the unlawful destruction of property (mosque) of the Ahmadiyyah Muslim Jamat in 2011.

Tamsir JALLOW: Station Officer at Yundum Police Station. Accused of arbitrary arrest and detention of Sheikh Sheriff Muhideen Hydara in 2014.

Yahya JAMMEH: Chairman of the AFPRC, later APRC and President of The Gambia until December 2016. Accused of ordering the torture of Imam Baba Leigh in 2012; of religious intolerance; and of persecution of Christians, religious leaders and scholars for preaching a brand of Islam or views that are different from that espoused by him.

Ousman JATTA: West Coast police commissioner in 2014. Accused of arbitrary arrest and detention of Sheikh Sheriff Muhideen Hydara in 2014.

Ebrima JARJU: Second vice-president of the SIC. Accused of religious intolerance.

Yahya JARJU: Accused of arbitrary detention of Imam Karamo Touray, Abdoulie Sanneh, Ba Jerreh Touray, Basansan Sanneh, Malang Kalifa, Alfusainey Touray and Bakary Jatta in 1998.

Demba JOW: NIA officer in 2012. Accused of participating in the arbitrary detention of Imam Baba Leigh in 2012.

Baba JOBE: Businessman and close associate of Jammeh, National Assembly majority leader of the ruling AFPRC party from 2001 to 2003. Accused of torturing Lamin Waa Juwara in 1998. Deceased (2011).

Muhammad KAMATEH: Alkalo in the Wuli District in Upper River Region. Accused of unlawful destruction of property (mosque) of the Ahmadiyyah Muslim Jamat in Makamasireh in 2000.

Numo KUJABI: Former director general of the NIA. Accused of arbitrary arrest and detention, and assault of Ismaila Manjang in 2011. Deceased (2014).

Daba MARENAH: Former head of the NIA. Accused of arbitrary arrest of Imam Karamo Touray, Abdoulie Sanneh, Ba Jerreh Touray, Basansan Sanneh, Malang Kalifa and Bakary Jatta in 1998. Deceased (2006).

Demba MBAYE: Accused of arbitrary arrest and detention of Baba F. Trawally in 2009.

Malick MBAYE: Chief District in Central River Region, CRR in 2009. Accused of being responsible for the religious persecution, arbitrary arrest and detention, torture as well as the unlawful expulsion of the Ndigal sect followers leading to their exile in 2009.

Biran MBYE: Officer in charge at the PIU in Kanifing in 2005. Accused of arbitrary arrest and detention of Imam Alhaiba Hydara in 2005.

MENDY (first name not given)⁵: Accused of arbitrary arrest of Ba Kawsu Fofana in 2012.

Pa Njaga MENDY: NIA officer in 1998. Accused of arbitrary arrest and detention of Alfusainey Touray and Lamin Waa Juwara in 1998. Accused of being present during the torture of Lamin Waa Juwara in 1998.

Zakir NAIK: Indian Islamic scholar and preacher. Accused of inciting hatred and of religious intolerance. Wanted in India, his country of birth, on charges of spreading hate speech, inciting terrorism and money laundering at time of release of this testimony.

NJIE (first name not given): Station officer at Fulabantang Police Station. Accused of unlawful destruction of property (mosque) of the Ahmadiyyah Muslim Jamat in 2011.

⁵Possibly James Mendy, chief of security guard under the NIA.

SABALLY (first name not given): Police Commissioner in 2009. Accused of participating in the persecution, arbitrary arrest and detention, torture as well as the unlawful expulsion of the Ndigal sect followers leading to their exile in 2009.

Kemo SAIDYKHAN: Islamic preacher. Accused of religious intolerance and defamation of the Ahmadiyyah Muslim Jamat.

Sanna SAIDYKHAN: NIA officer in 2012. Accused of participating in the arbitrary arrest of Imam Baba Leigh in 2012.

SAINE (first name not given): Officer in the PIU in 2009. Accused of participating in the persecution, arbitrary arrest and detention and forceful removal of the Ndigal sect followers in 2009.

SANYANG (first name not given): Said to be a senior official at Mile 2 Prison in 2012. Accused of arbitrary detention of Imam Baba Leigh in 2012.

Sheikh Alieu SECKA: Uncle of cleric Serign Muhammadou Habibou Secka also known as Ndigal (Son) and paternal brother of Ndigal (the first). Accused of participating in the unlawful eviction of Ndigal sect followers in 2009.

Sheik Alioun SECKA: Alkalo of Kerr Mot Ali, Gambia and cousin of Ndigal. Admitted to not accepting the religious views and practices espoused by the Ndigal sect followers and being present during their unlawful eviction in 2009.

Ousman SONKO: Former Inspector General of Police and Minister of Interior (2000-2016). Accused of participating in the torture of Ba Kawsu Fofana in 2012. Detained in Switzerland and under investigation by Swiss authorities for crimes against humanity, including rape at time of release of this publication.

Yankuba SONKO: Former Inspector General of Police (2010-2014, and again from 2015-2017). Accused of arbitrary arrest and detention of Sheikh Sheriff Muhideen Hydera in 2014. Minister of Interior at time of release of this publication.

Abdoulie SOWE: Police officer. Accused of enforced disappearance of Imam Alhaiba Hydera and of arbitrary detention of Ansumana Kujabi in 2005.

Mr. SOWE (first name not given): Sergeant in the police force stationed at Gunjur Police Station in 2011. Accused of arbitrary arrest of Ismaila Manjang in 2011.

Haruna⁶ SUSSO: Former NIA officer. Accused of participating in the arbitrary arrest of Imam Baba Leigh in 2012. Facing trial as part of the NIA 9 case on numerous offences ranging from conspiracy to commit felony, assault causing serious bodily harm, murder (of UDP activist Solo Sandeng) and making false documents at time of release of this publication.

Maimuna TAAL: Director General of the Civil Aviation department in 2005. Accused of unlawful eviction of Imam Alhaiba Hydera's family in 2005. Technical Officer Airworthiness at the International Civil Aviation Organisation, ICAO at time of release of publication.

Ganyie TOURAY: Former governor of CRR. Confessed to ordering the religious persecution, arbitrary arrest and detention as well as the unlawful expulsion of the Ndigal sect followers leading to their exile in 2009. Accused of being responsible for the torture meted out on the Ndigal sect followers during their unlawful expulsion and of forced labour.

Jawara TOURAY: Police officer at the CID. Accused of arbitrary arrest and detention of Imam Alhaiba Hydera in 2005.

Modou Lamin TOURAY: Imam and president of the SIC since 2008. Accused of willful misrepresentation of the unlawful execution of the nine death row inmates in 2012. Also accused of religious intolerance and defamation of religious leaders, scholars and religious minorities.

⁶Sometimes spelt Harona.

6

TYPES OF HUMAN RIGHTS VIOLATIONS



ill-treatment and torture including sexual abuse



forcible exile



forced labour



religious persecution and intolerance



arbitrary arrest/detention



enforced disappearance

58

PERSONS MENTIONED

in relation to human rights violations committed



PLACES

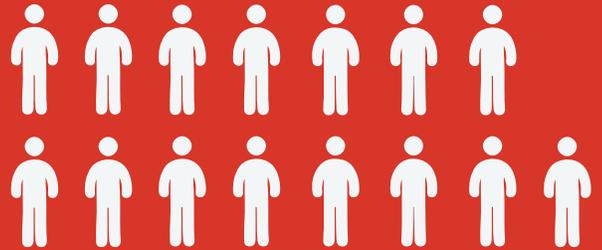
BANJUL POLICE STATION BRIKAMA MOSQUE NATIONAL INTELLIGENCE AGENCY BAMBADINKA MILE 2 PRISON STATE HOUSE SUPREME ISLAMIC COUNCIL HEADQUARTERS BRIKAMA POLICE STATION POLICE INTERVENTION UNIT HEADQUARTERS BANJUL POLICE HEADQUARTERS YUNDUM POLICE STATION SIBANOR POLICE STATION BWAIM POLICE STATION JANJANBUREH PRISON KERR MOT ALI GAMBIA KERR MOT ALI SENEGAL FARAFENNI POLICE STATION NJAU POLICE STATION KAUUR POLICE STATION

15

PERSONS TESTIFIED

0 women

1 Person accused of committing human rights violations



3

PERSONS

ENGLISH

8

MANDINKA

4

WOLOF



WITNESS NAME: Abdoulaye Saine

TRRC HEARING DATE (S): 20th & 21st January 2020

EVENT (S) DISCUSSED: The onset and maintenance of Yahya Jammeh's regime⁷

POSITION BEFORE THE EVENT (S): Student in the US, University Professor

ROLE DURING THE EVENT (S): Diaspora activist, University Professor

POSITION AT THE TIME OF TESTIMONY: University Professor

SUMMARY OF TESTIMONY:

Abdoulaye Saine began his testimony by describing his educational background and training as a teacher in Gambia before travelling to the United States to pursue his tertiary education in 1974. He studied political science, anthropology, conflict resolution, development studies and African studies and completed his PhD in 1989. Since then, he has taught at American universities.

Throughout the testimony both the Lead Counsel and the witness referred to a report the witness wrote for the Commission. The report covers the witness' analysis of Yahya Jammeh's motivations and how his regime stayed in power for 22 years.

The witness stated that the report begins by providing a backdrop to the causes of the 1994 coup. He highlighted frustrations within the military, deepening poverty and social class differences, and larger dynamics in the West African sub region. While the People's Progressive

Party, PPP, government had some success in instilling democracy, respect for human rights, and the rule of law, at the end of the 1980s the country faced a rough economic landscape after economic downturns, the oil shock, and structural adjustment.

The Lead Counsel interjected that the late Sir Dawda had a good human rights record, especially considering his peers across the continent. The witness replied that the late President had made some improvements in the economy, maternal health, education, and infrastructure, but it was not enough. He pointed out that the coup attempt in 1981 was also caused by class and social distinctions between a small elite and the masses who lived in poverty and nurtured grievances.

After the 1981 coup, the witness explained, Gambia was subsumed into the Senegambia Confederation⁸. This was resisted by many Gambians, who felt it was an attempt to make Gambia a region of Senegal. Meanwhile, economic problems from structural adjustment and the downsizing of many workers had negative social and economic effects which sharpened grievances.

When the late Sir Dawda Jawara announced he was going to step down, then reversed course and won the 1992 elections, his reputation became tainted with corruption. The lack of a real opposition meant the elections were a "symbocracy." At the same time the government became riven with rivalries and plagued with patronage.

This political and economic environment influenced the coup plotters in 1994, the witness said, who were not well educated, earned low wages, and generally occupied a low social status with few avenues for advancement. The witness also referenced tensions between the Nigerian senior management and the Gambian junior officers as a source of friction.

The Lead Counsel pointed out that some of the participants in the 22nd July 1994 coup denied that they were motivated by grievances from within the military. The witness replied that the academic literature supported his argument and that living conditions tend to be a factor in coups around the world.

⁷This was an expert hearing, not related to an event in particular.

⁸The Senegambia confederation was founded on 1 February 1982 following an agreement between Gambia and Senegal signed on 12 December 1981. It was intended to promote cooperation between the two countries, but was dissolved by Senegal on 30 September 1989 after The Gambia refused to move closer toward union.

The Lead Counsel continued by reading from the report that personal gain and enhancing their social standing were some of the main motivations for the coup plotters. They camouflaged their true intentions by adopting a discourse of transparency and accountability. This helped them get some support, but with time it became clear they were more corrupt and lived a more ostentatious lifestyle than the previous government.

The witness then began to analyse Yahya Jammeh and his background. He identified Jola, Islamic, Christian, and Pan-African theologies as central to the former President's worldview. He narrated Yahya Jammeh's coming to Banjul as a Ndongo⁹ and survival on the streets through cunning and flattery.

In his time in the military, the witness said, Yahya Jammeh developed a “black and white, zero-sum game” worldview.

At the same time, Yahya Jammeh believed in the occult, and that we live in an evil world with demons and evildoers. Upbringing, norms, and cultural values framed the reality through which he would have arrived at decisions.

Abdoulie Saine explained that many military officers find civilian decision-making and democracy slow and ineffective, and ultimately believe they are better positioned to set the country on a course to stability and modernity. While the military prioritises hierarchy and the chain of command, in a situation of poor training and limited resources the larger societal and economic problems of the era found a fertile ground in its ranks.

Lastly, the witness pointed out that the 1980s were a turbulent time in West African democracy. Liberia and Sierra Leone were both under military regimes, and when war broke out in the early 1990s, Gambia sent peacekeeping troops. However, when these troops returned they were not paid and became disgruntled. At the same time, the refugees from the conflict were putting a strain on Gambian society.

The Lead Counsel then moved on to the gradual erosion of human rights and democratic norms and creation, consolidation, and sustenance of Yahya Jammeh's dictatorial regime.

The witness told the Commission that Yahya Jammeh built an electoral system that was favourable to him while muzzling the press and pursuing dissidents with deadly force.

Campaigning for the first elections in 1996 was only a week and a half and the Independence Election Counsel was not independent. Opposition candidates had to pay huge sums to register.

The witness pointed specifically to the 11th November 1994 killings as designed to send a strong message to others in the military who might dare to challenge his rule. The **killings**, the witness said, took away the innocence of Gambians. *“Never in the history of this country did we ever witness such wanton slaughter.”*

Soon after, the National Intelligence Agency, NIA was created. The **arrests, tortures, disappearances, and killings** enforced a culture of silence where people feared speaking out. The NIA also participated in the muzzling of the press. Beyond the NIA, Yahya Jammeh created a number of clandestine groups that engaged in atrocious acts of violence against citizens such as the Green Boys and the Junglers.

To keep the civil service pliant Yahya Jammeh would fire them then rehire them. Abdoulie Saine described this as a “Stockholm syndrome” where those who are abused turn around and love the person who committed the atrocities. The Lead Counsel interjected that there are a number of people who were **tortured** who later became the regimes biggest defenders, citing Rambo Jatta specifically. The witness continued that after being rehired most people were effectively silenced and became part of the cabal. This system extended to most senior civil servants who served under Jammeh.

Beyond naked violence and state institutions, the witness continued, Yahya Jammeh used Gambia's social and cultural infrastructure to maintain his rule.

⁹Something like, but not quite, a street urchin.

He used the social power of religion, performance of piety, and the belief in a spiritual world to make people believe that he had special powers.

When asked about Yahya Jammeh's sartorial transition from the military uniform to the all-white robes, the witness responded that this was Yahya Jammeh using religion to curry favour and consolidate his support among religious leaders. The witness described pictures of respected imams rubbing water Yahya Jammeh had touched on themselves as "*the low depth of sycophancy.*" He pointed out that despite carrying around a Quran, the former President was said to partake in "*alcohol and other forbidden foods and engage in activities that were un-Islamic.*"

The witness continued that Yahya Jammeh was buttressed by the idea that a leader is installed by God, and thus by going against the leader, someone would be challenging God. Instead religious leaders told citizens to obey those in command and leave everything else to God. Imam Ratib of Banjul was named specifically for blessing Yahya Jammeh at state functions and praying for the then-President at Friday service. The witness summed up the general message that was transmitted by religious leaders with the Wolof proverb: "*A stone does not wrestle with an egg.*"

The Lead Counsel then asked the witness to speak about Yahya Jammeh's upbringing and the development of his worldview. The witness began by seeking to disabuse the audience of the idea that Yahya Jammeh was un-Gambian. "*Jammeh is as Gambian as they come,*" he explained. "*He exemplified the best and worst of Gambians national heritage and baggage. He is one of us.*"

The witness continued that Yahya Jammeh is a product of the Jola and other cultures that lived in his village. He was exposed to both Christianity and Islam. When he moved to Banjul he adopted the "ndongo" or street wise culture where you must act fast and decisively to outsmart your opponent. At the same time, he came to see the world as unfair and unjust. The witness reminded the Commission that Yahya Jammeh came from an underprivileged socio-economic and ethnic background, he saw few opportunities for advancement in the military or civil service, and began to nurture grievances against the elites.

Abdoulie Saine further testified that across the continent, Yahya Jammeh was influenced by African leaders such as Mobutu Sese Seku, Idi Amin, and Sani Abacha, who he saw as strong military rulers. Apparently Yahya Jammeh was especially inspired by Jerry Rawlings in Ghana, who was invited as a special guest to the first anniversary of the 22nd July 1994 coup.

Yahya Jammeh could profess to be a good Muslim while also taking mind altering drugs, engaging in acts of cruelty and depravity, and consulting multiple spiritual forces. He had good social skills, a sense of humour, and knew how to dance to reggae as well as traditional West African music. The witness even extended that Yahya Jammeh may have at times contemplated the moral implication of his actions.

But at the end of the day, Yahya Jammeh understood the worldview of most Gambians and manipulated people's greed and lust for pride and "ensnared them to serve his perverse mission." He was a suspicious and narcissistic individual, and "in the latter days of his misrule he exhibited all the pathologies of a leader gone mad."

The witness then began to give an overview of the rights violations that occurred under Yahya Jammeh. He started with describing the international human rights law framework established since the end of World War Two. While the International Covenant on Civil and Political Rights, ICCPR focuses more on individualist and political rights, the International Covenant on Economic, Social, and Cultural Rights, ICESCR focuses on social and economic rights. Later the Convention on the Elimination of All Forms of Discrimination Against Women, CEDAW was passed as were other treaties on children's and groups rights. After explaining the intellectual history of some of these concepts, he told the commission that these are the lenses through which he analysed the human rights abuses committed under Yahya Jammeh.

The Lead Counsel then asked the witness about homosexuality. He responded that Yahya Jammeh's homophobic comments were a way for him to pander to potential donor nations in the Middle East. Jammeh used the narrative that homosexuality is "un-African" and imposed by the west to appeal to religious and traditional Gambians who may have never heard that homosexuality is a natural tendency in humans.

The witness began by outlining the civil and political rights violations under Yahya Jammeh. Initially Jammeh spoke positively of journalists, the witness said, but when they began to criticize him they came under attack as a group. Later he targeted specific journalists for violence and had printing presses and radio stations destroyed. He also implemented a number of media bills that served to further muzzle the press and give the government wide latitude to arrest and detain journalists.

The Lead Counsel then moved the conversation to the lawyers, pointing out that it is rumoured that Ousman Sillah¹⁰ was a target of an assassination attempt. The witness concurred that the culture of silence engulfed the entire country and rights to freedom of expression were curtailed. They both agreed that the culture of silence came from the fear that the NIA had a wide network of spies, and there was always the threat that you would be woken up in the middle of the night and carried away.

When asked about the rights of religious minorities under Jammeh, the witness responded that despite Gambia's generally good record, the treatment of the Ahmadiyya should be considered a violation. He also pointed out that Christians suffered when Yahya Jammeh declared The Gambia an Islamic state and tried to pass laws about covering women. He added that these policies were likely part of Yahya Jammeh's outreach to the Arab world as opposed to actual religious knowledge or piety. He concluded his thoughts on religion by arguing that Gambia needs the separation of church/mosque and state to protect the rights of minorities.

The witness then moved on to discussing how the ex-President tried to weaponise ethnicity in the 2016 election by making vitriolic comments about Mandinka people¹¹. The witness said he believed Yahya Jammeh was trying to rally all the other ethnicities around him by ostracising the Mandinka. Instead, many Mandinka who had voted for the president in previous elections, switched to the opposition, costing Jammeh the Presidency.

Moving onto the courts, the witness said that the actions of many Gambian judges and Ministers of Justice, who compromised their professional integrity in the process furthering Yahya Jammeh's regime, was quite troubling. The Lead Counsel pointed out that many civil servants were **arrested, detained** on false charges, released, reappointed, **arrested**, and detained as part of a system to secure compliance.

The witness countered that there were some people who still refused to comply and either fled or lived without an income.

The Lead Counsel said that compliance itself is murky, because they relied on the job to survive. The witness conceded that indeed it was a difficult time and that "*people did what they had to do to survive.*" During the exchange both the Lead Counsel and witness acknowledged that neither of them actually lived in Gambia during this period.

Further testifying, the witness told the Commission that Yahya Jammeh would regularly abuse the 72-hour limit to holding individuals. Sometimes he would have someone **detained** for a long period before bringing them to him and personally forgiving and releasing them, thus giving the impression of generosity. The Lead Counsel pointed out that there was no bail for death penalty cases, thus people could be changed with a crime that attracted the death penalty, then left to rot before coming before a judge. The witness agreed that this was a violation of a number of Gambia's international human rights treaties.

He added that the execution of the nine death row inmates while ignoring all pleas of clemency was one of the lowest points in the Gambian "criminal injustice system", followed by the arrest and torture of Imam Baba Leigh and Imam Ba Kawsu Fofana.

¹⁰In December 2003, Lawyer Ousman Sillah survived an assassination attempt allegedly by the Junglers. See [article- Lawyer Ousman Sillah explains how he survived an assassination attempt by Jammeh's hit squad.](#)

Regarding the right to vote, the witness continued, all the elections between 1996 and 2001 were micromanaged by Yahya Jammeh and the Independent Electoral Commission, IEC to deliver him a victory. While Gambia technically held elections, the ballot boxes were stuffed and he regularly intimidated officials involved to ensure victory. The witness added that as a recommendation, the president should not be the one to appoint the head of the IEC.

The Lead Counsel then asked the witness to detail violations of economic, social and cultural rights under Yahya Jammeh. The witness responded that initially after taking power Jammeh undertook an impressive economic plan building roads, schools, hospitals, Gambia Radio and Television Service, GRTS and University of The Gambia, UTG.

However, Abdoulie Saine then spoke about how Yahya Jammeh used GRTS to sing his praises and control the narrative. It was used to promote a cult of personality around the ex-President, part of which was the belief that Yahya Jammeh possessed supernatural powers and could cure a range of ailments. As his cult of personality grew, he came to impersonate the state, and it seemed as if everything in the country was an extension of the president.

This had disastrous effects on the economy. He treated government coffers as his own private account. Development money was dispersed through Yahya Jammeh and his party. Without any real macroeconomic policy, the economy slumped and was increasingly reliant on domestic and foreign borrowing. Meanwhile through his financial misdealing Yahya Jammeh became likely the richest person in Gambia and one of the wealthiest heads of state in Africa.

The witness continued that while Yahya Jammeh stole between 362 million to one billion US dollars over 22 years, The Gambia was mired in poverty. Instead of improving material healthcare or building libraries, the countries meager resources were spent on luxuries for Jammeh and his cabal.

This corruption, the witness argued, constituted a human rights crime as it prevented everyday Gambians from realising their right to healthcare, education, and basic shelter.

The witness then moved onto group rights. He started by saying that Yahya Jammeh's comments against Mandinkas constituted a threat to their group rights. He continued that Jammeh's comments about sexual minorities¹², while part of a campaign to pander to Middle Eastern donors and conservative Muslims and Christians, was also a threat to their rights to exist as a group. He recommended that a future constitution should have some protections for sexual minorities. He added that the unlawful declaration of an Islamic state also violated the group rights of Christians.

Moving on to women, the witness credited the ex-President with promoting women to positions of power. He also credited him with passing legislation protecting women's right and an expansive law banning Female Genital Mutilation, FGM. When the Lead Counsel suggested that some of these appointments were mere pandering and more symbolic than substantive, the witness responded that he wanted to acknowledge that Yahya Jammeh was not completely irredeemable. Women, he said, have never had a "fair shake" in Gambian society and thus even just promoting the concept of free education for girls was valuable. However, he did acknowledge that part of Yahya Jammeh's attention to women may have also been pandering because they were an important part of his re-election campaigns¹³.

Abdoulie Saine then moved onto the underlying motives that led to the continuation of the regime. He said that Yahya Jammeh was driven by a lust for power at any expense and keep himself in charge. His deflection of blame for problems externally, constant self-aggrandizement, and love/hate relationship with intellectuals all point to deep insecurity. He saw politics as a zero-sum game and was willing to deploy considerable violence to stay on top.

He was an astute observer of regional and global politics, and understood that people were self-consumed with their own challenges and had little strategic interests in a country like Gambia. After any international uproar over his regime, it was only a matter of time before the condemnation would subside and politics would return as usual.

Meanwhile, the former President stayed a step ahead of his enemies. His upbringing gave him

¹²In 2014, the Criminal Code Act 2014 introduced life imprisonment for consensual same-sex relationships persons. Please see [Amnesty International UK article-Gambia's latest anti-gay Bill](#).

¹³Yahya Jammeh has also been accused of sexual abuse and raping young women, which the Lead Counsel and the witness failed to highlight during this testimony.

a resentment, but also need for acceptance, of the educated and professional class. He was generous with his ill-gotten wealth but would lord his superiority over others. He used the institutions of the state to stay in power by removing term provisions and banning political parties. He built a system that incentivized certain personalities and attributes. Those who did his dirty work were rewarded with money, alcohol, drugs, and prostitutes. *“He surrounded himself with sycophants and in the end he became numb and indifferent to human life and suffering.”*

The witness then moved to the role of state institutions in the violations of human rights. He attested that the roles of the various security services – the police, the NIA, the military, the Junglers – became very blurred under Yahya Jammeh. Formal legal institutions became coopted to carry out the ultimate goal, which was the security of the President, even at the expense of the population. However, he also noted that Jammeh did not do this alone – those around him were allowed to enjoy some of the spoils.

Meanwhile, the witness continued, the National Assembly was wholly ineffective in carrying out its oversight functions, and to some degree served to actually legitimise Yahya Jammeh’s rule. The Alliance for Patriotic Reorientation and Construction, APRC, parliamentarians rubber-stamped legislation, and there were few actual debates. The legislature was coopted into Jammeh’s rule and failed to be a countervailing force to the state house.

The witness further stated that ultimately, power was centralized in the President and the State House. All other institutions became a shadow of their formal selves and basic services were not carried out. People were not promoted on merit and successful private businesses were eventually also coopted by Yahya Jammeh’s shadowy business web and run into the ground.

The Lead Counsel pointed out that the 1997 Constitution, for the first time in Gambian history, allowed the President to engage in business.

Moving forward the witness recommended that ministers and even those under them be forced to put their business in escrow until they complete their service to

the nation. The hollowing away of the state and the unfavourable business climate had a major impact on basic service provision and the economy. It was ultimately the citizens who suffered for it.

The witness then moved to identifying the role of security agencies in politics and the enabling of human rights abuses. He told the Commission that all evidence points to the conclusion that, despite what many military personnel believe, military control leads to economic deterioration and human rights violations. When the Lead Counsel prodded that some military officials might see it as a moral responsibility to intervene, the witness responded that this was a *“slippery slope”* and that the military ultimately does not have the right mindset for democratisation. By the same token, he argued, African countries cannot democratise without the consent of the military.

Thus, he argued, the military needs to be reorganised and contained to better fit the democratic order currently being birthed in Gambia. Based on the literature, the witness suggested the military needs to raise its standards for entry, provide better training for a professional force, pay soldiers well and provide appropriate living arrangements, insist on detailed human rights training and ultimately shrink into a smaller force. Meanwhile, the lines between the different security agencies need to be properly demarcated. The Lead Counsel then asked about the current security situation with the ECOWAS forces. The witness hinted that when the troops depart there will be a security vacuum and the military could overstep its bounds unless proper reforms are taken.

The witness then spoke about the NIA and the police. He mentioned the role the NIA played in extracting confessions and bringing trumped-up charges against enemies of the regime. According to him, they were engaged in the day-to-day activity of regime stability and protection. At the same time, by participating in activities traditional reserved for the military, the police also contributed to the blurring of spheres of control and responsibility.

Moving on, the witness said that security sector reform is essential in deepening democracy in Gambia. The concept of security needs to be broadened to include those at the margins. He said the army and the NIA especially need substantial reform. He added the Drug Law Enforcement Agency, DLEA, on the Lead

Counsel's suggestion. Prisons need to be rehabilitated. Police and fire stations need to attract the best recruits.

Beyond the security forces, the witness also pointed to the role of religious leaders in supporting the regime through the ideology in their sermons. The witness especially found the idea that Yahya Jammeh would impose prayer days for Muslims, and its endorsement by the Supreme Islamic Council, absurd. At religious ceremonies Yahya Jammeh was regularly praised as a pious man.

Taking a step back, the witness implored the audience to distinguish between performative displays of piety and actually being morally accountable to one's holy book and larger community.

The witness concluded that with the Gambia Bar Association silenced, the press muzzled, and civil society and trade union struggling to survive, Yahya Jammeh and his cohort ran amok. Picking up on the Gambian Bar Association, the Lead Counsel revealed that a special commission was established to target lawyers who were threatened by the NIA. The witness responded that this was part of an effort to undermine an association that would otherwise be very vocal, and ultimately part of the dismantling of the social contract between a government and its people.

At the end of his regime, the witness said, Yahya Jammeh's rule undermined Gambian cultural values and the Gambian sense of self and family.

Under Jammeh, greed, get rich quick schemes, and conspicuous consumption "unraveled Gambia's moral fabric that was once the connective tissue that held the nation together."

The witness told the Commission that considering the depth of the trauma Yahya Jammeh inflicted on Gambia, the nation needs a national therapy session. He pointed out that the TRRC had revealed that depression is pervasive in the armed forces. Meanwhile fights over traffic are becoming more common. There is more divisiveness within families. Illicit drug use and risky sexual behaviour

is rising. Political debate has become more acrimonious and human life has become devalued. "This," he argued "is the manifestation of the erosion of norms from a 22 years dictatorship."

The Lead Counsel then steered the witness onto whether there was a state-sanctioned policy of rights abuse. The witness argued that in the case of a leader like Yahya Jammeh, his verbal orders can be understood to constitute state policy. Essentially whatever Jammeh said became the law of the land. Thus Yahya Jammeh's threats against the media could be understood as him announcing the policies he did eventually pursue, even if it was never a specifically written policy.

The Lead Counsel added that the NIA operated a **torture** chamber that was used to extract confessions that were handed to the police. If the interrogators did not get what they wanted from the detainee, the Junglers would be called in. The witness agreed that this was part of an unwritten policy to extract statements from political opponents and support the status quo. He pointed to the testimonies of Sanna Sabally, Alhagie Kanyi, and Alagie Martin as evidence for the perversity of the system and what was done to extract a confession. New recruits were socialised into a culture that promoted human rights abuses with the goal of protecting Yahya Jammeh, who was equated with the nation. The witness warned that as Jammeh's rhetoric got increasingly vitriolic there was the danger that Gambia could have seen significantly more violence.

In order to understand why some of the perpetrators engaged in these activities, the witness pointed out that from 1994 to 2016 Gambia was ruled by a military dictatorship and society was deeply militarised. Instead of solving problems through peaceful means, legal and lethal force were prioritised. The values system changed. Conformity and sycophancy began the means for promotion in the military and in life. The taboo against violence was loosened. Patriarchy was reinforced. The changing language, political opponents becoming enemies, speaks to shifting mentalities.

Within the security forces, disturbing trends developed. Branding someone an enemy takes away their rights and starts to dehumanise them.

People in special units would participate in rites of passage where they **killed or maimed** someone, tying them to the group and also **breaking down the psychological barriers to intimate violence**.

Meanwhile, some people got a false sense of importance as one of the chosen few who decided whether someone lived or died. After operations they would be rewarded with booze and money. For some such as Alhagie Kanyi, alcohol became his release. Others tried to become religious. Many became depressed and engaged in suicidal behaviour. Many of the perpetrators too, he concluded, are deeply traumatised.

The witness then turned his attention to the report's concluding remarks. The Jammeh regime, he argued, ruled with an iron fist and created a national security vampire state whose purpose was the concentrate power and resources around the president. To that effort the National Assembly was coopted, the press was muzzled, the bar association silence, and trade unions and social movements curtailed. Private businesses were subsumed and the civil service was reshaped to serve Yahya Jammeh's interests. As the security services perpetrated a slew of human rights violations, a military mindset came to pervade society. Using Islamic and other spiritual influences Jammeh built a cult following and portrayed himself as invincible.

He further stated that the ex-president, like many other notorious dictators, was a gifted strategist. At the end of the day his goal was to gain and hold onto power. But he also had a human side. He knew how to tell a joke and could dance. He appreciated, and manipulated, Gambian culture to perpetuate his regime. After Yahya Jammeh, the witness said, another leader like that could not emerge in Gambia.

When asked to clarify, he said that in some ways **Gambians were complicit in Yahya Jammeh's rule by sitting by while he perpetrated his abuses**.

When the Lead Counsel asked if Gambians should remember Jammeh as someone who wanted to maintain power even if it meant killing his own people, he responded in the affirmative.

The witness then gave a short summary of the basic points of his testimony in Wolof and Mandinka. He said that he had come to explain how Yahya Jammeh took over the government, stole resources, killed people, and left the country impoverished. He asked people to unite to make sure something like this never happened in Gambia again.

The Lead Counsel then turned the witness over to the Commissioners for questioning. The Chairperson of the Commission asked what lessons Gambia could learn about role of the military. The witness responded that keeping the military out of governance is preferable and reiterated that if well trained and professionalised, the military could be a boon to national stability and democratisation. Chairman Sise then told an anecdote of Yakubu Gowon¹⁴ admitting, when Sani Abacha died in 1998, that they had made a big mistake when they were involved in one of the 1966 coups. The witness said that academics are partly to blame for the popularity of the idea that the military is best suited to run a country as this was a common theory in the 1950s and 1960s and not addressed until forty years later.

Commissioner Kinteh then thanked the witness for sharing his knowledge. He asked the witness to speak about subservience, sycophancy, dogmatic indoctrination, and greed in Gambian culture.

The witness responded that **Gambians should teach their children to be more respectfully assertive and question authority**. Children should be allowed to grow into whoever they want to be. **People must be allowed and encouraged to speak truth to power**.

Commissioner Kah then asked the witness if he had any insight on the tendency of Gambian leaders to overstay their welcome. The witness responded that

¹⁴Yakubu Gowon was a Nigerian political and military leader who served as the head of state of Nigeria from 1966 to 1975.

while Sir Dawda Jawara became accustomed to the pomp and lifestyle, Yahya Jammeh was deeply narcissistic and staying in power fed that. *“Power is sweet,”* he said. *“Anyone who tells you they want to stay for just a short time, including our current president, is fooling us.”*

The Commissioner followed up by asking how academic activism can contribute to democratisation. The witness responded that children must be taught critical thinking skills from a young age. He credited being exposed to Gambian activists in the US who mentored him on social justice issues. He said it was the **killings** of the students in 2001 that made him a real dissident. The Commissioner finally asked whether Yahya Jammeh not allowing opposition, but now urging the APRC to take to the streets, was a contradiction? The witness responded that Yahya Jammeh is taking advantage of the new situation and was still as crafty and strategic as ever.

Commissioner Bishop Odico then told the witness that they heard that Yahya Jammeh was not even one of the initial coup plotters, so how could he have become such a dominant factor? The witness responded that Jammeh was able to manipulate the other members of the Junta and used the fact that he was affable and convincing to stay in power until he was ready to get rid of the council. It was his characteristic blend of charm and brute force.

Imam Sey asked for any advice regarding reconciliation, especially considering that there are people in the country who want Yahya Jammeh to return. The witness responded that leaders need to inculcate a culture of dialogue, tolerance and a willingness to listen. People need to understand that if you hurt someone in one family, you are hurting yourself.

Lastly, Deputy Chair Commissioner Sosseh asked whether discrimination against Jolas was intentional or unintentional? The witness disputed the framing of her question and responded instead that societies are organised on lines of privilege where the powers that be determine who gets awarded how much. At the end of the day discrimination, whatever form it takes, is intentional and is couched by myths using differences as a means to justify. In order to change this, The Gambia needs equal opportunity across the board. He warned that it would not happen overnight, but it was something worth pursuing nonetheless.

In his closing remarks the witness thanked the Commission for being invited to testify and said he was gratified that he could share his work with his country. He said he knows he said some blunt things over the past few days and thanked people for listening. He thanked people at the TRRC for their assistance in compiling his report. Lastly, he thanked the Commissioners for their work and their forbearance in the difficult task they were embarking on.

Persons Mentioned By Witness During Testimony:

None

He was an astute observer of regional and global politics, and understood that **people were self-consumed with their own challenges and had little strategic interests in a country like Gambia. After any international uproar over his regime, it was only a matter of time before the condemnation would subside** and politics would return as usual.

WITNESS NAME: Imam Baba LEIGH

TRRC HEARING DATE (S): 22nd January 2020

EVENT (S) DISCUSSED: Multiple threats made against the witness, 2012 execution of death row inmates, the witness' arrest, detention and torture

POSITION BEFORE THE EVENT (S): Employee at GUC, electrical technician, Imam

ROLE DURING THE EVENT (S): Imam and human rights activist

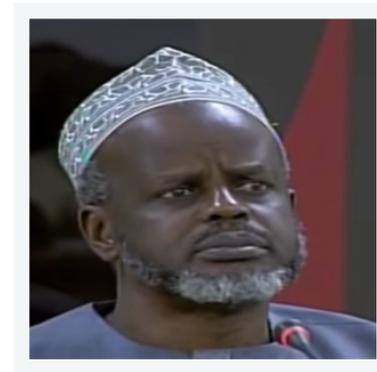
POSITION AT TIME OF TESTIMONY: Imam

SUMMARY OF TESTIMONY:

Imam Baba Leigh began his testimony by describing his studies at his family's Quranic schools in The Gambia before being sent to continue his education in Dakar in 1970. He spent 5 years at a Franco-Arab school before returning to The Gambia to work at the port. He then transferred to Gambia Utilities Corporation, GUC where he became interested in engineering. The witness recalled that one day MC Cham¹⁵, the Minister of Education at the time, came into GUC to pay his bills, and upon learning the witness could speak Arabic, recruited him as a teacher. After being transferred within The Gambia, he received a scholarship to study in Libya.

The witness testified that after taking an exam and consulting with his father, he pursued training in electrical engineering, while also continuing his studies of Islam and Arabic. He worked for two years at a sophisticated power station before coming back to Gambia to continue with GUC, where he worked until 2013, (23 years), before going into voluntary retirement. The witness hinted that he went into voluntary retirement because "*between myself and the government wasn't clear,*" and he was tired of his neighbours blaming him for electricity outages. He told the Commission that after his retirement, he began to involve himself more deeply in religious life, representing his father at his madrassa.

The Lead Counsel then asked the witness about his education in the United States of America, USA. The witness responded that in the USA, he worked as a spiritual care provider at hospitals and prisons in the



Washington DC area, and also as an interpreter and mediator for refugees arriving from the Middle East. He returned to The Gambia in February 2017 and continued working as an imam performing marriages and naming ceremonies. He added that he is also a member of the Permanent Commission for Human Rights in The Gambia and continues to work at the Gambia Committee on Traditional Practices Affecting the Health of Women and Children, GAMCOTRAP¹⁶.

The witness then went back to discussing his education in Libya. He told the Commission that after the failed coup attempt in 1981, his connections to Libya became a source of difficulty. Apparently, many people believed the coup was supported by Muammar Ghaddafi and it was widely known that Kukoi Samba Sanyang¹⁷ had spent time in Libya. After the coup attempt, relations between Libya and Gambia were severed. Following rumours that men were going to train in Libya, anyone who went to the North African country was arrested. The witness alleged that his trips to Libya were reported to then President Dawda Jawara, and that he was arrested more than ten times on the belief that he had met Kukoi Samba Sanyang in Libya.

The witness narrated how he was even arrested in transit at the airport in Dakar while returning home from Libya. He was seized by agents he identified as Samba Bah and Gibba, and driven down to Banjul to be questioned and to have his fingerprints taken. They did not tell his family he was being questioned. When asked by the agents what brought him to Libya, he said, he told them it was related to the Islamic Call Society¹⁸.

¹⁵Momodou C. Cham also testified before the TRRC on 11th February 2019 regarding the torture he was subjected to.

¹⁶GAMCOTRAP is a Gambian NGO established in 1984 that focuses on female genital mutilation/cutting (FGM/C) as well as underage marriage and other practices deemed "harmful" and "traditional."

¹⁷Kukoi Samba Sanyang was the leader of the unsuccessful 1981 coup attempt in Gambia.

¹⁸The World Islamic Call Society established by Muammar Ghaddafi in 1972 to advance Libyan soft power. See Reuters article- [Special Report: Gaddafis secret missionaries.](#)

The Lead Counsel asked the witness if he was ever made to spend the night in prison or ever felt his rights were being violated. He responded that while he was irritated to be prevented from going home, he never felt his rights were being unduly violated.

Imam Baba Leigh continued that one-day Alagie Moudou, one of then President Jawara's protocols, advised him to visit the President himself to explain his problems with the police. A week later he visited the State House and told Sir Dawda Jawara he was being offended and harassed by the National Security Service, NSS¹⁹. President Jawara apparently responded by reminding the witness that the Libyan government was not to be trusted. The witness retorted that he knew Libya well and felt safe there. He added that Sir Dawda Jawara then asked what took him there in the first place and so he described his studies and the organisations he was a part of.

According to the witness, Sir Dawda Jawara said that "*students who were in Libya, you were the people who seized the embassy there, you brought problems there.*" The witness countered that he was not a part of that group and insisted the then Ambassador in Libya Musa Dabo, would corroborate his statement. Sir Dawda Jawara then called Pa Jallow²⁰ of the NSS and ordered him not to arrest the witness for going to Libya anymore. After that he received no trouble, he stated.

The Lead Counsel then asked the witness about his experience of the 22nd July 1994 coup d'état. The witness told the Commission that he was working at Kotu power station at the time. He said he knew then Lieutenant Yahya Jammeh, who he referred to as Alhaji Dr Yahya Abdul Aziz Awal Jemus Junkung Jammeh and felt there was good will between them.

The Friday after the coup d'état, the witness continued, he was called to State House with the imam of Bakau, Imam Kahliou Omar Jaiteh, Abdoulie Jobe, and Makumba Jaye²¹. He remembered interacting with Baboucarr Jatta and Abdoulie Kujabi²² at State House. They sat down with the Council, which he remembered as consisting of Yahya Jammeh, Edward Singhateh, Sadibou Hydera, and Sanna Sabally. Yankuba Touray had already left Farafenni and was on his way.

Then Yahya Jammeh began speaking to the imams, explaining they had launched their coup to stop "*rampant corruption.*" He also said the imams were not receiving their due. The witness testified that Yahya Jammeh told them "*the imams were the torch barriers. They are the light for the people. After he said those things he said he wants all the imams to support him.*" According to the witness the other imams in the room signaled their acquiescence to Yahya Jammeh's request.

On their way out of the State House, the witness continued, he saw Sanna Sabally and Yankuba Touray having an argument and he intervened to bring peace. Later, Abdoulie Kujabi came back to the witness and told him the Council wanted the witness to go around and meet the other imams on Saturday. They did as directed, and apart from one or two holdouts, most of the imams they met with agreed to support the new government.

On Sunday evening, Imam Baba Leigh continued, he was called back to speak with Yahya Jammeh himself again. Yahya Jammeh asked the witness about his connections in Libya, to which he responded that he did not know Libyan politics and that his father was ill and needed his support. Instead, he recommended the then Chairman of the Armed Forces Provisional Ruling Council, AFPRC, speak with Baba Jobe, who was active with influential Libyans²³. The witness told the Commission that the AFPRC then fetched Baba Jobe and he left, and that he did not know what transpired between the two parties after he introducing them.

The Lead Counsel then asked the witness about his reaction to the 2002 Futampuf²⁴ in Kanilai and youth festival in Basse. The witness described how he saw in the newspapers that 7 million dalasi were spent on these festivals, and was reminded of a passage in a hadith where the Prophet says "*god haunts those who misuse the nation's wealth*". In his sermon that week he told the youth to aspire to better themselves and be careful of politicians who provided entertainment while their own children studied in universities. He

¹⁹The precursor to the National Intelligence Agency, NIA, under Yahya Jammeh.

²⁰We believe the witness was referring to Pa Momodou Jallow, who in 2006 was promoted to Director General of the NIA before retiring due to health complications the next year.

²¹Abdoulie Jobe was the Imam Ratib of Banjul and Makumba Jaye was the Imam of Independence Drive Mosque in Banjul as well as the chairman of the Muslim Elders of Banjul.

²²Baboucarr Jatta served as Chief of Defense Staff from 1999 to 2004. Abdoulie Kujabi went on to become Director General of NIA in 2002 and then was arrested and tortured after the 2006 Ndure Cham coup attempt.

²³Baba Job trained in Libya and went on to become one of the top connections for the ruling APRC to Libya and the Arabic speaking world. He eventually fell out with Yahya Jammeh and was killed by the Junglers in 2011 in his hospital bed.

²⁴The Futampuf is a coming of age ceremony for men in Jola society that is held once every 15-30 years.

urged the youth to seek education and skills in order to lead the country and be prepared to have a share in the future.

Upon further questioning, **Imam Baba Leigh** confirmed that he knew there were **National Intelligence Agency, NIA, agents among his congregation**, and was later told they were **recording his sermons and passing along briefings to “Oga” –referring to Yahya Jammeh.**

Soon after the service the witness got a call from Hassan Arouni, a journalist at the BBC, to do an interview. When asked about the sermon, the witness said he told the journalist that he wanted to make people aware and quoted a verse from the Quran which ends *“don’t play with wealth which becomes outrageous the way you spend it ... those who spoil that wealth belong to Satan.”*

After the interview aired, the witness continued, he began receiving calls that did not display numbers. One caller apparently told him, *“you don’t know but I’m related to you. If you can leave this country do so because they will **arrest** you.”* A week after his sermon advising the youth to think critically, a dark black vehicle with no license plate pulled up and told him he was needed at the NIA Headquarters. After they refused to allow him to return home to eat lunch, he got in their car and they went to Banjul.

Imam Baba Leigh further narrated that when he arrived at the NIA Headquarters, he was taken to an office and questioned by Foday Barry, Ebrima Jallow or Ebrima Bah²⁵, (the witness could not remember which), and one other man whose name he did not remember. After **threatening** him not to lie, they asked why he was talking about the President (Yahya Jammeh). The witness answered that he did not use the President’s name in his sermon and that the NIA officers were just repeating what Hassan Arouni said on the news, not the reality of his sermon. He indicated that he was kept at the NIA Headquarters until that evening, when his cousin, who had followed him to the station, bailed him out. He was asked to report to

the station every day for sixty days, but after a while they told him there was no need to keep reporting. He further testified that the calls threatening him and warning him to leave the country continued but did not deter him from doing his work.

In response to questions from the Lead Counsel, the witness clarified that he was not tortured, beaten or insulted during the interrogation. He said the **arrest** and questioning were similar to his treatment under the Jawara era.

Imam Baba Leigh then began to describe how he came to be involved with the organisation GAMCOTRAP. He narrated how one of his female family members had serious complications from female genital mutilation/cutting, FGM/C. At the same time, one his mother’s aunts, who he was particularly close to, was also a “cutter”. He added that around 1986, he started bringing up the issue in his sermons. At the same time, he began studying what Islam had to say about the topic - he later testified he even conducted research on the subject while he was visiting the University in Khartoum and while in Iran. According to him, he found no condoning of the practice.

As FGM/C became more common in his sermons, he was called to a meeting with a group of Gambian activists (which included Aji Safiatou Singhateh, Isatou Touray, Ami Bojang, Ami Joof Cole, Isatou Marenah, Imam Modou Lamin, Babou Ndow) and they decided to establish the Foundation for Research on Women’s Health, Productivity and the Environment, BAFROW. After a while a smaller group within BAFROW split off to establish GAMCOTRAP. According to the witness, he began talking about the issue on the radio, which tainted his relations with some of the imams, who believed the practice was ordained by the Quran. He rejected the argument that the practice was related to cleanliness, *“I have never seen anything that say you have to cut something from someone’s body and that’s a part of cleanliness.”*

When the Lead Counsel asked how the governments of Jawara or Jammeh responded to his activism, he indicated that neither of them liked it. He explained that on one occasion the leadership of GAMCOTRAP

²⁵There were some issues with the interpretation and it seems like the witness was unsure if the name was Ebrima Jallow or Ebrima Bah. He indicated that the person was “presently deputy to the head of the drug squad” and was once posted at the Gambian embassy in the UK.

(Dr. Isatou Touray, Amie Bojang and Amie Joof Cole) met with then Local Government Minister, Jallow Sonko to lobby for their cause. According to the witness, the minister revealed that many of the party's women's mobilisers were cutters and he could not risk losing their vote. He said he would not interfere with GAMCOTRAP's activities, but that he would not openly participate.

The Lead Counsel pressed the witness about whether they received any support from Jawara's administration. The witness retorted that it was more complicated than that. The Ministry of Health in both governments worked with the World Health Organisation, WHO, who in turn collaborated with GAMCOTRAP. Thus, both governments supported sensitisation activities, but because of domestic political concerns, could not make that support public. At the same time, he pointed out that foreign support also came with conditions. Despite criticisms from imams, the witness said, *"I felt I was on the right path and no one can move me from there"*.

The witness further stated that however, as a result of his activism Imam Abdoulie Fatty, the imam at State House used to call his name, telling him to fear god, and alleging that he was being paid by the *"toubabs"*²⁶ to say these things, and if he died he and his family would go to hell. The witness' daughter was later bullied at school as a result of these comments. She begged to be transferred to another school, but the witness convinced her to stay, and remarked that now she is a doctor and once actually attended to Imam Abdoulie Fatty's needs at the hospital.

Imam Baba Leigh then alleged it was Imam Abdoulie Fatty and others who were whispering to Yahya Jammeh that he and anti-FGM/C activists were being supported by westerners. He said that Yahya Jammeh would constantly bring up his name at rallies, to the point where his mother asked him what he had done to upset the President.

The witness then explained that he ran GAMCOTRAP for two years while it's co-founders Isatou Touray and Amie Bojang were **arrested** and **detained** in Mile 2 Prison. According to the witness, someone wanted them to agree on certain proposals for funding they received and they refused. The Lead Counsel then clarified that the witness and the two women were disgruntled with government and were unwilling to agree to their conditions; and as a result, the government brought charges. The Lead Counsel then read aloud from an article he found on the Internet that describes how the two year long trial was *"a seemingly endless case of judicial harassment."* When the Lead Counsel read that the two women were charged with the theft of 30,000 Euros of GAMCOTRAP money, the witness began laughing. The activists were later released and the witness confirmed that he considered the trial a sham.

The Lead Counsel then asked about a radio programme called Yette²⁷ that the witness hosted on West Coast Radio. Imam Baba Leigh told the Commission he was approached by Peter Gomez and one Camara (he did not mention a first name) to make a programme for the radio similar to his sermons. He initially refused, citing his aversion to radio and television but eventually relented and thus Yette was born. On the programme they discussed religion and tried to provide advice for the youth on how to prepare for their future. The programme ran for almost a year until one day Peter Gomez told the witness they had to stop because the radio was becoming a target.

The Lead Counsel then asked if he participated in other activities that would have upset Yahya Jammeh. The witness responded that he had not done anything else, but added that under the previous administration it was not enough to just stay neutral. *"Anyone who speaks, you didn't praise the man you didn't clap for the man you have become one of his enemies."*

The witness then proceeded to tell another story about how he was targeted by Yahya Jammeh. One year, he organised a very popular gamo in Brusubi

²⁶Foreigner or westerner.

²⁷Discussion or conversation in Pulaar (Fula language).

that Yahya Jammeh happened to attend. The next year Yahya Jammeh donated 1 million dalasi to the diera²⁸, 1 million dalasi to the market women, two heads of cattle to the organisers of the gamo, and proclaimed that he would send someone to do the gamo in Brusubi that year.

The witness added that he heard that during a meeting for the organisation of the gamo, his nephew who was in attendance suggested informing the witness of their activities, but Imam Manneh forbade it, citing Yahya Jammeh's support for that year's festivities. According to the witness, Yahya Jammeh also told the community he would build them a new mosque, so they destroyed theirs in preparation. However, Yahya Jammeh did not honour his promises and now the community is without a place of worship. Since then the annual gamo has deteriorated and now they do not even celebrate.

Imam Baba Leigh then told the Commission another anecdote about how he was suddenly cut from a broadcast on Gambia Radio Television Services, GRTS. He had recorded an interview as a guest speaker on a show with Binta Hydera on GRTS but then when they aired the segment the next day, after the introduction, the programme cut and a title card saying "*to be continued*" appeared. The witness called Momodou Sanyang at GRTS, who allegedly told him that "*the man*" had called in and did not want to see the witness' face on the screen. When the Lead Counsel asked the witness to specify which man, he responded he was referring to Alhajie Yahya Jemus Junkung Jammeh.

The witness then explained how some of his family members in Senegal pushed him to organise a ziyara²⁹. He spoke with Khalifa General Habib Thierno Tall about setting up one in Gambia and registering it properly. They decided to name it after their grandfather, Sheikh Omar Foutiyou Tall³⁰. The witness explained he wanted to create a pilgrimage place in Gambia because so many Gambians were going to Tivaouane and Touba in Senegal³¹. They went to Gunjur and spoke with the community leaders, explaining how everyone would all benefit from a pilgrimage site and how they would build structures for people to come and receive blessings. He

also told Habib Thierno Tall, who is Senegalese, that any money collected at the ziyara would be kept in a Gambian bank account. The witness said the first annual ziyara in Gunjur in 2010 was well attended.

The second year, he continued, the crowd was even larger. All the money was kept in the account or given to the elders of Gunjur. As they were planning for the third ziyara, the Nigerian ambassador in Banjul called and said that Sheikh Omar Tall had grandchildren in Nigeria who wanted to attend and were chartering a flight. They promised to build a mosque there and even laid a foundation stone. The witness said he went on GRTS to explain that Gunjur was blessed by Sheikh Omar Tall – a scholar and statesman who led jihads, wrote books, walked all the way to Mecca, and travelled widely. They believed that prayers made there would be fulfilled. The witness said he went to Tivaouane and Touba in Senegal and told the religious leaders there about their pilgrimage site. He added that they invited Yahya Jammeh, who in turn sent his Minister for Religious Affairs, Ismaila Sambou, who was active in their planning meetings.

However, Imam Baba Leigh narrated, in the lead up to the third annual ziyara, Imam Modou Lamin Touray³² held a sermon at the mosque in Gunjur that changed the course of events. In the sermon Modou Lamin Touray accused the witness of engaging in idol worship, indicated that the witness was not indigenous to Gunjur, and told the audience to forbid the ziyara that year. Modou Lamin Touray then told the congregation that Yahya Jammeh would be seizing the pilgrimage site. Men started killing cattle in the area and reciting holy scriptures. A fence was then built around their pilgrimage site and soon one of the most expensive ornate mosques in the country, built of marble, was slowly erected. The witness told the Commission he visited the site while construction was on-going but was told he could not enter the premises. When he returned to Sukuta that day, he got a call from a man who identified himself as

²⁸A diera is like an Islamic club with members that organise Islamic activities such as gamos.

²⁹Ziyara is a pilgrimage to the site of a holy figure (sometimes coinciding with their birth or visit to the location). The word is sometimes used interchangeably with gamo as celebrations of holy figures.

³⁰Also known as Omar Saidou Tall, Sheikh Omar Tall and Shiekh Omar Futiyou Taal, he was the hal Pulaar spiritual leader and statesmen who fought the French at Saint Louis, established the Imamate of Futa Toro along the Senegal River basin, and led the mass migration of hal Pulaar speakers into present day Mali in the 19th century.

³¹Tivaouane is a pilgrim place for Senegambian members of the Tijaniyyah brotherhood, and Touba is a pilgrimage site for the Mourid brotherhood.

³²Sometimes also referred to as Momodou Lamin Touray.

Mr. Bojang from the intelligence unit in the government. He warned him to never return to Gunjur or even leave Sukuta.

When the Lead Counsel pressed the witness over the origin of the orders, the witness responded they must have come from Kanilai. The Lead Counsel then asked the witness why he used many different names for the ex-President. The witness replied that he used to call him Kanilai or Jemus. The Lead Counsel continued, asking the witness how he felt when he learned the Gunjur ziyara had been forbidden by the President's office.

Imam Baba Leigh answered that he was not surprised because Yahya Jammeh often undermined him, especially by using other imams to condemn him (the witness). He then narrated an anecdote of when Yahya Jammeh went to the Supreme Islamic Council to speak about the differences between Sunni and Shia after the witness had made comments about not seeing the difference. Apparently, Yahya Jammeh alluded to how he would commit **violence** against the witness.

He then told another story about how in 1994 when, he was working at a travel agency that specialised in hajj travellers. A few weeks after the 22nd July coup, Yahya Jammeh called the witness, and asked him to take his mother along with their organised trip. The witness said he could not because he was looking after thousands of people, so instead Yahya Jammeh sent her with her own delegation. Yahya Jammeh later made Gambia International Airlines travel agency the sole provider of hajj packages.

Moving on, the witness explained how he used to participate in a programme sponsored by Gambia Telecommunications Company Ltd, GAMTEL, during Ramadan, which was broadcast in local languages. One day, when he arrived at the recording studio one of the women working there said they should not record him or put him on air. The witness went to Momodou Sanyang, the director, who told him that he could not record him because there was a new order from State House that required a permit to preach.

The Lead Counsel then asked the witness to speak about the 2012 **killing** of the nine death row inmates.

Imam Baba Leigh told the Commission that around that time **Yahya Jammeh** began making statements that he was **willing to kill the inmates on death row at Mile 2 Prison** and he did not want anyone to appeal to him for their lives. He added that **Yahya Jammeh** swore that if he did not carry through with it, **he would drink alcohol and eat pork.**

The witness said the next day, he approached the head imam of Banjul to explain how the executions would be bad for the country, but the imam said he was afraid. The witness then went to Imam Abdoulie Fatty who told the witness *"leave it in our hands, we know how to take care of it."*

The Lead Counsel interjected, asking the witness why he had a problem with executions.

Imam Baba Leigh replied that he does not believe in **killing**: **"I don't want to live in a country where they are killing people."**

He continued that not long after Yahya Jammeh's statements, he began hearing rumours that nine people had been taken from prison and **killed**, but the government would not confirm the information. After two or three days, Fatou Camara came on GRTS and announced that they had **executed** nine inmates. The witness said he knew one of the people who had been **killed**, Lamin Darboe from Bakota who had been imprisoned during the Jawara regime before the abolition of the death penalty in The Gambia.

The witness then continued that he heard that after the government's announcement, a series of delegations went to State House to absolve Yahya Jammeh of responsibility for the deaths. The Supreme Islamic Council even called a press conference where they announced that Yahya Jammeh did not **kill** the men, that the men were killed by Sharia law, and issued a press statement with the same message.

The witness said that when he went to the office of the president of the SIC Modou Lamin Touray to protest, Modou Lamin Touray said they had no choice but to condone the executions.

When asked to interpret Modou Lamin Touray's words, the witness said that Modou Lamin Touray was being careful. The Lead Counsel then pressed the witness to say that the president of the SIC was being careful because he was afraid but the witness refused. Instead, he insisted that Modou Lamin Touray lied regarding the laws of Sharia in order to appease Yahya Jammeh.

Imam Baba Leigh then narrated how he told Modou Lamin Touray that he would respond with his own press release. When asked by the Lead Counsel whether this was necessary, the witness responded that "*Islam has genuine cases but no good lawyers,*" and that he did not want to "spoil" the name of the country. The Lead Counsel responded that they found a report on Fox News with the headline: "*Gambia: Supreme Islamic Council supports execution.*"³³

The witness then explained how both The Standard and Madi Ceesay's newspaper (Daily News) covered his press release, and he did a sermon about it on Friday. In his press release and his sermon, he explained how the executions were **unjust** and not part of the religion. Islam, he attested, does not endorse "*an eye for an eye.*" Instead, if someone **kills** someone else, if the murderer is truly repentant, they can approach the family of the victim and arrange compensation. If everyone agrees, the religion urges forgiveness. According to the witness,

"*a life for a life is the last option.*" He concluded his message by urging the government to produce the bodies for the relatives to have proper burials. This was repeated in The Standard and Daily News, which led to their closings³⁴. The witness said after this he was inundated with **threats** and people advising him to leave the country.

The Lead Counsel then read from the article in The Standard where the witness was paraphrased as saying that he had appealed to both Yahya Jammeh and Modou Lamin Touray not to execute the inmates. The Lead Counsel went on to read from the newspaper how the witness told the reporter he had been approached by the regime, and told if he said that he had been misquoted in the newspaper, they would give him his freedom. The witness affirmed this was all his recollection.

The witness continued that he was warned by many people to leave the country for his own safety. In addition to Gambians, he was also advised to leave by Amnesty International, the American embassy, and the European Union. Sure enough, he testified, on 2nd December when he returned home around 10 pm, he saw two vehicles parked in front of and behind his compound. He went into his house to eat dinner, but two agents, later identified as Sanna Saidykhan and Haruna Susso, came into his compound and told him he was wanted at the NIA Headquarters in Banjul. He asked if he could take dinner before going to the headquarters, and they allowed him to enjoy his chakery³⁵. He also went into his safe and brought out 15,000 dalasi to give his daughter to take care of herself while he was gone. He called Omar OJ Jallow who told him to check the identification cards of the two agents. He then called GAMCOTRAP, and told youth leader Omar Dibba what was happening. He also contacted Fatou Jaw Manneh, who lived in the United States, as well as former Deputy American Ambassador Bruce Knotts, whose office in New York was next to Amnesty International and thus was able to pass along word of his **arrest**. Finally, the agents told him it was time to go. He asked if he could drive his own car, and they allowed him to, but Haruna

³³Certain personalities and hosts on the American television network Fox News have been accused of spreading Islamophobia and disinformation.

³⁴Please see [article-Amid execution debate, the Gambia censors newspapers.](#)

³⁵Also spelled thiakry. It is a dish that consists of millet couscous in yogurt, sometimes with honey or fruit.

Susso sat on his right. According to the witness on the drive to the NIA Headquarters, he also called a journalist at the BBC and another friend in New York.

The witness narrated how when he arrived at the NIA Headquarters, they escorted him into the building, searched him, took his belongings and put him in a small room. He was there until 1 am when someone named Bakary Beyai arrived, who the witness recognised from his previous work. When asked if Bakary Beyai worked for the NIA, the witness responded “*anyone who was tortured by the NIA knows this man*”. Then some other people came into the building “*looking like ninjas*” dressed head to toe in black clothes and wearing masks. When they passed by, the caretaker at the reception of the building, Demba Jow, told the witness that things were going to get difficult for him. Soon after Demba Jow brought the witness into another building, walked him upstairs, and brought him into a dark room.

As he walked into the room, someone who was waiting behind the door lunged at him and **slapped** him on the back of his head, asking the witness, “*you call yourself an imam?*” Imam Baba Leigh stated that he responded that he was not calling himself an imam, he was an imam, to which the assailant responded that “*here it is Oga before God.*”

The men then began **beating and torturing** him. There were up to **seven men beating him at one time. Some had cables, others had sticks, one had something similar to a bicycle chain. They stripped him naked and kicked him all over his body, putting out their cigarettes on him.**

When he fainted because of the pain, they would pour water on him to wake him up to continue the beatings. The witness said the smell of alcohol in the room was overpowering. He added he did not recognise any of the men, and only recently learned of their identity during the TRRC proceedings.

The witness clarified that after they poured water on him, they would stop beating him for a while and would ask why he hated Yahya Jammeh and why he thought he was more learned than Abdoulie Fatty or more god-fearing than Modou Lamin Touray. Then they would start **beating** him again. This happened three times that night before the masked men left the room. He sustained serious injuries on his back that took months to heal without any medical treatment.

The witness then described how Demba Jow came and helped him put his clothes back on and took him to another cell where he spent the entire next day. They gave him 25 dalasi, which he used to pay the caretaker, Mali Bojang, who he was told was Yahya Jammeh’s cousin, to bring him some bread with butter. That night a woman who sold cooked cassava and beans also came through the prison.

The next night, the witness continued, masked men arrived at the prison and he was **beaten** again. He told the Commission he remembered hearing them say to be careful not to wound him in the face. His **torturers** took breaks to drink more alcohol and ask a similar series of questions about where he got his money and how much the American Embassy was paying him. The witness testified that he endured two or three sessions before the **torturers** left.

The witness later said that on the third day, they pretended to release him. They gave him his papers and he put on his clothes. He went through the back door and out the gate, where two men promptly re-arrested him and brought him back in through the front door. The witness later said that he was released and re-arrested because by law someone could not be detained for 72 hours without charges.

The witness then described how the **torturers** were systematic, working their way through the inmates each night. He said he did not know who the other inmates were, but that he learned that one person was an alkalo from Gunjur.

On the sixth day, they told him that if he wanted to leave he had to say that he was being forced to say these things by Kebba Touray (a close friend), Omar

OJ Jallow, Abdul Rahman Barry (the marabout at Bogal), and the American Embassy. The witness stated that he told his **torturers** he could not admit to this because it did not happen. He added that on the second day, they called him to an office where he was interrogated by Sukuta Jammeh. The witness said the cassettes of his sermons would corroborate what he was saying, and Sukuta Jammeh wrote a report and told him that when the document reached “*the big man*”, he would be released.

Imam Baba Leigh then described how one night, he was taken to the back of the compound and **buried up to his chest**. He was told if he did not talk, **they would finish burying him alive**. He was left there for nearly **2 hours until they came back and asked if he would talk**.

He told the Commission he continued to refuse because he knew that it would end up with him in front the TV like Amadou Sanneh saying things that were patently untrue.

The torturing and questioning continued until the ninth day. When the Lead Counsel asked to clarify, the witness testified that he was **tortured** all nine days consecutively. On the ninth day, the witness continued, he told them either to let him go or he would run away. However, they resolved to take him elsewhere because he refused to say what they wanted. He was then taken to an office upstairs. When asked whether he recognised where he was, the witness responded that whenever he was taken out of the cell, a plastic bag was tied around his head that not only obscured his vision but also **suffocated** him.

He testified that he was questioned by a man he heard referred to as Bojang (the witness did not give the first name), but Bojang could not convince him to talk, so he was put in a vehicle and driven around for what seemed like hours. Eventually they took him to a place he did not recognise and put him in another cell. They then told him the place was Bambadinka, and that he would die there.

At first, the witness said, he had no concept of where he was. Then he heard the muezzin call the prayer, and he recognised the caller at his mosque and he felt less confused. He looked on the wall, and saw the writing of Dr. Amadou Scattered Jannah and other activists.

“Bambadinka was a place many big men passed through. I said OK, I’ll take my share.”

Imam Baba Leigh then told the Commission he spent five months, seventeen days and five hours at Bambadinka. He confirmed that he called his detention his *halwa*³⁶ and said that Allah was with him during his time.

He mentioned a young Jola boy named Bakary Colley who risked his job to help the imprisoned imam. Apparently, Bakary Colley brought the witness sections from the Quran, which helped him frame his detention in the story of Yusuf³⁷, where he was Yusuf and Yahya Jammeh was the Pharaoh. The story made him feel brave despite the circumstances.

He described how there were some personnel at the prisons who he felt treated him well. He singled out Bora Colley, who worked at Mile 2 Prison, and who visited him in Bambadinka. He also mentioned that the man leading the prison, with the surname Sanyang, used to come and visit every two or three days. However, many of the junior officers did not visit. Perhaps most importantly, Bakary Colley snuck some cardboard into the prison so the witness did not have to sleep on the gravel floor. The witness later revealed that Bakary Colley helped smuggle in a cell phone and the witness could call allies outside the prison.

After Bakary Colley did not come in for a week, the witness learned that Freedom Radio of Pa Nderry Mbai had published news that he was making calls to America and Bakary Colley was afraid if he went to work he would be **arrested**. When Bakary Colley finally returned to work, he was the head of the group

³⁶Halwa or Khalwa is a religious or spiritual retreat in Islam usually done by a learned person to pray, sometimes up to 40 nights.

³⁷A prophet mentioned in the Quran and who corresponds to Joseph, son of Jacob, in the Jewish and Christian traditions.

that searched the witness' cell and managed to hide the phone from the other prison officials. He returned the phone the next day, but warned the witness to be careful.

The witness told the Commission that he saw his release from prison in a dream. The next Friday he was praying the evening prayers when people identified as Sowe, Pa Mendy, and Gomez³⁸ came to collect him. They told him he was going to visit Yahya Jammeh. The witness refused, but nonetheless was packed into a vehicle and taken to Banjul.

They took him to the office of Secretary General, Dr. Njogu Lamin Bah, who was tangentially related to the witness. Njogu Lamin Bah said he was to receive the witness on Yahya Jammeh's behalf. He was joined by Imam Cherno Kah and Alieu Mbogbe of Banjul Muslim Elders, as well as Modou Lamin Touray and Abdoulie Fatty representing the Supreme Islamic Council. Also in attendance were Lamin Saine, a childhood friend of the witness who worked at the NIA, and someone named Manga from GRTS.

According to the witness, Abdoulie Fatty started preaching that what happened to the witness was ordained by Allah. Nearly everyone in the room spoke. The men in the room told him he should be grateful that Yahya Jammeh showed forgiveness. They told the witness that considering what happened to Abu Hamza³⁹, a preacher who was arrested and extradited by the UK, the witness got off light. The witness stated that he responded that the men were jokers, that he would not pray to thank Yahya Jammeh, and that he refused to beg. Soon afterwards GRTS arrived with their crew and they recorded some footage.

The witness said that the editors later used footage of him but inserted their own text instead of using what he said in order to make it sound like he had praised and thanked Yahya Jammeh.

When asked how he feels today, he replied that his ordeal was painful but it made him who he is today. On the matter of forgiveness, the imam said he would be willing to forgive anyone who truly repented.

When the Lead Counsel said that Omar Jallow⁴⁰ asked for forgiveness, the witness said that he did not consider Omar Jallow's apology sincere and that asking for forgiveness is not easy.

The witness mentioned that many of the people who perpetrated these crimes still walk free. He said that he was at the same supermarket as Omar Jallow recently and did not recognise him, but his driver did. The witness said this was very difficult, especially when not everyone who was **disappeared** has been accounted for. He said that the current government was asking the victims to forgive but the apologies had not been heartfelt. The witness did say that he would be willing to forgive if those who wronged him apologised as Islam dictates.

The Lead Counsel ended his questioning and turned it over to the Commissioners. Chairman Sise asked about being waterboarded during his **torture**, and the witness responded that it was part of their system to keep people from fainting.

In response to a question about FGM/C, the witness spoke about how his grandmother was a cutter, and that Gambians needed to stop associating everything bad with Africa and everything good with Europe.

Human rights are in the Quran, he told the Commission, as is the philosophy that no race is better than another.

He began to speak in detail about FGM and beliefs about cleanliness, but then stopped himself, remembering that he was not at a sensitisation.

In his concluding remarks, the witness thanked the Commission and appealed to them to increase their forbearance. He also called on the victims to continue their struggle, and reminded them that it

³⁸We believe the witness was referring to Louis Gomez, the former deputy director of the NIA who died in 2018, whilst standing trial with eight former NIA officials for the murder of UDP activist Solo Sandeng.

³⁹An Egyptian cleric who preached radical ideologies at a mosque in London who was extradited to the USA where he was sentenced to life in prison without the possibility of parole.

⁴⁰Former Jungler Omar Jallow aka "Oya" confessed before the TRRC in July 2019 of having participated in the torture of Imam Baba Leigh.

was more painful in the past than it is now. He asked those who offended people to be remorseful and urged the government to be more proactive in taking people to trial. He ended by saying that while he is willing to forgive, no one has approached him to actually ask for his forgiveness.

Persons Mentioned By Witness During Testimony:

Arbitrary arrest

Haruna Susso, Sanna Saidykhan

Arbitrary detention

Bora Colley, Demba Jow, Foday Barry, Ebrima Jallow or Ebrima Bah

Willful misrepresentation

Modou Lamin Touray

Torture

Yahya Jammeh, Bojang (first name not given), Bakary Beyai



Photo: ©Jason Florio

Imam Baba Leigh a vocal opponent of Yahya Jammeh was detained at the NIA and tortured for nine consecutive days by masked men in 2012. He later found out that the Junglers were part of the torture team.



WITNESS NAME: Abass Muhideen HYDARA

TRRC HEARING DATE (S): 23rd January 2020

EVENT (S) DISCUSSED: The multiple arrest and detention of the witness' late father, Sheikh Sheriff Muhideen Hydara, Caliph General of Dasilameh Sangajor, and his subsequent trial; the arrest, detention and trial of the magistrate who acquitted and discharged his father's case, and the impact of the events on his father and their family

POSITION BEFORE THE EVENT (S): Not stated

ROLE DURING THE EVENT (S): Eldest son of late Sheikh Sheriff Muhideen Hydara, Caliph General of Dasilameh Sangajor, Foni Kansala, West Coast Region

POSITION AT THE TIME OF TESTIMONY: Marabout, Caliph General of Dasilameh Sangajor

SUMMARY OF TESTIMONY:

Abass Muhideen Hydara told the Commission he was born in 1975 and lives in Brikama and that he was the first of son of Sheriff Sheikh Muhideen Hydara who passed away on 22nd March 2019 at almost 90 years of age. His father was the Caliph General of the sheriff⁴¹ clan living in The Gambia and the sub-region, an influential elder among the Muslims in The Gambia with a large following of talibehs (Islamic students) and family members. He said his father was a teacher all his life up to the day he passed away. He taught and provided guidance to the Haadir Islamic sect and Muslims in general.

When asked if he could recall the day of Eid-Al-Fitr on 28th July 2018, the witness stated that the event he recalled took place on on 28th July 2014 not 2018. Asked to continue, he recounted that it was the day of Eid in The Gambia as announced by the Supreme Islamic Council, SIC. However, there was a different opinion on the actual day of Eid. Some went with the announcement by Mecca, Saudi Arabia of the sighting of the moon while others decided to rely on moon sighting within the country or sub-region. He said his father was among the latter.

The witness narrated that the announcement was made by the SIC for Eid prayer on the 28th of July and they (the SIC and their followers) prayed on that day. He noted that they (the witness and his father) understood that the State also adopted the 28th of July as the official day of Eid. He explained the custom in The Gambia of the Muslim leaders paying a courtesy call to the President at State House. He said he heard the President of the SIC, Muhammed Lamin Touray, tell the President, Yahya Jammeh, that they had made all efforts for everyone in the country to pray on the same day but were unsuccessful. He appealed to Jammeh to help ensure that no other Eid congregation took place in the country after the officially agreed day.

He then heard **Yahya Jammeh** make a pronouncement that no one should hold Eid prayers on any other day. **He added that Jammeh said that the country belonged to him and threaten to “deal with” anyone who defied his orders.**

The witness explained that he heard this on live radio broadcasted by The Gambia Radio and Television Services, GRTS and also watched it later that day on GRTS TV where he saw Yahya Jammeh bang the table while he was making the **threat**. Jammeh told the then interior minister that if he did not **arrest** anyone that conducted Eid prayers the following day, he

⁴¹Sheriffs are said to be direct descendants of the Holy Prophet Muhammed.

(Yahya Jammeh) will **arrest** them himself. When asked, the witness affirmed that a subsequent announcement followed stating that Muslims from Kalagi to Basse i.e. from the Lower River Region to Upper River Regions of the country were allowed to pray while Muslims in the greater Banjul area and West Coast Region of the country were not allowed to conduct Eid prayers on any other day. When probed further as to why there were different pronouncements, the witness stated that he believed it was a ploy to get to his father.

Expanding on his statement, the witness said that his father had told him that Yahya Jammeh had once sent eight head chiefs to ask him to pray for him (Jammeh) to become king of The Gambia. He said his father said he had responded that it was more important to pray for the peace and stability of the country. The witness added that he believed this was what angered Yahya Jammeh against his father. He said his father conducted Eid prayers the next day and after the prayers, a police officer arrived to **arrest** the person that led the prayers. However, when they realized his father's age, status as an elder in the community, and prestige in the country, they found it difficult to **arrest** him. They decided to **arrest** the Alkalo⁴², Buyeh Touray instead and took him to Bwaim Police Station. They later called his father to report to the station. When asked why the imam of the area, Maline Hydara did not lead the Eid prayers that day as was the custom, the witness responded that his father got news that the imam was not well.

At the police station, his father gave a statement in relation to the Eid prayers after which they were transferred from Bwaim Police Station to Sibanor Police Station where they spent the night. The following day, they were transferred to Yundum Police Station where he, the witness joined his father. When asked, he explained that his father was not kept in the cell and a lot of his followers went to the police station to be with him where they all spent the night under the veranda that was cramped and infested with mosquito. His father spent two days at Yundum Police Station before being moved to Banjul Police Headquarters on the third day.

The witness explained that things changed when they were leaving Yundum Police Station. His father, who had

using his own vehicle to move from Bwaim to Yundum was not allowed to use it again. He was taken in a police car to Banjul. They (the witness and his father's followers) got angry and protested however, the police said that they were given "orders from the top" and there was nothing they could do about it. The witness clarified that his father was with the Alkalo throughout the transfers from police station to police station and all the way to their subsequent trial.

Upon arrival in Banjul, the witness and his father's followers were not allowed to accompany the detainees who were taken to the then Inspector General of Police, IGP, Yankuba Sonko. The witness stated he was not aware of what transpired at the IGP's office when asked. The detainees were then moved to the SIC office and taken upstairs. He said the witness and the crowd of his father's followers were not allowed to follow. An argument broke out but they decided to let it go and waited downstairs.

When it was time for the 2 pm prayers, they came down to pray but he (the witness) and his father's followers refused to pray behind Abdoulie Fatty, the then imam of State House and second in command at the SIC. After the prayers, they were allowed to join the group upstairs. The witness said that he could not recall most of the conversation at that time but during the discussion, Abdoulie Fatty, who he said was considered by people to be a wicked individual, announced that he, Abdoulie Fatty was responsible for having the witness' father **arrested**, not Yahya Jammeh.

Abdoulie Fatty had added that they were in a jihad⁴³ and that what his father did was wrong. He also stated that his father would not be released until he admitted that he was wrong, which his father refused to do.

⁴²Village head.

⁴³Holy war in Arabic.

At this point, the witness mentioned that the West Coast Police Commissioner, Ousman Jatta, and Station Officer, SO, at Yundum Police Station Tamsir Jallow were with the detainees from when they moved to the SIC Headquarters.

The Counsel noted that the witness had supplied them with newspaper articles from 4th August 2014 and proceeded to read an excerpt from it as follows: *“A source indicated that during the meeting, the Caliph General, Sheikh Muhideen Hydara refused to accept any wrongdoing. The source said that the Caliph should just confess that what he did was wrong and promise that it would never be repeated. The Caliph General insisted that he would not confess, that his action was wrong and is unlawful.”* The witness agreed that was what was discussed. The Counsel then requested for the article entitled “Police Grant Bail To Dasilameh Caliph General” published by the Foroyaa Newspaper on 4th August 2014 to be admitted into evidence. The request was granted.

Continuing, the witness explained that the SIC and the two police officers went into a smaller office and about an hour and a half later, came out and announced that they could not reach the people they wanted to talk to and asked them to return to Yundum Police Station. When asked if he suspected who the SIC was referring to, the witness stated that he believed it could not be anyone other than Yahya Jammeh at that time. When they got back to Yundum Police Station, they were not contacted by the SIC as promised. They spent the night there again. The next day, Friday 5th August 2014, IGP Yankuba Touray came to the station around noon. He told them that he could not release the detainees but can have them bailed on a 100,000 dalasi bail bond per person. They were released on bail and asked to report the next day. The witness stated that he did not know if his father and the Alkalo were charged at that time.

They reported as instructed and were asked to come back on the Wednesday of the following week and to report back again the following Monday, 11th August 2014. On that Monday, they were told to go Brikama Magistrate

Court to have a discussion and agree that it was all a mistake. They asked to be allowed to come back the next day as they wanted to consult their lawyer, Lamin Mboge. The trial started the next day, 12th August 2014.

On the day of the hearing, they appealed to the Magistrate to allow his father to sit down as he could not stand for long because of his old age - the magistrate refused. His father had to stand during that session. When the Counsel asked the witness if he could tell them whether his father was charged on that day, he responded that he was charged however, the charge was changed the next day. When probed further, the witness admitted that he could not tell the difference between the charges as he was not legally knowledgeable. The witness did note that the offence was related to his father leading Eid prayers on a day other than that declared by the State. He also added that it did not seem **fair** to him for **only his father was singled out for an offence committed by many.**

The Counsel then proceeded to read an excerpt from a Foroyaa newspaper article published on the 28th of May 2015 which reported that the witness’ father and the Alkalo of Darsilameh Sangajor were jointly charged with two counts of criminal offences – conspiracy to commit a felony and disobeying the lawful orders of the President of The Gambia by refusing to perform the Eid of the 28th of July 2014. The witness confirmed that that was what was stated at the court.

He explained that the trial was adjourned and subsequently transferred from the first magistrate to two other magistrates. The case stayed with the third magistrate, Omar Cham until December 2014 before being transferred to the Brikama High Court under Justice Igbala. However, Justice Igbala was transferred to another court shortly after and the case given to Justice Oduma.

The witness said he was informed that the reason for Justice Igbala's transfer was because **he was paid by the Nigerian government and thus may not have an allegiance towards the Gambian government to be trusted to deliver a judgment that the government of the Gambia wanted.**

The second justice however was employed by The Gambia government and would be more inclined to be compliant with the government.

The case stayed at the High Court in Brikama for two weeks before being transferred back to the Brikama Magistrate Court, under Magistrate Omar Cham where it stayed for about three months. He (the witness) travelled out of town for a month and when he came back, the case was with Magistrate Ebrima Jaiteh. He added that he heard the case was given to a Nigerian before it went to Magistrate Jaiteh but he decided to abstain from the case. Magistrate Jaiteh subsequently acquitted his father and Alkalo Buyeh Touray of all charges. The witness agreed with the Counsel when she stated that the acquittal likely confirmed his suspicion that his father was targeted by Yahya Jammeh. A week after his father's acquittal, Magistrate Ebrima Jaiteh was **arrested**. The witness told the Commission that they did not know why but they suspected it was connected to his father's acquittal and subsequent release.

On the impact of the event on his father, the witness said his father's health was affected as well as his other affairs. He (the witness' father) had planned to go on Hajj but had to cancel because of the trial. The family and his friends, who felt his father had been disrespected, were also impacted as some of them travelled from all over the world to support him during the trial. The family and his followers were also impacted as some of them travelled from all over the world to support his father during the trial. They also felt that his father was disrespected.

When asked if he believed that the government had the right to interfere in matters pertaining to the difference in opinion in such religious events, the witness responded in the negative. **Abass Muhideen Hydara** also affirmed that **his father's rights were violated by the government and the SIC**. He added that they were very unhappy with the situation but could not do anything about it. The Counsel concluded the testimony by thanking the witness and entering five different newspapers pertaining to the event into evidence.

Before passing the questioning to the Commissioners, Chairman Sise also thanked the witness, apologised for what the witness' father his family and followers went through, and confirmed that governments normally do not get involved in such issues.

Commissioner Jones asked if the witness was aware of President Jammeh issuing a directive on when people should pray Eid prior to 2014. The witness responded that he was not aware of such an announcement. She also asked if such a directive was issued after the incident with his father and the witness responded that he was not aware of a directive after the incident either, adding that the same difference in opinion happened during the Eid-Al-Adha that was celebrated two months after the incident and no one was arrested.

Commissioner Kinteh asked if any of his father's followers were beaten or mistreated in any way. The witness responded that he was aware that some were threatened, but not maltreated.

Commissioner Kinteh also inquired about his father's health after being detained and until the time of his demise, considering that he had just completed fasting the entire month of Ramadan when he was **arrested**. The witness responded that the arrest contributed to his father's poor health.

Commissioner Imam Jallow asked the witness about the sitting Caliph after his father's death how, in his

opinion, one can put an end to the differences among Muslims when it comes to the timing of Eid prayers. The witness responded that everyone has a school of thought that should be respected and if one is thought to be doing wrong, dialogue should be encouraged. When force is used, it creates division, not peace. Imam Jallow also asked if he thought there would have been divisions if the SIC positions were occupied by the Caliphs. The witness responded that there would not have been any disagreement.

Commission Imam Sey thanked the witness and affirmed that his father's stance was based on a sound hadith⁴⁴. Commission Bojang asked the witness for his views on the fact that the religion recommends that one should start or stop fasting when another Muslim announces they have sighted the new moon and the fact the SIC had announced the areas where the moon was sighted. The witness responded that it was a matter of trust and if one has different views from another, they are unlikely to agree.

In his concluding remarks, the witness, after thanking Allah, stated that though what his father went through was difficult, they were grateful that he was not arrested for committing a crime but rather for matters relating to prayers.

He stated that they do not trust the SIC and were afraid of them. He appealed to the government to at least change the name of the SIC especially given that the same people that were there before are still there.

The witness proceeded to thank the TRRC and commended their work. He said he trusted what they were doing but had misgivings about what would happen at the end. He referenced the recently concluded Janneh Commission which he said ousted the people they wanted out but those they wanted to keep were still in the system. If the same happens to the TRRC, the victims will be very

unhappy as their job was to reconcile the Gambian people. They (the TRRC) will look bad if they failed and he appealed to the government and the house of parliament to take that into consideration. He also appealed to the people to pray for peace and stability and thanked the journalists, urging them to promote peace as well.

Persons Mentioned By Witness During Testimony:

Arbitrary arrest and detention

Yankuba Sonko, Ousman Jatta, Tamsir Jallow

Persecution (of Sheikh Sherif Muhideen Hydar)

Yahya Jammeh, Abdoulie Fatty

Religious Intolerance

Abdoulie Fatty, Yahya Jammeh

⁴⁴Sayings and acts of the Prophet Muhammad.

WITNESS NAME: Alfusainey TOURAY, Ba Jerreh TOURAY and Abdoulie SANNEH

TRRC HEARING DATE (S): 23rd January 2020

EVENT (S) DISCUSSED: The 1998 Brikama Mosque incident and the arrest, detention and prosecution of the witnesses

POSITION BEFORE THE EVENT (S): **Alfusainey Touray**, worked for a private company/**Ba Jerreh Touray**, elder of Brikama /**Abdoulie Sanneh**, bursar at Bottrop High School

ROLE DURING THE EVENT (S): **Alfusainey Touray**, arrested and detained/**Ba Jerreh Touray**, arrested and detained /**Abdoulie Sanneh** was arrested and detained

POSITION AT THE TIME OF TESTIMONY: **Alfusainey Touray**, works for a private company in the USA/ **Ba Jerreh Touray**, not working/**Abdoulie Sanneh**, not working

SUMMARY OF TESTIMONY:

Ba Jerreh Touray, Abdoulie Sanneh and Alfusainey Touray told the Commission they were born respectively in 1946, 1956 and 1972 in Brikama.

The witnesses each gave a brief background of their education, after which Counsel Singhateh asked Ba Jerreh Touray who the imam of Brikama Mosque was around 1998. The witness responded that it was Alhagie Karamo Touray, adding it was a position that was and still is held by the Touray family. Asked if that position changed at any point, the witness responded in the negative.

The Counsel then shifted the question to Aboudlie Sanneh and asked if the position Imam Karamo Touray occupied changed at any point and the witness confirmed that it did in 1998. Upon further probing, he explained that a group called High Park affiliated with the Alliance for Patriotic Reorientation and Construction, APRC, approached the imam to erect a fence around the mosque and the imam agreed. Later in the testimony, Alfusainey Touray explained that High Park is an association in Brikama and some of their members were elders that were influential in Brikama. Their chairman was the late Malang Ida Bojang and their members included the late Chief Dembo Keleng Bojang, Alkalo Lamin Mondo Jatta and many other supporters of the APRC.



Alfusainey Touray



Ba Jerreh Touray



Abdoulie Sanneh

The Counsel then clarified that the imam had told them not to construct around a particular place where the elders used to sit and asked what happened when he told them that. Witness Abdoulie Sanneh explained that Imam Karamo Touray travelled on a Saturday to Kunting and they used that as an opportunity to erect concrete pillars.

Going back to Ba Jarreh Touray, the Counsel asked how the imam found out they had erected the pillars. The witness responded that when the imam came back from his travels, he (the witness) told the imam that they built pillars contrary to his request not to. Imam Karamo Touray asked him to follow him so they could go and pull them down. Ba Jerreh Touray recalled that he took a hammer with him and together with Malang Kalifa and Abdoulie Sanneh, they dismantled the two pillars, which he noted were less than 1 m long.

The Counsel asked Ba Jerreh Touray for the source of funding for High Park and he explained that “Yahya

Jammeh's Tuti Faal" had given a cheque of 10,000 dalasi to High Park for the construction work. Asked if the imam had asked them to seek for funds to erect the fence, Ba Jerreh Touray said no. High Park had approached the imam on their own accord, stating they wanted to erect the fence using funds they had received from Tuti Faal. Asked who Tuti Faal was, the witness responded that it was Yahya Jammeh's wife⁴⁵.

The Counsel then moved to Alfusainey Touray who testified that Imam Karamo Touray was his father. He added that after the High Park group approached his father, he discussed their offer with the elder community in Brikama. His father told the High Park group they could go ahead with their plans but gave them a condition that they should not build where the elders sat. They reassured his father they would not, however, when he travelled, they failed to adhere to the condition.

Upon further questioning, Abdoulie Sanneh clarified that neither High Park nor the labourers who had constructed the pillars were around when the pillars were taken down. He added that after removing the pillars, they took their equipment and put it in one place and the instruction was that the ones on the fence should be left in place.

The Counsel asked Ba Jerreh Touray if he could recall what time the imam said to take the structures down and he responded it was around 2pm. He stated that there was no commotion when they were taking down the pillars as they did not find anyone at the site. He also highlighted that when they were erecting the fence, the imam had categorically told them that if they put anything where he had asked them not to, he would remove it.

Continuing, Ba Jerreh Touray stated that when the imam returned and saw the erected pillars, he construed it as a form of disrespect. The witness added that Basansan Sanneh, a respected elder of Brikama had also reinforced the imam's message when they were building, as well as Karamo Banna who when he saw them erecting the pillars told them "*didn't you hear what the imam told you, not to place or erect anything here?*"

The Counsel moved to Abdoulie Sanneh and asked if other people were involved in demolishing the pillars. The witness said that Kalifa Malang was also involved, thus it was four of them altogether. After bringing down

the structures, they prayed the 2 pm prayers and the witness went home. Around 5 pm, he went back to the mosque to pray and noted that everything was calm by then. After praying the first evening prayers, he saw paramilitaries officers standing by the entrance of the mosque with one Kebba Pateh Bojang who pointed at him and told the paramilitary officers that the witness was Abdoulie Sanneh.

Abdoulie Sanneh was asked to approach and when he did, he saw that there were many armed paramilitary officers as well as a truck. He was ordered to board the truck, which he did.

Continuing his testimony, Abdoulie Sanneh recalled that Basansan Sanneh, who was around 90 years old at the time, was escorted and made to board the truck as well. Basansan Sanneh asked him what was going on and the witness told him he did not know. Bakary Jatta, who was almost 85 years old, deaf and could not clearly see at the time, was also escorted to the truck. After he boarded the truck and sat between Basansan Sanneh's legs, he was followed by Malang Kalifa and Ba Jerreh Touray.

At this point, the Counsel asked Ba Jerreh Touray to tell the Commission how he was asked to board the truck. Ba Jerreh Touray said he was praying when he saw a police officer accompanied by Kebba Pateh Bojang telling him "*this man praying is the person called Ba Jerreh*". Once Ba Jerreh Touray boarded the truck, they left for the police station. The witness added that he saw Imam Karamo Touray's son, also called Ba Jerreh, asking the paramilitary officers why they had **arrested** the group. When, Ba Jerreh Son confirmed his father was the imam, he was instructed to board the truck as well. The witness could not estimate the number of Police Intervention Unit, PIU officers at the time of his **arrest**.

Abdoulie Sanneh testified that there were three trucks and that the paramilitary officers **threatened** them with their **guns** and instructed that nobody

⁴⁵Tuti Faal was Yahya Jammeh's wife from 1994 until their divorce in 1998. It was reported that she asked for political asylum in the USA in 2015.

should approach those **arrested**. He clarified that their **arrest** took place in the yard in front of the mosque and that the market was packed when they were arrested one by one.

Witness Alfusainey Touray then confirmed that his father, Imam Karamo Touray, who was 75 years old at the time, was also **arrested** together with the others. He added that he was present during the **arrest** and remembered that one senior police officer told his father he was needed at the police station so he should board the truck but his father refused to do so. The witness also remembered that the late Daba Marenah was present as well as other plain clothed officers who were maybe from the Criminal Investigation Department, CID or the National Intelligence Agency, NIA. The officers were trying to convince the imam but he kept resisting.

Daba Marenah then told them to “grab him by force” but they were able to convince the imam to board a smaller vehicle and he was taken to the police station.

It was once at the police station that they told the imam he was under **arrest** and made to board a truck. Asked about Daba Marenah, Alfusainey Touray stated that he was the “head of the plain clothed officers” at State House. The witness added that even after his own **arrest**, Daba Marenah came and told him “*you ought to know better*”.

The Counsel asked Abdoulie Sanneh and Ba Jerreh Touray if they came to recognise any of the officers who **arrested** them and they responded in the negative. Talking about his own **arrest**, Alfusainey Touray narrated that it did not take place at the mosque but at his compound at around midnight. The Counsel then turned to Witness Sanneh and asked where they were taken after they were made to board the truck. He explained that after they left Brikama, the officers took them to Banjul Police Station where they were **detained** until 2-3 am. They were then taken to Mile 2 Prison where they found “this Ousainou” (referring to Witness Alfusainey Touray who is also called Ousainou)⁴⁶ and Lamin Waa Juwara. After they were stripped of their

belonging, they were taken to Confinement 4 and put in a one-man cell, which he described as dusty and infested with spiders and spider webs. He added that the planks, which inmates used to sleep on, had been removed and so they had to sleep on the bare floor.

Moving back to Ba Jerreh Touray, the Counsel asked if they were given a reason for their **arrest** once they arrived at the police station. Ba Jerreh Touray told the Commission that they were not given a reason nor were they charged with any offence. He, however, specified that the statement takers told them that they had pulled down a part of the mosque. Abdoulie Sanneh then highlighted that Ba Jerreh Touray had gotten confused. They were not told anything at the police station, it was at Mile 2 Prison that their statements were taken. He also confirmed that they were not charged with any offence. Abdoulie Sanneh recalled seeing the then Director of Mile 2 Prison, David Colley and Yahya Jarju who was referred to as Chief Jarju by the security officers.

The Counsel asked Alfusainey Touray to tell them what happened after his **arrest** as Abdoulie Sanneh had mentioned that they had found him around 2-3 am at Mile 2 Prison. Alfusainey Touray narrated that when he was **arrested**, he was taken to Brikama Police Station and when he arrived, one Famara Jallow⁴⁷, who he believed to be the station officer said “*You people think that you are the owners of Brikama*”. He instructed for the witness to be taken behind the counter and do the “monkey dance”. The witness did as instructed but luckily for him, there was a paramilitary officer whose surname was Jallow (he could not remember his first name), a former student of his who felt sorry for him and came to his aid. “*Mr. Touray, you can lean on me*”, he said but Famara Jallow came back and instructed for Alfusainey Touray not to be helped.

He could not recall how long he did the “monkey dance” for but he eventually passed out.

⁴⁶Please note that it was sometimes incorrectly reported in the media that the witness was referring to Lawyer Ousainou Darboe, leader of the United Democratic Party.

⁴⁷Also spelt Nfamara Jallow.

Asked to describe the “monkey dance”, the witness said it is a type of punishment that was used in school, then demonstrating he added “*you put your hands across your face and get hold of your two ears, and you squat down and get up in repeated motions*”.

Further testifying, Alfusainey Touray stated that Lamin Waa Juwara was brought in at around 1 am by paramilitary officers and plain clothed officers. He was **beaten** and gun butted in the presence of the witness. Asked who was Lamin Waa Juwara, the witness responded that he was a famous politician, the deputy party leader of the United Democratic Party, UDP and he was staying in Brikama. The Counsel asked if there was any connection between his **arrest** and Lamin Waa Juwara’s and the witness responded that as far as he was concerned, there was no connection. Asked if he was charged with any offence at the police station, the witness said he was not, neither was Lamin Waa Juwara.

Continuing on with his testimony, the witness testified that from the police station, he was taken to Mile 2 Prison. He noted that he had forgotten to mention in the statement he had submitted to the Commission that before taking him to Mile 2 Prison, they stopped by his house and searched it. They then searched his father’s house but his father had been **arrested** with his keys so they broke into his room and searched it. “*Everything was turned upside down*”, he said and remembered they found an old gun and took him back to the station with it.

Alfusainey Touray affirmed that he did not know what they were looking for but they tried to create “an issue” with the gun and charged him with gun possession. However, they realised he had a license for the gun and so the charge was dropped. Moving on, he told the Commission that after he was taken back to the police station, together with Lamin Waa Juawara, they were made to board a seven-passenger vehicle and were each sandwiched by two paramilitary officers. He added that as he had previously mentioned, that was when the late Daba Marenah came and said “*Alfusainey, you ought to know better*”. Asked what Daba Marenah meant by that, the witness responded that he believed Daba Marenah was implying that the witness who had worked at the NIA before should know this was a security matter as he was under **arrest**.

Continuing on with his testimony, the witness explained that they drove to Banjul at very high speed. He recalled that he knew the driver of the vehicle who was called Pa Njaga Mendy, a senior NIA operative at the time. They drove until 100- 200 meters before Denton Bridge when people came out to flag the vehicle down. Pa Njaga Mendy stopped the vehicle and screamed “*Baba Jobe said that when I arrive at this point, I should stop.*”

Those who had flagged the vehicle, ran to them, opened the door, took Lamin Waa Juwara and forcefully pushed him down on the tarmac and started **beating** him for more than 15 minutes. Alfusainey Touray said he was not sure what they used but believed they were using a metal cable as there would be sparks flying when the object touched the tarmac.

At first **Lamin Waa Juwara** would say “**What have I done to you people? You are beating me for what?**” but they **beat** him so much he could not even talk anymore.

The witness added that he remembered that one of the officers in mufti (he was not on duty) was accompanying them. The officer had begged for a lift from Brikama Police Station and when they arrived around the Kanifing Barracks, Pa Njaga Mendy told him he could only stop where he had been instructed to. Alfusainey Touray recalled that the officer in mufti intervened when they were **beating** Lamin Waa Juwara and told them “*You people removed these people from the Brikama Police Station, now you are treating this man like this. If something happens to him, you people will be responsible. They are under your custody*”. Pa Njaga Mendy then grabbed Baba Jobe’s hands and he (Baba Jobe) instructed the other **torturers** including one Modou Pika Jallow to stop the **beating**.

Asked who Baba Jobe was, the witness responded he was a known politician who was very close to Yahya Jammeh and became famous for his connection to

Yahya Jammeh. Asked if Baba Jobe was related to any security outlet, the witness explained that Baba Jobe was not part of any security outlet but he had informed Pa Njaga Mendy to stop so he could “teach a lesson” to Lamin Waa Juwara. When they were done beating Lamin Waa Juwara, they went to Mile 2 Prison.

Alfusainey Touray told the Commission that the next day, Lamin Waa Juwara looked just like a “piece of meat”. His shirt was stained with blood to the point it stuck to his body and his middle finger was swollen. That morning, prison officers brought him a pair of trousers and shirt so he could change.

The Counsel asked Ba Jerreh Touray to tell the Commission about the other hardships he went through whilst in detention. He confirmed that the planks prisoners slept on were removed and the place was so dirty that it was difficult to sit or lie down. Asked if he was given any food the night he arrived at Mile 2 Prison, the witness responded in the negative. Abdoulie Sanneh then added that they were not given any bedding or blankets and Alfusainey Touray stated that he thought the prison guards had done so on purpose.

Counsel Singhateh turned to Abdoulie Sanneh and asked how the elderly that is Imam Karamo Sanneh, Basansan Sanneh and Bakary Jattah coped in such conditions. Abdoulie Sanneh responded that Basansan Sanneh nearly went mad because throughout the night, he kept on talking to himself saying “*I didn’t do anything and they locked me up*”. Bakary Jattah who was partially blind and had defective hearing would sometimes accidentally kick his chamber pot and everything would spill in the cell. He added that Imam Karamo Touray and the other detainees would sometimes remove their shirt and use it as a pillow.

Counsel Singhateh moved to Alfusainey Touray and asked if he knew if any of the elderly people had any health

complications before being **detained**. The witness responded that his father, Imam Karamo Touray was diabetic at the time and his elder brother, Ba Jerreh Touray Son was also diabetic. He stated that when they were incarcerated, they used to get one meal a day. He remembered that his brother once told the prison officer that he was diabetic and should not eat rice once a day. The prison officer, Yahya Jarjue retorted “*This place here is a prison, if you cannot eat it, whatever happens to you is your business*”.

Alfusainey Touray further told the Commission that they were **arrested** on a Sunday in the evening and if his memory could serve him well, it was Wednesday of the following week they were taken to Kanifing Magistrate’s Court for the first time.

Counsel Singhateh went on to play a video from Gambia Radio Television Services, GRTS, with respect to their **arrest**. The segment showed ten detainees including the witnesses being paraded on camera in response to an article in The Daily Observer in which Ousainou Darboe called on the government to show them following allegations of torture. The Counsel told the witnesses that according to this particular segment, the actions of the detainees were mischievous and threatening and linked with the UDP. The Counsel asked Ba Jerreh Touray if their actions with respect to the mosque were linked to any political activity and he responded in the negative. Asked if Imam Karamo Touray was actively involved with the UDP, he responded yes, the imam was a member of the UDP. The Counsel pointed that he had been part of the congregation of the imam and asked if the sermons at the mosque touched on political issues. The witness responded that Imam Karamo Touray never did so.

When the Counsel asked Alfusainey Touray why he thought the government had decided to link the incident at the mosque with the UDP, he seemed lost. He responded that the closest to having a political connection would perhaps be having Lawyers Ousainou Darboe and Mariam Denton⁴⁸ representing them. He added that he had never seen or heard his father address the crowd about politics and he was imam for 40 years. The Counsel moved to Abdoulie

⁴⁸Mariam Jack-Denton is a Gambian lawyer and politician from the United Democratic Party.

Sanneh and asked why he thought the High Park group disregarded the imam's instruction and built the pillars at that place. The witness responded that perhaps they had done so to provoke him and get a reaction.

Going back to their **detention**, the Counsel asked how long they were detained at Mile 2 Prison. Ba Jarreh Touray responded 22 days. The Counsel then asked what the charges read out in court were and Alfusainey Touray responded that he could only remember two charges: demolition of a mosque and a conspiracy to commit a crime or unrest. Counsel Singhateh then stated that she had a report from Amnesty International dated 1st June 2000 (page 3), which reported on the Brikama Mosque trial. The report stated as follows: *"In February, the 4 remaining defendants charged in June 1998 with conspiracy to commit riot and damage to a building in the town of Brikama were acquitted. Originally, they were held incommunicado, 10 prisoners of conscience including members of the United Democratic Party and the imam of Brikama, Alhagie Karamo Touray. The arrests were in connection with alleged attempt to destroy a wall being erected around the mosque reportedly by a pro government youth group trying to prevent the imam from speaking about political issues. At least one of the detainees was allegedly tortured while in custody and after almost 9 months of trial, the presiding magistrate discharged the defendants."*

The Counsel remarked that in this report, there seemed to be a political connotation as to the incident that happened. Asked if that was the general perception at the time they were **arrested**, Alfusainey Touray responded in the affirmative. He then recalled that before the incident, there was a consultative committee in Brikama who went round to get people's views on the new constitution and the timetable for the Armed Forces Provisional Ruling Council, AFPRC government. He remembered that his father was one of the speakers when they met with the consultative committee and his position was that there should be elections held immediately and a new government should take over. The Counsel then noted that at the time his father was perceived as an opposition figure and the witness responded "exactly".

Alfusainey Touray also remembered that at that time, he was working at the NIA however, one morning, in 1996, he was handed a termination letter. When he asked for the reason for his dismissal, his then unit head, Thirteen Badjie told him he did not know the exact reason but the dismissal was related to his father. When the witness went home and informed his father, he told him he was not surprised. The Counsel asked if his father had strong opinions about the government during that time and the witness responded that he could only speak to the consultative meeting and that his father was of the opinion that soldiers should go back to the barracks and elections should be held for a new government to take over the country. He added that he felt their **arrest** was connected to his father being perceived as opposition.

Asked about the impact of their **arrest** and **detention**, Ba Jarreh Touray responded that he could no longer work.

Abdoulie Sanneh told the Commission that when he left Mile 2 Prison, he was **diagnosed with diabetes** and later lost his job in 2004. **His land was taken from him and despite writing many letters, he has not been able to recover it. He added "since 2004, up to this time, I am just sitting down"**.

Alfusainey Touray was asked to tell them about what eventually led to their release and he explained that they were arraigned and they pleaded not guilty. There was some back and forth regarding jurisdictional matters and finally they were taken to Banjul High Court again where they were granted bail. The witness further stated that after their release, they were told that the crime had happened in Brikama so they should report there. They went

to Brikama Magistrate's Court, then followed a series of adjournments until in 2000, Magistrate Lamin Darboe took up the case and discharged it. The State appealed the decision to discharge. They went back to court but the witness and four others were acquitted. The case against the other five, including his father continued.

The witness testified that the remaining five kept going to court until one day in November (he did not state the year), Yahya Jammeh came to Brikama and held a rally. He gave a speech and at the end of his speech, he called on the chief of Brikama to return the keys to the imam. Asked if the witness thought the statement was genuine, the witness said he did not. He added that it looked like Yahya Jammeh was trying to clear himself from the case and place the blame on the chief and his people.

When Ba Jerreh Touray was asked who he held responsible for his detention at Mile 2 Prison for 22 days, he responded that he blamed the High Park group and their leaders, that is Malang Ida Bojang and Chief Dembo Keleng Bojang. Asked if he thought the government was responsible in any way for what happened to him, the witness responded in the affirmative adding they were the ones behind the High Park group.

Abdoulie Sanneh was asked if he knew the government had any hand in what happened to him and the witness categorical stated that they had, noting that nothing happened at that time without Yahya Jammeh not knowing. He added that his **arrest** and **detention** were illegal and he took it as "witch-hunting".

Alfusainey Touray was asked about the impact on his brother, his father and the rest of the family. He responded that the impact on his father alone was very big.

"Imagine, a spiritual leader for a large community, you come and catch that man and lock him up and he was not given a chance to defend himself".

He also noted that the following two years, Brikama became divided on all lines, including religious lines because during the time the imam was incarcerated and he was banned from leading prayers at the mosque, there

was a large section of the community who would not go to the mosque to pray. The witness further stated that it was very difficult to see his father across in another cell, looking shabby with all his hair overgrown. Regarding his brother Ba Jerreh who was diabetic, when he was released, he went to Dr. Ceessay's clinic in Kololi and never came home and passed. *"The impact was too much on my family"*.

Abdoulie sanneh was asked about the impact on some of the elderly in the group such as Basansan Sanneh and Bakary Jattah. He responded that they were in poor health when they were released.

Imam Karamo Touray's diabetes became worse. He was amputated on two occasions and the second amputation was the reason for his death.

He stated that the imam went to America for treatment but when he returned, he got sick again, went to the hospital, had his leg amputated and he died. Abdoulie Sanneh then paused, visibly shaken and emotional. He then continued that Basansan Sanneh, Bakary Jattah and Malang Kalifa (who also had diabetes) became sick and passed away.

Chairman Sise thanked the witnesses and added that they shared their pain and sufferings that they went through with their families, which they should not have gone through at all under any circumstances. He remarked that burden was put on them by agents of the State, a State that had a sacred duty to protect its citizens.

The floor was given to the Commissioners but they had no questions.

Witnesses proceeded with the closing remarks. Abdoulie Sanneh thanked Allah and his holy prophet. He extended his thanks to the TRRC stating they were doing a very difficult job - finding the truth. He called for peaceful political parties and on a unified Gambia.

Alfusainey Touray extended his sincere thanks to Allah for giving him life to be able to witness what he is witnessing today. He stated that all Gambians are all equal and politicians come and go but the country remains. He added that Gambians should be all one and emphasized for the new government to carry out reforms, especially in the security sector. He also appealed for the security sector not to be politicised and asked for politicians to be truthful.

Persons Mentioned By Witness During Testimony:

Arbitrary arrest

Daba Marenah, Pa Njaga Mendy

Arbitrary detention

David Colley, Famara Jallow, Yahya Jarju

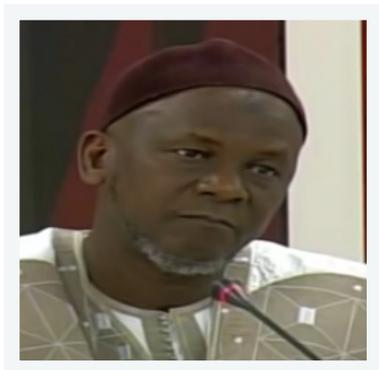
Ill-treatment (of Alfusainey Touray)

Famara Jallow

Torture (of Lamin Waa Juwara)

Baba Jobe, Modou Pika Jallow

Abdoulie Sanneh
responded that
Basansan Sanneh
nearly went **mad**
because throughout
the night, he kept
on talking to himself
saying “***I didn’t do
anything and they
locked me up***” .



WITNESS NAME: Imam Alhaiba HYDARA

TRRC HEARING DATE (S): 27th January 2020

EVENT (S) DISCUSSED: Multiple arrests and subsequent detention of the witness at Janjanbureh Prison; impact of the arrests on him and his family

POSITION BEFORE THE EVENT (S): Imam and Hajj guide

ROLE DURING THE EVENT (S): Arrested and detained for allegedly defaming Yahya Jammeh and his government

POSITION AT THE TIME OF TESTIMONY: Imam, teacher

SUMMARY OF TESTIMONY:

Imam Alhaiba Hydara told the Commission that he was born in Badibu Yaalal Tankonjala in 1970 and currently resides at Brikama Nyambai. He added that he worked as an imam at the Banjul International Airport Mosque and also as a teacher at his alma mater, Alhagie Banding Drammeh's Islamic School in Brikama. The witness then gave a rundown of his Islamic education and said he specialised in Shari'a (Islamic law).

When asked if, at any point, he was appointed to any particular position, the witness recalled that in 2002, he was appointed as the Deputy Chief Hajj guide by the Gambia International Airport, GIA. His role entailed assisting Gambian pilgrims in preparing for and performing their Hajj rites in Mecca, Saudi Arabia. The witness mentioned that he was also a member of the Gambia Supreme Islamic Council, the umbrella organisation responsible for promoting unity among Muslims in the country.

The Counsel then went on to ask the witness if he had any relationship with the ex-President Yahya Jammeh at any point during his career. He responded that he came to know Yahya Jammeh when they wanted to do a prayer called 'kitimor' (Laila tul Qadr⁴⁹) at State House in 1994. He explained that he was called by the late Imam Sedia Ceesay, one of the then deputy imams at State House, to be the first preacher in the Mandinka language. When asked why he believed he was selected, Alhaiba Hydara replied that it was because his preaching is always highly appreciated by people and also because he is a Sheriff. He explained that Sheriffs are believed to be direct descendants of the Prophet Muhammed and were entrusted with carrying out his teachings.

Going back to the relationship the witness had with Yahya Jammeh and the kind of work he did for him at State House, the Counsel asked if there was anything he did for him aside from gamos⁵⁰. The witness explained that, before he went to Yahya Jammeh, he used to do 'kitimors' for Yahya Jammeh's mother. At that time, there was a big religious singer called Alhassan Jatta who usually asked him to accompany him to Asombi Bojang, Yahya Jammeh's mother, during the 'kitim' and he took the witness to Kanilai on many occasions to hold gamos there.

The Counsel then asked the witness if he could remember the year 2005, around the month of January after he was appointed as a Hajj guide by the GIA. The witness recounted that all the preparations had been completed for Hajj but acquiring visas was very difficult that year and some were delayed. He explained that his visa came on time but his father was to go for a pilgrimage that year as well and his visa was delayed. He was not going to make it on the same flight as him. However, his intention was to travel with his father on the same flight to assist him, so he pleaded with his people to allow him to swap and travel on the second flight. He was granted that request.

They were to travel on Monday night, on the 10th of January. That Monday morning, he was selected by their mosque committee to represent them at a

⁴⁹Laila tul Qadr or Laylat al-Qadr (Arabic) meaning The Night of Decree or Night of Power is one of the nights in the last ten nights of Ramadan, the month Muslims observe fasting during the day. Observing any type of worship or good deed during this night is said to earn the doer the equivalent one thousand months of reward.

⁵⁰Religious event meant to celebrate the birthday of Prophet Muhammed with preaching.

naming ceremony at Sukuta Sabiji. He explained that while they were waiting for the ceremony to start, he received a call from someone who identified himself as Babucarr Gassama, head of the National Intelligence Agency, NIA at the airport. Mr. Gassama told him he was needed at their headquarters. After probing, the witness clarified that they usually call him Bakary but sometimes people call him Bubacarr. The Counsel then asked him to tell them what happened after he got off the phone.

The witness narrated that it did not take long after he (Bubacarr/Bakary Gassama) called again and asked him to come out as he was at the gate. When he went out, Bakary Gassama told him they were there to pick him up. Imam Alhaiba Hydaya said he responded that he was in a meeting and if he should leave like that, the people he came with would be surprised. He asked if he could announce that he was leaving but Bakary Gassama said no, he should just get in the vehicle as he (the witness) is an elder and if he told them, there will be a lot of commotion. He boarded the vehicle and they headed towards Banjul. He said that when they got to Banjul, they did not go through the main gate of the NIA but through the backdoor.

At this point, the Counsel requested to interrupt the witness to ask some follow-up questions. She asked him why he thought they took him through the back way rather than the front gate. The witness explained and concurred that they were smuggling him in and they did not want to be seen doing that, consistent with the fact that Bakary Gassama did not want him to tell the people at the naming ceremony where he was going.

The Counsel then asked if it is his view that he was being kidnapped and Alhaiba Hydaya responded in the affirmative.

When asked what was going through his mind while he was being driven from Sukuta to Banjul, the witness, using local a Mandinka proverb, explained that in effect he felt like a prey that should be ready to have its head broken in the jaws of a predator. The witness went on to explain that he received some phone calls from the people he

left at the naming ceremony enquiring about his whereabouts and he told them he was going on a mission but after that, Bakary Gassama asked him to switch off his phone which he did. The witness was asked if he thinks the reason he asked him to switch off his phone was because he did not want him contacting anybody or perhaps anyone knowing about his whereabouts. He agreed.

Carrying on with what happened when he got to the NIA, the witness explained that when they arrived, Bakary Gassama dropped him off and went away. He clarified that apart from Bakary Gassama telling him “*I am sent to come and pick you up*”, he was not given any reason why he was taken to the NIA Headquarters. At 2 pm when the call for prayer was made at the nearby mosque, he went and led the prayers there. After the prayers, people approached him to talk to him as many of them knew him from being a hajj guide. He mentioned that they asked him if he was going that year too and he responded that he thought he would be going.

After he came out of the mosque, he saw a white Pajero with tinted glasses standing by the gate. He was told to get in and he did. When asked, he replied that he did not know the two men that came to take him away. He mentioned that they were not in uniform before continuing to narrate that they headed to the Banjul Police Headquarters. When they alighted and went upstairs, he found himself in Jatta Baldeh’s office. The witness explained that Jatta Baldeh was the head of the Criminal Investigations Department, CID, at the time. He noted that he and Jatta Baldeh knew each other before.

He said Jatta Baldeh asked him “*What is it?*” and he replied that he was also there to find out as he had not been told what was going on. Jatta Baldeh then asked him whether or not he had said anything in his preaching that would offend Yahya Jammeh or the government. The witness challenged Baldeh to prove he had said something about the government or the president – play a cassette, display a document, or produce a witness to attest to his alleged statement.

After a brief silence, Jatta Baldeh asked him what he said during his last Friday sermon. He responded that, since it was the period for Hajj, he had talked about pilgrimage during his sermon. Jatta Baldeh then asked if he had said anything about politics. He told Jatta Baldeh that he did not know him to be somebody to talk about politics and he (Jatta Baldeh) affirmed that he (the witness) was somebody who only talks about Allah and his Prophet. He said their conversation ended there.

The Counsel asked the witness if he knew whether Jatta Baldeh's title was Crime Management Coordinator, CMC, and the witness confirmed this. The Counsel further asked the witness if he was shown anything to prove the allegations made by Jatta Baldeh. He said no. When asked what happened next, the witness explained that Jatta Baldeh's telephone rang and he picked it up. He did not know who he was speaking with and he could not hear what the other person was saying but he (Jatta Baldeh) said "Yes, *sir boss*" several times. After that, he was asked to go and sit in the Junior Officers' office, which he did.

Continuing his testimony, the witness explained that he was there for the whole day without being told anything until sunset. When asked who he found in that particular office, he responded that there were many but their leader was Jawara Touray who was a friend of his. The witness said he believed the office he was seated in was called Serious Crimes but he was not sure.

He was asked if anything happened to him whilst he was there for the rest of the day – was he given any food or water or told about his legal rights? The witness responded in the negative. He was then asked if he was told the reason for his **arrest** or if he was allowed to contact a family member. The witness said no. When asked what happened to his phone, he said the telephone was taken from him. The Counsel then asked if anything else was **seized** from him apart from his phone, he again replied in the negative.

When asked what happened after that, Imam Alhaiba Hydera explained that after the 7 pm prayers, an ash-coloured pick up came and he was asked to get in by some men he could not identify. The witness explained

that they left the Police Headquarters and headed towards Serrekunda to the Police Intervention Unit, PIU offices in Kanifing where he was transferred to the custody of the Officer-in-Charge, OC Biran Mbye.

Biran Mbye settled him (the witness) in his air-conditioned office, brought him food and assured him that he will not suffer while in his custody because he was a student of a Sheriff. When the Counsel later probed the witness as to why Biran Mbye gave him such privileged treatment, the witness responded Biran Mbye was a student of his uncle and they knew each other well before. He added that Biran Mbye also worked at the airport.

The witness continued to explain that while there, the telephone rang and it was his father who asked him where he was and he responded that he was still in the hands of the police. His father then asked him what he had done and he told him he did not know yet, that they had not said anything to him. His father told him not to be afraid and asked if he should come to the PIU and the witness refused. His father then said he was going to cancel his travel to Mecca because if the witness was not going, his going would be useless. The witness said he told his father to go on, he would join him after he left the PIU.

After he had finished eating, he led the 8 pm prayers at the PIU and as soon as they left the mosque, another pickup came and Biran Mbye was told that they had been asked to take him (the witness) to Banjul Police Headquarters. The OC on duty was Mamadou Nyang. When the OC saw the witness, he greeted him, kissed his hand and asked him to sit.

When the men that brought him told Mamadou Nyang the instructions were to put the witness in the cell, he refused, called it "bullshit order" and told them to sack him.

The witness was asked why Mamadou Nyang refused. He responded that he (the witness) was in school with Mamadou Nyang's father in Nuimi Kerr Mamma and Mamadou Nyang had seen how his father had honoured him (the witness). The Counsel noted that this was the second time he was finding people he knew in places of detention and instead of his rights being taken away, he was given benefits and privileges instead. The witness was asked what happened after Mamadou Nyang refused to **detain** him in the cell. He said he told him to comply and not get sacked because he knows his family's situation and they depended on him.

When Mamadou Nyang still refused adamantly, he asked him for the keys to the cell to go in by himself at which point Mamadou Nyang, realising the witness was serious, asked him to remove any personal items he had on him. He gave him his watch, mobile phone and 200 dalasi. However, when he attempted to go in the cell, the detainees in the cell refused to let him in because he was an elder. He said he told them he did not want Mamadou Nyang to lose his job and eventually convinced them to let him in.

The witness also explained that the third in command at the police, Babucarr Sowe whom he had taught was told "your teacher is in custody." However, Babucarr Sowe had responded that the person responsible for **arresting** him (the witness) was too powerful for him (Babucarr Sowe) to extricate the witness from the situation. The witness was then asked who he believed Babucarr Sowe was insinuating was behind his detention. The witness answered that it was the overall head of the country, Yahya Jammeh.

Continuing on, the witness narrated that after he negotiated his way into the cell, the detainees he found there removed their shirts to fan him to keep the mosquitoes away from him, saying "*there are many mosquitoes here, but none of them will bite you here old man.*" He added that there was no place to lie down so he sat until daybreak and when it was time for the morning prayers, one of the detainees removed his shirt and spread it on the floor for him to pray. The witness was asked if he was provided any water for ablution. He said not at all, adding that in the religion (Islam), observing the time of the prayer was more important worrying about the availability of water for ablution.

The Counsel asked if he was given water to drink or food to eat, the witness responded no. He was also asked how big the cell was and what the general state of the cell was. He explained that the cell was not wide. If you sat, you would not be able to stretch your legs. He added that when he wanted to pray, he came to the door so that he could have space and be able to stand, and it was not clean. There were up to 10 people and there was an unhygienic place that was used as a toilet. The witness added that there was only one door and no other place where air could come through. When asked if his detention was voluntary, the witness said no, it did not please him. Even though he had walked into that cell to protect Mamadou Nyang, he did not have the choice to leave if he wanted to.

The witness went on to explain that when morning came, he was taken back to the same office he was taken to the previous day and this time around, Jawara Touray was there and he asked him what his sermon was about the previous Friday to which he responded that he talked about current affairs. When Jawara Touray tried to probe further, he directed him to ask the mosque committee as all his sermons were recorded and labelled since he started. Jawara Touray said to the witness that is fine.

The Counsel asked if as far as he knew, the CID had conducted any investigations around this and if they did as he had instructed, to get the cassette from his mosque committee. The witness replied that they did not.

The Counsel also asked if he was told the reasons or offered any explanation as to why he was brought to the NIA, the police and all these other places that he had been taken to or if a statement was taken from him and Alhaiba Hydera responded no.

The witness also stated that he was not given the opportunity to seek a lawyer or counsel of his choice, or inform his family or someone close to him about the fact that he was in detention or formally charged with any offence.

Moving on, Imam Alhaiba Hydara narrated that Jawara Touray directed him to another individual. He said he thinks the man's name was Keita, adding that he too knew him from the Bundung Police Station where they used to hold gamos and the witness used to preach there. Keita told him, *"Imam well, they said that you are going to McCarthy⁵¹."* The witness said he laughed and Keita added *"But do not do anything. Just compromise and don't refuse to go."* The witness said he responded *"It is not bad. I said I was going to Mecca now they said I was going to McCarthy. Mecca and McCarthy, it is almost the same thing."* He then added to Keita *"Mecca and McCarthy are very close words and somebody who wanted to go to Mecca, then if you go to McCarthy, it is all the same. It has been ordained by Allah."*

Asked what he understood by what Keita told him and where in MacCarthy he was being taken to, the witness answered that what he understood was that now it was animal life, whoever is more powerful than the other would devour it. That day, he was the prey.

He further said that he only used to hear the name of a place called Janjangbureh as well but has never been there and he was not told where he was going.

The Counsel asked the witness to tell them what happened after he was led away and he explained that he was taken into a brand new ash-coloured pickup by a young man who works there called Abdoulie Sowe. They left and went to the PIU at Kanifing where another detainee called Ansumana Kujabi was picked up. When asked who Ansumana Kujabi was, the witness replied that he was Abdoulie and Gibril Kujabi's brother, adding that Abdoulie Kujabi was once the director of the NIA and Gibril Kujabi was also once a protocol officer for Yahya Jammeh. He further stated that he recognised Ansumana

Kujabi from among Yahya Jammeh's entourage at the airport when he (Yahya Jammeh) travelled but did not know their relationship.

He continued to narrate that before Ansumana Kujabi came, Alhagie Banding Drammeh arrived and asked him in Arabic what had happened. When asked which Alhagie Banding Drammeh he was referring to, the witness said the president of the Supreme Islamic Council, SIC, who was also the principal of the Islamic institute where he (the witness) taught. Imam Alhaiba Hydara explained that Alhagie Banding Drammeh, still speaking in Arabic, told him that he had gone to Banjul to ask about his case, that he went to Daba Marenah, then to the head of the NIA and then the Minister of Interior Samba Bah when he was unable to see Daba Marenah, adding that the information he got was that the witness had insulted the government.

The witness said he asked Alhagie Banding Drammeh if they told him exactly what insult he said to the government and Alhagie Banding Drammeh said no. The witness said he became angry at this point and told Alhagie Banding Drammeh that they were big liars. Drammeh then asked him where he was going and he told him he was told they were taking him to McCarthy. He asked the witness what for and the witness told him that he did not know. Before he continued, the Counsel asked the witness if he could tell them who the Inspector General of Police, IGP, was at that time. The witness replied Katim Badjie.

The Counsel asked the witness to tell them the circumstances surrounding Ansumana Kujabi's **arrest** if he knew. He explained that Ansumana Kujabi was wearing only a singlet and underwear. Ansumana Kujabi said he had asked the police officers why they were taking him away and what had he done and was told it was alleged he had brought a marabout to his house. He had added that they had searched his house but did not see any marabout. He asked them why they were taking him away, they responded that they were given orders. The witness was asked if he knew why Ansumana Kujabi was in his underwear when he was arrested. He replied that he (Ansumana Kujabi) had told him that due to the hot season, he

⁵¹McCarthy, also called Janjanbureh is an island in Central River Region of The Gambia and home to one of the state prisons.

had taken off his shirt and sat in a singlet and underwear, chatting with some people at his home when they came and told him that they wanted to talk to him. He got up and went out to talk to them and they picked him up and took him away.

The Counsel asked the witness if he felt that Ansumana Kujabi did something wrong by bringing a marabout into his house. The witness answered that that was the first time he was hearing it. The witness was asked what happened next. He said they departed, heading towards Brikama and took the Jarra Soma highway. On the way, Abdoulie Sowe, the police officer taking them was getting calls and it was from one of his (the witness) younger brothers called Abdou Sowe. Abdou Sowe was Abdoulie Sowe's friend. He had heard about the witness' **detention** and was trying to use his friend to locate the witness. Abdoulie Sowe however, was not straight with his friend.

The witness said Abdoulie Sowe became very unhappy when he realised the man he was **detaining** was his friend's brother and said "*This fucking job!*" The witness said he told him it was not "fucking," he was working and told him to do whatever he was ordered to do. They continued and got to McCarthy after 7 pm. They first stopped at the police station where he met one immigration officer (the witness could not recall his name) who used to attend his preaching and recitations of the Quran and they spoke for a short while.

The witness did not alight from the vehicle. They continued to the prison. He added that when they arrived that night, they found one of his former students, Lamin Sanneh on duty. When he alighted Lamin Sanneh got up and said, "*Imam, today you've come to visit us, and we spent the whole day listening to your cassette.*" He told him he had come but he did not come on his own accord. When he asked what happened, he said he that the people he came with would explain to him what the mission was about. When the people he came with arrived, they told Lamin Sanneh that they had been ordered to bring the witness there. The witness said it looked like Lamin Sanneh did not understand them and had asked them "who" and they told him, "this man." Lamin Sanneh then asked, "*Imam Hydara, do you mean Imam Hydara?*" They said yes. Then Lamin Sanneh took the witness inside and they left.

The witness added that Lamin Sanneh called the officer in-charge of the prison, Kebba Ceesay and told him that Imam Alhaiba Hydara, whose cassette they were listening to the whole day was brought there for them to detain. When Kebba Ceesay came, he said "*Hydara, please forgive us*", adding that for them, they just bring people and tell them to keep them. The witness said he told him there was no offence taken.

The Counsel interrupted to ask the witness if he was processed in any way when he got to Janjanbureh and the witness answered no. The Counsel stated that on the way as well, his escort, Abdoulie Sowe kept concealing his whereabouts from the witness' brother Abdou Sowe. The witness was then asked why they took him all the way to Janjanbureh. Was he aware of any other prisons in the Kombos they could have taken him to or in Banjul? The witness replied that he thought they wanted to conceal his case from the people. They believed that if he was in this area, his case would not be hidden from the people as he was well known so they decided to take him to a place that is far away, a place where he would not be recognised.

The Counsel then stated that the issue of concealment was consistent with the fact that when he was arrested by the NIA, they tried to hide his whereabouts, adding that on the way, his whereabouts was being concealed and then when he came to Janjanbureh too, it was the same thing. The witness concurred.

Proceeding with his testimony, the witness explained that after they prayed, Kebba Ceesay told him would take him to his own place, gave him two blankets instead of the one they normally supply and asked him to let him know if he needed anything else. The witness said he asked him to assist with a prayer mat, prayer beads, the Holy Quran and water kettle if that would not lead to him losing his job or his position.

The witness said Kebba Ceesay further listed the menu they served, lamenting the poor quality of food and he (the witness) laughed to try and make him

feel at ease and told him all these things he had named were great food with healing components in them. He added that he was used to that type of food when he studied in Nuimi for seven years and in addition, for someone **detained** in one place, eating good food all the time could lead to complications. He added that he only wanted to request that they do not serve him breakfast on Mondays and Thursday as he fasts on those days and does not eat in the morning but that aside, they should do everything that is part of their laws that everyone else was subjected to because he did not want anyone to be sacked for his sake.

The witness was asked how long he remained in McCarthy. He replied that he spent almost a month there. The Counsel asked if he could give them briefly what the conditions of his detention at McCarthy were. The witness explained that the restroom did not have a bulb inside but after the third night, Kebba Ceesay instructed his people to put a bulb there because he was an elderly person. Kebba Ceesay would also come from time to time to chat with him to make him forget the hardships of the place.

He said they did not insult or beat him but there was no communication between him and his family. He further said that his plans to travel with his father to give him assistance was not possible and all the work and programmes he was engaged in also came to a halt which saddened and hurt him.

He explained that the staff were nice to him except one of the security officers, whose name he could not recall, who always wanted to frighten him somehow. He said he enquired about the officer and was told he was Katim Badjie's brother. He said he reported this to Kebba Ceesay but apart from that, they did not do anything to him at the prison. The Counsel then asked about Ansumana Kujabi who he was taken with to Janjanbureh. The witness responded that they separated in Janjanbureh, adding that when he got out of the vehicle, he left him there but did not know where Ansumana Kujabi was taken.

The witness was then asked if he was eventually released and he said yes. He added that after there was silence for a long time, no statement was made. His family was confused. They were running helter-skelter trying to locate him. His father-in-law, Sheikhuna Hydara insisted they get up and do something otherwise he would be forgotten so the witness' wife contacted one of his friends, Cadi⁵² Lamin Ceesay who was then in Brikama who helped her contact a lawyer called Bori Touray. After they narrated things to him, Bori Touray told them they would go to the High Court and enquire about his case and the reasons for the arrest. He specified that Bori Touray took the case gratis.

When Bori Touray, Cadi Lamin Ceesay and Fatoumatta Hydara went to the High Court, Chief Justice Abdou Karim Savage was there. The court asked to be given time to conduct their own enquiries with the NIA and police but a week later, when his lawyer and family returned, they were told they had not been able to have any clear answers and asked for more time to investigate. After being asked to come back two more times, his **lawyer** then insisted that he must be bailed because the witness had been **arrested** on an unknown charge, and even if his 'crimes' were known, he should not have spent that time in custody without appearing before a competent court of law. He demanded they work by the dictates of the law. The court accepted and asked for a bail of 50,000 dalasi. The witness was asked if he had a copy of the document and if he could share it with them. He said yes and handed it over. The Counsel stated that the order was dated 31st January 2005. The witness was asked how many days he had been in detention by this time and he replied for about 23 days. She then asked the witness when he was eventually released. The witness said he got the information on a Monday when Kebba Ceesay told him they got an order to release him. The Counsel tendered the High Court order for the release of the witness signed by Honorable Justice AK Savage as judge as an exhibit number for the Commission.

The Counsel asked if it was correct that he was supposed to have been in Mecca to accompany his father during the time he was in prison but he lost

⁵²An Islamic judge.

the privilege of actually assisting and accompanying him during that very tiresome journey. The witness replied yes, adding that his father's case worried him because he was elderly and if he did not go with him, he might suffer.

He explained that barely **two weeks after his father returned from Mecca**, he became **paralysed** and was using a wheelchair.

The witness was asked if his father had told him how he also felt without his assistance in Mecca. The witness explained that one of his father's Hajj mates upon their return told him that his father kept uttering his (the witness' name) all the time until they came back home.

The witness then narrated that when was released, his uncle, Alhagie Sulayman Hydara, would not let him leave Janjanbureh without seeing him. His uncle had been trying to visit the witness at the prison and send him food but was not allowed. The witness said he visited the town people for the day and left around 11 pm.

The witness added that upon his return, his father told him during the course of their discussion that, during the Tawaf⁵³, he had a lot of difficulties, which caused the eventual complications.

The Counsel asked the witness who he would blame for him not being able to assist his father and provide necessary guidance during Hajj. **Alhaiba Hydara said the one that said he should be arrested, Yahya Jammeh.**

The witness was asked if his father was still alive and he replied no, he passed away three years ago.

The witness was then asked to take them through his account of what happened after he left Janjanbureh and how he eventually got home. Imam Alhaiba Hydara narrated that his wife made arrangements for a vehicle to pick him up from Janjanbureh. They left around 11 pm,

after he visited family and friends in Janjanbureh, and drove all night, arriving in Brikama at dawn. He noted that when he **was arrested**, his family had been evicted from the staff quarters at the airport where they lived.

The then director at the airport, Maimuna Taal had gone to the chairman of their mosque committee and said that **since the Imam was being detained by the government, his family should leave the quarters – otherwise her position would also be in jeopardy.**

He narrated that the chairman of the mosque committee had said it was not his place to tell the family and after some back and forth, Maimuna Taal went to the quarters and told his wife she was arranging a vehicle for then to vacate the quarters after lunch but his wife told her they will make their own arrangement and they left before lunch. The witness was asked if his wife told him when they were **evicted**. He said it was barely a week after his **detention** when Maimuna Taal evicted them. The Counsel then asked who appointed him as the airport imam. He replied that it was the then Director General of the Civil Aviation department, Alhagie Mam Sait⁵⁴. When asked what position Maimuna Taal occupied at that time, the witness replied that she replaced Alhagie Mam Sait as Director General.

When the Counsel mentioned to the witness the benefit of living in the airport staff quarters was associated with his appointment as airport imam, the witness clarified that the mosque at the airport was not built by the government nor was he appointed by the airport. He explained that the taxi drivers at the airport had complained that they usually missed Friday prayers and had organised and written to the Africa Muslim Agency for support.

When the agency accepted to help, they had approached the then Director General of Civil Aviation,

⁵³The ritual of circumambulating Ka'bah seven times.

⁵⁴We assume the witness meant Mam Sait Jallow, former Director General of The Gambia Civil Aviation Authority.

Mam Sait to allocate them the space they need to build and he agreed. He added that they then approached him to serve as imam for various reasons including the fact that he spoke Arabic, which was necessary to communicate with the agency sponsoring the mosque. The Counsel asked him if he was still appointed as imam at the time his family was being evicted. He replied that his removal was not communicated to him at the time. The Counsel concluded he was still entitled to the benefit of that accommodation. The witness concurred.

The witness was asked if he was reporting to the authorities after being bailed out and he said no. Expanding, he said he got a call on a Friday and was told to report to the Banjul Police Station. He could not remember the exact month. The Counsel asked him if the court had given him a date for another appearance or if he had been charged with any offence at this point. The witness replied no. The Counsel then asked him what happened when he reported to the Banjul Police Headquarters. He explained that he was called to Jatta Baldeh's office and told that the government wanted him to repay the money given to him as a Hajj guide since he did not go to Mecca to fulfil the role he was paid for.

Imam Alhaiba Hydara said he responded that he did not refuse to go, he was **arrested** and hidden away and he did not go. If he had on his own volition refused to go, then they could demand repayment. He said he told Jatta Baldeh he was unable to repay it at that moment and asked to be given time to pay it back though he could not give them a specific day. When asked if he received a demand from GIA, the witness said no.

Continuing, the witness explained that Jatta Baldeh had asked him to speak with Jawara Touray and when he met Jawara Touray, he told him behind closed doors that the money was a bait to **arrest** him again but if he paid it back, he will never hear anything about the case again. He encouraged him to do whatever it took to pay it back. The witness said he responded that he would look into it.

When he got back home, his father-in-law asked him why they had called him. After explaining what happened, his father-in-law told him that he would give him the money to repay them to free him from the police and gave him 30,000 Gambian dalasi. On the Monday, the witness went and paid the money to Jawara Touray who

told him to go, they would prepare and send him the receipt. The witness further narrated that when no receipt came, he spoke to one of his friends who was a police officer and the police officer advised him to follow up to get a receipt. After a lot of going back and forth, Jatta Baldeh wrote on plain paper and gave it to the witness and after that, they never called him again. The Counsel asked him if he was saying that he was never given an official receipt. The witness said yes.

The witness was then asked if he knew whether GIA got this money. He replied that that was not clear to him. This transaction happened between the two of them. The Counsel then said what the witness was saying was that the authorities (the police) told him that he had done nothing wrong and the same authorities that prevented him from going to the Hajj demanded he pay the money back, which they did not give him in the first place. The witness said yes.

The witness was asked if he believed that he owed the authorities this amount of money, which he repaid. He answered that it was not a debt. They gave it to him for a reason and he was only unable to go because they stopped him from going.

The Counsel pointed out that therefore the reason he paid was not because he owed them but because he just wanted his freedom.

The witness agreed. Counsel then requested to tender the witness' appointment letter as a Hajj guide in 2005 to the Commission. The Chairman granted the request.

The Counsel asked the witness to continue with his testimony and he explained that the Friday after he repaid the money, the chairman of airport mosque committee, Kebba Jammeh came to his house and asked him to go and lead the Friday prayers because they had not removed him. He led the prayers that Friday but before the following Friday, Kebba Jammeh came back to tell him Maimuna Taal asked him to tell him (the witness) to stop leading prayers at the airport because the government had **arrested** him

and his affairs were not very clear. He added that Kebba Jammeh said he had told Maimuna Taal that the witness was issued with an appointment letter and if he should be fired or asked to leave, he should be given a letter to that effect but she had said to him (Kebba Jammeh) no, let him just go and tell him. The witness said he complied.

When asked if he knew why Maimuna Taal said that his business was not clear, the witness answered because he was arrested, many things were said and whether any of them was the truth was not clear to her. He added that she was scared that if the witness continued there, she would run the risk of being moved.

Continuing on, the witness said that two weeks later, he decided to pray at the State House so Yahya Jammeh could see him and tell him the reason for **arresting** him. He added that he did not discuss this with his people but they saw him on television close to Yahya Jammeh in the mosque and asked him what happened. He told them that after the prayers, they greeted each other, but Yahya Jammeh did not say anything to him. Neither did he when he he went back the next Friday and prayed there again. After that, he would go to the airport every Friday to pray normal prayers and leave. This continued and whatever he used to get from the airport (meaning his salary), he continued getting it until after the elections in 2017 when Yahya Jammeh's government collapsed.

When asked what happened when the new government came into power, the witness explained that the Mosque Committee went to the then Director of Civil Aviation, Abdoulie Jammeh and then to the SIC and put it to them that they wanted to bring their imam back. They agreed. When probed further, he recalled that he returned back in February 2017 but he could not remember the date. The Counsel then said so after 12 years of being deprived that position of imam of the airport, it was given back to him when the new administration came into power. The witness said yes.

In conclusion, the Counsel asked the witness if there was any other impact he suffered as a result of his treatment and the experience that he had, the various **arrests** and **detentions**. The witness said on the side of his health, he did not have any difficulty because like he had told them, he did not go anywhere, where he was made to suffer.

He highlighted that his family had separated in his absence when they were evicted from the quarters and his wives went back to their fathers.

One was in Brikama, the other one went to Pirang and before he could have a place where they could all reside, he was going up and down. He said that was a hardship and sadness he encountered plus his father's case which makes him even sadder. He also said that the money he was made to repay to people who never gave it to him also saddened him because to have an elderly person sit at one place for no reason, that alone can sadden anyone. The Counsel thanked the witness and handed him over to the Commissioners for questioning.

Commissioner Jallow asked the witness what the SIC had done about the whole affair of his arrest. The witness responded that they attempted to do something but they feared going deeply into the matter. He added that he was aware that Alhagie Banding Drammeh had gone to Omar Faye, the then Minister for Religious Affairs and explained the matter to the minister so that they would look into his issue but nothing came out of that.

Commissioner Imam Jallow then stated that he knows that the SIC were voted in to their positions and asked the witness if he thinks that if that position was held by the Caliphas (Islamic scholars) of this country and other religious leaders, what he thinks would have happened. The witness responded in the Mandinka proverb that the short area of a fence is where people will use to scale and jump over and he termed himself as a short area of the fence, but had it been somebody else, a tall person, nobody would scale over him.

The Deputy Chair asked what he thought of a system where people do have evidence and just ignore it. The witness replied that that was to say self-preservation was what existed. Everyone was trying to see how to extricate themselves so that they are not involved. They were scared and people were just trying to save themselves.

Commissioner Imam Sey asked the witness if he returned to the quarter where his family was evicted from, he responded no, noting that they had approached him to go back but he had said no. He added that he was living in his own compound in Brikama. The witness was asked if he was there leading the five daily prayers or only for the Friday prayers. He answered that in many cases he goes there to lead prayers because they have provided transport for him.

Commissioner Kinteh asked if the witness could tell them the rumours that were going around as the reason for his arrest. The witness said that they had said that he spoke about female circumcision; that he was Abdoulie Kujabi's marabout and had slaughtered sacrifices for him in his house; that he spoke on the issue of Deyda Hydera's death, that the government gave him rice that was meant for his district and he sold it. He added that this was what was being said outside but they never said any of this to him.

The witness told the Commission there are few things, which he would like to clarify. He said on the issue of female circumcision, he spoke on it, but it was based on knowledge from the Quran and Hadith. He did not call anyone's name and he did not name the government. Secondly, he had gone to Deyda Hydera's funeral because the chairman of their mosque committee, Kebba Jammeh (who was married to Deyda Hydera's sister) had travelled at the time of Deyda Hydera's death and had called him and told him that his in-law was **murdered** and he would like him to attend the funeral on his behalf. He did not say anything there.

The witness also explained that on the issue of the rice, he was not an **alkalo**⁵⁵, governor or chairman of that area council so why would he have government rice with him. He further stated that he met Abdoulie Kujabi on the streets and they greeted each other. He does not know where the witness lives and he (the witness) does not know where Abdoulie Kujabi lives.

Commissioner Kah asked the witness if his **arrest** affected his teaching at the Islamic school. The witness responded yes because nobody was there to deliver the lessons he should have given to the students.

In his concluding remarks, the witness thanked God, the elders that accompanied him to testify at the Commission, his two wives and young son and driver, adding that they stood by him and made him conquer any fear. He said if you see somebody having the daring mind to do certain things, he is having support from people. He extended his sincerest thanks to those who suffered and did things for him from the day of his arrest up to the day of his release. He said everybody prayed for him. A lot of people tried and said his thanks to all of them.

He also praised the work the Commission is doing, adding that if there is no dialogue, a lot of things that should not get lost will be lost. He then advised the citizens of the country to be mindful of each other as they are neighbours and relatives; they are the same family and custodians of each other. He called on Gambians to forgive one another and talk to another, which is what humanity asks for.

Persons Mentioned By Witness During Testimony:

Arbitrary arrest and detention (of Alhaiba Hydera)

Yahya Jammeh, Bakary (Babucarr) Gassama, Jatta Baldeh, Kebba Ceesay, Jawara Touray, Biran Mbye

Enforced Disappearance (of Alhaiba Hydera)

Abdoulie Sowe

Arbitrary detention (of Ansumana Kujabi)

Abdoulie Sowe

Unlawful eviction

Maimuna Taal

Corruption

Jatta Baldeh

⁵⁵Village chief.



WITNESS NAME: Ismaila MANJANG

TRRC HEARING DATE (S): 28th January 2020

EVENT (S) DISCUSSED: Arrest and detention of the witness

POSITION BEFORE THE EVENT (S): Arabic teacher at Gunjul Primary School

ROLE DURING THE EVENT (S): Arabic teacher at Gunjul Primary School

POSITION AT THE TIME OF TESTIMONY: Arabic and Islamic Studies teacher

SUMMARY OF TESTIMONY:

Ismaila Manjang began his testimony by describing his background as a scholar and teacher of the Quran. He began his Quranic studies as a child and later attended an Islamic school that was run by Hatab Bojang, who would become his long-time mentor. The witness described how he became an educator specialising in Arabic and Islamic Studies.

When Counsel Singhateh asked him if he remembered the events of 17th June 2011, the witness replied in the affirmative. He testified that on that day, he was preparing to give a speech at a graduation ceremony as he usually did. The witness said that the ceremony was usually held at the Gunjur market, but that day they held it closer to the courthouse. At the graduation, Omar Faba Gitteh preached about the concept of Tahwid, or having faith in Allah.

Ismaila Manjang told the Commission that after Omar Faba Gitteh finished preaching, he (the witness) went to give his customary graduation advice to the students and told them that Allah was only one and that there were places where they had to perform their religious duties. These places were in the mosques and in their own houses. He told them that when Hatab Bojang had come to Gunjur, there were still places that people went to worship that were not connected to or part of Islam and he warned the students to be mindful of them. Specifically, he warned them about the Bakau Kachikally pond, Gunjur Nyanitama, the Sand Mines of Gunjur, Karton Falonko, and a place called Taba Konkonrong. According to the



witness, those places were made by people but not on Allah's advice and warned the students that Allah had advised them not to pray at those places.

The Counsel asked the witness who else was present in the crowd during the graduation ceremony. The witness could not name anyone specifically but said that the elders and youth of Gunjur were there along with some additional people. The Counsel asked him what the significance the places that he had advised people not to worship at was. The witness said that those places were not valid to Allah because neither Allah nor the Prophet Muhammad had ever "advised" anyone about them. The Counsel asked if they were traditional places of worship and the witness responded that those places were established as places of worship by cultural norms but not by Allah. The Counsel asked how the crowd reacted to his message and he replied that he did not see a noticeable reaction in the crowd.

Ismaila Manjang went on to explain that on 18th June 2011, the day after the ceremony, he had a meeting with the executive committee of the Islamic Solidarity Association, of which he was a member. After the meeting, they boarded the company vehicle to return to Gunjur. The witness went to his compound and put away some papers from the meeting in his bedroom when his wife came and told him that there were people waiting for him outside. When he went outside, he found a police officer waiting for him called Mr. Sowe (the witness could not remember his first name).

Mr. Sowe told the witness that he was wanted at the station.

The witness testified his immediate thought was that one of his students might be having trouble so he started walking to the police station to help. However, as the witness started walking, Police Officer Sowe told him that he needed to board a white Land Rover that was waiting for them. On their way, the witness still thought that they were headed to the police station. Ismaila Manjang recalled that when they stopped and he alighted from the vehicle, he saw a very large, tall man who told him to get back in the car. It was then that the witness realised something unusual was going on. When he got back in the vehicle, the man shouted at him again and two paramilitary officers came out of the building and entered the Land Rover, sitting on either side of the witness. The witness also testified that he did not know the man who was giving orders and had never seen anyone like him before. They locked the doors and the man told the paramilitaries to go, saying he would meet them later.

The Counsel stopped the witness to ask him if he had seen Mr. Sowe prior to the meeting at his compound. The witness said that he had, he used to see him at the Gunjur Police Station, which was very close to his house. To his knowledge, Mr. Sowe was a sergeant at the time. The Counsel asked him if he was familiar with the police station. The witness said that he had a good rapport with the police. They would sometimes attend gatherings and naming ceremonies at his house and he gave them portions of his Tobaski rams. The witness added that one of the officers even used to come pray in their mosque.

The Counsel asked he if he had seen the tall man or the two paramilitary officers at the Gunjur Police Station prior to his **arrest** and the witness responded in the negative. When asked, the witness testified that the man was wearing a short-sleeved shirt, long trousers, and was bareheaded. The witness said that he did not know which unit the man belonged to. The Counsel noted that the man spoke to him very harshly and the witness agreed, adding that, from the tone of the man's voice, he could tell someone had already told the tall man bad things about him. When asked, the witness agreed that

the man appeared to be in charge of the arresting officers because he was the one giving orders. The witness was not told anything about why he was being **detained**. When the man ordered the car to go, he realised that he was in-fact being **arrested**, not going to help a troubled student.

The witness said he could not think of anything that he had done that could have justified his **arrest**. He wondered where they could be going. He suspected that they were headed to one of three places: Mile 2 Central Prison, Banjul Police Headquarters, or the National Intelligence Agency, NIA. They went up to the gates of the central prison but the vehicle did not stop and at this moment he realised that he was not going to "The Mile". The vehicle made its way into Banjul and they arrived inside of the NIA Headquarters. When they arrived, he found the same, heavy, tall man standing there waiting for him.

The Counsel asked the witness if he spoke to the officers in the Land Rover, voicing any of his concerns and the witness responded in the negative. The Counsel asked if they told him that he had been **arrested** or if they told him where they were going.

Ismaila Manjang responded that they did not tell him anything at all and that he only realised he was being arrested because his experience resembled arrest procedures he had seen before.

Next, the Counsel asked the witness if his family was aware that he had been **arrested**. He told the Commission that they were, and that his elder wife actually followed him to the police station. He added that his **arrest** took his family by surprise and they could not think of why he had been in trouble. After he was taken, his family spread the information that Ismaila Manjang had been **arrested**. Immediately, they also informed his son, Amadou Manjang, of his **arrest**.

When the witness arrived at the NIA, the man told him to exit the vehicle, pulled up a chair and ordered him to sit down. The man asked him if he was Ismaila Manjang and the witness said yes. He asked the witness if he was the man who had insulted the elders of Gunjur. The witness stated that he told him that he was not, that whoever had told him that was lying. The witness further told him that he had never, in his entire life, disrespected or insulted his elders but his interrogator accused him of lying. As he was being questioned, he thought that this young man must have some powerful supporters behind him since he was disrespecting the witness who was his elder. He said he professed his innocence but the man did not believe him.

Ismaila Manjang recalled that at this point, the man struck him on the right shoulder with a rubber baton (like the ones carried by paramilitary soldiers). He struck him several times on both sides of his body.

The witness added that after the attack, he became extremely angry and said to the man, “*Look at me, continue to **beat** me and I will **die**”*. The man told him to get up and take off his shirt, which he took off, leaving him in his singlet underwear. The man then forced him to take that off as well. The man told him to take off his trousers but the witness said he told him, “*Now, that is the end of everything. If I am dead, then you can remove my trousers from my body.*” The witness further stated that when he said that, the man talked to other officers and told them to take him away.

The Counsel asked him to describe where he was taken. Ismaila Manjang testified that he was initially standing outside of the NIA office when they took him away. He went on to explain that when he got up, the man was standing behind him and one of the officers stood in front of him. They held his hand and directed him through a series of turns until they arrived at a door that required a big key.

The Counsel, clarifying, told the witness that they had actually wanted to know where he was first taken to be questioned. The witness said that it was inside the NIA compound. When probed, the witness said that there were very few people around because these events took place at night. The witness further stated that he did not know what happened to the officers who rode with him to the NIA.

Next, the Counsel asked him if anyone was present during the interrogation aside from the tall man who was asking him the questions. The witness clarified that they did not go into a house, they were outside and he was taken to a gate with a big padlock. The man tried to open the gate and several doors but he could not open them with the keys. Eventually, they took him back to where they started and they opened a room on the east side of the compound. When he was taken inside, they brought in two large bottles, one was full of water and the other one was empty. They told him that the water was for drinking and the empty one was for relieving himself. They locked him inside of the room, which had an open window. The witness said that the room was extremely dusty and it seemed like it had been empty for a long time. He further stated that he called out to a worker on the compound and asked him to get him a curtain or something for him to lay on in the room. The man went to town and brought him curtains. When he delivered them to the witness he asked him not to tell the others that he had gotten them. The witness added that those curtains were all that he had to pray and sleep on.

Moving forward, the Counsel went over the events that the witness had just described from the moment he arrived at the NIA to the time he received the curtains from the man. Then, the Counsel asked several clarifying questions. She asked him what came to his mind when he was accused of insulting the elders of Gunjur. The witness explained that, he realised instantly that “the people who hated” him must have been the ones who had reported him. He considered that it might be because of a personal

issue or it could be because of politics. He tried to think of anyone that he might have a lingering argument or enmity with, but no one came to mind. Then, he thought, “How can this happen?” He did not attend anyone’s political meetings or any organised political gatherings. He noted that in those days the Alliance for Patriotic Reorientation and Construction, APRC was in power, of which he was not a member.

The Counsel asked him if he was the only elder in Gunjur who did not attend APRC meetings. The witness said that he was not the only one and that maybe he was targeted because he did not participate in any political platform and that people in Gunjur knew that he was a supporter of the United Democratic Party, UDP. The witness agreed with the Counsel that he believed he had been targeted because people thought that he was in opposition to the APRC. The witness testified that when the man forcefully accused him of insulting the elders of Gunjur, he immediately thought that he had been set up.

Returning to when the curtains were brought to him to sleep on, the witness said that at night the mosquitoes were very bad and that he had no shirt or cap. After getting the curtains, he was provided a mosquito coil to burn by an officer who agreed to help him. That night, the witness prayed when he heard the call to prayers and afterward, he tried to lie down but could not sleep.

Ismaila Manjang told the Commission that the mosquitos attacked him on Sunday and Monday night and that his body was swollen all over from the mosquitoes. He added that he also sustained injuries from the baton and said that those injuries still gave him pain at the time of the testimony.

The Counsel asked him if he was given anything to eat when he arrived. The witness replied that someone came and asked him what food he liked. The witness asked for an egg with bread and that is what he was given for dinner. On Monday morning, the second day of his **arrest**,

different NIA officers arrived at the headquarters for work. They had not been present when he arrived because it was over a weekend. That morning, he saw many people but he did not see the tall man that **arrested** and jailed him. At this point, the witness revealed that the man who arrested him was called Numo Kujabi.

Further testifying, Ismaila Manjang stated that in the morning a man opened the door to his cell and asked him where his shirt was. The witness told him that he had been told to take off his shirt. The man asked him where he took it off and then took him to retrieve it. After the witness wore his shirt, the officer took him to an office and asked him why he had been **arrested** and brought to the NIA. The witness explained that he did not know the reason for his **arrest** until he arrived at the headquarters where he was told that he had been accused of insulting the elders of Gunjur.

The witness explained that he told them that he was innocent but to no avail. The witness and the officer exchanged a series of questions and answers and then asked him if he knew anyone in the area that could help him. The witness said that he did have friends in the area, one, Alhagie Conteh, who was a good friend of his former teacher Hatab Bojang and an elder in the Islamic Solidarity Association. The officers asked if he could call that man to bail him out, which he did. His friend told him that he and others had been looking for him at police stations all over but could not find him. The witness explained that he had been **arrested** and taken to the NIA Headquarters.

Ismaila Manjang went on to state that his son, Amadou, was later informed about the **arrest**. The witness explained that on the Saturday of his **arrest**, his son had left his job in Basse early to go home to Gunjur. When he learned that his father had been **arrested**, his son drove to different police stations in the area trying to locate him but no one had any information for him. The witness testified that his son recalled the sermon he had given and had a recording of it.

Continuing, the witness added that his other son, Alhagie Sanyang, knew the then head of the NIA office. His son was able to deliver the cassette that contained a recording of the witness' speech that had led to his arrest for allegedly slandering the elders of Gunjur. Fortunately, the recording made it to the desk of the head of the NIA office. When the then head of the NIA listened to the sermon, he realised that the accusations did not match what the witness had said in his graduation sermon.

The Counsel asked the witness who questioned him on Monday but the witness could not remember the name. He had responded that the person in charge of the office that day was a man from Bakau with the surname Jammeh. The Counsel asked him what security outfit the officers belonged to and he told him they were officers in the NIA. The Counsel then asked him why the officers were surprised to find him at the NIA Headquarters. He told the Counsel that the officers told him that they were surprised to find him because they had not been told that he was **detained**. The witness added that he never saw the men who captured him again.

Clarifying, the Counsel asked the witness if he had been **arrested** by Numo Kujabi. The witness responded that that was true, although he did not know Kujabi's name until after one of his sons told him. When asked, the witness stated that he was given information that Numo Kujabi was working at the Office of the President at the time the witness was **arrested**.

Going back to his **arrest**, the Counsel asked him to explain what happened to him on Sunday, the day after his **arrest** that Saturday night. The witness explained that he spent the day and night there. He added that he did not receive any lunch on Sunday but they did feed him breakfast and a supper of boiled eggs and bread.

Ismaila Manjang reiterated that during that period, he was neither told the reason for his **arrest** nor was he charged with any crime. When asked, he explained that he was kept on Sunday, Monday and Tuesday nights at the NIA Headquarters. When asked, the witness confirmed his statement was written down on Monday when he was questioned. The Counsel then asked the witness if the officers asked him to endorse or sign his statement. The witness responded in the negative.

The witness explained that when the officers called his contact, Alhagie Conteh, to bail him out of jail, they demanded that he (Alhagie Conteh) bring his compound lease papers. They also asked the witness to present his passport, which at that time, was with the Banjul Travel Agency because he had a trip planned. The witness was taken to the travel agency to retrieve his passport. Using those documents, he made bail. This took place on Monday morning but he still spent the rest of the day there and also that night. He added that after he was bailed out, he was not actually released from the NIA but on Monday night he was removed from the cell and given a comfortable room. Then the next morning, Tuesday, he was told to go home. The officers gave him a day to come back and make another report. He specified he could not remember the exact date.

The Counsel asked him if he knew why he was **detained** after he made bail. The witness explained that after the bail conditions were met, the officers present still had not been given orders to release him. The officers continued to ask him many questions on Monday and eventually told him they would make an investigation into his story. When the officer who was questioning him heard the recording of the speech in which the witness allegedly insulted the elders, they found that what the witness actually said did not match the accusations that were used to justify his **arrest**. The witness testified that he believed the orders to release him came from the head officer of the NIA

The Counsel asked him if he knew who had given the orders to **Numo Kujabi to arrest** him and the witness explained that he eventually learned that his accusers had not reported him to the NIA but **directly to Yahya Jammeh**.

The witness added that he knew who reported him because someone overheard that individual saying that he knew when the witness would be arrested.

The witness however would not name the person that he believed was responsible for reporting him to Yahya Jammeh with the false accusations that led to his **arrest**.

When asked, the witness said that he believed that the man was motivated to have him arrested because he was not part of the APRC like the man in question. He explained that if the orders came from the NIA, the officers would have known why he was there. The witness believed, given that the NIA was not involved in his **arrest**, that the order to hold him after he met bail must have come from the head of state who, at that time, was President Yahya Jammeh. The witness said that everyone knew what was happening with Yahya Jammeh's regime, everyone in the country, the people, the children, "*even animals in the jungle*".

Going back to when he was told to report on another day, the witness explained that when he returned to the NIA as he was told, he was told that they could not see him and gave him another date to return. This happened twice. On his third attempt, the officers at the NIA told him that they had sent his information to the Office of the President and that they had no problem with him at that time. They then instructed him to take his case to the drug squad office, which the witness did. The Counsel asked him if he knew who was the head of the NIA at the time and the witness repeated that his surname was Jammeh and was from Bakau. He added that the men he knew to be in charge of the drug office were Pa Mbye and his superior, Foday Barry.

The witness recalled that when he arrived, he handed his passport and the NIA documents over to the drug squad office. They asked the witness if he had ever been a member of the APRC. The witness said that he was once aligned with them during the military junta because the administration prior to the Armed Forces Provisional Ruling Council, AFPRC⁵⁶, had once jailed his teacher. The witness explained that by the end of the first year that the AFPRC held power he decided that he did not want to support them because he realised they were not "good people" and never did again.

The Counsel asked the witness how the drug squad officers reacted when he said that he did not support the APRC. He said that the officers simply told him to go

home and gave him a day to come back. However, they also searched his home and offices, and even asked about him at the Supreme Islamic Council. Fortunately, the then President of the council, Modou Lamin Touray, was a former student of his and was able to vouch for him, saying that he had never insulted or had any issue with the government. The witness continued that after that, the drug squad mostly left him alone, although they kept his passport for around six months and he was not able to go on the Umrah⁵⁷ that year. Continuing on, the witness said that because of the efforts of Pa Mbye and Alhagie Conteh (who was his teacher's nephew) who spoke on his behalf, the witness was able to get his travel documents back.

When asked by the Counsel how the ordeal affected him, Ismaila Manjang said that he was unable to attend the Umrah because his documents were confiscated and he continued to have pain in the shoulder where he was **struck** by Numo Kujabi.

The Counsel handed the witness over to Chairman Sise who asked the Commissioners for further questions. Commissioner Kah asked how the incident affected his family and children. Ismaila Manjang said that his family was not that affected and after leaving the place he did not have any health issues that prevented him from carrying out his job. Commissioner Samba asked if he was allowed to go outside to pray while he was **detained** and the witness replied that he had to pray inside the cell.

Ismaila Manjang closed his testimony by expressing his sincerest thanks to all Gambians. He thanked the head of state who made it possible for the Commission to be established. He noted that the Commission's job was to seek and establish the truth and that everyone at the TRRC all prayed that those terrible things would never happen again. He implored politicians and government officials to take care of Gambians and to be friendly with the people, adding that those who work with the government should try by all means to be honest and fair. He appealed to everyone to have forgiveness for each other and patience.

⁵⁶The Armed Forces Provisional Ruling Council, AFPRC gained control of Gambia in July 1994, in a military coup d'état ousting the People's Progressive Party, PPP government. The AFPRC went on to form the Alliance for Patriotic Reorientation and Construction, APRC.

⁵⁷The Umrah is an Islamic pilgrimage to Mecca that can be undertaken at any time of the year, in contrast to the Hajj, which has specific dates according to the Islamic lunar calendar.

Persons Mentioned By Witness During Testimony:

Arbitrary arrest

Mr. Sowe

Arbitrary arrest and detention

Yahya Jammeh, Numo Kujabi

Assault

Numo Kujabi

When asked by the Counsel how the **ordeal** affected him, **Ismaila Manjang** said **that he was unable to attend the Umrah because his documents were confiscated** and he **continued to have pain** in the shoulder where he was **struck by Numo Kujabi.**



WITNESS NAME: Yunusa O.S CEESAY

TRRC HEARING DATE (S): 29th January 2020

EVENT (S) DISCUSSED: Ideology of the Ndigal religious sect, their persecution leading to their forcible exile

POSITION BEFORE THE EVENT (S): Tech and Financial Services Professional/Follower of Ndigal

ROLE DURING THE EVENT (S): Follower of Ndigal

POSITION AT THE TIME OF TESTIMONY: Owner of Ndigal Financial Services

SUMMARY OF TESTIMONY:

Yusuna Ceesay started his testimony by describing his personal and educational background then explained his connection to Kerr Mot Ali. The witness stated his mother was from that village and he was born between Kerr Mot Ali and Njau village. He used to travel to Kerr Mot Ali to visit his uncles and other relatives, including his grandfather who was the head of the village at that time. During his trips, he grew very close with his family and community and he spent all of his holidays there while he was attending High School.

The witness then said that he had met, Mahamadou Habibullah Secka, many times, adding that he was known as ‘Ndigal’ – a nickname that suggested authority. Clarifying, the Lead Counsel pointed out that the direct translation of, “ndigal, from Wolof to English is “instructor” and the witness agreed. The Lead Counsel asked Yunusa Ceesay if the marabout was called Ndigal

because he taught by giving instructions to his followers based on the claim of divine revelations. The witness responded in the affirmative.

He added that when people came to Ndigal for spiritual services, he would advise them based on the “divine revelations” that he experienced. Sometimes, he added, people who smuggled goods between Senegal and The Gambia would come to Ndigal for advice and prayers. If he had not had a revelation yet, he would tell his visitors that they needed to stay until he had a revelation about their trip. The smugglers trusted his predictions so much that they used to wait for his revelations before crossing borders.

The witness said that Ndigal’s visions very often came true. The Lead Counsel summarised for clarity, saying that, witness was suggesting that Mahamadou Habibullah Secka had developed a reputation for basing his activities on the guidance of divine revelations from Allah, which he called “ndigal”. As a result, he was given the nickname Ndigal and the witness responded in the affirmative.

Continuing, the witness testified that three days after Eid, Ndigal would have a ziyareh⁵⁸, or visit. During the ziyareh, Ndigal’s followers would gather at his compound and he would teach, pray, and explain divine revelations that he had received.

Upon probing, the witness explained that the fundamental issue in Ndigal’s way of teaching Islam was that he had shifted away from Sarihatul Mubaharr⁵⁹, or the five pillars of Islam, to focus on Haqiqatul Munawara which translated to, “the true path to Allah,” and referred to the strengthening of the oneness of God. The Lead Counsel then asked the witness to explain the difference between those two practices and after some discussion, he agreed that, in essence, Haqiqatul Munawara focused on the practice of zikr, or chanting the names of Allah, instead of the five daily prayers. The witness added that they believed that zikr was the highest way of worshipping Allah because it is not based on people seeing you in the act of worship. He said that zikr, “*Is between yourself and your creator. It is something that would cleanse your heart and make you closer to God.*”

⁵⁸A religious gathering to discuss the teachings of the Quran.

⁵⁹The version of Islam that involves praying.

Clarifying, the Lead Counsel asked Yunusa Ceesay if, in essence, he was saying that his sect no longer subscribed to the five pillars of Islam and the five daily prayers. The witness said that they still performed some aspects of Sarihatul Mutahara but not others. The Lead Counsel asked if they had replaced the five daily prayers mandated by Islam with zikr. The witness responded in the affirmative, adding that *“It was Sharia that established the five pillars of Islam and they don’t observe that”*. When asked, he said that they observed Haqiqatul Munawara instead, which involved performing zikr without ritual norms or ablutions found in Salah. After some further discussion, the witness established that his sect performs zikr instead of the ritual of five daily prayers, praying within themselves using the names of God. The witness said that when they do it, they call Allah’s names while clapping.

Moving on to the history of Kerr Mot Ali, the Lead Counsel asked Yunusa Ceesay to describe the history of the village from its founding to recent events that forced its inhabitants to leave. The witness explained that the village was established by a man named Mot Ali Secka in 1777. From 1777 onwards, leadership of the village was transferred from generation to generation of the Secka family. Mot Ali Secka’s descendants had been in the village up until Sheikh Basirou Secka became the leader in 1966. The witness stated that Sheikh Basirou Secka also established several other villages including Taiba and Bundali in The Gambia and Touba Saloum in Senegal.

The witness stated that Sheikh Basirou Secka used to name his sons as long-term leaders of his villages, and this was how Mahmadou Habibullah Secka, or, Ndigal, was installed as the leader of Kerr Mot Ali in 1982. Going on, the witness said before Ndigal became village leader, there was conflict in Kerr Mot Ali that Sheikh Basirou Secka had been unable to resolve - Ndigal was able to unite the village under his leadership. Up to this point, Sheikh Basirou Secka and his father, Modou Bamba Secka, had led Kerr Mot Ali. The Lead Counsel asked if Ndigal was installed as the spiritual leader of Kerr Mot Ali or if he was installed as the village leader. The witness said that Ndigal became the Alkalo of Kerr Mot Ali.

The Lead Counsel asked if it was accurate that Sheikh Basirou Secka had installed his sons in each of the villages his family had established and the witness responded in the affirmative. He stated Ndigal was in charge of Kerr Mot Ali from 1982 until his death in 2007. The Lead Counsel then asked the witness if there was any direct connection between the people of Kerr Mot Ali and the other villages established by Basirou Secka. The witness said that they occasionally met for ziyarehs, or meetings, that were arranged by Ndigal and his brothers and father but that the designated headquarters of Sheikh Basirou Secka and his followers was in Touba Saloum, Senegal.

When asked, the witness said that Sheikh Basirou Secka passed away in 1998. The Lead Counsel asked if Ndigal had any problems in the time before his death.

The witness stated that he did not have any problems in Kerr Mot Ali because he was able to unite the village under his leadership as his father wanted.

Between 1998 and 2007, Yunusa Ceesay added, Ndigal was only contacted by his brothers once, when they all tried to coordinate a date for a ziyarah in Kerr Mot Ali. The brothers fought over the date because Ndigal did not think the date they selected was in line with the will of Allah.

The witness went on to say that Ndigal generally acted based on the revelations he received from Allah. He said that when he sat with Ndigal and heard him speak, he could tell that it all came from Allah and Ndigal was not interested in government nor was he after anyone to take advantage of them or get something from them. Ndigal could not be made to do anything by the government that was not aligned with Allah’s revelations and would not go against Allah to please anyone.

Returning to Haqiqatul Munawara, the Lead Counsel asked the witness to describe the origins of his belief system and highlight the differences between his Islamic sect and others. The witness said that, initially, Ndigal operated according to Sarihatul Mutaharr and the five daily prayers. At that time, Ndigal likened it to “putting a stamp on your mail” - without it your message might not arrive. Then, Ndigal changed direction and stopped praying in 2000.

The Lead Counsel asked Yunusa Ceesay how Ndigal’s sect compared to the satellite villages or sects established by his father Basirou Secka and the witness explained that they primarily differed in their methods of prayer but, despite those differences, they initially had no trouble with each other. He further stated that Ndigal’s following was much larger than those of his brothers. Based on his estimate, Ndigal may have had 5,000 or more people following him, adding that Ndigal had followers from around the world who came to pledge their allegiance to him. The Lead Counsel asked him to explain the concept “Jebalou”. The witness said that that Jebalou referred to the need to put your trust in someone: a teacher who could help you stay in line with Allah and the teachings of Islam. The Lead Counsel asked if the witness meant that people pledging their allegiance to Ndigal and committing their loyalty to him was an example of Jebalou. The witness responded in the affirmative.

Continuing, the Lead Counsel asked how many compounds were in Kerr Mot Ali at the time.

The witness said there were 81 compounds in the village at the time, which he knew because he saw a map of the village.

When asked, Yunusa Ceesay explained that Ndigal kept records of village’s infrastructure and population even though they were a small village. The Lead Counsel asked how the residents of Kerr Mot Ali felt about Ndigal’s religion and the witness testified that the villagers were all students of Ndigal.

Digging deeper, the Lead Counsel asked the witness to describe his sect in relation to the main religious

sects in The Gambia. After some back and forth, the witness agreed it was closest to the Baye Fall sect of the Moorides. The Lead Counsel asked if the witness would agree that the leader of the Baye Fall in Senegal was called Ndigal and the witness did. The Lead Counsel asked if it was accurate that they modeled themselves as a sect like Baye Falls and also called their leader Ndigal. The witness explained that, although there were similarities, they were subtly different: for example, the Baye Fall did not fast but the Ndigals did observe fasting at Ramadan. The witness agreed that both the Baye Falls’ and the witness’ sect had a leader called Ndigal, and that they both belonged to Mouridism. He agreed that the two sects resembled each other but he objected to the idea that their sect was derivative of Baye Fall or that their Ndigal was somehow modeled after the Ndigal of the Baye Falls.

The Lead Counsel asked if it was correct that they had practiced their religion from 1998 to 2007 without being **attacked**. The witness responded in the affirmative. The witness then stated that that they started having trouble when they switched from Sarihatul Mutaharr to Haqiqatul Munawara around 2002.

According to the witness, after Sheikh Basirou Secka’s death in 1998, the relationship between Ndigal and the rest of his family became strained. The witness described it as something that, “*already was sour*,” noting that he believed the tension initially arose because Ndigal’s brothers wanted to take over Kerr Mot Ali, which Ndigal refused because it went against the instructions of their late father. The Lead Counsel asked the witness to clarify what he meant by Sheikh Basirou’s instructions. The witness said that his father had instructed Ndigal to reside in Kerr Mot Ali and be the leader.

Continuing, the Lead Counsel asked what caused the rift between Ndigal and his brothers. He explained that ever since Ndigal was a young boy, his father enrolled him in a madrassa⁶⁰ in Senegal but did not do the same for all of his brothers. At the school in Senegal, he excelled in his Islamic studies and many

⁶⁰A Muslim school that is often part of a mosque.

things came to him very easily. To his brothers, including those who were also enrolled at the school, Ndigal's education appeared to be much easier than theirs, which fueled their growing jealousy. When Ndigal completed his education, his father brought him back to Kerr Mot Ali.

The witness explained that Sheikh Basirou Secka was aware that people wanted to come and, "interfere with things" (Ndigal's leadership) in Kerr Mot Ali but he had already handed over responsibility to Ndigal. This brought about some disagreement until Basirou Secka tried to resolve the issue by selling the compound he was living in to Ndigal and then dividing the money from the sale amongst the other family members. This created a situation where Ndigal legally owned his place and his family received some money. His brothers went to Touba Saloum and Ndigal stayed where he was.

At this point in his testimony, the witness asked the Lead Counsel if he could share some information given to him by Ndigal's son, Abdoulie Kuduz Secka, which the witness had written down in a notebook. Yunusa Ceesay said that he had received the information he was about to share during the break. The Lead Counsel asked him if he had spoken to Ndigal's son during the break to get that information. The witness said that Abdoulie Secka called him because he realised it was important. The Lead Counsel asked the Chairman if he would allow the witness to enter this information into his testimony even though it was clearly hearsay. The Chairman responded in the affirmative and the witness proceeded. The witness clarified that the village of Taiba had not actually been established by Sheikh Basirou Secka but by his grandfather. There was also two other village established in Senegal by Basirou Secka's father.

Returning to Kerr Mot Ali, the witness said that the difficulties started in 2002 when Ndigal's brothers accused him of counterfeiting money, peddling drugs, and possessing weapons, which they alleged he wanted to use to overthrow Yahya Jammeh's government.

In October of 2002, Ndigal was arrested by a man named Thirteen Badjie because of these accusations.

When asked, the witness said that Thirteen Badjie was either a police commissioner or worked with the Inspector General of Police, IGP. He explained that he could not remember exactly which agency Thirteen Badjie was a part of but that he knew it was him because he had pictures of him **arresting** Ndigal. The Lead Counsel asked the witness to produce the pictures after his testimony.

The Lead Counsel asked if Thirteen Badjie went by any other name. The witness said he was not aware of any other aliases. The Lead Counsel asked the witness how he knew that Ndigal's brothers were responsible for the allegations. The witness explained that he learned this from Thirteen Badjie. The Lead Counsel asked the witness how he knew about the **arrest**. Yunusa Ceesay explained that Ndigal was sitting with some friends when Thirteen Badjie arrived with 34 paramilitary officers to **arrest** him. When the officers arrived, he got up and went to the vehicle because he had already experienced a revelation that he would be **arrested** that day and felt as if he was following in the footsteps of the 13th century Islamic Sect leader Sheikh Ahmadou Bamba who was also arrested. The witness stated that Ndigal felt like it was Allah's will that he be **arrested**.

The Lead Counsel asked the witness if he was telling them that Ndigal saw his arrest as a rite-of-passage revealed to him through divine revelation and the witness responded in the affirmative. The Lead Counsel asked if it was true that the trigger for Ndigal's **arrest** and **detention** was his acceptance of his arrest and detention. The witness said that Ndigal agreed to his arrest. He added that he had proof that that was true and explained that all the prophets went through difficulties caused by their own people and rulers. The witness shared several stories about the struggles and **persecution** of the prophets, suggesting that prophets must go through struggles as they stay on their path towards God.

The Lead Counsel asked if the witness was saying that this was his proof that Ndigal was **persecuted** by jealous siblings. The witness agreed and repeated that Ndigal was specifically following in the footsteps

of 13th century leader Sheikh Ahmadou Bamba. The Lead Counsel asked if he was referring to the Islamic or Gregorian calendar when referring to the 13th century and the witness replied that he was referring to the Islamic calendar. Clarifying, the Lead Counsel asked if Ndigal felt like he had to go through similar difficulties as Ahmadou Bamba because Ndigal believed that their roles in history were similar. The witness affirmed that this was true.

The Lead Counsel asked the witness if the followers of the sect believed that Ndigal represented Sheikh Ahmadou Bamba or if they believed that Ndigal was the reincarnation of Sheikh Ahmadou Bamba. The witness responded in the affirmative, explaining that if you looked at history, Sheikh Ahmadou Bamba knew Ndigal's grandfather, Sheikh Aliou Secka, who was his disciple. Sheikh Ahmadou Bamba blessed Ndigal's grandfather once and they were quite close. The Lead Counsel and the witness discussed this point for a while. Eventually, the Lead Counsel asked the witness if he was trying to say that people in his sect were drawing a parallel between Ndigal and Sheikh Ahmadou Bamba, the founder of Mouridism. The witness responded in the affirmative, adding that when each prophet comes, they have a job to do and they believe that every hundreds of years, a leader will come who will be head of that generation. The Lead Counsel asked the witness if he believed that Ndigal was supposed to be the leader of the new generation and the witness responded in the affirmative.

The witness then pointed out that all but one of Ndigal's siblings lived in Senegal. The Lead Counsel asked if the siblings were aware that Ndigal's followers believed he was the Sheikh Ahmadou Bamba of his era, or the leader of the new century. The witness responded in the affirmative and, when asked, said that he realised that such a pronouncement would have been a big deal. The Lead Counsel asked the witness if he would agree that, even within the larger sect of Mouridism, Ndigal's claims would be difficult for many people to accept. The witness said that the matter of what he believed and what other people believed was different. The Lead Counsel then asked the witness if he would agree that even the Moorides in Touba would not accept the claims that his religious sect was making. The witness said that

he agreed but that change had to happen, he added that Allah had given them their way of worship. The Lead Counsel said that they were not debating the validity of their religious practices but only trying to get a better sense the sect and why their sect was **persecuted**.

The Lead Counsel asked if the witness would agree that his group was fundamentally different from other sects in Mouridism and the witness responded in the affirmative. The Lead Counsel asked the witness if he would agree that even though the Ndigals were Mourides they were different from the Mourides in Touba. The witness concurred. The Lead Counsel asked if it was true that the siblings of Ndigal had beliefs that were fundamentally different from those held by his sect and the differences were not just limited to the rituals of prayer or the use of zikr instead of prayer. The witness agreed.

The Lead Counsel asked the witness to describe other differences between his sect's practices and those of other Islamic sects. Yunusa Ceesay cited how they gave zakat or charity as an example. He explained that Ndigal's followers put aside a small portion of any money they make to give away as charity, instead of giving charity annually as is customary in many Muslim sects.

The Lead Counsel pointed out that their version of zakat was similar to the Christian system of tithing, found in some churches. Continuing, the Lead Counsel said to the witness that there are, "*suggestions in other quarters,*" that the Ndigals do other things differently, he added that, "*you could call them accusations.*" The Lead Counsel said that, for example, it was said that they did not bury their dead until they had received ndigal (instruction). The witness insisted that this was not exactly true. He explained that their philosophy specified certain times they should bury their dead. Those times were 2 pm or 8 pm, depending on time of death and the proximity of relatives.

The Lead Counsel added that Ndigal's followers had also been accused of marrying off their daughters

for a, “Nyari Minti.” The witness said it would be “too petty” to believe in something like that and added that no one could believe that their own daughter was only worth two mints. The Lead Counsel asked if the witness would agree that this was a stereotype that others held against his sect. The witness responded in the affirmative. He explained that their marriage customs are no different than anyone else’s in The Gambia and then described how they calculate the bride price in their community. However, after some discussion of the details of their marriage customs, the witness and the Lead Counsel agreed that, actually, the Ndigal’s traditions were rather different from the norm in most other Muslim sects.

The Lead Counsel went on to ask the witness if he would agree that because they do not pray, some people perceive them as non-Muslims. The witness objected to this, but the Lead Counsel assured the witness that they were not debating the validity of his religious views but asking, instead, about how other people viewed his sect. The witness responded in the affirmative.

Returning to the transition in Ndigal’s ideology in 2002, the Lead Counsel recapped: the sect began experiencing trouble in 2002 when they shifted away from prayer to zikr, then their leader was accused of selling drugs, manufacturing counterfeit currency, possessing a cache of weapons, and was planning to overthrow the government of Yahya Jammeh. In addition, the witness said that Ndigal had foretold that he would be arrested someday just like Sheick Ahmadou Bamba was arrested. When the police arrived, Ndigal wanted to get in the back of the vehicle but he was ushered into the front of the police vehicle by Thirteen Badjie.

After Ndigal got in the vehicle, the witness explained, they departed for Farafenni. When they arrived, they left Ndigal at the Farafenni Police Station and Thirteen Badjie returned to Kerr Mot Ali to search the village and question people. According to the witness, Thirteen Badjie said that he did not find anything incriminating in the village, “not even a good knife.” Ndigal’s three wives and children were brought to Thirteen Badjie who told the family that he found no evidence to support the allegations and when he returned to Farafenni, Ndigal would be sent home.

However, when **Thirteen Badjie** went back to **Farafenni Police Station**, he received orders from then **Interior Minister Ousman Badjie** that Ndigal be taken to the **National Intelligence Agency, NIA**, and the **Serious Crimes Unit**. **Yunusa Ceesay** said that when **Ndigal** was taken into the **Serious Crimes Unit**, he was questioned by members of the **Supreme Islamic Council, SIC**, who were initially planning to put Ndigal on TV to **disgrace** him.

When they questioned him, they got into a discussion about Islam, in which Ndigal quoted the Quran from memory to support his ideology while the SIC members had to consult the text of the Quran.

According to the witness, Thirteen Badjie teased the SIC members, saying that Ndigal knew the Quran better than they did. Eventually, during the debate one member of the SIC became so angry that he threatened to have Ndigal tied up and thrown into the ocean. The Lead Counsel asked the witness if he could recall the name of the SIC member who threatened Ndigal. The witness said he did not know it because Ndigal did not say the name when he retold his story to his followers. The Lead Counsel asked if the witness was confirming that he was not present while Ndigal was **detained** but had heard the story from another source. The witness responded in the affirmative.

After Ndigal’s meeting with the SIC at the Serious Crimes Unit in Banjul, Ndigal was **detained** at the Police Headquarters. Some of his students came to visit him in the prison and he apparently talked with them as if all was normal. The Lead Counsel said that they noticed that followers of Ndigal wore clothes

with Quranic inscriptions on them. He asked if this was customary. The witness said that it is something that some of Ndigal's followers do, but they are not required to do it. The Lead Counsel discussed with some minor points about the manner of dress for Ndigal's followers with the witness and then the Chairman stopped the testimony for a break.

After the break, the Lead Counsel recounted the **arrest** of Serign Ndigal and some of the accusations that had been leveled at the Ndigal sect. Specifically, the Lead Counsel mentioned that they had been accused of building their own Ka'bah in Ker Mot Ali. The witness agreed that people said that about them, but it was not true. The place outsiders thought they called the Ka'bah was actually just a place for Ndigal followers to ask for blessings. The Lead Counsel recalled that the witness Serign Ndigal had met with the SIC during his arrest. The witness affirmed that fact.

Presenting a copy of The Daily Observer newspaper, the Lead Counsel said that they had a copy of an article written about the Ndigal sect on 31st October 2002. The Lead Counsel passed around copies each of the Commissioners for their review. The headline of the article read, "Police Arrest Self-Proclaimed God." The witness stated that he assumed that the headline was referring to Serign Ndigal, the head of the witness' sect. When asked, the witness said that he was the one who provided the newspaper as evidence for the TRRC.

The Lead Counsel asked if the **arrest** that he had testified to earlier was the same one that the article was written about. The witness said that the article and he were both speaking about the same incident but, clarified that Ndigal and his followers disagreed with the suggestion that Ndigal had proclaimed himself to be a god.

At the request of the Lead Counsel, the witness read the article out loud for the Commissioners. The article explained that Ndigal was arrested and detained at the Serious Crime Unit at Police Headquarters in Banjul. It said that Ndigal was alleged to have proclaimed that he was God and, as a result, had been arrested by Thirteen Badjie and a group of paramilitary officers. The article also stated that Ndigal allegedly built a Kabaa in his compound. Ndigal was accused of claiming that his

well was full of holy water. The article described the changes in prayer and also alleged that Ndigal was writing his own Quran. The article said that Ndigal was questioned by the SIC and he was fined 3,000 dalasi when officers found his vehicles lacked proper license and insurance. The article also alleged that Ndigal had been selling his surname to followers.

The Lead Counsel asked the witness if he agreed that the allegations in the article against his sect were serious. The witness responded in the affirmative. When asked, the witness said that, as far as he knew, Ndigal never claimed to be Allah. He said that Ndigal would not have said that because he believed he was a creation of Allah. The witness also testified that the Ndigal sect did not make a Ka'bah. He said that there was a place that Ndigal had identified in the forest for his followers to receive blessings. This place was not referred to as Ka'bah by Ndigal or his followers but the witness said that other people, outside of the sect, called that place the Ka'bah.

The Lead Counsel asked the witness about the well that was rumoured to contain Zamzam water⁶¹. The witness denied that Ndigal's followers claimed to possess such a well. When asked, the witness said that Ndigal had a well and he used the water to do "many things that are good for people," but the water was just regular water. The witness said there was a well in the village that he called Ramatulai ('Mercy of Allah'). Ndigal did not call it Zamzam nor did his followers. However, Ndigal did claim that the water from Ramatulai had special properties and it could help you with problems and troubles.

The Lead Counsel asked the witness if Zamzam was supposed to do similar things as Ramatulai. The witness said yes, but Ndigal was very clear that Ramatulai was not Zamzam. After some discussion, the Lead Counsel asked if he was saying they had their own Zamzam called Ramatulai. The witness disagreed. He said Ramatulai had some special properties but it was different from Zamzam. Summarising, the Lead Counsel and the witness agreed that the claims that Ndigal thought he was Allah and that Kerr Mot Ali had its own Ka'bah and Zamzam were false.

⁶¹The Well of Zamzam is a well located within the Masjid al-Haram in Mecca, Saudi Arabia, 20 m (66 ft) east of the Ka'bah, the holiest place in Islam. According to Islam, it is a miraculously generated source of **water** from God.

When asked, the witness said they believed that Ndigal's sect faced false allegations because those who are doing things in the name of Allah often have a lot of enemies. He said that all prophets of the Quran faced similar persecution before their views were accepted.

Returning to the **arrest**, the Lead Counsel asked what, if anything, happened as a result of the accusations against the Ndigal sect.

Yunusa Ceesay said that Ndigal spent 21 days in police custody.

He added they did not do anything to Ndigal except for the threats he received from the SIC. The Lead Counsel asked the witness if Ndigal did anything to contest the allegations and the witness responded that after Ndigal had been **detained** for some time, his lawyer advised him to go to court because he had not been charged with anything and they did not have any evidence against him. The trial resulted in Ndigal's release from jail. He returned to Kerr Mot Ali shortly after.

On where the allegations against Ndigal came from, the witness testified that his paternal brothers were trying to get the properties and farms in Kerr Mot Ali that were under the custody of Ndigal. He added that the **persecution** continued for a while and that the people who spread the allegations against Ndigal were the same people that **attacked** the village in 2009. The witness said that they tried to **attack** the village earlier when Ndigal's father was alive but they failed.

Yunusa Ceesay recalled that Ndigal went to Serrekunda in 2005 to get some dental work done. On his trip, he had a large group of followers who went with him and when they arrived in Kombo, Serign Ndigal was **arrested** because he did not have a permit for the crowd that accompanied him. He was **arrested** only briefly and held at the Serrekunda Police Station for 24 hours. Ndigal was not able to complete his treatment in Kombo - he was kicked out because he had a large crowd following him. The witness added that Ndigal never encouraged fighting or confrontation. The witness explained that this was why he returned with his students.

After the incident in 2005, the witness testified, Ndigal said that his hardships would be over and warned his followers that it would be their time soon. Ndigal passed away in 2007 and his son, Serign Muhammadou Basirou Secka, replaced him. He was 24 years old when he took over the sect. The witness said that there were around 81 compounds in Kerr Mot Ali but the witness could not quantify how many followers were in the village when Ndigal died.

After Ndigal died, his son carried on his traditions and the villagers followed. Ndigal's son did not change the sect's method of worship, maintaining the traditions of replacing prayer with zikr, giving zakat almost daily instead of annually, differences in dowry, and allowing daughters to choose their own husbands.

From 2007-2009, things continued on much as they had before. The witness noted that when Ndigal was alive he made sure the mosque was kept up and available for anyone who still practiced Sharia that wished to use it, and Ndigal's son continued this practice.

Moving on to the events of 2009, the witness testified that Ndigal's eldest half-brother, Sheikh Alieu Secka, led a group of his other brothers and followers from Touba Saloum, Senegal, to Kerr Mot Ali Gambia. When they came, they told Ndigal's followers that they wanted to renovate the mosque. Ndigal's followers did not want them to do that. They insisted that if the mosque was to be renovated, they would do it themselves or with the help of the government.

The Lead Counsel asked them why they responded that way and the witness explained that they did not want to accept help from Ndigal's half-brothers because they knew that they had other motives and wanted to interfere with the affairs in Kerr Mot Ali. The witness said that they had tried to do the same thing many times before when Ndigal was in charge. The witness added that they knew that if they allowed Ndigal's brothers to rebuild the mosque, they would have a share in the mosque and use that as leverage to influence Kerr Mot Ali.

Yunusa Ceesay claimed that Ndigal's son had many more followers than the brothers that came to Kerr Mot Ali and part of their reason for coming to the village was to steal followers from the Ndigal sect. This was another reason they refused. After the Ndigal sect refused, the half-brothers, led by Sheikh Alieu Secka, returned with their followers, the then Governor of Central River Region CRR Ganyie Touray, then Chief of District Malick Mbaye, OC Saine and a representative from an NGO who was supposed to help with the renovations. The NGO representative, however, left Kerr Mot Ali on his own when he realised that there was a dispute over the mosque.

The group from Touba Saloum met with the elders of Kerr Mot Ali who were closest to Ndigal's son - Muhammadou Basirou Secka. After they met with the elders, they met with Muhammadou Basirou Secka who told them that, if the mosque was going to be renovated it would be done by either the Ndigal sect or the government. The witness said that after Muhamadou Basirou Secka refused, Ganyie Touray said that the mosque was going to be renovated.

Later, Sheikh Alieu Secka placed a chair for himself in an open area and, with the assistance of paramilitary forces and police, attempted to force Ndigal's followers to pledge their allegiance to him.

The Lead Counsel, clarifying asked where Sheikh Alieu Secka came from, the witness said he was from Touba Saloum and a Senegalese citizen, living in Senegal up until 2009.

The Lead Counsel asked the witness if he was saying that in 2009, the Gambian government, using local government officials, went to Touba Saloum Senegal, brought Sheikh Alieu Secka to Kerr Mot Ali, got him a chair and tried to force Ndigal's followers to swear allegiance to him. The witness responded in the affirmative but also said that the Gambian authorities did not go to Senegal to get him but they did welcome and meet him in Kerr Mot Ali.

Trying to understand, the Lead Counsel asked if the witness was saying that the government tried to **impose** a leader on their sect. The witness responded in the affirmative. The Lead Counsel asked the witness if he realised how serious that allegation was. The witness said that he understood that. The Lead Counsel asked what **force** the officials, Ganyie Touray and Malick Mbaye used to impose a new leader on Kerr Mot Ali. The witness said that they used the Police Intervention Unit, PIU, who arrived at the meeting **armed** with batons and weapons.

When the government tried to force the villagers to pledge allegiance to the new Sheikh, they all refused to comply. The witness said that what happened in response to their refusal to accept an imposed spiritual leader was, "too much".

"If you refused," he said, "the paramilitaries would take you away and beat you seriously".

The witness added that those that were **captured** were taken to a place where a new house was built for the new Sheikh and forced to cut down trees. If they stopped working, they were **beaten**.

Trying to understand, the Lead Counsel asked the witness if he was saying that Ndigal's followers were **forced** to build a home for the leader imposed on them by the government. The witness responded in the affirmative, adding that those that were caught by paramilitaries were forced to cut trees and unload building material from trucks.

Confirming, the Lead Counsel asked the witness if he was asking the Commission to believe that the Gambian government forced its citizens to work to construct accommodation for a Sheikh imported from Senegal. The witness responded in the affirmative. In order to highlight the importance of speaking the truth about such serious things, the Lead Counsel asked the witness if he understood that it was a criminal act to lie while testifying at the TRRC. The witness understood. The Lead Counsel asked if the witness was testifying that the Government of the Gambia sought to impose a spiritual leader on his community

and forced them to pledge allegiance to said leader. The witness responded in the affirmative. He explained that when Sheikh Alieu Secka came, the Gambian authorities and the paramilitaries told them to pledge allegiance to Sheikh Alieu Secka. The witness noted that Sheikh Alieu Secka did not tell them to pledge their loyalty to him, but the Gambian officials made them do it.

The Lead Counsel asked what happened to Ndigal's followers when they resisted. The witness said that anyone that was found inside the village was **arrested**, put on a truck and taken to the Njau Police Station where they were severely **beaten**. The witness explained that Ndigal's followers were identified by the amulets that they wore and also by some of the people who came from Senegal with Sheikh Alieu Secka.

He highlighted that the Ndigal sect members experienced violence at the hands of the paramilitaries, including beatings, and the sexual abuse of multiple women.

At this point in the hearing, the Lead Counsel decided it was time to play a part of a documentary interviewing survivors from the attack on Kerr Mot Ali. In the video, survivors explained how paramilitaries broke down their doors and stole their houses and animals. They described how they were beaten in the village and also taken to a prison in Janjanbureh where they were **beaten** even more. One witness described how her father had his teeth **smashed** by a paramilitary's rifle butt and died shortly thereafter.

The survivors explained how they were persecuted because of their religious beliefs and sent into exile. One man's five-year-old daughter was beaten because she was wearing an amulet signifying the Ndigal sect.

The Lead Counsel asked the Commission to accept the documentary as evidence.

The Lead Counsel asked the witness what he thought of the video that was shown. He said that what happened in real life was even worse than it was described in the video. When asked, the witness said that those who were **arrested** and taken to prisons in Janjanbureh, Njau, and Kaur were **detained** up to 21 days. They were not given access to lawyers. The witness said that after they were **arrested**, they were taken, **beaten**, and some were **forced** to pray. He also stated that some paramilitaries made detainees arrested in Kerr Mot Ali clear their fields. The witness said that the **beatings** were so severe that some took many weeks to heal.

When asked, the witness said that those who were **arrested** did not have a trial. Instead, family and community members of the detained had to appeal to Ganyie Touray and - if he liked them - he might let their loved one go home. Before the captives were released, the paramilitaries broke into people's homes and **arrested** anyone who did not have escaped to Senegal. The survivors had to abandon all of their belongings in order to escape the paramilitaries and find safety. The Lead Counsel asked the witness how far away the Senegalese border was. The witness said that the boundary of the village was only 25 meters or so away from the Gambia-Senegal border. They crossed into a village called Kerr Mot Ali, Senegal just across the border, specifying that the two Kerr Mot Alis were established before the borders of Senegal and Gambia split the village.

Ndigal's followers sought refuge in the Senegalese Kerr Mot Ali.

Yunusa Ceesay could not say how many people it was but they had abandoned 81 compounds in The Gambia and the witness estimated that the number of refugees was in the hundreds and included children, elderly, and infirm.

The Lead Counsel asked how the Government of Senegal received the refugees. The witness said they were received very well. When they crossed into Senegal, Senegalese security agents crossed into the Gambia without uniforms to talk to the Gambians who **attacked** the Ndigal sect. They learned that some of them were planning to follow the refugees into Senegal and burn down their compounds. The Lead Counsel asked who said that. The witness could not say exactly but testified that the students from Senegal were planning on carrying out the second attack. To clarify, the Lead Counsel asked if the witness was saying that after the Ndigal sect was **attacked** and fled to Kerr Mot Ali Senegal, the Senegalese students who followed Sheikh Alieu Secka to the Gambia were planning to return to Senegal to **attack** the refugees and burn down their compounds there. The witness responded that that was true.

The witness testified that he knew this because they came into Senegal and **attacked**, almost surrounding the place, but when they arrived, Senegalese authorities erected barriers and drove the attackers away. There were no more physical attacks on the Ndigal sect afterwards, but Gambian paramilitaries restricted their ability to cross from Senegal into the Gambia. The people who illegally occupied their village after they left would inform the paramilitary about Ndigal sect members that they recognised in Kerr Mot Ali Gambia.

The Lead Counsel asked the witness what paramilitary officers were doing in Kerr Mot Ali Gambia in the first place. The witness said that they were there to help the Senegalese students and relatives of Ndigal who attacked Ndigal's followers in The Gambia. The Lead Counsel asked if the witness was saying that the paramilitaries were sent by the Gambian government to enforce the expulsion of the witness' sect from the village and into Senegal. The witness responded in the affirmative.

Appalled, the Lead Counsel asked the witness if he knew why their own government would do such a thing to them. The witness said that he believed that government officials must have been fooled into believing lies about them and that the people who came from the Senegalese side were only there to renovate the mosque. The Lead Counsel asked one of the legal assistants to quote a

section of the earlier documentary in which a man said he was expelled from Gambia because of his religious beliefs. After listening to the quote, the witness said that he absolutely agreed. The witness said that prior to the **attack**, they practiced their religion in Kerr Mot Ali without any trouble at all and were at peace with their neighbours.

They watched another clip from the documentary again describing the attack on Kerr Mot Ali Gambia and how they fled to Senegal without anything.

One survivor said that, “even if 1000 reporters came and witnessed what happened they would not be able to describe my pain” .

The survivors expressed their desire to return home, as was their right, established by the High Court of The Gambia. Some interviewees in the documentary, including the witness, said that even though the government had ruled that it was their right to return, paramilitary remained in Kerr Mot Gambia protecting the illegal occupants.

The Lead Counsel said that they gathered from the video that, after Yahya Jammeh was deposed, they sent their legal case to the Gambian court system. The witness said that after the new president took over, the government asked all those who were expelled from the country to come home to help develop The Gambia. Their lawyer told them that if they tried to return and they were refused, they should take the issue to the high court. On 12th October 2017, the judge of the High Court of The Gambia passed his judgement and the Ndigal sect was granted their rights to return home, reclaim their property, and practice their religion.

The witness was handed a copy of the judgement given by the High Court of the Gambia that mandated that those who were expelled from Kerr Mot Ali may be able to return and claim their properties and that no injunctions may be placed against them. It was added to evidence.

The Lead Counsel asked what happened to the 81 compounds that were owned by the Ndigals. The witness said that they had been mostly occupied by Senegalese nationals or were left unoccupied. The witness said that their cattle and other animals were mostly lost during the attack. All of their possessions were left behind as people fled for their safety. In short, the refugees lost everything after they were attacked. Despite the court ruling, the witness said that they did not receive any financial compensation nor had they been able to regain their properties.

The Lead Counsel presented a document demanding that the Sheriff of Kerr Mot Ali Gambia take necessary measures to return the properties. The witness said that he recognised it. The document was submitted to evidence. The Lead Counsel also gave the witness a bundle of legal documents pertaining to the Ndigal sects' struggle to reclaim their homes. The documents were submitted to the Commission to be included as evidence. These documents included a writ of possession, a request for an escort for returning refugees, a petition to the President for assistance to enforce the order, and others.

The Lead Counsel also referenced a Foroyaa newspaper article from 11th July 2018 in which the Attorney General⁶² tried to explain why there were ongoing problems with enforcing the resettlement order granted to the refugees of Kerr Mot Ali. The article identified several problems and specified that the Ministry (of Justice) did not have the right or authority to interfere in or stop any decisions of the high court and that the government was obligated to defend the fundamental rights of the Ndigal sect whose rights had been previously denied. The article described how the Ministry expressed their desire to seek for a stay of execution for the ruling. The article said that members of the government were concerned that enforcing the order would result in violence and were pursuing other possibilities to settle the issue.

The Lead Counsel asked the witness if this was accurate. He responded in the affirmative and that they were still in the process of seeking enforcement of the ruling. The witness submitted a letter from Ndigal's son to the Chief Justice asking for a meeting with them to clarify their

case and ask for assistance but, the witness said, when they finally heard from the Chief Justice's office they were told that their case was going to be sorted out by the Land Commission first but, if they could not find a solution, the original judgement would be enforced.

After they received the letter from the Land Commission, they went to the Sheriff's division. The Sheriff was very upset and looked into the matter. They found that it had been the Attorney General who said they would not provide a police escort. The witness discovered that notices of illegal occupancy were not originally sent to the seven families that occupied Kerr Mot Ali after the attack - but they were sent after they contacted the Sheriff's office. The Lead Counsel read the names of the illegal occupants in Kerr Mot Ali aloud.

The Lead Counsel asked the witness who the Alkalo was before they were expelled. The witness said that it was his uncle, Assan Secka. When asked, the witness said that the current Alkalo was Sheikh (Alioun) Secka who was from a village called Taiba. Sheikh (Alioun) Secka had been the Alkalo of Taiba. He left Taiba when the problem occurred.

The Lead Counsel asked the witness if he had other documents. The witness submitted a letter of ultimatum sent to the President's Office because they felt they had exhausted all other resources. In the letter they said that if they did not receive help, they would reoccupy their homes themselves. The witness said that the President's Office wrote back three days later and called them to come to a meeting. The Lead Counsel asked if anyone tried to reoccupy the town in 2019. The witness responded in the negative. When they turned up for the meeting they saw the Secretary General and the Deputy Permanent, who asked the Ndigals to suspend their date of reoccupation.

The witness added that, in 2019, there were officers posted in the woods that Ndigal had identified as a place for his followers to receive blessings.

⁶²At the time Abubacarr B. Tambaou.

They would **harass and arrest Ndigal's followers** when they went to worship.

The Lead Counsel referenced two newspapers from 2019 that supported the witness' claim of ongoing **persecution**, including one that explained how several people were arrested and made to run from the sacred site to the police station. The witness noted that this happened under the leadership of Commissioner Sabally who had participated in the earlier attack on Kerr Mot Ali and some other abuses against the community.

The Lead Counsel asked the witness about how he felt about what had happened with the high court's resettlement order. The witness said that the failure of the order was shocking because they thought things would be different with the new administration. He said he would never forgive the Attorney General and that it was hard for them to trust government officials because of their repeated failures to help them. The witness said that despite multiple newspaper articles and the awareness of the President, Attorney General, and the Chief Justice, no one had actually helped them go home.

The witness said that based on their experiences with the chief justices of the country and the President, other people who were seeking justice might have a hard time finding it. The witness added that if you compare the first 3 years of Yahya Jammeh's presidency to Adama Barrow's, he felt it was harder for them during Barrow's time.

The Lead Counsel pointed out that, to be fair, the Attorney General had never tried to justify what happened to the Ndigal sect. What the Attorney General was trying to say was that their judgement must be enforced but needed to be done so as to avoid violence. The Lead Counsel said that even if the witness disagreed with the Attorney General, it was important the Attorney General's stance be accurately reflected.

With that, the Lead Counsel handed the testimony over to the Commissioners.

Commissioner Jallow asked about the weapons and counterfeiting machine that Ndigal was accused of having, adding that they did not have records of those

accusations nor the names of the accusers. The witness responded that it was Thirteen Badjie who made those allegations when he came to **arrest** Ndigal.

Commissioner Jones asked if the children of the exiled Ndigal followers were able to go to school.

The witness said life was very hard for them in Senegal because they all lost everything they had when they fled to Senegal. He added that every child that had been born after 2009 had not been able to attend school and the children also did not have access to healthcare.

Next, Commissioner Kah asked if they received any welfare support from the Senegalese government. The witness said the Senegalese government welcomed them and provided them with more support than they received from The Gambia.

Commissioner Kah asked how they coped with their struggles. The witness said Allah would never give a human being a burden they could not carry. He said that they expected to be **persecuted** and they knew it would be hard. Their faith in Allah helped them through their hardship. Commissioner Kah asked if any of them received medical attention after being beaten. The witness said that they treated their own wounds with resources from the pharmacy. After the **attack**, if you were in the Ndigal sect, you would not go to a hospital in The Gambia because the roads were swarming with paramilitaries.

Deputy Chair Commissioner Sosseh asked the witness if they lost their personal IDs and registration of their children while they escaped to Senegal. The witness said that a lot of people left their ID cards behind. Initially, the authorities were asking people about their ID cards. When they presented them, paramilitaries **burned** them in front of them. The

witness added that not only did children that were born shortly after they left the Gambia not have access to the medical resources they needed, but many of them could not be registered with the Gambian government.

The Chairman thanked the witness for his testimony and then expressed his condolences to the witness and his community on behalf of the TRRC commission. He asked the witness if the refugees received any help from any NGOs. The witness testified that his community did not.

The witness concluded his testimony by saying he had mixed feelings about testifying before the TRRC. He was happy to tell his story in front of an international audience and he commended the TRRC for the opportunity. He said that on the national level he had been ignored at all levels of justice from the President down. He said that his community had been stateless for twelve years despite a High Court judgement in their favour to return home.

The witness was very sad because the wounds inflicted on him by the old regime had not been helped by the new government. The witness felt abandoned by the new government as well as the old. He expressed his disappointment in the Attorney General's failure to enforce the order.

He said that justice is essential to a healthy state and that the Attorney General should stand for those ideals, but he added that his community had had no such justice.

The witness said that instead of taking the law into their own hands, they went through the correct legal avenues for justice on multiple occasions even after the high court rulings. He expressed that it seemed pointless to go to court since the courts had ruled in their favour but not helped them because of conflicting opinions in the government. The witness criticized the Attorney General for not engaging the witness' community or understanding their perspective.

Yunusa Ceesay urged the Gambian government to put themselves in the shoes of the Ndigal refugees and to think about what it would be like to be unlawfully deprived of education, employment, and property. He said that his community was law abiding by nature and they did not believe themselves to be above the law.

He added that despite all efforts, they continued to suffer while the government did not help them. The witness accused the Attorney General of continuing to explore other legal options while the Ndigal sect suffered. He said that there must be underlying issues with a government that ignores an obvious injustice.

The witness spoke about the sacrifices they had made for their faith and about Ndigal's teachings of non-violence. He expressed that they felt like they had exhausted all other options and the TRRC was their last chance to find justice. He asked that their suffering be taken seriously and added that whenever someone saw the Gambian government proclaiming democracy, to remember the 81 compounds that were still abandoned in Kerr Mot Ali Gambia.

Persons Mentioned By Witness During Testimony:

Religious persecution, arbitrary arrest and detention, torture, forced labour and forcible exile (of the Ndigal sect followers)

Ganyie Touray, Malick Mbaye, Commissioner Sabally

Arbitrary arrest and detention (of Ndigal)

Thirteen Badjie, Ousman Badjie

WITNESS NAME: Omar FOFANA

TRRC HEARING DATE (S): 30th January 2020

EVENT (S) DISCUSSED: Harassment, arrest, detention and torture of Ba Kawsu Fofana; and victimisation of the witness during various events

POSITION BEFORE THE EVENT (S): Brother of Ba Kawsu Fofana, Islamic student and driver

ROLE DURING THE EVENT (S): Brother of Ba Kawsu Fofana

POSITION AT THE TIME OF TESTIMONY: Brother of Ba Kawsu Fofana, Islamic scholar

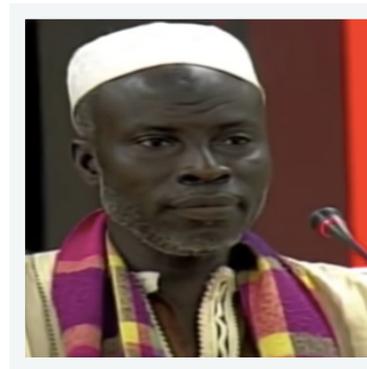
SUMMARY OF TESTIMONY:

At the start of the hearing, Counsel Jahateh noted that the witness would be testifying on behalf of his brother, Imam Ba Kawsu Fofana.

Omar Fofana told the Commission that he was born in 1976 in Kiang but his original home was in Jarra Sankua. He confirmed that Imam Ba Kawsu Fofana was his biological elder brother. He added that his brother was the imam of two different mosques, one in his compound and one near First Garage as well as an Islamic scholar and teacher.

Asked if his brother had any influence on Islamic affairs in the country, the witness responded yes. He added that Ba Kawsu Fofana has followers in many places around the world. When asked if there were any controversies surrounding his religious views or practises, the witness responded that people had different ways of thinking in the country and there were many Muslim sects in The Gambia. Ba Kawsu Fofana had very good friends in all of the sects though some people hated him in those sects.

Asked who these people were, the witness cited the Supreme Islamic Council, SIC as an example, adding that they were the reason for Ba Kawsu Fofana's exile from the country.



The witness was asked to give some background into the issues Ba Kawsu Fofana had with the SIC. He explained that the main issue was regarding the sighting of the new moon. Expanding, he stated that once the SIC announced a particular day to pray, if it was not consistent with the sighting of the moon on that day in Gambia, Ba Kawsu Fofana would not follow that particular direction to pray on that day. He added that a lot of other areas called Ba Kawsu Fofana for his opinion as they trusted him.

Asked if that created any problems for him, the witness responded it did to the extent that he had to leave the country. The Counsel asked him to start from beginning and directed the witness to tell the Commission if the SIC invited Ba Kawsu Fofana to address these issues. The witness responded that they did around 2011/2012. Asked if he could remember the specific date, the witness said he could not and that only Ba Kawsu Fofana could supply the information.

Continuing on with his testimony, the witness explained that initially a letter was delivered to their compound but as Ba Kawsu Fofana had gone to the provinces, he only read it three days later upon his return. After he read the letter, his brother told him that he had been invited by the SIC and asked to accompany him.

When they arrived at the SIC Headquarters, they found paras and soldiers. They were told the meeting would start at 10 am but they spent the next hour with then SIC President Imam Mohammed/Modou

Lamin Touray⁶³ in his office before people arrived. He added that all the council members of the executive were invited including Abdoulie Fatty, Ebrima Jarju and Cherno Darboe.

Proceeding with his testimony, the witness explained that the meeting was chaired by Cherno Darboe and after the opening of the meeting, they stated that they had invited Ba Kawsu Fofana to discuss Islamic matters. Cherno Darboe added that Ba Kawsu Fofana happened to be their junior but nowadays he was “bigger” and they could no longer “manage” him, which was very difficult for them.

Asked if he was saying that Cherno Darboe was alluding that Ba Kawsu Fofana had become too powerful for them to handle, the witness responded in the affirmative.

Continuing, the witness stated that Modou Lamin Touray took the floor and stated that Ba Kawsu Fofana's influence in his hometown of Gunjur was bigger than his. He went on to say that he only heard Ba Kawsu Fofana's preachings being played in the Gele-Geles⁶⁴. He added that people only listened to Ba Kawsu's announcements and would not follow the instructions given by the SIC. He went on to say that an imam from the Badibu district called him to let him know that they heard their call to pray and wanted to pray along but when he called Ba Kawsu Fofana, he was told that if they do not sight the moon, they should not pray.

Modou Lamin Touray further stated that their leadership had become futile because of Ba Kawsu Fofana and they needed to do something about that. Ebrima Jarju who the witness noted was very close to Yahya Jammeh spoke. He said Ba Kawsu Fofana had disappointed him and narrated that he had once gone with Ba Kawsu Fofana to a gamo⁶⁵ in Somita where Ba Kawsu's preaching had angered a Jola man. Ebrima Jarju claimed he stopped the man from attacking Ba Kawsu Fofana. The witness explained that Ba Kawsu Fofana had apparently stated that the Jolas had very little knowledge about Islam.

The Counsel asked the witness if he knew if Ba Kawsu Fofana had actually made that statement and the witness replied that he was not present so could not confirm however he acknowledged that it was possible that his brother had said something along those lines as he also chastised the Mandinkas for using their drums and would call on them to join the proper Islamic way.

The witness was asked if he agreed that some of the statements that Ba Kawsu Fofana made might have been quite provocative considering the sensitivity surrounding the tribal lines he skimmed around but the witness did not give a clear answer. Continuing his testimony, Omar Fofana further stated that at the meeting, a tape recorder and a cassette were brought out as they alleged that Ba Kawsu Fofana had made some inflammatory remarks about the Jolas and Yahya Jammeh. However, when they played the cassette, what was being said was not clear.

Abdoulie Fatty, the then imam of the State House Mosque also spoke. Abdoulie Fatty claimed he was responsible for “Dawa” (referring to the type of preaching and sensitisation allowed) and that Ba Kawsu Fofana had made their work difficult. He added that even at gamos anywhere in the country, they would start talking about Ba Kawsu Fofana and that when the SIC would say it was Eid prayers today or tomorrow, people would not agree to it. Omar Fofana recalled that Abdoulie Fatty went on to say that Ba Kawsu Fofana had insulted the Jolas as well as Yahya Jammeh and had criticised Yahya Jammeh's ruling. Abdoulie Fatty stated that they had instruments at Mecca to sight the moon and if they sight the moon, they should all pray on the same day. Ba Kawsu Fofana remarked that it was not only Gambia that deviated from from praying on the same day as Mecca. He listed countries, including Yemen, a nation bordering Saudi Arabia. He argued that Gambia needed to stand for its norms and was adamant that he would only follow what he had learnt and believed. The witness added that his brother insisted on his position.

⁶³The witness clarified that Mohammed Lamin Touray is also called Modou Lamin Touray.

⁶⁴Gele-Gele is a type of van/mini bus used as commercial transport particularly outside the city and in rural towns/villages.

⁶⁵The birthday celebration of the Prophet Muhammad is marked by Quranic recitals during the day and religious gatherings throughout The Gambia at night to last until the morning called Gamo.

When asked about the large presence of security officers at the meeting on that day, the witness said they were meant to intimidate Ba Kawsu Fofana.

Asked if he recognised any of the security officers that were present, the witness responded no as the paras were wearing masks. Counsel Jahateh asked what conclusion was reached at the end of the day and the witness responded that Imam Abdoulie Fatty **threatened** Ba Kawsu “*you don’t know what we have prepared for you in here, if you don’t agree with us, you will see something that you have never seen in your life*”. Cherno Darboe also got up and said that they had been discussing this since morning and there was no agreement so they should go ahead with what they had planned for Ba Kawsu Fofana. Abdoulie Fatty then told Ba Kawsu Fofana that they wanted him to tell the whole world that whatever he had said to them was lies and that the Council were the true preachers. He stated that if Ba Kawsu Fofana complied, they would cancel what they had planned but if he did not, they would go ahead.

According to Omar Fofana’s testimony, Ba Kawsu Fofana refused to accept what Abdoulie Fatty had instructed him to do. The witness added that those accompanying Ba Kawsu Fofana, his in-laws and their mother’s uncle were fearful so they intervened and pleaded with Ba Kawsu to agree with the SIC so the discussion could come to an end. They had seen that the paras’ demeanour had changed and they were making preparations. Nevertheless, the witness and Ba Kawsu stood their ground.

The Counsel asked again what decision was reached at the end of the meeting. The witness responded that Abdoulie Fatty brought out a letter and informed Ba Kawsu Fofana that they would make copies and handed one to Ba Kawsu himself. The imam added that they would also hand copies to then Inspector General of Police, IGP, Yankuba Sonko and to Gambia Radio and Television Services, GRTS. The imam further stated that they would make an announcement over radio and TV stations that all the cassette dealers and recording studios who sold his cassettes “*would find themselves in a place they did not like*” and Ba Kawsu Fofana himself was banned from

preaching in any mosque in The Gambia or attend any Islamic conferences under Yahya Jammeh’s rule.

If Ba Kawsu Fofana refused to respect the ban, he would regret it.

The witness told the Commission that Ba Kawsu Fofana responded that he had heard this from them but not from Allah. He challenged them to do whatever they wanted to do. So the SIC went ahead and distributed the copies of the letter, essentially banning Ba Kawsu Fofana from religious activities. Asked if the SIC had the power or right to do that, the witness simply responded that Abdoulie Fatty had claimed he was responsible for “Dawa”. The Counsel asked who had given Abdoulie Fatty the power to determine what religious views or practices were performed by Muslim clerics or scholars in the country.

Omar Fofana responded that the Supreme Islamic Council was a tool of Yahya Jammeh and whatever they did, they had the support of Yahya Jammeh.

The witness went on to give a proverb in Mandinka: “*If you see water is able to boil inside a cooking pot, the fire underneath can make it boil, it is because of the cooking pot, that’s what is between the fire and the water*”. He told the Commission that Yahya Jammeh was the cooking pot, the water in that cooking pot was the people and the fire represented the SIC. The Counsel asked the witness if, by describing the SIC as the fire, he was implying that they were trying to instigate Yahya Jammeh against the people of Gambia and the witness confirmed.

The Counsel then asked if Ba Kawsu Fofana complied after the ban was made. The witness responded that they were advised by a family friend to petition the President, which they did. Ba Kawsu Fofana explained his views in the letter and the confrontation with the SIC. He highlighted that he had a large following and if he stopped teaching, a lot of people would

be affected. The Counsel then asked if during this time Ba Kawsu Fofana followed the terms of the ban and the witness said yes, he stopped preaching and speaking at conferences. The Counsel asked if there was a response to the letter and the witness stated that Yahya Jammeh invited his brother to State House for an audience.

Omar Fofana testified that when they went for the meeting, they met with other members of the SIC. When they sat down, Ba Kawsu Fofana stated his issue: the Council members had asked him to tell the world and the Gambian people that he had been preaching lies and that he had been banned. Ba Kawsu Fofana added that he had a lot of students he was teaching and was concerned as to what would happen to them because of the ban. He also highlighted that he would not be able to make a living if he stopped teaching.

The witness recalled that Modou Lamin Touray then told Yahya Jammeh that Ba Kawsu Fofana was the reason the country was not praying on the same day. Abdoulie Fatty got up and told Yahya Jammeh that Ba Kawsu Fofana had said that “if anywhere is going to be destroyed”, it will start with the Foni region because the President held festivals there. He further claimed that Ba Kawsu Fofana had said Yahya Jammeh’s religion was not clean, and had insulted Yahya Jammeh and his tribe. The witness said Abdoulie Fatty made several accusations just to make Yahya Jammeh angry - and it worked. The witness stated that Imam Abdoulie Fatty’s position at State House made him powerful: the President listened to him. The Counsel asked if these allegations made by Abdoulie Fatty against Ba Kawsu Fofana were in fact true and the witness denied they were. He added that Imam Fatty was full of hatred and hypocrisy. He also claimed Abdoulie Fatty was not even a citizen of The Gambia. The Counsel asked the witness to pay attention to her questions as that was not the question she had asked. The Counsel then asked the witness to envision a scenario: if it was actually the case that Ba Kawsu Fofana had insulted Yahya Jammeh or was insulting Jolas, or other tribes in The Gambia on account of their religion, then it would not have been the SIC’s responsibility to handle that matter. The witness responded that it was their plan to incite the president against his brother. The Counsel insisted the witness respond the question and he replied that that was correct. Asked to proceed with his testimony, the witness

stated that Yahya Jammeh told Ba Kawsu Fofana that his knowledge was satanic and added that he (Yahya Jammeh) had learnt the Quran. The witness further stated that Yahya Jammeh said he used to listen to Ba Kawsu’s cassettes and Ba Kawsu did not preach correctly. Asked if the meeting was recorded, the witness confirmed it was and added that immediately after the meeting, the recording was sent to video clubs and other outlets to defame Ba Kawsu Fofana. Asked if the videos were also played on national TV, the witness responded that the meeting was carried live over the national TV. The Counsel announced that they had a copy of that video and a brief excerpt would be played later. Continuing, Omar Fofana told the Commission that Yahya Jammeh stated that from now on, he would deal with Ba Kawsu Fofana himself. Yahya Jammeh showed his babouche slipper and told Ba Kawsu that even his shoe was closer to Allah and that Ba Kawsu was nothing to Allah. He threatened to **detain** Ba Kawsu for 20 years. Their step-father who was present at the meeting pleaded with Yahya Jammeh and he forgave Ba Kawsu by lifting the ban but said he would monitor his preaching.

An exchange about whether the remarks Ba Kawsu Fofana had made to other tribes whilst preaching were offensive or not ensued and the witness responded vaguely that Ba Kawsu Fofana had a large following. After some back and forth, the witness concluded that Ba Kawsu Fofana could clarify some of the points himself. The Counsel asked the witness if he believed that if one steps over the line in terms of provocation of different tribes or religious views, it was to the State to step in and put things in line. The witness responded in the affirmative. However, he argued that it was the SIC that sought to create a problem between Ba Kawsu Fofana and the head of state.

Moving on, Omar Fofana testified that when the meeting ended, they went home. Ba Kawsu Fofana later held interviews with several newspapers, including The Standard, Foroyaa, and the Independent. The interview with The Standard took place in the witness’ presence and Ba Kawsu Fofana told them that his stance regarding the sighting of the moon had not changed. The witness added that, as a

matter of fact, Ba Kawsu Fofana and his followers did not pray on the date announced by the SIC on the following Tobaski that year. The Counsel asked the witness if he remembered the date and he responded he did not. At this point, the Counsel remarked that nothing had changed after the meeting with Yahya Jammeh and Ba Kawsu Fofana continued as before with his preaching and teachings.

The Counsel asked the witness if Ba Kawsu Fofana was **arrested** for praying on a different day than that announced by the SIC. The witness responded that he remembered Ba Kawsu was **arrested** on 18th May 2012 but it was not in connection to Eid prayers. The Counsel said she was aware of that arrest but she was particularly asking if Ba Kawsu Fofana had been **arrested** in connection to the Eid prayers and the witness confirmed that he had not. The Counsel then announced that before moving on, she would like to play an excerpt from the video she had previously mentioned. The excerpt showed the meeting that took place with Yahya Jammeh. The Counsel asked the witness to identify Ba Kawsu Fofana in the video and he responded that his brother was wearing a turban and a bubu⁶⁶ embroidered in gold materials.

Moving on to the **arrest** of Ba Kawsu Fofana, the witness explained that it took place on Thursday 18th May 2012. The witness narrated that his brother's arrest he made a call to Abdoulie Fatty on the day of his brother's arrest, pointing out that despite Ousta Chebu Cham and his group condemning gamos, Abdoulie Fatty and Modou Lamin Touray sometimes attended them. The Counsel interrupted and stated that she was trying to understand why the witness was now recalling his conversation with Abdoulie Fatty. The witness responded that the reason he called Abdoulie Fatty was that members of the SIC attended gamos whilst Chebu Cham was condemning gamos. The witness clarified that he wanted to flag this to the SIC so they would intervene. He recalled that Abdoulie Fatty responded that Chebu Cham should have been banned but he was his in-law. The Counsel asked the witness if he was putting forward that there was some sort of unevenness in how the SIC handled its rules and regulations. The witness confirmed that that is what he was saying.

Going back to the day Ba Kawsu Fofana was **arrested**, the witness stated on 18th May 2012, the National Intelligence Agency, NIA came to their house but Ba Kawsu Fofana and the witness were not at home. A friend of theirs called Pa Sonko told them later. Asked if the NIA officer had identified himself to Pa Sonko, the witness responded that he had not but that Pa Sonko suspected he was an NIA officer because of his demeanour and attitude. The witness added that Ba Kawsu Fofana later called him to tell him that he had received information that the NIA was looking for him. The witness therefore suggested he leave the country given that "these people" were bent on harassing him and they were close to the border but Ba Kawsu Fofana refused to leave saying he had not committed any crimes.

Ba Kawsu Fofana was eventually **arrested** in Brikama. The witness then told the Commission that Ba Kawsu Fofana later called him to tell him that they had taken him to a place called Bambadinka⁶⁷ at the NIA. The witness recalled telling him that it was a very dangerous place because he himself had been taken to that place once (the witness later shared his experience with the Commission). The witness said that after he prayed the 5 pm prayers, he went to Banjul to check on his brother. When he arrived at the NIA premises, he spoke with one officer Colley at the gate and informed him that he had come to see Ba Kawsu Fofana as they had received information that he had been brought to the NIA. The officer denied that was the case. An argument ensued and the officer **threatened** the witness.

The witness testified that another security agent present told the witness to go to an office near the MacArthur Square to search for Ba Kawsu Fofana. The witness went there and he was told to go to the Police Headquarters, which he did. When he arrived, it was around 6 pm and they had closed for the day. The officer he spoke to told him to come back the next day to check but that he did not think Ba Kawsu Fofana was there.

When the witness returned home, he told their father that Ba Kawsu Fofana had been **arrested** and had gone searching for him to no avail.

⁶⁶Also spelt "boubou", it is a long, loose-fitting garment worn by men and women in parts of Africa.

⁶⁷Bambadinka means crocodile's pond in Mandinka. It was a chamber located within the NIA premises often used for torture sessions.

His father then shouted “Well, my son has disappeared! I might never see my son again”.

The witness stated that Ba Kawsu Fofana’s **disappearance** gave their father, who was suffering from high blood pressure, further health complications.

The following morning, the witness and one of his Senegalese students, Adama Seydi, went back to the NIA. When they arrived, they found officer Colley again at the gate. He again denied that Ba Kawsu Fofana was there however Adama Seydi insisted that he was there as he had accompanied Ba Kawsu the previous day up to the gate of the NIA and after they had stripped him of his belongings, which they handed over to him, they took Ba Kawsu Fofana inside. He added that those at the gate (Officer Colley) were present on that day and therefore Colley was lying. The Counsel also noted that in addition to the student’s statements, he (the witness) had also been in contact with Ba Kawsu Fofana up until the point he reached Bambadinka. The witness confirmed that was the case and that was why he believed Ba Kawsu Fofana was still there.

Discussing his own time at Bambadinka, the witness explained that his sister had a taxi and the taxi driver once took a passenger who lost his mobile phone. Later on, the passenger claimed that the taxi driver had stolen the mobile phone. The case eventually reached the NIA and they came to their house asking the driver to pay for the mobile phone. The witness told them this was not making sense seeing when they called the mobile phone, it rang and they could see that the driver was standing there and the phone was not ringing in his pocket. They insisted that the driver pay for the mobile and detained him. The witness stated that he ended up arguing with the NIA officer. The Counsel pressed the witness to explain how he got to Bambadinka.

Omar Fofana explained that he was a taxi driver at that time and the NIA seized and took the taxi to the HQ. When he went to the NIA to check on his vehicle, he was **arrested**. He recalled that they spilled coos⁶⁸ on the tiles and told him to kneel, which he highlighted was very painful. Then they also made him do the “monkey dance”.

The Counsel thanked the witness and said they were specifically interested in hearing more regarding his ordeal at the NIA so proposed that the witness give a statement to the TRRC investigators later.

Further testifying regarding the **forced disappearance** of Ba Kawsu Fofana, the witness explained that when they were refused entry, they went back home. The next day, the witness went to Imam Kah, the Imam Ratib of Banjul and asked if he could speak with Yahya Jammeh regarding the disappearance of Ba Kawsu Fofana. Imam Kah said he would do his best to see what he could do. The following day, the fourth day after Ba Kawsu Fofanas’ arrest, his daughter died at home when a cement block accidentally fell onto her chest.

The witness told the Commission that the death of Ba Kawsu Fofana’s daughter made matters worse and the compound was in complete disarray. The following day, the child was buried in the morning and the witness went back to the NIA Headquarters where he found Colley again at the gate.

He told him he was here to check on Ba Kawsu Fofana again but the response he got was “We have told you not to come back again, we have told you this about four times, not to come back here, and you are here again!”

The witness responded that he was here to inform of the death of Ba Kawsu Fofana’s daughter in the hope that the message would reach him.

Continuing on with his testimony, the witness stated that the sixth day into Ba Kawu Fofana’s **disappearance**, he went to seek help from a member of the Banjul elders committee who told him he would speak with then Secretary General Njogu Bah⁶⁹, as he was influential. The witness also sought help from important religious leaders like the late Alhaji Wahab Jabbi and the late Caliph Sheriff Kebba Hydera of Brufut. The latter refused to go to Yahya Jammeh but

⁶⁸Coos is a grain grown and used locally for porridge, couscous.

⁶⁹Former Secretary-General and Head of Civil Services under Yahya Jammeh. Named during the Janneh Commission of Inquiry as being involved in the theft of millions of dalasis of public resources during the Yahya Jammeh regime.

said he would pray to Allah for Ba Kawsu Fofana's release by Friday and he would give them 1000 dalasi every day up to his release for "Ba Kawsu's food".

The witness added that they had to perform charity and on Friday (9 days after his brother's disappearance), Ba Kawsu Fofana called his wife asking her to bring his ID card. The witness went to the NIA premises and found Ousman Ceesay from Kerewan Sounds, Njogu Bah, the then Minister of Interior Ousman Sonko, Yankuba Badjie and Sukuta Jammeh. Asked what the position of Yankuba Badjie and Sukuta Jammeh were, the witness responded he was not sure but he heard that Yankuba Badjie was head of the NIA and Sukuta Jammeh, was another high ranking officer the NIA living in Bakau. Asked if he knew what all these security chiefs were doing at the NIA on that day, the witness said he heard they were there to affect a bail for Ba Kawsu Fofana, with Ousman Ceesay as the guarantor.

Asked what the sum for the bail was, the witness stated they had requested 50,000 dalasi. Asked if any of the security chiefs said anything, the witness responded that he was not privy to any conversation they had prior to Ba Kawsu Fofana's release. When the Counsel asked about the condition of Ba Kawsu Fofana, the witness said he was very unhappy when he saw him.

"The Ba Kawsu I know and the Ba Kawsu I saw that day....His whole body was covered with mosquito bites, from his face to every part of his body". Ba Kawsu Fofana's finger was also broken.

When they got home, Ba Kawsu Fofana told them he had been given about 150 cane strokes. The witness recalled that he suggested he go to the hospital but Ba Kawsu Fofana declined. He told the Commission that Ba Kawsu Fofana further stated that they always came for him at night, around 1 am, with a camera they used to film the **torture** sessions and sometimes they would twist his hand, which is how he sustained the broken finger. Ba Kawsu Fofana said that he even fought back at some point. Asked if Ba Kawsu Fofana revealed who carried the **torture** on him, the witness said he did not. However

the witness remarked that one of the torturers had testified before the TRRC. Asked who that was, he responded Omar Jallow alias Oya⁷⁰.

Asked if there were any attempts to **arrest** Ba Kawsu Fofana again, the witness responded that in the month of Ramadan, August 2012, plain clothed officers led by then Director of the NIA Yankuba Badjie came around 9-10 pm for Ba Kawsu Fofana. Yankuba Badjie stated that Yahya Jammeh had sent them to take Ba Kawsu Fofana so he could reconcile with executive members of the SIC at a gamo at State House. He added that the President also wanted to apologise to Ba Kawsu Fofana for insulting him and wanted to give him a huge sum of money.

Ba Kawsu Fofana told Yankuba Badjie that he had forgiven both Yahya Jammeh and the SIC asked that he be allowed to finish with his 40 day hibernation/prayers first before going to see the President for the money but Yankuba Badjie insisted he went with them. The witness recalled that one of the officers stated that Ba Kawsu Fofana was wasting their time and they should just **arrest** him and go. However, Ba Kawsu Fofana asked Yankuba Badjie to be allowed to pray before leaving with the men and during that time, he disappeared. Yankuba Badjie called Ba Kawsu Fofana's number and there was no response. The witness stated that Yankuba Badjie then went on to continuously communicate with someone, but he did not know who he was speaking with.

After some time, another black vehicle came and stopped outside their compound. Plain clothed officers alighted from the vehicle and came into the compound. They asked Yankuba Badjie what he was doing when Ba Kawsu Fofana escaped. Asked if they were armed, the witness said he could not confirm. Asked if he recognised anybody from the new group, the witness said he did not but he remembered that the man leading this new group was called Louis Mendy and there was another one called Ceesay (he did not know his first name). The Counsel asked if the "Louis" he was referring to was actually Louis Gomez, the witness responded that it might be. The witness added that according to what he told him, he was the head of the NIA stationed at State House⁷¹.

⁷⁰Former Jungler Omar Jallow testified before the TRRC in July 2019 and confessed to having participated in the enforced disappearance and killing of 48 persons, as well as the torture of Imam Baba Leigh, Imam Ba Kawsu Fofana, another Marabou/ Imam in 2012, and of the 30th December 2014 coup plotters.

⁷¹We believe the witness was referring to Louis Gomez, the former deputy director of the NIA who died in 2018, whilst standing trial with eight former NIA officials for the murder of UDP activist Solo Sandeng.

Asked to estimate the number of people in the compound that night, the witness said he could not but he did not think there were more than 50 (including both groups). When asked how Ba Kawsu Fofana managed to disappear into thin air despite the heavy presence of security officers surrounding the compound, the witness responded “*Well I can say that they went asleep standing on their feet*”. The Counsel was amused and told the witness perhaps he could try that stunt at the end of his testimony. The witness laughed and said he would do so.

Going back to the **arrest**, the witness was asked if they eventually found Ba Kawsu Fofana and he responded that they could not find him and that was the last day they set eyes on his brother as he subsequently left The Gambia and had only returned recently.

The witness was asked if anything happened to him on that particular day and he responded that Louis Gomez **threatened** him to keep quiet.

A heated exchange subsequently ensued between the witness and one of the NIA officer called Ceesay resulting in Louis Gomez instructing for the witness to be arrested adding “What we intended for Ba Kawsu now, we will do it to him”.

They grabbed the witness and Ceesay handcuffed him. The witness was taken to the vehicle parked outside. His wife, Adama Fofana grabbed Ceesay’s shirt and told him they were not taking her husband anywhere. Ceesay wanted to slap Adama Fofana but one of the officers stopped him.

Once in the vehicle, the witness was told that he was being taken away and it will be a long time before he would “sight the moon”. The witness responded that he told them he will not tell lies and that he had been fasting all these days. However, before reaching Tipper Garage, they decided to release the witness. Louis Gomez then instructed that they lock up Taranga FM and uproot their “transformer” so they would not be able to spread the

news regarding Ba Kawsu Fofana’s escape. They warned the witness against speaking to journalists.

The Counsel then asked Omar Fofana for the truth regarding Ba Kawsu Fofana’s escape and if he had simply jumped over the fence. The witness looked amused and responded “*Well even if he just jumped over the fence, an escape is an escape, he just escaped*”. The witness then went back to his own release. He stated that when he got home, he found a missed call on his phone. He called the number and Ba Kawsu Fofana responded at the other end. He told the witness to meet him. When the Counsel asked where Ba Kawsu Fofana was, the witness declined to give the information. Carrying on, the witness explained that he went to meet him with some of their friends and associates and they discussed how to get Ba Kawsu Fofana out of the country.

The Counsel rushed the witness to tell them what happened in the end. The witness stated that Ba Kawsu Fofana spent two additional nights in the country and left with the assistance of Siaka Saidu, one Sawaneh and Abdoulie Fatty (not Imam Abdoulie Fatty) also known as Abou Fatty. They took the main road up to Jiboro before entering Senegal, through Taslima in Casamance. Asked if there were any attempts to **arrest** Ba Kawsu Fofana after he absconded, the witness alleged that the NIA, under the instruction of Yahya Jammeh, put together a plan to **abduct** Ba Kawsu Fofana from Casamance and **kill** him. He recalled that one NIA officer called Dahaba approached the family and told them that Yahya Jammeh had sent him to come see them so they could go to Casamance and bring Ba Kawsu Fofana home as his schools and students are here and it would be very uncomfortable for Ba Kawsu to stay in a foreign land when everything he owns was in Gambia. Asked if Dahaba eventually went to Casamance and succeeded in bringing Ba Kawsu back to The Gambia, the witness responded in the negative. The Counsel thanked the witness and concluded the questioning.

In his closing remarks, the witness thanked Allah the Almighty and praised the Commission, as their efforts was to establish peace in the country. He added that

they were all one in Gambia and the Holy Prophet forgave people so he was also forgiving others. He called on desisting from revenge and highlighted that some people had done things against their will and others because they were not God fearing but he put it down to Satan's influence. He reiterated that his family was a religious family and they had forgiven those involved, though they were unhappy about what had happened.

Persons Mentioned By Witness During Testimony:

Religious intolerance

Yahya Jammeh, Abdoulie Fatty, Modou Lamin Touray, Ebrima Jarju, Cherno Darboe

Enforced Disappearance (of Ba Kawsu Fofana)

Colley (first name not given)

Attempted arbitrary arrest (of Ba Kawsu Fofana)

Yahya Jammeh, Yankuba Badjie, Louis Gomez, Ceesay

Arbitrary arrest (of Omar Fofana)

Louis Gomez, Ceesay (first name not given)

Destruction of property

Louis Gomez

Attempted kidnapping

Yahya Jammeh, one Dahaba



Photo: ©Lena Nian



WITNESS NAME: Philip SAINE

TRRC HEARING DATE (S): 3rd February 2020

EVENT (S) DISCUSSED: Alleged persecution and harassment of Christians in Gambia during the Yahya Jammeh regime

POSITION BEFORE THE EVENT (S): Lecturer and Researcher in public health

ROLE DURING THE EVENT (S): Retired, Christian worshipper

POSITION AT THE TIME OF TESTIMONY: Retired

SUMMARY OF TESTIMONY:

After welcoming the witness to the TRRC, the Lead Counsel thanked him for agreeing to testify at very short notice regarding the attacks on the religious freedoms of people of the Christian faith. The Lead Counsel added that the public hearings had dealt with a similar topic but focusing on those of the Islamic faith. During those testimonies, the TRRC had heard of serious attacks on imams for preaching a brand of Islam or views that are different from that espoused by Yahya Jammeh. The Lead Counsel went on to say that in those attacks, they had learnt that quite a number of imams were **arrested, detained, tortured** and some **persecuted** to the extent that they had to go away on exile. The Lead Counsel further stated that the TRRC had come to understand that the attacks were not limited to Muslims who also shared the same faith as Yahya Jammeh but in fact extended to the Christian community; and the witness was present to testify to what he termed as a catalogue of **persecution** and **harassment** of Gambian Christians during the Jammeh era.

The Lead Counsel then remarked that the witness had written a book entitled “*Challenges of Gambian churches during Yahya Jammeh’s era*”, which the witness confirmed was the case.

Philip Saine told the Commission that he was born in then Bathurst (now Banjul) in 1951. After giving a summary of his educational background and career as a lecturer and researcher in public health, the witness explained that he moved to Saudi Arabia in 1998 to take up a position in Environmental Health where he stayed for a long period of time. The witness added that during his time in Saudi Arabia, he was part of a small Gambian community and though he was the only non-Muslim among the group, he lived harmoniously with them. Upon his return to The Gambia, he was employed by the Diocese of Banjul to work in their catholic development office as a project manager. After a year, he retired.

Asked to tell the Commission what it was like as a Christian to grow up and live in Gambia, a predominantly Muslim society, the witness said when he was growing up he never felt like a minority and people of different faiths lived in perfect harmony.

It was only later that things started occurring to him. The Lead Counsel asked the witness if, throughout the First Republic⁷², he felt discriminated on grounds of religion or that the exercise of his faith was being unduly restricted and the witness responded “*not at all*”.

In terms of religious feasts or celebrations, during that period in Banjul, the Christians would celebrate Christmas, Easter and Assumption. The Christians would prepare themselves for the feast and the Muslims would come and greet them. He added that the concept of “*lala naala*”⁷³ transcended religious lines. He cited other examples of how Christians

⁷²The First Republic started in 1970 and ended in 1994, when Yahya Jammeh ousted the government of Sir Dawda K Jawara.

⁷³Admiring and appreciate someone’s outfit or clothing, especially at events when people dress up such as feasts, weddings and social events.

celebrated their religious festivities in peace and joy, and had Muslims greeting them and participating in some of the activities. He added that the relationship between Muslims and non-Muslims was excellent. Christians were welcomed to celebrate Tobaski, invited at gamos etc.

However, the witness explained that during the Second Republic (Yahya Jammeh era), the social interactions were diminishing. Remarks that were unknown started coming in such as “*I would not go with this person because ‘Kafir⁷⁴ la*”. People would also comment on the fact that they were not going to the mosque. At this point, the Lead Counsel referred to the book written by the witness and asked that the book be included in the records. The Lead Counsel noted that the witness had drawn from his experience in Saudi Arabia and his time in The Gambia when it was a secular state. He went on to mention a few topics discussed in the book, including the history of The Gambia and the declaration of an Islamic state by Yahya Jammeh⁷⁵, the various efforts of certain Christian groups to address the problem and the reaction of the Supreme Islamic Council, SIC to the declaration of Islamic state.

The Lead Counsel then moved on to discuss the incident that occurred on Sunday 5th February 1997 when a number of Muslims from Pipeline Mosque attacked Christian worshippers at the Omega Evangelical Church. The witness explained that the church was situated in close proximity to a mosque. The mosque had worshippers who came for a special day of prayer, which was Eid and before they gathered for prayers, the Christian community was already assembled inside the church. The Muslim worshippers had spread their prayer mats around the Mosque occupying part of the road. When the Christian group from the church were ready to go home, the exit points were fully occupied and tension arose between those wanting to leave the area and those wanting to pray. It led to a commotion and when some of the Muslims were done praying, they hurled stones at the church, resulting in broken windows. The witness stated that the police intervened and made some arrests, including some of those who were inside the church, adding that some of those arrested were only at the wrong place at the wrong time.

He continued that those arrested were taken to the station where they spent a day or two. There were unpleasant exchanges between those arrested and the officers at the police stations as some of those arrested were identified as non-Gambians and threatened to be sent out of the country. The issue died down when they were released. The Lead Counsel remarked that there was no planned activity to attack or interrupt Christians nor was there any plan for Christians to disrupt Muslim prayers and the witness agreed. The Lead Counsel then concluded that it was a coincidence of two faiths exercising their beliefs or practising their religions at the same time and because of the sheer numbers of Muslims and space available, the Muslims had to extend their prayer mats all the way to church, and the witness concurred.

The Lead Counsel then remarked that he had in fact heard the story before and the explanation that had been given is that Christians were playing very loud music, whilst the Muslims were also performing their prayer, which basically created some sort of noise pollution. The Lead Counsel further added that music blaring whilst others are performing their prayers could lead to tension, and the witness concurred again.

The Lead Counsel then observed that there had been an influx of churches in Gambia during the beginning of the Second Republic and a lot of these were churches which were previously unknown in Gambia. The witness agreed. The Lead Counsel further observed that Gambians were familiar with catholic, Anglican, Methodist and a few protestant churches and accustomed to churches using organs and bells not the drumming and speaking in tongue and “*all the things that we see in the charismatic churches*”. The witness agreed however added that this was no longer only limited to the “charismatic churches” but had also spread to catholic ones etc.

The Lead Counsel then continued that it would be normal for some to perceive that the Muslim Eid prayer had been interfered with by something that is

⁷⁴Kafir is an Arabic term meaning “infidel”, “rejector” or “nonbeliever”.

⁷⁵On 10th December 2015, Yahya Jammeh made a declaration that The Gambia would be an Islamic Republic.

new to them and may have been viewed by the majority as insensitive and a violation of their right, which is what led to the tension. The witness again agreed. The Lead Counsel then concluded that this was a minor inconvenience that occurred at one point in time and which was duly resolved very quickly and suggested it be dropped as a violation of the rights of Christians. The witness agreed.

Moving on, the witness was asked to discuss the “unlawful appropriation of land” belonging to the Sisters of the Presentation of Mary in Banjul. The witness explained that it was a convent of the Sisters of the Presentation of Mary, which belonged to the Diocese of Banjul and they had three locations, with one in Banjul including a school, near the National Assembly. The witness noted that when the National Assembly was being constructed, they encroached and occupied a great portion of the school, which resulted in the school losing the residential area.

As a result of that, they had to commute daily from Serrekunda into Banjul and have been doing so up until the time of his testimony. The Lead Counsel remarked that this was an unlawful occupation of property belonging to the Presentation of Mary Sisters. However, he stated that under the law, the State would have the authority to appropriate land and give compensation for it if the appropriation is for national interest. The Lead Counsel added that if in building the National Assembly it was necessary to occupy some land close to it in order to facilitate the process, that may have been some necessary state appropriation/occupation of that land even though compensation would have needed to be provided

The witness interjected that sometimes it is the manner in which certain processes take place.

He added that in a normal case scenario, the State would normally write and give enough notice for one to vacate and relocate as well as provide compensation, however, this never happened in this case.

The Lead Counsel then argued that the violation was not done for the simple reason that the land belonged to the Christian community and the witness agreed. The Lead Counsel then concluded that this was the violation to the right of property and it could have been property belonging to Muslims, noting that this matter was being prosecuted in court. The Lead Counsel therefore suggested that this was not a violation of religious rights and the witness agreed.

Moving on to the “veil controversy” at St Therese’s school, the witness noted that this was one of the first occurrences of religious intolerance in the country. He further stated that around July 2003, students entered the school premises with a different type of uniform. The uniform that was previously below the knee had now been extended to above the ankle. The school badges, which had the insignia of the school, were ripped off from the school uniform and the students put on a headscarf as well (covering the hair and neck). The school refused to admit entry to the students who were not wearing the proper school uniform and the students, who were being supported by the mosque located opposite the school. In the end, the school was closed, government authorities intervened and stated that the school had all rights to stipulate a uniform, which could only be changed by the school or the teacher-parent association.

In response to some follow up questions from the Lead Counsel, Philip Saine clarified that the school insignia had a religious undertone, which was a cross and that the school was a catholic mission school. The Lead Counsel put it to the witness that in effect, this was a protest by a group of students against school policy, which was resolved by government intervention in favour of the school. He added that there was therefore no violation of religious rights of the mission as such, and that it seemed like the girls had been radicalised to some extent to come up with that particular posture. However, this issue of Muslim girls wearing veils to school has been a very difficult constitutional issue that many commonwealth countries had had to grapple with. He cited the example of Trinidad and Tobago where Muslims’ girls had insisted on wearing hijab to go to school, with the matter ending up in court.

The Lead Counsel then announced that he had been provided with statements from imams regarding this issue. The first one credited to Imam Abdoulie Fatty of State House said *“the fact is that there is lack of proper Islamic conduct in The Gambia otherwise the veil issue would never raise controversy or heated debate. All schools should allow girls to wear hijab to school because it has nothing to do with the performance of the girl child. Whether the school authorities want it or not, students will veil themselves by Allah’s will. The veil issue will undoubtedly put many parents into hell if they fail to ask Allah’s forgiveness. It is an irony to hear parents lamenting against the veil, calling it ‘a new thing’ in The Gambia, such statements are misleading and offensive to God’s sanctity. It is therefore incumbent on government to stick to the right Islamic teachings than to fear any mortal being. They have the powers to succumb to good morals in this society or else fear God’s wrath on the Day of Judgment.”*

The witness was asked what he thought of this statement and the witness responded that it was typical of Imam Abdoulie Fatty, who is known to be very radical and categorical in his thinking.

Philip Saine added that it was known that **Imam Abdoulie** was very close to **Yahya Jammeh**, to a point where it was difficult to separate both, **“whether he was the president or the President was the Imam, between the two”**.

Their activities were mingled together and this statement was a typical example of State influence onto religion. The lead Counsel argued that if there were any violations of religious rights, they would be that of the students and not of the school. The witness agreed. The Lead Counsel added that the law as it was in Gambia was that the State may intervene or restrict the exercise of religious freedom in the interest of public order and in the interest of morality. The witness agreed again. The Lead Counsel then concluded that the witness’ take was that the interference by government in insisting that the schoolgirls accepted the school uniform would be for the purpose of ensuring order within the school.

The Lead Counsel then asked to flip it: in schools that espouse the Muslim faith, Christians that attend the school wear the accepted uniform. The Lead Counsel then asked what would be the situation if they now refused to wear the accepted the uniform. The witness responded that he would advocate that they abide by the rules and regulations of the school and not refuse. The Lead Counsel did not further dwell on the question but noted that this is a problem that would continue to come up and a solution would need to be found. Before moving forward, the Lead Counsel suggested to the Chairman that at some stage the statements that have been made on the subject could be printed out and presented to the Commission. He added that it would be important for the Commission to pronounce itself on some of the inflammatory statements.

The Lead Counsel further remarked that there was a freedom of expression but that **it was wrong to stoke fires when there are difficult differences such as the incident the witness had discussed.**

Moving on, Philip Saine discussed the interruptions of the religious processions. He testified that in April 2016, the catholic community was having a religious procession, starting from Banjul and ending near Traffic Light, Kairaba Avenue. He stated that they were first interrupted at the Arch on Independence Drive by the police, who told them that State House wanted to know what the procession was about. One of the priests leading the procession explained that it was a religious march and they were let through. The Lead Counsel noted that there was no violation of rights at such but the witness argued that it was strange to have this interruption. He added that the police knew for sure that it was a religious procession. Continuing on with his testimony, the witness stated that at Kairaba Avenue, a vehicle came right to the procession at a speed that was unusual. The driver pushed his way through right into the procession and nearly hit a girl who had to be quickly shoved away but still sustained injuries.

The witness said that those from the procession got angry and retaliated by smashing windows of the vehicle. The driver ran away. The Lead Counsel noted that those that had assaulted the vehicle were not prosecuted nor taken to court. The witness agreed. The Lead Counsel added this could be classified as a lone undisciplined person who refused to exercise patience and disrespected the gathering. The witness responded that what needed to be noted was the frequency at which such incidents were happening. The Lead Counsel asked how often the witness had noticed interruptions of religious processions, the witness responded by specifying that it was interruptions of religious activities not just processions, including prayers, celebrations at home. He added that these were signalling to something and the witness was adamant that this incident was a display of religious intolerance.

After the break, Commissioner Bishop Odico addressed the Commission stating that as the Chairman of the Gambian Christian Council he was closely connected to the topics discussed and asked for permission to recuse himself, which was granted.

Philip Saine was then asked to discuss the police imposed ban on drumming and dance during Ramadan. The witness stated it was imposed on the Gambian Christian Community by the police force. He added that they had church activities being interrupted particularly in Fajikunda, inside the church compound. The witness further stated that the police would harass Christians by going inside compounds and stopping Christians from dancing, drumming and playing music. The witness highlighted that it was not unusual to celebrate the death of an elderly person with drumming and the police would go inside these communities and stop them from celebrating the death of the person.

Those who resisted the police suffered.

The Lead Counsel asked if the Inspector General of Police, IGP explained under what authority he imposed that ban. The witness responded that the narrative given was that it was an executive order and at that time they all knew where the executive order came from. He was

asked if the executive order was published and he responded yes. The witness stated that he had seen the published executive order banning drumming, which was reported in The Daily Observer on 8th June 2016. The ban stated that the Office of the IGP in honour of the holy month, all ceremonies, festivities and programmes that involve drumming, music and dancing during the day or at night were prohibited and all those engaged in the practise were being warned to desist or otherwise they will be apprehended to face the full force of the law without compromise. The witness noted that the ban was not helpful for the community as it invited neighbours to spy on one another.

The Lead Counsel asked Philip Saine if he had ever witnessed real drumming and dancing as part of the Gambian traditional customs during Ramadan. The witness responded in the affirmative. He added that nobody used to bother whether you were observing Ramadan or not as Gambians perceived this as a personal choice. The Lead Counsel argued that he was trying to get to the rationale for the ban. He stated that festivities such as wedding would not usually take place during Ramadan and the witness argued that public dancing maybe not but also because the person beating the drum might be fasting. However, in private homes, people who had cause to drum would drum even during Ramadan. The Lead Counsel asked the witness if he had ever encountered a situation where such a ban had been imposed and he responded “never”. He added that he consulted with the elders and they told him they had never heard of such a ban before.

The witness was adamant that whatever may have been the motive for placing the ban, its implementation affected the exercise of the religious rights of the Christians.

Asked what steps the witness took to stop the implementation of the ban, the witness responded that letters were written and delegations were sent to the IGP. The Lead Counsel remarked that the day after the press release was published regarding the ban, there was an article in which it was stated that the Office of the IGP clarified that the ban in no way intended to affect Christians worship and assuring that normal Christians events could continue as normal. The Lead Counsel asked if the witness would agree that on the next day an exemption was given for Christian worship and the witness responded yes, to a group who applied pressure and sent a delegation because they had a feast and drumming anticipated. They went in and negotiated and got an exemption but other Christian groups never got the opportunity to negotiate. He also noted that the harassment by the police still took place during Ramadan despite the IGP's statement.

Philip Saine clarified that the point he was making was that not only was the ban unconstitutional because it infringed on his right to exercise religious freedom but also because the person who made the ban, did not have the authority to make the ban.

He added that those who were **arrested** were taken to police and elders from the Christian community would find a way to get them out. In some instances, they would get a senior police officer to intervene. The witness went on to cite examples of **harassment**, including when a Manjago tribe were celebrating the death of an elderly woman and the police intervened as well as when some youths were playing music within the church compound. The Lead Counsel countered that in the exercise of religious freedoms, there was a need for moderation and mutual accommodation. The witness agreed. The Lead Counsel then continued that during Ramadan when 95% of people who are Muslims would be fasting, in order to avoid being insensitive to the religious demands of others, perhaps in the exercise of one's own rights, it would be helpful to be moderate.

The witness told the Lead Counsel he understood but wanted to put across a point: these were harassments targeting a specific group which was the Christian community. He remarked that the Christians have their fasting period, which is Lent. If there was a law for the nation, that is because Muslims are fasting for Ramadan, therefore the same law should have applied for Christians when they were fasting for lent. The Lead Counsel argued again that would depend on the religious needs of the group whose rights are being protected. If during Lent, it is not allowed to have music and drumming then perhaps you can say "like should be treated with like". The witness argued that during Lent, dancing and feasts are actually postponed. He highlighted that non-Christians who were not aware of it, would eat and dance during that period. The Lead Counsel asked the witness if in effect he was saying it was discrimination and the witness confirmed.

The witness added that if the ban had been extended to cover the Lent period, it would have been tolerated. The Lead Counsel asked about those who do not subscribe to Christian and Muslim faiths who do not believe in Lent or Ramadan. The witness responded that their concerns would also have to be accommodated.

Moving on, the witness stated that in 2014, Yahya Jammeh invited Islamic scholar Zakir Naik⁷⁶ who was renowned for propagating hatred and religious intolerance, including attacks on the Christian community, discrediting Christian values and beliefs.

He added that the visit coincided with the beginning of the harassment the Christian community was subjected to and later went even to say that Yahya Jammeh became a disciple of Zakir Naik.

The witness added that Zakir Naik claimed to be knowledgeable about the Bible during his speeches but he asked "What was the purpose of Zakir Naik?"

⁷⁶Zakir Naik is an Indian Islamic preacher banned in several countries for his promotion of radical form of Islam. He is wanted in India, his country of birth, on charges of spreading hate speech, inciting terrorism and money laundering. See BBC article [Indian 'hate preacher' Zakir Naik charged with money laundering.](#)

What was his theme of preaching in Gambian communities here? Was it to come here and attack Christianity? It seems so?" A Christian woman tried to challenge him during one of his gatherings and he could not take it and refused to talk to her on the premise that she was a woman. The witness stated that Yahya Jammeh ordered for a vehicle to take the woman away. The witness was adamant that Zakir Naik should not have been invited to The Gambia, given the red carpet treatment on arrival and showered with millions of dalasis.

Philip Saine stated that barely one year after Zakir Naik's visit, Yahya Jammeh declared The Gambia an Islamic state. People of all faiths were confused because Gambia was a secular state and all of sudden it became an Islamic state. The bishops had to write to Yahya Jammeh to seek clarification on his declaration. The witness was asked about the impact of the declaration on those who espoused a different faith from that of Islam. The witness responded that one needed to make a connection between the declaration and the visit of Zakir Naik. The witness told the Commission that soon after the declaration, Yahya Jammeh announced he would replace the Constitution with Shariah law. The Lead Counsel was surprised to hear that and asked the witness when that announcement was made. The witness clarified that it was when the Christian community was nervous about the declaration. According to the witness, Yahya Jammeh said his decision was final and he would bring Shariah law into The Gambia. Christian representatives including from the Vatican City, Bishop Hannah Faal and Bishop Odico were refused audiences.

Philip Saine was then asked what he meant in his book when he wrote that the "*declaration itself was the singular most dramatic act of President Yahya Jammeh*", he responded that The Gambia was deviating from their norm and what it used to be would cease to be.

The Lead Counsel asked the witness if he was not of the view that in that act Yahya Jammeh had arrogated himself an authority he did not have, the witness concurred.

The Lead Counsel went further by adding it was characteristic of a dictatorship whereby the pronouncement of a leader becomes law. The witness agreed.

Continuing his testimony, the witness told the Commission that the Christian community was aware that this declaration was against their constitutional rights. He added that the community realised that they had very little power to challenge the decision and that there was no equality before the law. He specified that the declaration was also imposed on the National Assembly.

Furthermore, Muslim elders including Banjul Muslim elders and the Supreme Islamic Council made a solidarity visit to State House in support for the declaration.

The witness found this endorsement of this unconstitutional act to be hurtful and wrong as the imam and bishop would meet and have functions together and all of sudden they were saying "*Oh Yahya well done, we should move towards Islamisation of this country*".

The Lead Counsel highlighted that the declaration was not endorsed by all Gambians in the country and in fact prominent Muslim figures such as Halifa Sallah, OJ Jallow and Isatou Touray expressed disagreement with the declaration. The witness concurred. The Lead Counsel also highlighted that there was no referendum to ask The Gambian people if they wanted such change. Philip Saine added "*violation of a minority group can be seen as a violation of the entire nation because that minority group is within the nation*".

The Lead Counsel noted that the witness had in his book reproduced a letter dated 11th January 2016 by State House in response to a request for clarification. The letter was addressed to bishops Hannah Faal-Heim, Robert P. Ellison and James Odico and stated

that the decision was final but guaranteed the continuous of freedom of religion and a culture of religious tolerance. The witness remarked these reassurances were not enough to alleviate their fears given that Yahya Jammeh was a typical dictator. The Lead Counsel then listed four fundamental violations: 1) Unconstitutionality of the declaration; 2) Arrogating to himself power he did not have; 3) Cementing the dictatorship and; 4) Attacking the rights of Christians.

The Lead Counsel noted that Yahya Jammeh gave 1 Million dalasi to the Christian community. The witness stated that Yahya Jammeh used money to solidify his position and make people see him as somebody benevolent, kind and merciful. He remarked that even the Vice-President⁷⁷ kept proclaiming, “*your Excellency is a kind man, he is a kind-hearted man*”. The Lead Counsel further noted that Yahya Jammeh gave 2.3 Million dalasi one Easter. The witness recalled it was controversial and the catholic community confronted the bishop telling him he should not have accepted the money. The bishop responded that he was not aware that money would be donated, they went for something else and all of sudden they saw cameras, people taking pictures and money being given. The catholic community told him that should this happen again and he is unable to refuse the money, he should redistribute it immediately to charities. The witness confirmed that he considered this money to be a bribe.

Going back to Yahya Jammeh’s pronouncement that the constitution would be changed and replaced by Shariah law, the witness told the Commission that he felt extremely uncomfortable and was frightened as it to his understanding and experience, Shariah law had great depth and variety of implementation. Not all the Muslims states implement it in the same manner. The witness could not tell in what pattern of Shariah law The Gambia was going to fall under. He stated for instance that in Saudi Arabia, the citadel of Islamic faith globally, Shariah law is being implemented fully and the witness could not practise his own faith as there was no leeway for religious minorities.

The Lead Counsel read from the book, which said that: “*this may seem extreme and even far-fetched but it fits perfectly into his political doctrine of reducing Gambians to the subservience found only in religious scriptures*”.

Asked if he thought this was done in order to further render Gambians less pushy about their rights and consolidate his dictatorship, the witness responded that was perfectly correct.

Yahya Jammeh wanted to be the everlasting ruler.

The witness added that Yahya Jammeh said he would change the names of all of the Christian schools.

Continuing on with his testimony, the witness stated the Christians held prayer sessions to the Almighty at the Independence Stadium. In the first session, all the Muslim brothers who were related to Christians attended. Asked about interfaith dialogues, the witness responded that they ceased during the Jammeh regime however some type of dialogue is now back but it is not like before during the First Republic when they used to meet regularly and fraternise, which contributed to social cohesion. The witness remarked that not long ago, the first international Senegal-Gambia interfaith dialogue was organised and lamented the lack of representation from The Gambian side.

Then ensued a discussion between the Lead Counsel and the witness, with the Lead Counsel arguing what was Islamic and what was not. When the witness challenged the Lead Counsel regarding women’s attire that is their neck showing, the Lead Counsel responded that it was not Islamic if their necks showed. The witness retorted that what about if those who wore the veil differently, for instance those in Syria, were not Muslims, the Lead Counsel responded not necessarily, they wear the headscarf. The Lead Counsel then asked to move on and to focus on the points they were to discuss that is how the unilateral declaration of The Gambia as an Islamic republic affected Christians.

The witness was asked to talk about the imposition of the headscarf on all civil servants. Philip Saine stated that the imposition was unfair because in Gambian culture, a woman may expose her hair up to when she is married. When this imposition came in, it did not take into account the marital status

⁷⁷At the time Isatou Njie-Saidy.

or the religion of civil servants. The Lead Counsel then interrupted and told the witness that he was looking at the International Religious Freedom report for The Gambia in 2016 provided by the US State Department, which stated that following attention from international media and opposition parties regarding the imposition of the headscarf, GRTS announced that the directive had been lifted. The witness continued that society noted that Zainab Jammeh, Yahya Jammeh's wife, was not respecting the directive and people were wondering why they should follow suit. Yahya Jammeh finding himself in that difficult situation, realised it was best to remove the directive.

The Lead Counsel remarked that it seemed like Yahya Jammeh was "testing the waters" to some extent. He would make a pronouncement and if challenged vehemently, he toned it down or even withdrew it. The Lead Counsel went on to say that the first was the issue of the drumming and then the withdrawal of the imposition of the headscarf almost two weeks after it was announced. The witness agreed.

Discussing the ban on the cemeteries, Philip Saine told the Commission that Yahya Jammeh passed an executive order that burials at the Christian cemeteries would cease. He went on to explain that the government announced that it wanted to conduct an inspection at the cemetery. The parishioners, including Bishop Odico who had been informed gathered for the inspection and the crowd was huge. Government officials who intended to inspect the cemetery were overwhelmed. They managed to reduce the size of the crowd and the representative from State House made it clear that he was a mere messenger and that a report would be submitted. The said report stated that the cemetery was not full and that it would take the Christian community, more than fifty years to fill that space.

The Lead Counsel asked the witness if he thought this was more of an error of judgement rather than interference with the rights of Christians and the witness responded that Yahya Jammeh was definitely interfering with the rights of Christian, "hitting them everywhere, rights and centre". The Lead Counsel came back and stated that a further discussion was needed in order to be fair and arrive to the right conclusion objectively. He went on to

state that the Muslim cemetery was very close to the Christian cemetery, that it had been revealed that the Muslim cemetery was full at some point and moved to Kanifing. The witness agreed. The Lead Counsel then stated that therefore if it was believed that the Christian cemetery was full, it was no violation of the rights of Christians if another space was provided. The witness countered that there was no reason to believe it was full. He added that if it was full, it becomes a public health hazard and it is not up to State House to take it up. The mere fact that it was not coming from the Banjul Council or the health authorities said a lot.

When Philip Saine vehemently attested that Yahya Jammeh was particularly targeting the Christians, the Lead Counsel countered that when the pretext was found to be untrue, another pretext would have been found if the reason was to attack the Christian community. The witness responded: "*if the pretext was found to be untrue, you withdraw*". The witness went on to say that this was a pattern just like the other issues they had discussed.

The Lead Counsel went on to remark that the witness' book included an article written by Matthew K Jallow regarding the issues discussed. An excerpt read as follow: "*Yahya Jammeh's recent efforts to test the resolve of the Christian community is a familiar pattern that, over two decades, permitted him the pleasure of gradually seizing on citizens' perceived weaknesses, exploit their fears, in his perennial quest to leave his stamp on every aspect of Gambian life. This has resulted in the alarming integration of the military regime and Islam as an institution, altered the constitutional secularity of the state, and evolved a mutual relationship that is purely political in nature. Islam in The Gambia has effectively been turned into an accessory of the state, with Muslim leaders assuming, willingly or forcibly, preeminent roles in the harmful subjugation of citizens, and psychological wrecking of the collective Gambian psyche. Evidently, Yahya Jammeh has taken his control of the institution of Islam in the Gambia to the extreme, very often obliging Muslim clerics to participate in his ritual idol worship, to the chagrin of young Muslim scholars. The*

heads of Islam in the Gambia; Imam Ratib, Cherno Kah, of Banjul Mosque, and Chairman of the Gambia Supreme Islamic Council, Imam Momodou Lamin Touray, Gunjur, have morphed into cheerleaders for Yahya Jammeh, and appendages of the regime, having long ago succumbed to coercion into silence, and detachment from the state sanctioned crimes against the Gambian people. Until recently, Christianity as an institution has been the Holy Grail of Gambia's rabid politics of divisions, but the recent burial of eminent dissident radio journalist, George Christiansen, at the Banjul cemetery, has again awoken the evil in Yahya Jammeh and triggered his challenge of one of the oldest and most powerful institutions in Gambia: the Church".

The Lead Counsel noted these were strong words and seemed to suggest that **Yahya Jammeh had hijacked Islam and was weaponising it against Christians.**

The witness agreed and stated that he thought the author of the article (who happened to be his friend) was trying to embolden the Christians and ensure they resist. He went on to mention the denial of burial of Buba Baldeh and George Christiansen by Yahya Jammeh, which further aggravated Christians. The Lead Council then came back stating that people argued that apart from these "cosmetic steps" Yahya Jammeh took to turn Gambia into an Islamic republic, it was political pandering to the other Islamic nations seeing he had lost the West as development partners.

Philip Saine responded that he had heard that narrative and one could not dispel it as it was true that he had lost the support of the West. However, he argued that Yahya Jammeh would have gone ahead and turned into "Ayatollah"⁷⁸ of Iran, implying that he wanted to be the Supreme Islamic Leader of The Gambia. Moving on to an incident in Brikama, the witness testified that Yahya Jammeh during a rally gave a speech in which he attacked Christianity, borrowing phrases from Zakir Naik.

The Lead Counsel then announced that he had been provided with a list of other complaints the Christian

community made and wanted the witness' point of view. The first was the reregistration of existing churches and an embargo on registration of new churches. The witness stated that they made enquiries but were never given any reasons and he felt this was an infringement on the rights of Christian community on worshipping. Some applications were pending several years.

The Lead Counsel also remarked that there was a restriction on residential permits for non-Gambian pastors. The witness stated he was not aware of that. Asked about the imposition of Islamic teachers on private Christian schools, the witness stated that it was **discrimination** as the government was providing for Islamic education but not for Christian education. The Lead Counsel then argued that it appeared to him that it was government trying to fill the gaps as in Christian schools, bible studies would already be provided. The witness simply responded "*the gap is filled up to a point where it is unlevelled*".

Moving on to the next topic, the **harassment** of Muslims who have converted to Christianity, the witness said he had only heard stories and had never experienced it himself as he was not a convert. The witness narrated stories he heard including that of a person who had converted to Christianity ended up going to court where the judge ruled against him. He lost everything including his properties and his wife. He told the story of a man who was allegedly evicted from his home because the landlord found out he was not Muslim. The Lead Counsel remarked that these were in fact social problems, which do not necessarily equate to the violation of rights.

The witness responded that it pointed to the level the country had reached and that the **Yahya Jammeh regime had cultivated that.**

The witness then discussed the demolition of a church under construction in Senegambia. He remarked that the notice period was very short and this was a reflection of "terrible things" happening in The

⁷⁸In Iran "Ayatollah" is an honorific title for high-ranking Shia clergy.

Gambia. When asked who had ordered for the demolition of the church, the witness stated it was the Gambia Tourism, GT board. The Lead Counsel then said that if the church was being built in the Tourism Development Area, TDA, which was governed by the GT board then that was a different story. The witness countered that there was a mosque in that same area which had not been demolished, thus pointing out to the **discrimination** he was trying to highlight. He went on to remark this was all happening under the Yahya Jammeh regime.

Before ending his questioning, the Lead Counsel stated that the TRRC had seen **attacks** on the Muslim clerics that involved **unlawful imprisonment, torture** and **exile**. Asked if he had seen any such **attacks** on Christians, the witness responded that he had heard of two. The first one was one Nigerian who was **harassed** and **beaten** whilst he was leading a congregation up to the church. According to what the witness was told, the Diocese resolved this by replacing the Nigerian with a “typical” Gambia priest. The second case was that of Father Edu who was **attacked** and **arrested** at the peak of the crisis. However, the witness highlighted that from the testimonies he had heard, it seemed like the Muslim clerics were **attacked** and **jailed** more times than the members of the clergy, which he put it down to perhaps the difference in population size. The Lead Counsel then suggested that perhaps it was not necessarily intended for religious purposes but for Yahya Jammeh’s effort to solidify his dictatorship.

The floor was handed over to Chairman Sise who asked if during the times of **harassment**, the Christian community received any support from Christian communities outside The Gambia. The witness remembered when the representative of the Vatican came to The Gambia to assess the situation and give hope to the community. He told them that they had heard of their predicament in the country but that they wanted to reassure them that they were not alone. He further recalled that there was a rumour that an Archbishop in Senegal stopped Senegalese from Casamance and Kaolack coming into Gambia to vote. Chairman Sise asked if there were any “démarches” to international organisations raising these issues at all and the witness responded no, not to his knowledge.

Commissioner Kinteh then stated the “drumming” should be sensitive to the culture. He added that it was important to ensure that foreign culture that is incorporated does not compromise their culture especially if it has implications. The witness responded that most of the things happening were symptoms of intolerance and they would worsen if they were not addressed. He further added that Christians used to play with organs and sing in church but the African Church, eager to “Africanise” worship, the Gambian Church accepted their opinion.

The Deputy Chair sought for clarification on the Manjagos, whether they were Christians practicing their traditional burial rites for elderly people or non-Christians. Though the witness’ explanation was not clear, it seemed to suggest that it was Christians carrying their traditional rites. Commissioner Imam Sey then took the floor and asked the witness how he was able to carry out his religious activities during his time in Saudi Arabia. In a convoluted response, the witness stated that because of his name, Saudis assumed he was African-American, which came with privileges. He also stated that being amongst Gambians was wonderful.

In his closing remarks, the witness highlighted his beautiful youthful experience in Banjul. He mentioned that he met regularly with his friends from different faiths and hoped that The Gambia does not lose its prestige as a peaceful nation. He ended by calling for the interfaith dialogues to be strengthened.

Persons Mentioned By Witness During Testimony:

Religious discrimination

Yahya Jammeh

Religious intolerance

Zakir Naik

Religious persecution

Yahya Jammeh

The Lead Counsel asked the witness if he thought this was more of an error of judgement rather than interference with the rights of Christians and **the witness responded that Yahya Jammeh was definitely interfering with the rights of Christian, “*hitting them everywhere, rights and centre*”.**

WITNESS NAME: Sheik Alioun Secka

TRRC HEARING DATE (S): 2nd April 2020

EVENT (S) DISCUSSED: The forced removal of Ndigal sect members/villagers from Kerr Mot Ali

POSITION BEFORE THE EVENT (S): Cousin of Ndigal

ROLE DURING THE EVENT (S): Present during the forced removal of Ndigal sect members

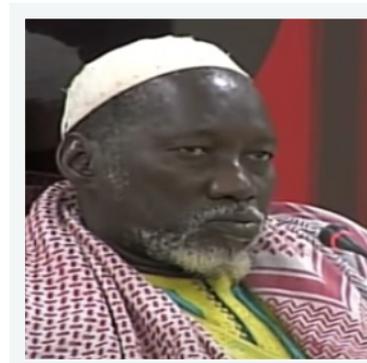
POSITION AT THE TIME OF TESTIMONY: Alkalo of Kerr Mot Ali

SUMMARY OF TESTIMONY:

Sheik Alioun Secka told the Commission he was born in 1959 in Kerr Mot Ali. He added that he was educated in the Al-Quran. He studied it from the age of seven to almost thirty and spent part of his school years in Senegal at Bamba Moussa. After moving between Gambia and Senegal, he returned to Kerr Mot Ali in 2009 and became the Alkalo the same year.

The Deputy Lead Counsel asked the witness to describe his nationality and he explained that, though he did not have papers that could prove he was Gambian, he affirmed that he was native of Kerr Mot Ali, as were his father and his grandparents. He then specified that when he was speaking of Kerr Mot Ali he was referring to the one in The Gambia, not the one in Senegal, which was founded more recently. Both villages had the same name because they existed between The Gambia and Senegal, sharing a porous border.

Discussing the formation of Kerr Mot Ali, the witness said it was an old village, established 100 years or more before Gambia gained its independence by a man named Mot Ali. The Deputy Lead Counsel asked how it became a settlement but the witness could not say. Continuing, the witness explained that it was a difficult settlement in the early days. He narrated that in the times of his great grandparents, a king came from Senegal who met a marabout teaching the Al-Quran. The king asked the marabout to give him some coos to give to his horse. Once the horse ate it all, the king sent another messenger to get more coos for the king. Then the king



started behaving like a king, taking coos without asking. Someone saw him stealing and warned the marabout. The marabout decided to go find out why the king was taking the food without asking. In the process, the king thought the marabout was going to attack him, so the king attacked the marabout's students. The witness said that anyone who knows the history of the village knows that story and that some people believe that that is the reason for the troubles in Kerr Mot Ali.

The witness told the Commission that his father was called Serign Musa Secka and that he had a cousin named Ndigal. He explained that Ndigal became the imam of Kerr Mot Ali in 1981 or 1982 and was brought to the village by his father, Alhagie Basirou Secka. The witness noted that Alhagie Basirou Secka had built the Kerr Mot Ali mosque and established several other villages including Touba Saloum and Taiba in Senegal and Gambia. He would put his sons in charge of the villages he had established or those that were owned by the family. The witness specified that Alhagie Basirou Secka was his uncle – thus, he was a blood relative of Ndigal.

The witness testified that Alhagie Basirou Secka initially put Alhagie Baba in charge of the mosque. However, around 1982, Alhagie Basirou Secka installed his son Alhagie Morr Habibou Secka⁷⁹ (later known as Ndigal). The Deputy Lead Counsel asked if it was fair to say that Alhagie Morr Habibou Secka had been installed as the leader. The witness responded in the affirmative. Continuing, the Deputy

⁷⁹Most commonly known as Mahamadou Habibullah Secka.

Lead Counsel asked who was in charge of Touba Saloum. The witness stated that Sheikh Basirou Secka was the leader of Touba Saloum but after his death, his son, Alhagie Alieu Secka took over.

Discussing the name Ndigal, the witness could not recall when Alhagie Morr Habibou Secka became known as Ndigal but he knew that it occurred around the same time that he began basing his decisions on divine messages. He told the Commission that the word “Ndigal” referred to an order or instruction given to a student and Habibou Secka was given the name Ndigal because anytime anyone would ask him for something, he would tell them to wait until he had received a message.

Sheik Alioun Secka then confirmed that Ndigal had changed his religion and formed his own. He added that Ndigal was Muslim and that at one point he followed the traditions of Islam: he prayed at the mosque, he followed the five daily times of prayer, he went on Hajj, and when he fasted until sunset during Ramadan. Asked why Ndigal chose to form his own religion, the witness responded that the reasons for Ndigal’s decision was known only to his own heart.

Digging deeper, the Deputy Lead Counsel asked him if there was a difference between Ndigal’s religion and Islam. The witness said Ndigal and his followers did not observe traditional practices for fasting during Ramadan or give alms. The Deputy Lead Counsel asked if he was saying that Ndigal’s religion was different from normal Muslim practice because they did not pray five times. The witness responded in the affirmative and added that they did other things differently as well, including not observing the Hajj because they believed it was already “finished” and their way of practicing zakat. Summarising, the Deputy Lead Counsel asked if it was correct to say that the witness believed that he followed Sharia and the Ndigal sect followed a religion they called Haqiqqa. The witness responded in the affirmative.

When asked, the witness stated that this was part of the reason why they had differences in the village amongst them.

When Ndigal was head of the village, he had many followers - but not everyone in Kerr Mot Ali was a believer. Some of his former followers had left the religion. The Deputy Lead Counsel asked if it was fair to say that, of the 81 houses in the village, all of them belonged to Ndigal’s followers. The witness claimed that those houses did not exist. The witness was asked if there were 81 houses when Ndigal or his son were in charge of Kerr Mot Ali and he clarified that, although other people had made this claim, it was not true. People were making small structures and calling them houses to “*inflate their numbers there and show they had a large following*”.

The Deputy Lead Counsel told the witness that the quality of the structures was not relevant and asked the witness again if there were 81 homes, with families that lived in the village and followed Ndigal. The witness said that there were persons there who said they owned a house but they were not old enough to own a house and they were just inflating their sect’s numbers. Interrupting, the Deputy Lead Counsel stopped the witness to ask him how many people, in his estimate, lived in the village at the time that Ndigal was head of the village. The witness could not say. The Deputy Lead Counsel asked him to estimate roughly but the witness did not know. The Deputy Lead Counsel pointed out that he should be able to at least guess, especially considering that he had later become the Alkalo of the village in question. The witness said that he could tell them how many people lived there while he was Alkalo but not during Ndigal’s time because he was not in charge then.

The Deputy Lead Counsel said that the witness had made it clear that he did not share Ndigal’s beliefs and that this was why problems arose in Kerr Mot Ali. The witness agreed that was part of it. The Deputy Lead Counsel asked if it was correct to say that when Ndigal was in Kerr Mot Ali, the village was entirely inhabited by his followers. The witness repeated that not everyone was a follower. When asked who in Kerr Mot Ali did not follow Ndigal, the witness said that Ndigal and his followers made it unbearable for people who did not follow him to live there so they moved away.

The Deputy Lead Counsel asked if it was correct to say that everyone who lived in Kerr Mot Ali during Ndigal's time as head was a follower or disciple of his. The witness objected to this statement, repeating that, in the beginning, there were people who did not follow Ndigal but they were eventually driven out. The Deputy Lead Counsel then concluded that not everyone followed Ndigal's faith at the beginning of his time as village head but, eventually, those that did not follow him moved away, leaving only his disciples and followers in Kerr Mot Ali. The witness agreed with this. Then the Deputy Lead Counsel asked if everyone who did stay in the village did it of their own free will and none of Ndigal's followers were beaten, forced, or coerced to join his religion. The witness concurred.

Returning to Ndigal's followers, the witness was asked how many members there might have been and he responded that he was not a member so he did not know. The Deputy Lead Counsel asked him if he really did not know how many there were. The witness said he could not possibly know and *"it was like asking him how many people in The Gambia spoke English"*.

Then, the Deputy Lead Counsel pointed that they had evidence that there were over 500 people who settled in Kerr Mot Ali and were followers of Ndigal.

The Deputy Lead Counsel then revisited the issue of the number of homes. She stated that the witness had previously insisted that he did not know there were 81 homes in Kerr Mot Ali. The witness clarified that when he moved there, there were not 81 houses but at the time of the testimony, when he was Alkalo of Kerr Mot Ali, there were 13 structured homes. The witness added that he found many makeshift shelters when he moved to Kerr Mot Ali. The Deputy Lead Counsel asked if the number of shelters would indicate that a large number of followers had lived in the village. The witness denied this, saying that just because there were many shelters, it did not mean that there were actually people living there.

The Deputy Lead Counsel asked if he was telling them that he did not agree that at least 500 people had

lived in the village. The witness did not agree with the assessment that at least 500 people had once occupied Kerr Mot Ali. The Deputy Lead Counsel said that then it was correct to say that the witness did not know because he did not live there. The witness insisted that 500 people had not lived in Kerr Mot Ali and that if you asked the area council who collected local taxes, they would confirm that this number was inaccurate.

Trying to bring him to the point, the Deputy Lead Counsel said that perhaps he would not know that hundreds of people lived in Kerr Mot Ali since he did not live there. The witness interjected that he did live there. He said that the person that shared this information with the Commission was the one who did not live there. The witness further stated that he had already told them how long he had lived there before Ndigal came to the village and questioned how any stranger could come to a settlement and say that the indigents were not native to the settlement. He then argued that Ndigal was not from Kerr Mot Ali but was brought there by his father to help the religion grow. The witness explained again how Basirou Secka brought his son to the Kerr Mot Ali and told the community that he had entrusted their spiritual leadership to his son. According to the witness Basirou Secka told them, *"whatever they would do for him in the past they should do it for his son."*

Clarifying, the Deputy Lead Counsel asked if the man he was talking about would later go on to become Ndigal. The witness responded in the affirmative. The witness was then asked if it would be accurate to say that Ndigal had followers and continued to have followers because of the respect he had gained from his father in the village. The witness agreed, adding that there were two groups of followers: those who had followed him whilst he observed Islamic norms defected and moved away when he changed to the new practice. Those who still believed in him stayed and took up the new religion. The Deputy Lead Counsel asked if it was therefore true to say that he had a lot of followers that believed in Sharia but when he changed to Haqiqa, they left. The witness agreed that this was true.

The Deputy Lead Counsel asked if it was true that when the Sharia followers moved away, the remaining followers of Haqiqa lived peacefully in the village. The witness disagreed. He said that not all of the Haqiqa followers lived there and that they were not peaceful because they did not allow people to pray in the mosque anymore. He added that anyone that believes in Islam would deny you anything but never the right to pray. He explained that people from small villages on the Senegalese side of the border used to come to Kerr Mot Ali to pray. According to the witness, one old man came to the mosque to pray and a man turned him away, claiming that prayer had ended.

Discussing Ndigal's paternal brother, Sheikh Alieu Secka, the witness revealed that he was taken to Bundali in Gambia. He added that he was not sure if Sheikh Alieu Secka was born in Touba Saloum, but he definitely grew up in and lived there. The witness testified that Sheikh Alieu Secka had been educated in the Quran but he was not sure where. Then the Deputy Lead Counsel asked the witness to explain what happened after Ndigal's death and who took over after he passed. The witness then stated that Ndigal was not actually the leader of Kerr Mot Ali, somebody else was the Alkalo. According to the witness, the true Alkalo of the village was one Alhagie Modou/Morro Bamba Seck⁸⁰ and his son Assan Seck took over from him when he passed away.

The Deputy Lead Counsel stated that when Ndigal passed away, his son Muhammed Basirou Secka took over from him. The witness responded that he did not know because he was not a member. The Deputy Lead Counsel asked if he could tell them how the village was being run after Ndigal passed. He replied by saying that everyone knew what transpired because it was in the news. The Deputy Lead Counsel stated they would like the witness to answer their questions to make it easier to proceed with the testimony.

The Deputy Lead Counsel repeated her question and the witness confirmed that Ndigal's son, Muhammed Basirou Secka, took over. Asked if, at this point, the witness and his sect were still not happy with how the Haqiqa followers were practicing Islam, he insisted that every true practitioner of Islam did not support them. The Deputy

Lead Counsel told him that they were asking about him and his sect and the witness again insisted that anyone who believes in Islam would have seen that it was wrong.

The Deputy Lead Counsel asked if, at this point, the witness and his sect thought that Sharia should be practiced in Kerr Mot Ali, Gambia. The witness explained the times of the five daily prayers. He said that if you intentionally forego even one day of prayer you should be killed and beheaded and there is no negotiation about it - therefore it is unthinkable to stop praying for seven years. He argued that if you see a fire and do not do anything about it, it will come to your house.

The Deputy Lead Counsel asked if it was correct to say that the witness did not agree with the practices left by Ndigal in Kerr Mot Ali and because of that the witness took it upon himself and his sect to make changes. The witness responded that it was their duty as it was the duty of all Islam.

The Deputy Lead Counsel asked if, at that point, they called a meeting with the government about their grievances. The witness explained that they (he and other family and friends) held a meeting with Ndigal while he was still alive some time after Ndigal's **arrest**. The witness noted that several meetings were held with Ndigal before and after his **arrest**. The Deputy Lead Counsel asked him if it was correct that in one of those meetings they gathered to discuss the possibility of reopening the mosque for people who wanted to pray. The witness said he was not present for those meetings and could not speak about to them.

Returning to the meeting that they organised with the government, the Deputy Lead Counsel asked him

⁸⁰It was unclear if the witness said Modou or Morro.

what happened in that meeting. The witness explained that Sheikh Alieu Secka had a meeting with the then District Chief Alhagie Malick Mbaye and Governor Ganyie Touray. At this time, Sheikh Alieu Secka was living in Touba Saloum in Senegal but came to The Gambia to attend this meeting. At the meeting Sheikh Alieu Secka gathered with the district chief and the governor as well as some of Ndigal's followers.

According to the witness, when Sheikh Alieu Secka came, he told the people at the meeting that he had not come to Kerr Mot Ali to stop anyone from practicing their religion. However, the mosque had been built and paid for by his father who created it so that people could pray. He told them that, since Ndigal's followers had abandoned praying, he wanted the mosque to be repaired. He welcomed them to pray there if they wanted to but said that if they did not want to, they did not have to. Alieu Secka explained that the mosque had been built for the surrounding villages as well as Kerr Mot Ali and so, even if they were not praying anymore, they should still allow people from other villages to use the mosque to do so.

The witness said that one of Ndigal's followers responded by saying that they had not come to Kerr Mot Ali because of the mosque but because of their religion. He said that in regards to the mosque, none of them would respond to Alieu Secka's request unless it was, "over their dead bodies." When asked, the witness could not say how many police officers were present but he estimated that there were more than five of them. The Deputy Lead Council asked how many Police Investigation Unit, PIU, officers were present and the witness said he did not know.

The Deputy Lead Counsel commented that they found it interesting that the police and PIU were present for a negotiation within family.

The witness responded that they were not relatives with any of them because Islam only recognised people who shared the same religion as family, not just those who shared your blood. The Deputy Lead Counsel countered that you can choose your friends but you cannot choose your family, if you are related by blood you are relatives⁸¹.

The witness said that Islam says that the one who is not the same faith as you is not your family and, "*you share nothing with them.*" The witness and Deputy Lead Counsel argued about this point for some time.

Continuing to discuss the meeting, the Deputy Lead Counsel asked what happened when Ndigal's sect refused to reopen the mosque for Sharia prayers. The witness testified that they said, "*a poor person cannot support their own case*" and he claimed that that was why they had police officers and security officials at the meeting. The witness said that on the day the mosque was supposed to reopen, the Ndigal sect refused and **attacked** them. Following questioning, the witness clarified that when they refused to reopen the mosque the meeting could not go forward as planned and so they chose another day for the meeting to be held.

The witness testified that he was present at the second meeting. He explained that the meeting was attended by a local member of parliament, paramilitary officers, police officers, and neighbours who supported Sheikh Alieu Secka. The Deputy Lead Counsel asked if District Chief Malick Mbaye and Governor Ganyie Touray were present. The witness initially said he could not be certain but later remembered that they were present at the second meeting.

The witness further said that the second meeting was when the trouble started. According to the witness, Ganyie Touray told them he could not see any reason why the mosque would not be reopened. He told Ndigal's followers that they could pray at the mosque if they wanted to but they would not be forced to do so, adding that the person whose father built the mosque wanted to rebuild it for prayer and that the mosque would be reopened for Sharia. The witness testified that members of Ndigal's sect refused to let the mosque reopen.

The governor then told them that he had never seen a mosque close in The Gambia. It had never happened anywhere in the country and he would not allow it to happen in his part of the country. Ganyie Touray added that since the mosque had been built for the

⁸¹Perhaps referring to the fact that the witness and Ndigal were blood cousins.

purpose of prayer and since the Ndigal followers no longer wanted to pray, they should let the mosque be returned to its original purpose and allow those who wanted to pray, to do so. Ndigal's followers refused. According to the witness, they told the governor that the only way they would reopen the mosque for prayers is if all of them were killed first. The witness testified that the governor said that, *"if God wishes, we will open it. I will see that it is reopened for prayers and nobody will die."*

The Deputy Lead Counsel asked how the mosque was opened. The witness said that before they opened it, the mosque had no doors and was home to donkeys, sheep, and other animals and they had to clean it. The witness said that the Ndigal's followers were singing in the mosque. He said that it was one of the last things they did in the mosque before they were **removed**. The witness also reiterated the rumour that Ndigal's sect did not bury their corpses until they received a divine instruction. The Deputy Lead Counsel was quick to point out that a witness from Ndigal's sect had discredited this detail. She explained to the witness that they have specific times of day in which the dead are buried, at either 2 or 8 depending on the time someone died. Followers of Haqiqqa did not wait for a divine message to bury the dead.

Moving on, the Deputy Lead Counsel asked what happened when Ndigal's followers refused the opening of the mosque. The witness said that the government sent the paramilitary and the police to surround the mosque while Sheikh Alieu Secka's followers from the Senegalese Kerr Mot Ali and other villages cleaned and repaired the mosque. The Deputy Lead Counsel asked if any of Ndigal's followers participated in repairing the mosque with Sheikh Alieu Secka's followers. The witness responded in the negative. The witness also denied that the followers of Ndigal and Haqiqqa were ever forced to help with the repairs, practice Sharia, or to stop practicing Haqiqqa. He affirmed that at no point were they told that they must leave the village if they would not practice Sharia. The Deputy Lead Counsel stated that they had evidence that showed that Ndigal's followers did leave. The witness said that was true. When asked, he said they left the village the same year that the mosque was reopened.

Taking the witness back to earlier in his testimony, the Deputy Lead Counsel reminded him that he had said, *"that the government did what they were supposed to do to retake the mosque."* The Deputy Lead Counsel asked the witness what means were used to reopen the mosque and the witness explained that the police was brought in to guard the people who were reopening the mosque. The Deputy Lead Counsel asked if the police and paramilitary officers were armed and if any violence occurred that day. The witness admitted that they were armed and that there was a very serious violent incident but added that most of the violence came from Ndigal's followers because they were not pleased with the presence of the paramilitary officers. He added that one paramilitary officer was even wounded.

The witness explained that Ndigal's followers wanted to **attack** the people working on the mosque who were protected by the police and paramilitary officers. They initially **attacked** the paramilitary by throwing stones. The Deputy Lead Counsel asked if he was saying that there was a struggle between the armed paramilitary officers and the plain civilians. The witness responded in the affirmative.

The Deputy Lead Counsel asked if the paramilitary officers started beating the unarmed civilians who were followers of Ndigal. The witness said that it was the police and paramilitary's job to provide security and if you **attacked** them they would have to use force. The Deputy Lead Counsel said that then it was correct to say that there was a struggle between the civilians and the security forces that forced them to leave the village. The witness responded in the affirmative.

The Deputy Lead Counsel asked if it was true that all the followers of Ndigal, including children, the elderly, and even their animals, were forced to leave Kerr Mot Ali. He responded in the affirmative.

The Deputy Lead Counsel further asked if it was true that there had been 81 homes and families living there before the violence and that they had been forced to leave and were replaced by thirteen households. The witness responded in the affirmative but added that he had told them before that 81 houses were never there. Drawing the questioning to a conclusion, the Deputy Lead Counsel, said that the believers of the Haqiqa were forced to flee the village and were replaced by thirteen homes and that the leader of those thirteen homes was a Senegalese nationalist named Sheikh Alieu Secka, and further the owners of those 13 homes are from Senegal. The witness responded in the affirmative but then argued that though some of the villagers are from Senegal, others are not.

The Deputy Lead Counsel continued by asking if there was an action brought before the high court of The Gambia by Muhammed Basirou Secka and his followers, and that the witness was actually a respondent in the application. The witness responded in the affirmative. The Deputy Lead Counsel added that in that judgement, it was known that the settlers that occupied Kerr Mot Ali Gambia (after Ndigal's followers were **forced** out) were actually from Senegal. The witness said that it was not clear to him because the judgement was from a tribunal. The Deputy Lead Counsel corrected the witness: the judgement did not come from a tribunal but from the High Court of Gambia, and he was named a party to that action. The witness retorted that he was not present when the judgement was being delivered. The Deputy Lead Counsel said that she wished to clarify that part of the ruling from the High Court determined that the residents and leader who inhabited the village after the removal of the Ndigal Sect were originally from Senegal. The witness made to interrupt the Deputy Lead Counsel but was reprimanded by the Lead Counsel for disrespecting the decorum of the Commission.

The Deputy Lead Counsel asked if the witness and his supporters thought it was appropriate to use force to remove the followers of Ndigal from Kerr Mot Ali because of religious differences. The witness said that they should ask the government and not him. The Deputy Lead Counsel responded by telling him that he was the village Alkalo and he should know. The witness countered that

the issue was not in the hands of the Alkalo and if it had been it would not have gotten to the TRRC.

The Deputy Lead Counsel said that he attended the meetings that led to the **violent expulsion of Haqiqa followers** and that **the witness made it known at those meetings that he believed that people who did not follow Sharia should not be allowed to live in Kerr Mot Ali.** The witness retorted, ***“They were removed because those that did not follow Sharia were to be removed.”***

The Deputy Lead Counsel explained that some said that the Ndigal sect members were asked to pledge allegiance to the new Alkalo of Kerr Mot Ali, Sheikh Alieu Secka. The witness claimed he did not hear about or witness that and he believed that it did not happen. The Deputy Lead Counsel then said that he did witness the paramilitary and police beating and arresting the followers of Ndigal. The witness stated that the paramilitaries were **attacked** so they responded. The Deputy Lead Counsel admonished the witness for avoiding her questions and she asked him to answer, once more, if the followers of Ndigal were **beaten, arrested**, put into pickups and taken away. The witness claimed that he did not say that they were beaten but he just said that they were taken to Njau and Kaur.

Moving on, the Deputy Lead Counsel said that the judgement obtained by the Ndigal sect gave them the right to take possession of their homes in Kerr Mot Ali, Gambia. The witness was asked if he was willing to reconcile with the Ndigals and allow them to return to claim their judgement from the court. The witness responded in the negative, stating, *“he was not prepared for that”*. The Deputy Lead Counsel asked if it would be accurate to say that he would not

allow them to return to their own settlements because he disagrees with their beliefs, adding that it is really about the fact that he thinks they are not Muslims. The witness responded in the affirmative.

The Deputy Lead Counsel asked if the witness was aware that, at the time of the testimony, he was actually staying in Kerr Mot Ali illegally, due to the court ruling allowing Ndigal followers to reclaim their homes. The witness responded in the negative.

The Deputy Lead Counsel said that the he needed to be aware that the judgement from the High Court of Gambia was that Ndigal's followers had the right to return to their homes in Kerr Mot Ali and the settlers that lived there at the time of this testimony could not legally have an injunction or restrain those people from returning and settling in their homes.

The witness said that those living in Kerr Mot Ali never denied them their homes. He said that a civilian cannot chase away a fellow civilian and he did not drive anyone out of Kerr Mot Ali to settle there.

The Deputy Lead Counsel asked him if he could say then, who drove the civilians out of Kerr Mot Ali and the witness gave a vague response that did not really answer the question. The Deputy Lead Counsel said to the witness that it was known that the Ndigal's sect was banned from practicing their religion as they wanted to practice it in Kerr Mot Ali. The witness asked who denied them. The Deputy Lead Counsel said that the new settlement and the government denied them. The witness argued that the government did not prevent them from practicing their religion. The Deputy Lead Counsel said that, to make things clear, the way the Ndigal sect practiced their religion prompted Sheikh Alieu Secka and his followers to come to Kerr Mot Ali Gambia and take over with the support of the government to forcefully remove them.

She added that, according to court documents, it was the followers of the Sharia (from the witness' sect) agreed that they did not approve of the practice and following of the Ndigal sect and that they wanted to remove and ban them from Kerr Mot Ali.

The witness responded by saying that the Ndigal did not own Kerr Mot Ali. He stated that Ndigal and Sheikh Alieu's father Basirou Secka was the owner of the village and that he built a house and a mosque there and brought Ndigal there and stationed him there. The witness insisted that anyone who built a mosque wanted people to pray there and since Ndigal had decided that he was going to stop the praying Sheikh Alieu Secka was **forced** to come to take the mosque back. He claimed that they were forced out because they would not reopen the mosque and not because of the **beatings**. The Deputy Lead Counsel said the witness had made it clear that the struggles in Kerr Mot Ali came from the differences in the ways of worship between the two sects in addition to the fact that the Ndigal sect stopped praying and using the mosque.

The Deputy Lead Counsel concluded that the government and security forces forced the followers of the Ndigal sect out of the village.

The Deputy Lead Counsel asked the Commission to play a video, which showed a clip from the testimony of Yunusa Ceesay. In the video, Yunusa Ceesay described the meeting between Ndigal's followers, the government officials, and Sheikh Alieu Secka. In the video, the witness described how, prior to 2009, Shekh Alieu Secka had nothing to do with Kerr Mot Ali, but, in 2009, Alieu Secka along with local members of the Gambian government came to Kerr Mot Ali and tried to force Ndigal's followers to pledge allegiance to Sheikh Alieu Secka. Yunusa Ceesay said that Sheikh Alieu Secka and his followers that joined him from Senegal were welcomed by government officials. The Lead Counsel said that it appeared as if he was

saying that officials from the Gambian Government tried to impose a spiritual leader on their sect. Yunusa Ceesay responded in the affirmative, he said that their intention was to leave their leader and go to Alieu Secka. The video clip ended there.

The witness acknowledged that he listened to what Yunusa Ceesay had said but he did not agree and claimed that he had not even lived in Kerr Mot Ali. The Deputy Lead Counsel said it was correct to say that people Yunusa Ceesay said attended that meeting were the same as those that the witness Sheikh Alioun Secka said were at that meeting. The witness denied that Sheikh Alieu Secka forced followers of Ndigal to pledge their allegiance to him or that they were prevented from practicing their religion.

In an attempt to learn more, the Deputy Lead Counsel asked the witness if Sheikh Alieu Secka would have felt the need to come to Gambia and take over Ndigal's sect if Ndigal and his son had continued following the Sharia instead of Haqiqa. The witness said that they would not have come to The Gambia under those circumstances because Ndigal would have been continuing in their father's (Sheikh Basirou Secka's) traditions. The Deputy Lead Counsel read a statement from the High Court of The Gambia regarding the issue. The statement, averred by the respondents (of which the witness was one), said, *"The respondents also aver that the applicants do not deserve to be called Muslims simply because they do not practice in accordance with true Islamic faith or religion and further that the applicants decided to follow Serign Ndigal when he was barred from staying in this jurisdiction and practicing his religion."* The Deputy Lead Counsel said that the point was that they got barred because people felt like it was not proper for them to practice the Haqiqa faith. The witness said he disagreed with that statement.

The Deputy Lead Counsel asked again if the witness was prepared to welcome them back into the village and the witness responded in the negative. The Deputy Lead Counsel said that went to show that the reason that the witness had them **forced** out of the village because of religious differences. The witness disagreed.

The Deputy Lead Counsel added that at the time of the testimony, the villagers of Kerr Mot Ali who had fled to Senegal were actually the legal owners of the properties in Kerr Mot Ali Gambia.

They asked the witness if he agreed with that statement. The witness said that they were talking about the law but if you looked at it from another perspective even Ndigal's grandparents did not really own the village. The Deputy Lead Counsel responded by saying that obviously they lived in a nation of laws and that they must follow what the law says. She added that it was known that the Ndigal sect had papers showing that they were the legal owners of the property in Kerr Mot Ali, Gambia and at the time of the testimony living in exile, stateless, in Senegal, having been **forced** out of their own homes.

Additionally, the Deputy Lead Counsel added that the law has already spoken and as a respondent in that case the witness would have to accept it. Ndigal's followers and the legal owners of the properties in Kerr Mot Ali must be allowed to return to their home. The witness said that he told them from the onset that they did not take the law into their hands. He claimed that if they had wanted to act with force outside of the law, they would not have met with government officials.

He then claimed that Ndigal's followers who had legal rights to the properties in Kerr Mot Ali Gambia were not the real owners. He added that Sheikh Alieu Secka had to come and intervene because they had stopped praying in the mosque. That was why they had had the meeting with government officials. He then blamed the followers of Ndigal for starting the violence that erupted with the police, which led to their exile. He claimed that if there was now a judgement to allow their return, then the court should say that it was the government that had **forced** them out. The

witness said he had already explained that Ndigal did not own the village, it was started in the name of Islam and needed to continue in that vein and anything that was not a part of Islam should be taken away. He added that he was not the only one who was involved.

At this point the Deputy Lead Counsel handed the witness over to the Chairman and the Commission. Commission Bishop Odico took the floor and asked the witness to explain why he accepted the government's decision when they were in favour of removing Ndigal's sect but did not accept the ruling from the high court that Ndigal's followers had been **unlawfully removed** and had the right to return home. The witness said they rejected the judgement because it was made in their absence. The witness was not present nor was their lawyer present. The witness claimed that judgement was given on the wrong date, which was why they were not present.

The Lead Counsel concluded the testimony by telling the witness that what he heard Mr. Secka say seemed to amount to a threat that if Ndigals' sect were to resettle in Kerr Mot Ali it would lead to terrible consequences. The Lead Counsel said that Mr. Secka needed to understand that he must not take the law into his own hands. If the government decided to enforce the resettlement order he would have no choice but to accept it. He added that all government officials, Alkalos included, were required to accept the decisions of the courts. The Lead Counsel added that it was the responsibility of all government officials to support and ensure peace in their areas of jurisdiction. Therefore, it was the responsibility of the witness to foster the peace in Kerr Mot Ali if Ndigal's sect resettled there.

Persons Mentioned By Witness During Testimony:

Religious intolerance

Sheik Alioun Secka (the witness)

Forcible exile

Sheikh Alieu Secka, Sheik Alioun Secka (the witness), Ganyie Touray

The Lead Counsel added that it was the responsibility of all government officials to support and ensure peace in their areas of jurisdiction. Therefore, it was the responsibility of the witness to foster the peace in Kerr Mot Ali if Ndigal's sect resettled there.



WITNESS NAME: Baba. F. TRAWALLY

TRRC HEARING Date (S): 5th February 2020

EVENT (S) DISCUSSED: Harassment of and attacks on the Ahmadiyyah Muslim Jamt; arrest and detention of the witness, wrongful dismissal and subsequent reinstatement and recinding of his reinstatement

POSITION BEFORE THE EVENT (S): Member of Ahmadiyyah Muslim Jamat, Commissioner of Gambia Revenue Authority

ROLE DURING THE EVENT (S): Amir of the Ahmadiyyah Muslim Jamat

POSITION AT THE TIME OF TESTIMONY: Retired

SUMMARY OF TESTIMONY:

The Deputy Lead Counsel welcomed the witness and ran through the events to be discussed during his testimony after which the witness stated his name and that he was born in Salikenye Central Baddibu, North Bank Region on the 29th December 1956. He then gave an overview of his academic and professional background which includes a Masters of Business Administration, MBA, from the University of District of Columbia in Washington DC in 1990 and his rise through the ranks at the Custom and Excise Department to the position of deputy director general of customs and domestic taxes departments at the Gambia Revenue Authority, GRA, and his appointment as a Commissioner in February 2007.

He explained that in May 2009 he was **dismissed** from his job after being **detained** at the National Intelligence Agency, NIA, the same day he arrived from a study tour in Tanzania. He was escorted to the NIA by Louis Gomez (now late) and Demba Mbaye. His name was entered in the register upon arrival at the NIA and he was asked to join some of his work colleagues, Commissioner of Domestic Taxes, Sangyang, Babucarr Loum, late Edrissa Touray, Malamin Marenah and Modou Gaye. He was **detained** for 20 days, from 20th May to 9th June 2009.

The witness clarified that he received his dismissal letter while he was at the NIA, on 22nd May 2009.



He added that received a letter on the **17th of September 2009** reinstating him after his **dismissal**, which was followed by another letter the next day, **18th September 2009** **rescinding his reinstatement.**

He was eventually fully reinstated with retirement in 2017 when the new government came to power and he filed for wrongful dismissal with the Personnel Management Office, PMO. The witness highlighted that, though he was paid gratuity, his salary from the time of his dismissal to the time he was reinstated was not paid.

Going back to his dismissal in 2009, the witness narrated that he continued to work with the Ahmadiyyah Muslim Jamat as an Amir, the head of the Jamat, after he lost his job at GRA. He explained that the position of Amir entailed being in charge of all activities of the Jamat - preaching, trainings, education, humanitarian activities, institutions, hospitals, and schools. The Amir was also the chairman board of governors.

The witness was then asked to tell the Commission how the Ahmadiyyah Muslim Jamat was formed in The Gambia. He explained that the Ahmadiyyah Muslim Jamat in The Gambia was founded officially in 1961 but was initiated in 1955 when Mr. Barra

NJie and Mr. Ebrima Oliver contacted the Amir in Nigeria with the support of some youth and elders from Banjul to learn more about the religion of Islam.

The witness further explained that prior to that, translation of the Holy Quran was rarely seen and all Friday sermons were conducted in Arabic, usually by foreigners but with the coming of Ahmadiyyah Muslim Jamat, the sermons were translated in different languages throughout the country. In 1959, the supreme head of worldwide Ahmadiyyah Muslim Jamat decided to send a missionary to The Gambia. After visits by two missionaries in 1959 and 1960, a Pakistani missionary was appointed Amir and Missionary-in-Charge in The Gambia.

The witness was then asked to describe the treatment they received as a sect in the First Republic. He said that their treatment was very cordial because the then head of state, Sir Dawda Kairaba Jawara, accorded them their rights. He narrated that in 1974 at an Islamic Heads of State Conference in Pakistan, they had proposed to declare Ahmadis as kafir⁸² and out of the pale of Islam however, Sir Dawda had said Ahmadis in his country were Muslims and were the first organisation after independence of the country to build hospitals, clinics and mosques. The witness said that all of the heads of state signed that declaration except Sir Dawda Kairaba Jawara.

Moving on to the issues the Jamat faced in the Second Republic, starting with the incident of June 1997.

The witness said it was Friday 6th June 1997 when the then Imam of State House, Imam Abdoulie Fatty started castigating and attacking the Jamat, including making a statement that Ahmadis should be taken to McCarthy Square and killed, claiming that they (the Ahmadis) are not Muslims.

He added that the attacks went on from June up to September 1997 and beyond.

The witness stated that the Imam's sermons were always aired on the national TV and radio stations which their members watched and that they have a transcript of some of his sermons. The witness then delved into a lengthy explanation to highlight that their being declared non-Muslim was not true, quoting several verses of the Quran and some hadith⁸³ that said no person, organisation or government can declare another person a non-Muslim or outside the pale of Islam. He added that it is an individual matter, between one and God, nobody else.

After the sermon given by Imam Abdoulie Fatty, they responded through other radio stations and contacted the authorities including the Secretary of State for Interior responsible for religious affairs and also wrote to the President of the country at that time. The Deputy Lead Counsel asked to go through the letter of June 23rd 1997 written to Yahya Jammeh and requested the witness to read an excerpt from it.

The witness read: *"Your Excellency, Assalamu Alaikum Wa Rahmatullah Wa Barakatuhu. The Gambia has traditionally been, and remains a peaceful country with high level of religious tolerance and a society where adherence of different religious denominations had been living in absolute peace and [proven]⁸⁴ harmony. Ahmadi Muslims have also been enjoying this cordial atmosphere of freedom, goodwill and brotherhood during the past three decades as also during the period of your wise leadership during the last three years. May I however with due reference appraise your Excellency of the serious tension building up of the late in the religious circle of this peaceful country due to highly provocative Friday sermon of Imam Abdoulie Fatty of the State House Mosque. We are afraid if allowed to continue unabated, this may lead to serious breakdown of law and order. By the grace of Allah, we the Ahmadis are Muslims and we believe in the Holy Prophet Muhammad Sallallahu Alaihi Wa Sallam as the chief of the prophets, as the law bearing prophet and follow his sunnah to the letter. Imam Fatty has been declaring Ahmadiyyah Muslims as 'kafir' in his 'khubas'⁸⁵ from the pulpit of the State House Mosque for the past three Fridays. Imam Fatty has been instigating Muslims that Ahmadis should be*

⁸²Kafir is an Arabic term meaning "infidel", "rejector" or "nonbeliever."

⁸³Sayings and actions of Prophet Muhammed.

⁸⁴The word stated was not very clear.

⁸⁵Sermons given on Friday as part of the Muslim Friday congregational prayers.

forced to renounce their faith, and if they fail to do so, they be brought to the Square (he said that is McCarthy Square) and killed."

He said that they received a response to their letter dated 10th July 1997 and proceeded to read an excerpt from it when asked:

"Your letter was discussed at the highest government level, following which I have been requested to reassure you of the following: The Gambia is a secular state and the government will continue to protect religious freedom and uphold the light of worship whilst at the same time continue to encourage religious tolerance. The government and indeed the Gambian people highly appreciate the invaluable contributions the Ahmadiyyah Mission is rendering towards the development of this country, particularly in the education and health sectors. The sermons delivered by Imam Abdoulie Fatty are personal and in no way represent the opinion or policy of this government. His sermons are regarded as those of an imam of any other mosque, be he the imam of Kitti Mosque, the imam of Talinding Kunjang Mosque or the imam of any other mosque. This is so because Imam Abdoulie Fatty is neither a public officer, nor does he receive any benefit from the state."

He continued to explain that after the letter, they also saw the then Interior Minister, Momodou Bojang however, during the visit, there was a scuffle between him (the witness) and the minister when Momodou Bojang started blaming their Amir. He added that then Permanent Secretary at the State Department of Interior, Momodou Aki Bayo called the then Inspector General of Police, IGP FRI Jammeh, after an unsuccessful attempt to reach the President and the State House Commander. They also went to the then Vice-President, Isatou Njie-Saidy, who sympathised with them and expressed her surprise at the problem.

The Deputy Lead Counsel interjected to enquire if the sermons by Imam Fatty had an influence on the way government perceived his sect, Muslim Ahmadiyyah. The witness responded in the affirmative, adding that this was a mosque attended by the President and other authorities such as ministers thus it was difficult for them to believe otherwise. When asked how this event led to the Jamat's

central staff to be taken out of The Gambia to Ivory Coast, the witness responded that he believed these prevailing circumstances led their supreme head to make the decision that their doctors, teachers and other staff running their humanitarian services should leave the country, which they did on the 3rd of September 1997 for Ivory Coast.

This affected the entire population and there was an outcry when they held a press conference to announce the closure of their hospital. The witness explained that at the press conference, they asserted that they were following the teachings of the Quran and the Prophet Muhammed and affirmed that they could not be swayed.

He added that they were frustrated at being treated as second-class citizens.

They were later able to get doctors from Sierra Leone and reopened the hospital. He further explained that the Ministry of Interior later wrote that the teachers and doctors can come but not the missionaries. The staff came back and eventually, the government allowed the missionaries to return as well.

The Deputy Lead Counsel probed into the difficulties they faced in airing their TV and radio shows after the press conference they held and the witness explained that their TV and radio programmes were stopped at the state radio station, Gambia Radio and Television Station, GRTS. Even their paid programme at a private radio station was stopped after a few programmes. They were told they had to go to Supreme Islamic Council, SIC, to get a form. He said they decided they were not going to take any form as the SIC did not have the authority to mandate them to stop any programme or to issue approval for a programme, especially private stations.

When asked if they were a member of the SIC, the witness answered no, adding that they were not contacted in 1992 when the council was formed. He cited the example of inter-religious council in Ghana, Sierra Leone and Nigeria where Ahmadi Muslims

were part of the executive, adding “so you cannot have a political council whereby you are dictated one way or another or you do not have courage or execute your duties justly.” After they were stopped, they decided to continue going directly to the people to preach, educate and train them. They were also publishing “Al-Islam”, their monthly magazine. The Deputy Lead Counsel at this point requested to turn the letters that were sent to the President and the minister of interior and their replies into evidence. The request was granted.

Next, the witness was asked to read an excerpt from another letter sent to Yahya Jammeh dated 10th August 1997 and he read:

“However, during the last two months the peace and security which we have been enjoying, are being threatened.

*The imam of the State House Mosque Abdoulie Fatty started a very dangerous propaganda against our Jamat on the 6th June 1997, insulting the holy founder of the Jamata and calling us ‘kafirs.’ In his second ‘khutbah’ that is Friday sermon, on the same issue the following week, he said among others that Ahmadis should be taken to July 22nd, be asked to convert to Islam or be **killed**. Although we have since explained to the honorable secretary of state for religious affairs, Imam Fatty is still persisting in his malicious propaganda. It is worth of note that the very day he started the propaganda was the day we were stopped from using the national media, Radio Gambia and Gambia Radio for preaching. Immediately after this, the Mosque at the Tallinding Islamic Institute, some Radio Gambia programmes, especially Islamic Forum in Mandinka and some Islamic programs over radio Kerewan NBD started on the same onslaught. We do not know what we have done to deserve such a treatment all of a sudden.”*

The witness, when asked, affirmed that they had asked for audience with the President to be heard directly by him however, audience was not granted and they did not receive any response to their letter.

Moving on, the witness was asked to tell the Commission about how they ran their mosques and some of the issues that Imam Abdoulie Fatty raised. The witness explained

that Imam Abdoulie Fatty had fabricated that when one prays in Ahmadiyyah mosque, one is paid 25 dalasi. The witness said this was false. Expanding further, he mentioned some of the different financial schemes they have at the Jamat including zakat and various other alms and contributions that all members pay at different times for the propagation of Islam. The witness showed receipts he had brought of payments that are done which the Deputy Lead Counsel requested and was granted to tender as exhibit. The Chairman interjected to ask the witness if the contributions were mandatory to which the witness answered that those that can afford and have it contribute and those that cannot are not forced. When asked if a member that cannot contribute could be disqualified, the witness said not at all.

The Deputy Lead Counsel then asked the witness to tell Commission about their efforts to meet Imam Abdoulie Fatty. The witness explained that a delegation was sent to Imam Fatty’s compound to try and ask him to desist from saying things that were not true. They found him listening to their programme at Radio FM One and asked them to wait. After the programme, Imam Fatty showed them ordinances in some newspapers from Pakistan to justify his **attack**.

The witness said that after that meeting Imam Fatty’s attacks gradually became less severe compared to June/July. They were also responding by distributing leaflets, magazines and going to the doors of their Jamat members and other houses, explaining the situation. He said the Gambian people generally sympathised with them, adding that maybe it was because of the closure of the hospital.

The Deputy Lead Counsel asked if it is correct to say that even though the attacks were reduced, Imam Abdoulie Fatty continued to attack the Jamat in a certain form until he was dismissed as the imam for State House. The witness said yes, adding that in October 2014, Imam Abdoulie Fatty went to the Standard newspaper saying that Ahmadis should be banned. They responded with a press release distributed to all the media houses and the same day, he (Imam Fatty) was dismissed from the State

House. The witness affirmed that the attacks on his sect from the State House Mosque stopped when a new imam took over.

The Deputy Lead Counsel then steered the witness to the other different challenges they faced. The witness went on to explain the demolition of their mosque in Makamasireh in the Wuli District in Upper River Region, URR on 1st July 2000 by the Alkalo, Muhammad Kamateh and others. The Jamat reported the matter to the police and it went to court, resulting in a judgment in favour of the Jamat for the mosque to be rebuilt within 60 days and they were fined 400 dalasi each. At this point, the Deputy Lead Counsel requested to tender a newspaper article for the conviction of the Alkalo into exhibit and was granted.

The Deputy Lead Counsel said that following the reconstruction of the mosque, which solved that issue, they had another issue that came up regarding the Jamat popular TV and radio programme that was stopped and asked the witness to elaborate. He reiterated his previous description of the halt of their two programmes at the state radio stations they used to respond to the attacks (by Imam Abdoulie Fatty), their programme at a private radio station where they bought airtime, and being asked to apply to the SIC.

Baba F. Trawally added that they (the Ahmadis) consider that very wrong. The state TV and radio were not owned by the SIC, That is not their mandate, much more private radio stations so they did not follow that instruction.

When asked if as far as he knew, the SIC have any right to actually stop anybody from giving a sermon or preaching on air, the witness responded that the SIC does not have that authority because they are not a branch of the government. He added that the national TV is under the Ministry of Information, Communications and Infrastructure's jurisdiction, along with all other private stations and these stations are monitored by Public Utilities Regulatory Authority, PURA.

When asked if he believed that radio stations took the SIC's word that they needed a permit from them to continue airing certain programmes because they thought that the SIC had the backing of the government, the witness responded that he thought the SIC must have had the backing of the government – otherwise they would not have dared.

Moving on to the next issue, which was the Yorobawol Mosque, the witness explained that they wanted to build a mosque at Yorobawol but the chief of Wuli stopped it. After further discussion however, they were allowed to build the mosque in 2001. When asked why the construction was initially stopped, the witness stated that he believes the chief had listened to some of the villagers who said there should not be two mosques in the village but when they (the Ahmadis) went there to explain, he was able to understand. The witness responded in the negative when asked if this was based on any government order or directive.

The next issue discussed was the mistreatment of the 80-85 year old Alkalo of Mori Kunda in Wuli East district who was an Ahmadi. The Alkalo has given land to the Jamat but because of various influences and obstructions, somebody else claimed that land. The matter went to the chief, then to the high court in Banjul. The case was taking too long so they decided to get land in a more strategic location and this was where they built their mosque and missionary houses. The witness confirmed that the case was still in the courts but as far as they are concerned, they are not interested. When asked if he thought there was any government interference or directive in the previous land, the witness responded that he thought there was interference because the matter was reported to the then governor, the late Marenah (the witness did not give a first name) and the deputy governor Musa Sey but they tended to support the other members of the village.

The testimony moved on to Sare Ngai where a corrugated mosque the Ahmadis had built during Ramadan was destroyed. The witness explained that before the event, the President of the SIC Alhagie Imam Modou Lamin Touray of Gunjur Kombo had paid

a visit to the village on 29th June 2011 and convened a meeting for the imams of the mosque. Oustas Yahya Jallow, who has been the imam in Sare Ngai for eleven years, was told he should leave the Ahmadiyyah sect and become a Tijani⁸⁶ – otherwise he could not continue.

The witness told the Commission that most of the contributions towards the construction of the main Sare Ngai village mosque was done by the Ahmadis. When the SIC President went there, they asked people to raise their hands if they wanted Oustas Yahya Jallow to remain imam. Despite the fact that most of them raised their hands, the controversy continued so he (the witness) asked the Jamat to leave the mosque to avoid the controversy. That was when they constructed the corrugated mosque in Oustas Yahya Jallow's compound. The SIC did not like this either. They sent a letter dated 9th August 2011 for the mosque to be closed. The governor, Alhagie Ganyi Touray also wrote a letter on 12th August 2011 for the corrugated mosque to be demolished within 24 hours.

The witness read an excerpt from the letter sent by the SIC: *“With regards to Sare Ngai Alkali's complaint about Yahya Jallow, the Imam of the said village that is an Ahmadi and the Imam admitted and said he will build a mosque if he happens to be removed from the imamship. After due discussion with the Alkalo and the villagers, the Council informed them that Ahmadiyyah is not a true religion. Therefore, Yahya Jallow should not be imam of the village. In view of the above, conclusion was made by the executive committee of The Gambia Supreme Islamic Council that he is not permitted to establish any other mosque in the village. If he does, the new mosque will be closed.”*

The Deputy Lead Counsel asked if the SIC had the mandate to write such a letter and the witness responded in the negative. The witness was then asked to share the content of the letter from the governor dated 12th August 2011 and he read: *“Reference closing of Ahmadiyyah praying in Sare Ngai Lower Fulladu West. Attached here with, is the conclusion of the Supreme Islamic Council findings over the matter after their visit, that you are strictly warned to comply with this directive until a final decision is reached on the issue, or appropriate action should be taken against you.”*

The final decision, the witness said, was to demolish and it was Sunday 2nd October 2011 that paramilitary and police officers headed by Fula Bantang Station Officer, SO Njie, demolished the corrugated mosque. When asked how many paramilitary and police officers came to the village, the witness quoted from a letter from their lawyer which stated: *“Amongst the identified PIU officers were one Ousman Jallow officer whose registration number is 2838. The officers were onboard vehicle registration GPF 27 PIU YBK. The team was led to the scene by the batch messenger of the district chief. Whilst this demolition was going on, member of the Jamat was not present”*. The witness responded in the negative when asked if the officers were armed.

The matter was taken to court and the courts had ruled in their (the Jamat's) favour and the witness read part of the ruling as follows: *“I also submit a right that is given by the constitution cannot be taken away by any other law. As submitted by Council in section 4 and section 5 of the 1997 constitution, everyone in The Gambia has the right to worship his or her religion without fear or favor or interference by any authority. From the above, I submit that the accused have no case to answer. The accused Yahya Jallow is hereby discharged accordingly. Case dismissed.”*

Baba F. Trawally took a step back to explain that Imam Yahya Jallow was initially asked to demolish the mosque himself and when he refused, he was taken to Fula Bantang Police and then to Bansang Police Station before being remanded for one week at Janjanbureh Remand Prison.

The Deputy Lead Counsel asked to clarify that the state actually took him to court and the witness concurred. The witness also affirmed that they (the Ahmadiyyahs) also took the matter to court and won

⁸⁶Tijani or Tijaniyyah is another Islamic sect.

the case. He proceeded to read an excerpt from the ruling: *“It is also the order of this court that said Yahya Jallow and fellow Ahmadiyyah members likewise should not infringe on the rights of others of the same community in the exercise of their right of worship. Any violation of this order will be considered by this court as a contempt and necessary action will be taken.”* The Deputy Lead Counsel asked if they were eventually able to construct the mosque and the witness said yes.

The Deputy Lead Counsel then asked to move on to the Islamic scholar who came to visit and asked the witness to explain what happened. The witness narrated that this particular scholar whom he named as Dr. Zakir Naik, visited The Gambia at the invitation of the SIC and during the course of his stay in The Gambia, he attacked the Jamat, saying that Ahmadis are outside the pale of Islam and that one should not send their children to Ahmadi or Christian schools, and that he wished Gambia was an Islamic state.

The witness delved into a lengthy monologue talking about organisations and individuals that have been declared outside the pale of Islam including the fact that Dr. Zakir Naik himself was declared a kafir several times by some scholars in India. He also talked about the history of the education system in The Gambia; how it was established by the Christians and the Ahmadis were the first to establish high schools outside Banjul (apart from Armitage High School) and the harmony that has always existed between Muslims and Christians in this country.

The Deputy Lead Counsel asked the witness to tell the Commission what happened after Dr. Naik preached along the lines of turning the state into an Islamic state. The witness noted that Dr. Naik visited The Gambia twice and on the 10th December 2015, the Republic of The Gambia was declared an Islamic state. The Deputy Lead Counsel asked to clarify that Dr. Naik made attacks on the Ahmadiyyah Jamat on his first visit which the witness confirmed. She further added that following those remarks the Jamat reacted to the attacks in a publication in The Standard newspaper published on 29th of October 2014 which the witness also confirmed.

After the article entitled *“Ahmadis React To Zakir Naik”* was entered as an exhibit, the witness was asked to read some parts of the article to the Commission: *“It is clear from the foregoing verses and the hadith of the holy Prophet Muhammad Sallah Laahu Alaihi Alaihi Wa Sallam, one should not presume to know what is in the heart of another person. It is also categorically said that one should not accuse a person who claims to be a Muslim, of being a ‘kafir.’ In the light of the importance of the matter under discussion, it is worth to state the true definition of a Muslim as initiated by Saidinaa Kaatamah Nabi Muhammad Sallah Laahu Alaihi Wa Sallam, they provide here under three sayings of the holy Prophet Muhammad Sallah Laahu Alaihi Wa Sallam.”* The witness then went into a long explanation of the Ahmadiyyah’s beliefs after that.

Interjecting, the Deputy Lead Counsel suggested to the witness that the Ahmadis felt that Dr. Zakir Naik attacked their sect and in that attack, they deemed it necessary to respond and clarify who is a Muslim, hence they wrote this article. The witness concurred. She also probed the witness on what Imam Abdoulie Fatty had said and the witness said Imam Abdoulie Fatty had said Ahmadis should be banned. The witness mentioned that they also responded to the imam in a newspaper. The publication with the headline *“Imam Fatty Should Be Banned”* was also tendered and entered as an exhibit.

The Deputy Lead Counsel proceeded to ask the witness to tell them how he thinks the rights of Ahmadiyyahs were violated. The witness responded that they were not being treated like other citizens, not being treated like any other religious sect, and that there was inequity in how they were treated. When the Deputy Lead Counsel asked if they still feel that the then government had issues with their sect, the witness responded in the affirmative.

He also talked about his organisation not being invited to the annual courtesy call to the President during Koriteh⁸⁷, he (the witness) had been attending throughout during the last year of the previous regime. The Ahmadis were not receiving their invitation.

⁸⁷Local name for the Muslim feast of Eid Al Fitr marking the end of the month of Ramadan

The Deputy Lead Counsel clarified that he believed they were no longer being invited because they believed that he is not a Muslim. The witness said yes.

The Deputy Lead Counsel then moved the testimony to the issues they faced at the burial grounds and asked the witness to tell the Commission about it. The witness explained that one of their brothers, Masireh Dibba passed away on Sunday 30th August 2017 and was buried at Tallinding cemetery after contacting the cemetery and getting the key from the warden. The Deputy Lead Counsel asked to take the witness back to incidences that took place in 2015 about the burial grounds. The witness explained that in January 2015, there was a publication by the SIC broadcasted over the national television and the radio that Ahmadis should not be buried in Muslim cemeteries as they are not Muslims. This brought about the issue of the burial ground that came up when Masireh Dibba passed away in August 2017.

The Deputy Lead Counsel brought the witness' attention to a publication in the Voice newspaper on 3rd February 2015 and asked him to read an excerpt. He read: *"Therefore, The Gambia Supreme Islamic Council is declaring that the Ahmadiyyah Jamat is a non-Muslim group, which is in line with the legal opinion of the world, scientific gatherings which pronounced the group to be outside the pale of Islam and strongly recommended Muslims not to deal with them religiously. Your usual cooperation and understanding is highly solicited. Signed by the president of the Supreme Islamic Council, Momodou Lamin Touray."*

The Deputy Lead Counsel also drew the witness' attention to the Ahmadiyyah Jamat's reaction to the allegations in the same paper before directing him to another newspaper headline on 3rd September 2015: "Tallinding Muslims Demand Exhumation of Ahmadi Buried At Cemetery"⁸⁸. The witness explained that this was related to the passing away of Mr. Masireh Dibba who was buried at Tallinding as he mentioned in his earlier statement. They (the Ahmadiyyah Jamat) got a call after the burial on the 1st of September to report to Tallinding Police Station.

When their delegation arrived at the station, they found SIC leaders: the president and the vice-president, Momodou Lamin Touray and Alhagie Sheriff Badjan respectively. They were asked by the police if they had permission from the SIC. The Deputy Lead Counsel asked the witness if before this particular incident, they ever had to get permission from the SIC for their burials. The witness replied no, adding that in The Gambia you do not need any permission from the SIC, it is not their mandate as the cemetery is under the local area council.

The witness said that after narrating everything, the police officer Landing Bojang said the Ahmadis did the right thing by getting the key from the warden and the SIC said, *"Okay, you can go. We will decide the issue."* They (the Ahmadis) did not hear anything from them after that. The witness noted that besides the headquarters of Ahmadiyyah Muslim Jamat being in Tallinding, he has had his compound in Tallinding since 1986 and is paying taxes so they are equally qualified as any other person and do not think they should be subjected to the SIC's call for this. The Deputy Lead Counsel asked the witness if they complied with the orders to exhume the body. The witness answered that they did not. He added that one Superintendent Kambi was unfair to them, taking sides contrary to the laws of this country.

The witness continued to narrate that after that, nothing happened until Saturday 6th September 2017 when their brother Kebba Sanneh passed away in Tallinding. They contacted the then Alkalo, the late Ebou Badjie who referred them to the area representative, Alasana Badjie to ask for the key to conduct the burial at 2 pm. Before the time, the Jamat members were called to the same police station again. Their delegation led by Amir Alhagie Ebrima Mbowe went to the police station and found the SIC president and vice-president, Momodou Lamin Touray and Alhagie Sheriff Badjan who said they (the Ahmadis) were denied a burial because they are not Muslim.

⁸⁸The Deputy Lead Counsel said 2015 but we believe this was a lapse on her part as the witness was discussing the death of Masireh Dibba in August 2017.

The witness added that the Supreme Islamic Council was targeting the Jamat one way or the other, and throughout, they have not been successful and accused the Council of being behind all the religious trouble in the country.

From the police station, they took the deceased to the cemetery and found the police there with the cemetery key. He noted that this was very unusual because that was not the police's job. A few calls were made and about an hour later, one King Colley came and said they could open the door to bury their dead brother. The witness said that it could have been a disaster, but they restrained their members. The witness stressed the need for lawmakers and authorities to exhibit justice, adding that the police knew the SIC is not responsible for burial grounds or cemeteries and could easily have said no to the SIC, that they (the Ahmadis) have the same rights as them.

When asked, the witness affirmed that they faced more difficulties as a sect due to certain statements made by the SIC and that these statements also brought about the difficulty they faced in burying their dead. He also responded that they did not have any other incidents relating to burials apart from these two he mentioned, adding that *"when Supreme Islamic Council is not coming forth creating problems, there would not be any problems."*

The Deputy Lead Counsel moved to tender in The Standard newspaper and The Voice as exhibit, which was granted before steering the testimony to the issues they had about sighting of the moon for Ramadan prayers. The witness explained that before the formation of the SIC in 1992, the declarations were made by the Imam Ratib of Banjul and an announcement would be made over the radio for the entire population when the moon was sighted to mark the beginning or end of the month of Ramadan. He added that even then, there was some controversy but not like it was nowadays.

When the SIC came, they took over this responsibility in the Second Republic, they said yes when during one Eid-al-Fitr courtesy call to the President, he (the President) asked, *"Can we not pray with Saudi Arabia...with Mecca?"*

When asked, the witness confirmed that he was present at that meeting, representing the Jamat that particular year but he did not raise any objections at that time. The witness also responded that they (the Jamat) never had any problem as they have always gone by announcements made over the TV or radio except one time when their Naib Amir Alhagie Ebrima Mbowe, sent a message to GRTS that they had sighted the moon. The station did not announce it but they (the Jamat) did not fast, they prayed. He affirmed that the Jamat does not send messages for announcement when they sight the moon anymore, they would just go by the TV or radio announcement.

Moving on, the Deputy Lead Counsel asked the witness to tell the Commission about the issue they had with the property the Jamat has in Farato. The witness recalled that in February 2000, they bought a 49.9 hectare land and made all the required payments but found people occupying the land. The matter was taken to court and a judgement was given in their favour. However, to date, they have not able to execute the judgement despite several attempts and multiple letters from the authorities over the years instructing the illegal settlers to vacate the property.

They later asked if it was possible to be compensated instead as they would not want the over 200 families to be evicted now but the government are yet to respond. When asked if he thinks that the occupants took this opportunity to take over the land because they are Ahmadiyyahs, the witness answered no, insinuating that corruption and corrupt officials were the reason for the problem. He also affirmed that the issue was not a violation of their religious rights as sect but a violation of their rights for ownership.

Before the Deputy Lead Counsel moved to the next issues, the witness asked to be allowed to mention an incident involving Imam Abdoulie Fatty and was granted audience. The witness explained that on Monday July 13th 2014, Imam Abdoulie Fatty used a government vehicle, registration number GG1366 during the holy month of Ramadan to go to Mamud Faana village in Nyamina, to tell their (Ahmadi) members to stop following the Ahmadiyyah Muslim Jamat because they are not Muslims. He said that

although their members refused, he wanted to mention this because he thought it was very wrong. If they want to travel, they should use their private vehicles, not government resources.

The witness also mentioned other accusations, castigations and false information that were spread against the Ahmadiyyah at various forums by Imam Abdoulie Fatty, Kemo Saidykhan, Omar Faba Gitteh and Chebbo Cham.

The witness went on to talk about the work the Ahmadiyyah Muslim Jamat is doing in 213 countries around the world in spreading the teachings of Prophet Muhammed and promoting peace and justice before thanking the Deputy Lead Council.

The witness was asked to tell the Commission about his **arrest** by the NIA in May 2009. The witness repeated the story of his **arrest** on Saturday, 20th of May 2009 after returning from a study tour in Tanzania. Louis Gomez (now late) and Demba Mbaye had told him that he was wanted at the NIA and when he went with them, he was **detained** with five of his colleagues from GRA. He said the NIA officers did not indicate to him why he was being requested to go to the NIA nor was he at any time told why he was at the NIA.

They were not **detained** in a cell but spent time moving from one room during the day and sleeping in another room, which he believed to be the conference room during the night until they were released. He received his dismissal letter while under detention at the NIA on the 22nd of June 2009 which read: *“This is to inform you that Public Service Commission has concurred with the executive directive to dismiss you from the service with effect from 22nd June 2009⁸⁹.”*

The witness also talked about his reinstatement on 17th September 2009 followed by an immediate rescinding of his reappointment the following day, 18th September 2009. He mentioned that on the day they were released which was 9th June 2009, a man claiming to be from State House came to the NIA Headquarters and said he was sent by the President to tell them he (the President)

said he was sorry, that he never asked for them to be **arrested** or **detained**. He had asked for them to be investigated. The witness added it was pleasing to get such a statement from the Head of State. The witness was asked the name of the gentleman from the State House and he replied *“these people, they do not introduce themselves, ‘I’m from the State House’, that is it”*

On his reinstatement, Baba F. Trawally told the Commission that even if it was not rescinded, he would not have accepted to go back. The Deputy Lead Counsel asked the witness if he was tortured at any point during his detention at the NIA or treated in a way that was inhuman. The witness answered not at all, adding that they were treated well, their family members and relatives were allowed to bring them food and they were allowed to make calls. He named one Ebrima Drammeh, who he said was very nice. He allowed them the use of the telephone facility to call their relatives and family.

The witness was asked if thought his dismissal had anything to do with the way he practiced the Muslim religion. The witness responded vaguely, citing the fact that while he was paid retirement gratuity upon his dismissal, the payments did not include his salary from the date he was dismissed to the date of retirement which he said was not the policy of the government or GRA. He noted that his colleagues were re-instated and were paid drawback for their salaries. The witness was also asked why he was retired, if he had reached the retirement age. He said no.

The Deputy Lead Counsel thanked the witness for his testimony but before handing the witness to the Commissioners for questioning, she requested and was granted to enter documents pertaining to the Jamat’s property at Farato into evidence.

Commissioner Jones asked the witness if the Ahmadiyyahs were ever a member of the SIC. The witness said no, they were not. She then asked the witness if they have ever engaged the SIC regarding membership and he said no, adding that the SIC normally send invitations to them to their activities and all their publications are sent to them as well. He

⁸⁹This date conflicts with the date that was stated earlier by the witness and the Deputy Lead Counsel did not clarify. Previous statement said 22nd May which is more in line with the dates the witness said he was detained and released. He stated they were released on 9th June 2009.

also added, all their publications, magazines, they also send them to the SIC. Commissioner Jones also asked if the Ahmadiyyah was represented in the inter-faith committee and the witness said no. He also responded no when asked if their sect had engaged any association, body or other religions in the country where they have the opportunity to dialogue with other religious groups in the country.

Baba F. Trawally noted that that was why they were calling for an **inter-faith council**, including both **Muslims** and **Christians** where the chairmanship or the presidency would be rotated, adding that if that is not done, **there will always be conflict**.

Commissioner Jones thanked him, concurring with him on the need for inter-faith dialogue such as what used to exist hence her question on whether at any point the Ahmadiyyahs were part of it. She noted that it would be helpful when they take a decision or come to conclusions on this theme.

The Deputy Chair followed up to Commissioner Jones' question, asking if the Jamat ever honoured invitations from the SIC. The witness admitted that they had never been going even though they were continuously sending them invitations. The Deputy Chair followed up and asked how he would reconcile the President's message that he had nothing to do with his incarceration yet this was followed by his dismissal letter. The witness clarified that the dismissal letter came before his release. The Deputy Chair pointed to the statement in the dismissal that the Public Service Commission, PSC concurred with the executive directive and asked the witness where the executive directive coming from. The witness' response to this question was not clear. He was finally asked by the Deputy Chair if the mosque at Makamasireh, was it built within the 60-day period. The witness answered that it was built in less time.

Commissioner Imam Sey asked the witness to clarify what difference they (the Ahmadis) have with Islam to the

extent that they have rejected them, they have refused them. He added they observe the five fundamental pillars of Islam and teach the Quran in their schools and Islamic institutions and according to the ways of the Prophet. The witness agreed with the Imam's observations, adding that Ahmadiyyah Muslim Jamat believes that the Mahdi which or whom their fathers and forefathers said was coming after the death of the Prophet Muhammed has already come and he was born Qadian Asad Nisar Ghulam of Qadian. He added that there is Hadith that he would be born in Qada. Qada later became Qadian.

Commissioner Imam Sey asked the witness the Hadith number in the Muta Malick that the witness gave references for. The witness said Muta Malick is a book by Imam Malick in which there are series of information about the advent of Mahdi.

Commissioner Samba told the witness they are living together with Ahmadiyyahs, going to each other's social events and funerals but when it is time to pray for a dead person for example, Ahmadiyyahs do not want to partake in that prayers behind other Muslims. She asked the witness to clarify the issue. The witness, after going through some of his documents and giving a quote about the Mahdi, responded that the Jamat started praying separately after being declared non-Muslim but in their early days, they prayed together.

Commissioner Samba also asked about the fact that the Ahmadiyyahs close their eyes during prayer while other Muslims pray with their eyes open. The witness responded that he thinks that is optional, adding that praying with your eyes open can cause distraction. He however ended by saying that one's eyes should be open while praying.

In the absence of further questions, the witness was given floor to give his closing remarks. After expressing gratitude to Allah for bringing them this day, the witness stated that the Ahmadiyyah Muslim Jamat had gone through series of trials and difficulties for many years and it is indeed very important that they do this seating so that the country can move on the path of peace, stability and progress.

He affirmed that the Ahmadiyyah Muslim Jamat is an Islamic sect that believes in advent of the promised Messiah and the Mahdi as prophesized by the Holy Prophet Muhammad. The witness delved into more details about the belief system of the Ahmadiyyah Muslim Jamat, their endeavours to teach people the true ways of worship in the sunnah and tradition of Prophet Muhammad through publication of books and pamphlets and by supporting initiatives geared towards the development of the citizens, wherever they are.

He stated that the Ahmadiyyah Muslim Jamat is not supported or sponsored by any group, government or organisation. They believe that every Muslim should take part in the progress of Islam. It is for this reason that most Ahmadi Muslims male, female and children financially contribute to the propagation of Islam and have various schemes through which members give out voluntarily to build mosques, schools, hospitals, clinics and other institutions for the service of humanity.

After further highlighting several sayings of the Prophet to support the beliefs and ways of the Jamat, **Baba F. Trawally** stressed the need to exercise **tolerance and understanding as a nation in order to survive in peace, justice and progressive society.**

He also highlighted it is important for the Constitution to establish The Gambia a secular state to prevent the violations he narrated from happening again. He added that it is lack of the expressed mention of the word secular in the Constitution that enabled people to sometimes in the name of the government, do certain things, which are contrary to the protection of the rights of the individuals and groups in the country. The witness emphasized his point giving instances of violations as well as stories from the time of the Prophet.

Baba F. Trawally went on to thank Allah and the government authorities for granting the Jamat license to operate a radio and TV station despite many opposition, reiterating

that there can be peace when there is justice, adding that they should not be afraid of executing their obligation to the nation nor be carried away by their emotions or their beliefs. He ended by affirming that the Messiah and Imam Mahdi as prophesized by Prophet Muhammad has come and prayed for the country and everyone.

The Chairman thanked the witness for his testimony and adjourned the meeting.

Persons Mentioned By Witness During Testimony:

Persecution

Abdoulie Fatty

Religious intolerance and defamation

Imam Abdoulie Fatty, Momodou/Modou Lamin Touray, Chebbo Cham, Omar Faba Gitteh, Kemo SaidyKhan, Zakir Naik, Sheriff Badjan

Arbitrary arrest

Louis Gomez, Demba Mbaye

Unlawful demolition of property

Muhammad Kamateh, one Njie (first name not given), Ousman Jallow



WITNESS NAME: Ganyie Kebba TOURAY

TRRC HEARING DATE (S): 6th February 2020

EVENT (S) DISCUSSED: Forced removal of the Ndigal sect followers from Kerr Mot Ali

POSITION BEFORE THE EVENT (S): Governor of Central River Region

ROLE DURING THE EVENT (S): Oversaw the forceful removal of the Ndigal sect followers from Kerr Mot Ali

POSITION AT THE TIME OF TESTIMONY: Not mentioned

SUMMARY OF TESTIMONY:

After giving a brief summary of his personal and educational background, Ganyie Touray told the Commission that he was a founding member of the United Democratic Party, UDP in 1996 and worked for the United Nations Transitional Administration in East Timor, UNTAET for about three years from 2000. He joined the Alliance for Patriotic Reorientation and Construction, APRC in 2005 and was appointed regional governor for Central River Region, CRR in 2007, overseeing Upper Saloum.

The witness then explained that Kerr Mot Ali is a village in Upper Saloum and because it was the first place to have a mosque in that area, many people went there for prayers. He added that he knew Alhagie Basirou Secka, the leader of the sect in Kerr Mot Ali. Asked about the ancestry of Alhagie Basirou Secka, the witness responded that he was a Senegalese from Touba Saloum (Senegal) and initially lived there.

Asked to tell the Commission how Basirou Secka organised his followers, especially his satellite villages,

Ganyie Touray explained that he did not have much information about that but he knew that he used to establish communities like Kerr Mot Ali and Taiba and he would leave one of his sons to lead. With regards to Kerr Mot Ali Gambia, Basirou Secka left Mahamadou Habibullah Secka also known as Ndigal, whom he knew very well.

Describing how he came to know him, the witness told the Commission that they were the same age and he used to see him around in Kerr Mot Ali. He added that Ndigal was at some point arrested by the police and he to visit him. The Lead Counsel revealed that an article published in Daily Observer on 31st October 2002 with the headline “Police Arrest Self-Proclaimed God” claimed that one Serign Modou Habib Secka, aka Ndigal from Kerr Mot Ali in Upper Saloum had been **arrested** and **detained** at the Serious Crime Unit at the Police Headquarters in Banjul. The article went on to say that he had alleged to proclaim himself as God. The witness confirmed this was the **arrest** he was referring to. He highlighted that when Ndigal was arrested, he was in East Timor. He had returned for the funeral of his wife and heard that Ndigal had been arrested so he went to visit him. However, when he subsequently became governor and visited Kerr Mot Ali, people used to say that Ndigal would proclaim being God.

Apart from the fact that Ndigal or his followers claimed he was God, Ganyie Touray stated that he observed that they were not practising Islam or Christianity but their own religion. He highlighted that they had closed a mosque, which had been built by Ndigal’s father and claimed that he had observed that there were 100 or more women and men grouped together dancing and eating. He added that everyone knew what came after that. The Lead Counsel asked the witness to be more explicit and the witness said “*just think about it, if you group young men and women together, what comes after is fornication*”. Asked if he had any evidence, the witness did not provide a straight answer, rather deflected and said everybody knew what happened. He added he had photographs on his mobile phone that showed the marabout dancing and the women playing the drums.

The Lead Counsel asked the witness if he had actually witnessed what he was putting forward and the witness responded in the affirmative. Asked how he felt about the fact that they used to dance and drum inside the mosque, the witness disclosed that he was displeased. He added that when he became governor, he went to see Ndigal to inform him of his new position. However, he had to wait 5 hours before he could see Ndigal as he claimed he had not yet received instructions to see the witness.

Asked where this “ndigal” (instruction) would normally come from, if it was from the God to the marabout or from the marabout to the talibehs, the witness responded that he could not confirm if Ndigal would get instructions from God but that what he could say was that you would need to wait until Ndigal got instructions before he informed his followers that he was ready to see whoever wanted to see him.

Continuing, the witness told the Commission that when Ndigal passed away in 2007, he tried to pay his respect to the deceased but his followers told him they did not have instructions for the witness to see him. They said that only seven people were allowed to see Ndigal’s body and take it to Kerr Mot Ali Senegal. The witness said he waited until the end of the burial, paid his condolences and left. After a month or so, a delegation from Kerr Mot Ali informed him that Muhammadou Basirou Secka was the son of Ndigal and would be replacing him.

Asked if from what he observed, Basirou Secka was accepted as the new leader, the witness responded in the affirmative. The witness was asked if all members of the village were part of this religion and the witness explained that not all but that the vast majority were followers. The Lead Counsel tried to get an estimate of the number of non-followers and the witness responded that according to the records the governor’s office had, there were 35 compounds and not 81 compounds as one witness⁹⁰ had stated.

He further stated that out of the 35 compounds, 15 were not part of the Ndigal sect.

Asked to provide details of those households, the witness responded he could not but that the chief district who was in daily contact with the people would be in a better position to do so.

The witness was asked if the Alkalo would be in a better position to do so and he responded of course as the Alkalo was in charge of the village. At this point, the Lead Counsel highlighted that the Alkalo had testified before the TRRC and he could only name two individuals who had to leave the village because they were not members of the Ndigal sect. The witness insisted that according to their records, there were 35 households and 15 of these were not members. Asked if he would be able to produce the records, the witness responded, in a convoluted manner that if he had been given enough notice to appear before the TRRC, he would have been able to gather the relevant documents. He added that he had told the TRRC investigators to write to the local government and governor to request for these documents. Asked if he could ascertain that these documents were there, the witness responded in the affirmative.

Further discussing the issue of the number of households in Kerr Mot Ali, the Lead Counsel stated that he had the layout of Kerr Mot Ali, which he had managed to secure from the court. He asked the witness to take a look at the document and asked if as governor he would be familiar with this type of document. The witness responded yes but he said that this one was “the proposed layout for Kerr Mot Ali”. The Lead Counsel explained that they were given to understand that what was in that document was in fact what was on the ground in Kerr Mot Ali. The witness disputed that. The Lead Counsel further added that these were not designs of houses but designs of demarcated compounds and asked the witness if he still disputed that.

Ganyie Touray tried to make the distinction between proposed and actual but the Lead Counsel interrupted and explained that he understood the difference but that those who lived there claimed that the plan is representative of what was on the ground. The witness insisted that there were not 81 compounds

⁹⁰Yunusa Ceesay.

in Kerr Mot Ali. The Lead Counsel visibly not convinced asked the witness if he was suggesting that the 200 boys, girls, their parents and elders all lived in 35 homes. The witness responded that there was a Kerr Mot Ali in Gambia and a Kerr Mot Ali in Senegal, both established by Ndigal's father and the distance between both was short. He added that the settlement in Senegal was bigger than the one in Gambia. When Ndigal started having problems in Gambia, he built the settlement in Senegal so he could be easily smuggled out. Ganyie Touray then launched into a convoluted response that seemed to indicate that the vast majority of the followers were on the Senegalese side and even Ndigal himself was Senegalese.

The Lead Counsel asked the witness if he knew who Ndigal's mother was and the witness responded that she came from Upper Saloum in Gambia. The Lead Counsel then asked if that would not make Ndigal a Gambian. The witness hesitated and then responded that the father was from Touba Saloum in Senegal.

The Lead Counsel put it to the witness that Ndigal would be entitled to be Gambian by virtue of his Gambian mother. The witness reluctantly agreed and added that they took Ndigal to be a non-Gambian just like his older brother Alhagie Alieu Sheikh.

The witness was asked if he knew if Ndigal had taken steps to acquire Gambian citizenship through his mother. The witness responded "yes, *that could be*" but insisted that what he was told was that he was not Gambian and he believed that was true.

At this stage, the witness started defending himself and saying that he did not discriminate against Ndigal though he regarded him as Senegalese. He treated him fairly, like a companion and they had a good relationship.

Moving on to the problem that arose subsequently, the witness explained that once the son took over after Ndigal passed on, he welcomed him and asked that he observed the rule of law in the community and called

for a peaceful coexistence. The Lead Counsel interrupted the witness and read an excerpt from his written statement to the Commission: "*the advice I gave was that every father feels proud of his lineage and successor. And I told him he should continue the good job he was doing and advised him to be law-abiding since he is non-Gambian residing in Gambia. I stressed that they should try and continue the good job of their former leaders*". The Lead Counsel asked the witness if he recalled saying that and the witness responded in the affirmative. He then explained that his father (Ndigal the first) used to pray but then suddenly stopped the practice.

The witness testified that after several months, Chief Malick Mbaye came to the witness and told him that the marabout from Touba Saloum, Alieu Sheikh had come to him as he wanted to reopen the mosque, which his father had built, so people could pray again there. Ganyie Touray said he told Chief Malick Mbaye to go discuss with the villagers. The following day he returned and told the witness things were difficult. He claimed that they had almost **attacked** him. The witness therefore wrote a letter to the Supreme Islamic Council, SIC explaining the case. He justified his demarche by the fact that since it was an issue of Islam, he wanted the SIC to intervene so peace could prevail. About one or two weeks later, the witness heard the SIC had gone to Kerr Mot Ali Gambia but also ran away and went to see the governor in MacCarthy.

The Lead Counsel clarified that the witness was saying that the followers of Ndigal had refused to have the mosque refurbished and reopened and that the person who proposed to do that was the elder brother of Ndigal (Son) whose area of jurisdiction was in Touba Saloum, Senegal. The witness responded that Islam does not have boundaries and the Lead Counsel countered that countries did. The witness agreed. The Lead Counsel continued that this person coming from Senegal would not necessarily have had authority in Gambia. The witness agreed and explained that that is why Sheikh Alieu had gone to Chief District Malick Mbaye.

The Lead Counsel continued that those in Kerr Mot Ali were exercising what they believed to be their religion. The witness responded that the problem was not about the religion, the problem was about the mosque. The Lead Counsel said he accepted that statement but added that the use of the mosque was an integral part of the Ndigal sect religion. The witness agreed. The Lead Counsel continued that therefore they could not separate the use of the mosque from their religious beliefs. The witness responded that he could distinguish them at that time. The Lead Counsel pointed that the witness had just agreed that they had their own beliefs as to what that building should be used for and that belief was completely different from the witness' as a Muslim. The witness agreed. The Lead Counsel concluded that there was a conflict in a set of beliefs about the use of the building.

At this point, the witness responded that it was not just a building, it was a mosque that had been built for over 50 years. The Lead Counsel told the witness that he himself was a Muslim and also believed that that structure would be a mosque where prayers should take place. However, he put it to the witness that the Ndigal sect would see it differently and that it was just a building where they could do their drumming and dancing. The Lead Counsel acknowledged that for the believer of the Islamic sect, that was probably offensive, which aroused tension. The witness agreed.

The Lead Counsel continued that those from Senegal wanted to change the character of the use of that building to what they believed.

The witness responded that those from Senegal had come to return things to what they were before and the authorities felt it was necessary to assist with that.

The Lead Counsel argued that Sheikh Alieu Secka's authority was limited to Senegal and the witness responded that that was the reason he had to pass through government officials. The Lead Counsel noted that the laws of The Gambia allow the state to interfere

in the exercise of religious practices on the ground of public order, security or morality and asked the witness if he was aware of that at that time. The witness responded in the affirmative and claimed he had also consulted with the Préfet of Senegal and the Ministry of Local Government. Asked how the advice was given from the latter, the witness explained that he wrote and explained what was happening on the ground and if they did not take action, this to lead to trouble.

The witness was asked if they gave advice and the witness responded that the government said he could intervene on the ground of morality. The Lead Counsel pressed the witness on when exactly he got the advice and the witness responded it was around that the time "*these things were happening*". The Lead Counsel repeated his question and the witness explained that when he went to Kerr Mot Ali to mediate and realised he had failed, he wrote to the Minister for Religious Affairs to explain the situation and he was told to take action on the grounds of morality and stability. The Lead Counsel asked the witness if he was sure about what he was putting forward and he responded "yes!" The Lead Counsel then highlighted that he had never mentioned that in his written statement and the witness responded "*yes, it could be*". The witness wanted to launch into an explanation and the Lead Counsel interrupted and asked the witness to respond.

Ganyie Touray then claimed that he had not written his statement but had dictated it, adding that he was told that when ready they would call him back to proofread it to ensure all was accurate. The Lead Counsel surprised asked the witness if he was telling them that he had not agreed on his statement with the investigators. The witness recanted and said of course they had agreed. The Lead Counsel then asked what his complaint was and the witness started responding but the Lead Counsel interrupted and asked the witness if he had told the investigators that he had received advice from the government that what the people of Kerr Mot Ali were doing is contrary to morality and therefore he should intervene. The witness responded "*yes, it was an executive directive*".

The Lead Counsel highlighted that they were talking about two things here: the witness had said he had received advice from the government and the other was the executive order. The Lead Counsel asked if the advice he was talking about was the executive order and the witness confirmed it was. He clarified that the executive order asked for the governor to intervene given that the actions of the Ndigal sect were contrary to morality.

At this point, the Lead Counsel asked to look at the laws of The Gambia, the 1997 Constitution and referred specifically to Section 25, subsection 4 which states: *“The freedoms referred to in subsections (1) and (2) shall be exercised subject to the law of The Gambia in so far as that law imposes reasonable restriction on the exercise of the rights and freedoms thereby conferred, which are necessary in a democratic society and are required in the interests of the sovereignty and integrity of The Gambia, national security, public order, decency or morality, or in relation to contempt of court”*. He asked the witness if the executive order mentioned which law it was relying on. The witness responded in the negative. Asked if he cared to find out on what was the authority on which that executive was based.

The witness mumbled that he did not question the authority because it was an executive order written and signed by the Secretary General from the Office of the President.

The Lead Counsel then asked if the Secretary General could sign an executive order and the witness responded in the affirmative. The Lead Counsel was surprised and asked the witness if he was sure about that. He asked if this is something the witness had been made to know and the witness responded that when the President gives an executive order, he speaks to the Secretary General who then writes (or any person under him). Asked what the executive order said in this case, the witness asked to first explain something.

He claimed that he had gone with his security officers to the Ndigal sect followers to negotiate for the reopening of the mosque and told them it was not an attack on

their religion. One threatened that they would put a bullet in the backside of anyone that “bent down and prayed in the mosque” and he (the witness) could have had them **arrested** but he stopped his security officers from intervening. He added that he relayed this information to the government.

The Lead Counsel asked if he insisted that the people of Kerr Mot Ali who believe in a different religion must show allegiance to the new Serign the witness had brought in from Senegal. The witness refuted these allegations and stated that he had never brought anyone from Senegal. He also denied that he had insisted that Islam must return to Kerr Mot Ali.

Discussing the executive order, the witness attested that it directed him to facilitate the security to provide protection to those working on the refurbishment of the mosque. The witness was adamant that was the only thing he was required to do. The Lead Counsel asked the witness if he had not told the investigators that he should use all his resources and facilitate the police and if necessary the army for the followers of Ndigal and Ndigal himself to leave Gambia soil. The witness responded in the affirmative. The Lead Counsel asked if he had forgotten about that when testifying and the witness responded *“I am not yet done!”*

The Lead Counsel challenged the witness and told him that he had forgotten that he was asked to expel the Ndigal followers. Ganyie Touray responded “yes, those that are not resident in The Gambia”.

The Lead Counsel revealed that there was no qualification in his statement that it was limited to non-Gambians. The witness responded *“they said anyone who is a member of Ndigal”*. The Lead Counsel responded *“so when you said that it was only for those who were non-Gambians, that was not in fact the case?”* The witness responded *“that was what happened”*. His follow up answer did not seem to give a clear answer to the question posed, which the

Lead Counsel remarked. The Lead Counsel then asked the witness if he agreed that it would have been unlawful to go back there and forcibly impose Islam. The witness seemed to be lost for words and when the Lead Counsel insisted he answer, the witness reiterated that he was not there to force anyone, he was there to facilitate for the refurbishment of the mosque. The Lead Counsel repeated his question and Ganyie Touray responded “*when an executive directive comes, for us that was law*” and that he believed it was lawful in those days. He added that he believed that what they were doing was not in line with Islam.

The Lead Counsel asked again if he believed it was lawful to **expel** people from their homes because they believe in a different religion. The witness responded that those who gave the instruction were the ones who knew the law and he is not a lawyer. The Lead Counsel pointed out that the witness was the governor and his ignorance of the law was no excuse. The witness agreed.

The Lead Counsel repeated the question and the witness responded it was unlawful to forcefully evict someone from their home.

The Lead Counsel asked the witness if he therefore believed what he had done was unlawful and the witness responded he did not because he was given instructions. The Lead Counsel rephrased and asked the witness if he agreed he had implemented an unlawful order. The witness justified the actions he took by saying it came from the orders he received.

There was a back and forth between the witness and the Lead Counsel regarding the implementation of the unlawful order. The Lead Counsel pointed out that the witness was refusing to accept that he had implemented an unlawful executive order. The witness responded that whatever instructions he got, he carried out. The Lead Counsel asked if he did not care whether it was lawful or not. The witness admitted that he did not look into the legality of the order. The Lead Counsel then added that in enforcing the executive order, the witness brought **armed** security forces to attack the residents of Kerr Mot Ali.

The witness stated that his personal security officers were **armed** but the other security officers got their command elsewhere, from the Inspector General of Police. They were not under the command of the witness, he only had to facilitate their entrance into Kerr Mot Ali. The witness stated that he was not prepared to go back without security to a place where he had been threatened. The Lead Counsel pointed out that he was going back to enforce an executive order, not for his security. The witness responded that the security officers included the Police Intervention Unit, PIU who were under the responsibility of Commissioner Sabally and Commissioner Saine and that he was just to facilitate their entry into Kerr Mot Ali. The Lead Counsel challenged the witness and told him that as governor, he would have had the executive authority in that particular jurisdiction and that he in fact represented the President there. The witness agreed. The Lead Counsel then put forward that the witness would have superior authority over all government officials in that place.

The witness responded that the work of the governor was not a question of “*you were more powerful than Mr. A or B, your job merely was to facilitate all the organisation governments in there* “. The Lead Counsel responded “*with all due respect Mr. Touray, we all know that the governor is the head of all government institutions and operations within the area of jurisdiction, we all know that, be it the police, be it the army, all of them would come under the governor, that is a fact isn't it?*” The witness responded that they would be under but they would not take orders from the governor. The Lead Counsel countered that they would not take operational orders from the governor but they would be answerable to him. The witness concurred however he highlighted that they had also received their own orders. He added that he facilitated their entry but the Lead Counsel responded that he had also coordinated their activities. The witness did not accept this statement. He admitted he was there but the security forces knew what they were to do.

The Lead Counsel then stated that the security forces had **attacked** the villagers by **beating** them and disputed that. The Lead Counsel asked if all

those who had said they were **beaten** were lying and the witness responded that he had said he had not witnessed that. The Lead Counsel responded “*but you were present weren’t you?*” The witness retorted that he could bring hundreds of people who could say they were not beaten.

The Lead Counsel told the witness that the Alkalo had admitted they were beaten when the security officers and the governor were enforcing the executive order. He added that as a matter of fact he was brought from somewhere else and imposed on the villagers. The witness responded that he did not know where the Alkalo came from and he did not know who had brought him. He added that the Alkalo was not present at Kerr Mot Ali when the executive orders were being enforced.

Going back to the removal of the Ndigal sect followers, upon probing, the witness agreed that the removal of the Ndigal sect followers was unlawful. At this stage, the Lead Counsel highlighted that they were not at the TRRC arguing about the lawfulness of repairing the mosque. He added that they were not talking about the lawfulness of government intervention to secure the mosque and repair it and personally as a Muslim, he finds it offensive that a mosque is being used for drumming and dancing.

The issue they were talking about was the forceful expulsion of people from their homes, arbitrary arrests, detention and torture of these individuals.

The Lead Counsel stated that now that the witness accepted that the **forceful expulsion** of the Ndigal sect followers was unlawful, he wanted to talk about how it was done.

The allegation was that they were beaten, arrested and even forced to work on a house that was to be built for the new Sheikh who was to be “imported” from Senegal and placed in Kerr Mot Ali.

The witness refuted the allegations and added that if this happened, he was not present. He further argued that it was not possible to **arrest, detain and force** people to work on the same day. The Lead Counsel chuckled and retorted that it was possible. The witness further argued that he was present and he did not see anybody from Kerr Mot Ali being **beaten**.

He however admitted seeing them being **arrested** and taken to the police station but he was not aware of anyone being **beaten** at the station and added that no complaints had been lodged. The Lead Counsel countered that the people of Kerr Mot Ali had complained that they were **beaten**. The Lead Counsel referred to the documentary about Kerr Mot Ali and highlighted that it included the victims of Kerr Mot Ali (men, women and children) saying they were **arrested, beaten, tortured and expelled** from Gambia leaving everything behind. The witness agreed he had seen the video but he still disputed the allegations.

He further argued that there were no children registered in school at that time. The Lead Counsel countered that they were not talking about schools or attending school but were talking about people being apprehended and being **brutalised** by the security forces. The witness still confidently disputed the allegations. The Lead Counsel asked him if he was disputing the allegations simply because he was the leader of the security forces who were responsible for assaulting the Kerr Mot Ali villagers. The witness repeated that he did not see that happen and if he had, he would have said so. The witness added that he did not order the security forces but that they had their own orders.

The video was played which showed the witness saying: “*And you know as well that only the truth will remain. What we’ve done, we didn’t do it to appease anyone. We did it to appease Islam. We did not force anyone to come here. What I said yesterday is what I will say today. The person who built this mosque did it because of Allah. So when he leaves, the person who takes his place should strengthen (uphold) that, but you shouldn’t reduce it (dismantle). That’s why we all*”

put our hands in this (had a hand in this). The government of The Gambia has not forced anyone to be a part of any religion. You can be a part of any religion you wish, as long as what you are doing is in accordance with the laws. If President Jammeh had his way, only mosques would be in The Gambia, but the Constitution does not give him that power. Everyone knows his stance on Islam. He takes it very seriously and everyday his is looking for ways to advance the cause of Islam. So our position here, we won't do anything but stand by that. I am thanking everyone who has supported me, and I am especially thanking Commissioner Sabally, OC Jallow, and OC Saine. They are the ones who when I was based in MacCarthy, when I gave instructions they would execute them morning and night and would make sure that anything I said was executed properly. And it was done according to the law and with respect. I am very happy about that and I thank them".

The witness confirmed it was him on the video and he had mentioned Commissioner Sabally, from the police force, OC Jallow and OC Saine from the PIU. The witness confirmed these were the people responsible for enforcing the executive order. The Lead Counsel then added that according to his words in the video whatever he told them to do, they did. The witness agreed. The Lead Counsel then pointed out that now he was disputing that he had given them orders.

The witness stated that he got orders and he passed them to them. The Lead Counsel then stated that by passing those orders, he ordered the security forces to forcibly remove the Ndigal sect followers from Gambian soil. The witness agreed.

Moving on, the Lead Counsel asked the witness about Sheikh Alieu Secka's nationality. The witness stated that he was born in Senegal and that the people of the village and the chief confirmed that to him, adding that he was not a resident of Kerr Mot Ali Gambia. The Lead Counsel asked the witness if this meant he was not Gambian. The witness responded that he was not born in The Gambia but probably had gone through the process to claim his citizenship through his mother who was Gambian. The Lead Counsel remarked that in fact his mother was called Jama Ceesay.

Asked if apart from hearing that the other Ndigal, Muhammadou Basirou Secka was not Gambian, he did not have any other evidence to support those allegations. The witness stated that he did not try to attempt to get any other information as "that was not something that we had to do". The Lead Counsel retorted that that that was precisely the point, that they did not care to find out if those they were **expelling** were Gambians or non-Gambians. The witness responded that he "did not have any business to do with that". The Lead Counsel pointed out that earlier he had told the Commission that Gambians were exempt but now he was telling them that he was never concerned with the nationality of the followers, all were to be expelled.

The witness argued that his responsibility was to ensure that anyone that does not comply with the order was removed. The Lead Counsel pointed that the witness was still trying to water down what he had previously accepted. The witness argued that he did not say all of them must go, he said that anyone who resisted the mosque being refurbished and reopened must be **expelled**. The Lead Counsel reread the witness' statement and it did not indicate that if they agreed, they would stay. The statement was clear that all Ndigal followers were to be expelled. There was a back and forth between the Lead Counsel and the witness on the nationality of those removed. The witness tried to modify his statement by mentioning that he asked Assan, the Alkalo at the time to stay.

The Lead Counsel then provided a document to the witness, which was an ECOWAS ID card for The Gambia for one Muhammadou Basirou Secka (issued 11th December 2019). The Lead Counsel asked if this was not the new Ndigal and the witness responded it was. The Lead Counsel chuckled and said would this not indicate he was Gambian. The witness responded that according to the document he is a Gambian but argued that anyone could acquire a document. The Lead Counsel asked the witness if he was alleging that the Gambian government illegally issues documents. The witness responded that the court had recently convicted some individuals for illegally obtaining passports and false ID cards. The

Lead Counsel assured the witness that the judgment issued by the high court said the Ndigal followers were Gambians who were forcibly evicted from the country, and it also required for the ID cards to be provided.

The witness then argued that until he left his position as governor, he understood that Muhammadou Basirou Secka was not a Gambian. Going back to those he found in the village, the Lead Counsel challenged the witness that he had only found one person in Kerr Mot Ali when they went to enforce the order. The witness argued that Ndigal (Son) had already left as he had been smuggled out. He admitted that there were some people that were there and were **arrested** in his presence. Asked again if any of those arrested were beaten, the witness responded “*not in my presence*”.

The witness was asked if he witnessed any violence in Kerr Mot Ali and he disclosed that after he left, he got information that there was one police officer who was wounded by a bullet or stone. He added that those **arrested** were either taken to Kaur or Njau. He admitted that the security officers chased after the followers and some individuals were apprehended though he could not confirm the number.

The witness was asked if as governor, he concerned with himself with finding out if the rights of those apprehended were respected, the witness responded in the affirmative. He claimed that the next day, he left McCarthy and met those apprehended. He told the police to grant them bail after he repeated that they only wanted to refurbish the mosque. The Lead Counsel asked how they could have been granted bail if there was no offence which they could be charged with. The witness responded “*exactly, that is what they told me themselves*”. The Lead Counsel pointed out that what the witness had just said implied that those apprehended had done nothing wrong and therefore should have asked that they be released. The witness stated that he did ask that they be released and they were released.

The Lead Counsel revealed that the evidence they had received was that they were **detained** for 21 days in Kaur, Njau and Janjanbureh. The witness argued that it was impossible to **detain** anyone at Njau Police Station for 21 days and that those that made those allegations

were lying. The Lead Counsel responded that was his assumption, which was different from whether this happened or not.

The Lead Counsel then asked for an extract of the documentary to be played but before the Lead Counsel asked the witness if he had seen women and children at the police station and the witness responded “Never!” The video was played which showed men and women describing how they were **beaten** by the paramilitary officers. After the video was played, the witness was asked if he disputed that the Ndigal followers were **beaten**. The witness retorted that “*they are the biggest liars*”.

The Lead Counsel put it to the witness that he was trying to cover himself because he was responsible for the security forces and he was present when they brutalised the Ndigal sect followers.

The witness responded that these people were making unfounded allegations and what the abuses they had described were not believable. The witness then repeated that he did not see anyone being beaten.

The Lead Counsel asked the witness if he believed all his actions were lawful and if they had made mistakes. The witness did not answer directly but instead stated that of course, as human beings, we all make mistakes. The Lead Counsel told the witness they were specifically referring to the events in Kerr Mot Ali. The witness deflected to the executive order. He added “*there some things that happened there that were not pleasing to me, especially on those who were Gambians and they left The Gambia, that did not please me. But those that are not Gambians and they were doing those bad things in the village, I have no regret in the way that they got out of The Gambia but Gambians definitely I regret the reason why they left The Gambia*”.

The Lead Counsel warned the witness that what he was trying to say would lose its value if he was suggesting that they had left voluntarily. He further pointed out that he had accepted that he was to **forcibly** remove the Ndigal sect followers from The Gambia and that is what he had done. The witness reiterated that his mission was to **expel** all those who did not comply with the order of allowing them to refurbish the mosque. The Lead Counsel insisted that it was unlawful to remove them **forcibly** and asked the witness if he accepted his personal responsibility in that unlawful enterprise. The witness responded “*No, I do not accept that*”.

The Lead Counsel thanked the witness and ended his questioning. The floor was given to the Commissioners.

Commissioner Imam Jallow asked a question regarding the “proposed plan” for Kerr Mot Ali and after the witness answered, the Lead Counsel asked for the floor to clarify the issue. He stated that he had shown the document purposely to show that there were many homes in Kerr Mot Ali at the time. As to the ownership of those properties, the court had clearly established that the people of Kerr Mot Ali owned those properties but that was not the issue in dispute here. Whether the government can interveve in repairing the mosque was not the question rather the issue was if the government had the right to have **forcibly expel** Gambians from Gambian soil on account of their religious beliefs. To settle the question of land onwership, he had as a document the certificate of occupancy, which he could provide to Commissioner Jallow if he would want to examine them.

There were no further questions.

In his closing remarks, Ganyie Touray stated that he was glad to have been given the opportunity to tell his side of the story. He reiterated that having Gambians expelled was not something he was happy about however when it came to the non-Gambians who were “doing bad things”, he had no regrets. He apologised to the Gambians and added that he was happy to create a forum to discuss the issue.

He ended by thanking the Commission for the great work it was doing and apoligised if he had behaved or said anything offensive to the Commission during his testimony.

Persons Mentioned By Witness During Testimony:

Persecution, religious intolerance, arbitrary arrest and detention, torture and forcible exile

Ganyie Touray (the witness), Commissioner Sabally, OC Jallow, OC Saine

WITNESS NAME: Imam Ba Kawsu FOFANA

TRRC HEARING DATE (S): 6th February 2020

EVENT (S) DISCUSSED: Persecution, arrest and torture of the witness

POSITION BEFORE THE EVENT (S): Imam, Islamic Scholar

ROLE DURING THE EVENT (S): Persecuted due to religious differences

POSITION AT THE TIME OF TESTIMONY: Imam, Islamic scholar

SUMMARY OF TESTIMONY:

Imam Ba Kawsu Fofana told the Commission he was born in Jarra Sankuya and hailed from the house of Sobeyakunda. He began his Quranic studies in his village and during his early studies, claimed that he read some additional 50 books on the Quran, taught to him by his father, which were different than the official Holy Quran. He added that he completed his education in Tallinding in 1997, taught in Gambia for one year, and then won a highly competitive scholarship to study in Saudi Arabia.

The witness stated that during his Quranic studies in Saudi Arabia, he often returned to The Gambia on holidays and continued preaching during these periods in order to advance the cause of Islam. When he returned to Gambia in 2003 after completing his studies, he frequently officiated many important ceremonies in his community including naming ceremonies, weddings and funerals.

The witness recalled that he joined the Supreme Islamic Council, SIC, in 2008 and explained that on the first Friday in July of that year, Imam Abdoulie Fatty gave a sermon at the State House mosque, during which he accused the Shia community in Gambia of causing many problems and of secretly killing people. Imam Abdoulie Fatty further accused Shias of being in constant contention with the Ahle Sunnat⁹¹ and the Wahabia⁹².

Imam Ba Kawsu Fofana testified that, after his sermon, Yahya Jammeh asked Imam Fatty why the SIC had allowed Shias to come to The Gambia if what he said was true. According to the witness, Imam Abdoulie Fatty told Yahya



Jammeh that the then President of the SIC, Alhagie Banding and Ousman Jah were secretly meeting with Shias to help them enter The Gambia.

The Lead Counsel asked the witness if the accusations were true. He responded that, at the time, those negative stereotypes against Shia people were a new thing in the country. He added that in those days people tended to believe the leaders and they did not really know what was going on. The Lead Counsel asked the witness if he was saying that he did not know if the accusation was true or false and he replied, *“the accusations were more than the truth.”*

The Lead Counsel then asked the witness how Yahya Jammeh reacted to the information about Alhagie Banding and Ousman Jah’s alleged secret meetings. The witness explained that Yahya Jammeh responded by telling the imams that there would be an opportunity to vote for new leaders of the SIC as their mandate finished. The Lead Counsel asked the witness if Yahya Jammeh effectively dissolved the SIC with his pronouncement and the witness did not answer directly but instead stated *“You have scholars in the country. As far as they live in harmony together, the government should not have anything to do with them. But as far as these revelations have come out, people should look and see that whoever they want, they can vote for them for the new council”*.

When asked if he was aware of any involvement of Yahya Jammeh in the SIC prior to 2008, the witness said that before Alhagie Banding became the

⁹¹Possibly referring to a religious organisation in Pakistan that represents the Barelvi movement.

⁹²Also known as Wahhabi and refers to the member of the Muslim reform movement founded by Muhammad ibn Abd al-Wahhab in the 18th century.

president of the SIC and after the 1994 coup d'état, an election took place at the Mansakonko governor's office. According to the witness, Yahya Jammeh had certain people that he wanted to see join the SIC. When the new council was put in place, Yahya Jammeh followed the SIC's activities closely for the next seven years.

The witness further stated that Yahya Jammeh tried to convince the council to follow the leadership of Mecca when it came to the sighting of the moon and the related timing of special prayers, but he was unsuccessful. He testified that Yahya Jammeh often vocalised his objections to elected members of the council as well as to some of their activities. Once that council's term came to an end, Yahya Jammeh was the first one to tell them that their term was up and that there would be a new council.

The Lead Counsel asked the witness if any elections were held during that time and he responded in the affirmative. He explained that voting took place on 16th and 17th August 2008 and he was a candidate in the election. The Lead Counsel asked him if the election was conducted by the Independent Electoral Commission, IEC and he responded "*It ended with them.*"

The Lead Counsel asked what the results of the election were but the witness asked if he could first tell the Commission about some of the events leading up to the election. After going into a lengthy explanation of the election structure, eligibility requirements for running for office, and the history of changes to the term limits for president of the SIC, the witness described how he traveled The Gambia to campaign for himself in the presidential SIC election.

The witness explained that initially no one but him was going to run for president. Modou Lamin Touray had also said he would not stand. Then the witness said that Alhagie Banding announced that he would run for office. The witness explained that during his time as SIC president, Banding changed the term limit for the position from three, to five, to eight and finally to thirteen years. According to the witness, when Alhagie Banding announced that he was running again, many people were against it - partly because Yahya Jammeh was against

it. The witness said that he wanted to run as he had many supporters but Alhagie Banding still wanted to run against him. He testified that the support at that point was split between him and Banding. The Lead Counsel asked the witness if Banding was allowed to run. The witness said that he was not allowed to run but he did it anyway.

Asked who stopped Alhagie Banding from running, Imam Ba Kawsu Fofana revealed that Yahya Jammeh had banned him and his group.

The Lead Counsel asked if the witness considered this to be interference in the SIC's affairs. He said that the SIC initially told Yahya Jammeh that he could not interfere with the elections of the SIC or their elected officials. The witness stated that Yahya Jammeh was very upset when he heard this and protested that he had been able to ban people before so why not Alhagie Banding?

The SIC then called Yahya Jammeh to a meeting at their headquarters, where Imam Abdoulie Fatty advised the SIC be dissolved whilst seriously criticising Alhagie Banding in a sermon. The witness testified that this was the moment Yahya Jammeh decided to ban Alhagie Banding and his people.. Imam Ba Kawsu Fofana stated that he was the only candidate left once Alhagie Banding was banned from the election. Yet, Imam Modou Lamin Touray was offered the position of president. The witness further noted that the election day was very close by then. He added that whenever he observed improper conduct in the election, he used to tell the minister (the witness does not say who exactly) about it or write letters to Yahya Jammeh, arguing that the election should be conducted by the IEC.

When the Lead Counsel asked the witness who conducted the election, he explained that he told Yahya Jammeh that the IEC should conduct the election because he knew that the SIC would definitely support their own candidate. As a result,

Yahya Jammeh took control of the elections from the SIC and gave it to the IEC under the leadership of Minister Ismailah. The Lead Counsel asked if a vote took place and the witness responded in the negative. , “Voting did not take place at all.” The Lead Counsel asked him what happened and the witness stated that when voting was handed over to Minister Ismailah and the IEC, the election date was already so close that they could not change the date or run their own program so the SIC conducted the election instead.

The witness stated that the SIC had its own rules and constitution to run their election and the IEC could hand things over to them. He further argued that the SIC could have given the IEC the election to run but they did not. The witness said at the time he was a popular candidate in the election and had already campaigned in the country doing well. He had also already met the qualifications to run for the election but the SIC changed the requirements to run for president in the SIC constitution at the last minute. He added that some of the district representatives that supported the witness at this point in the election were dropped from the list of eligible voters and new people were added to the list of people who could voters.

The Lead Counsel asked if this was an irregularity amounting to fraud and the witness responded in the affirmative. The Lead Counsel then asked the witness if he wrote to Yahya Jammeh to challenge the results of the election. The witness stated that he decided that he wrote to Modou Lamin Touray and told him that he knew how he got the presidency but he would still follow him and pray for him.

Moving on, the Lead Counsel asked the witness to describe the purpose of the SIC. The witness testified that the SIC is supposed to look after the needs of Muslims and help them. The Lead Counsel asked if the SIC, as far as the witness knew, has the mandate to regulate the types of sermons preachers were allowed to make. Imam Ba Kawsu testified that it was not part of their mandate - until they had a problem with him. The Lead Counsel asked if the constitution of the SIC gave them the power to ban people that were preaching what they did not like.

Ba Kawsu Fofana explained that they did have the power because Yahya Jammeh gave it to them, but prior to that they did not have the power to ban people who went against them.

The Lead Counsel asked if there were any problems relating to the sighting of the moon when Modou Lamin Touray was president of the SIC. The witness explained that Ramadan began shortly after Modou Lamin Touray was put in power. The witness recalled that he explained to Modou Lamin Touray that in The Gambia there were three days in which people used to fast and pray. He said that some Islamic Leaders in the country decided when to pray based on the sighting of the moon in Mecca, while others used to follow the SIC’s sighting of the moon in The Gambia, while other people from the provinces fasted until they sighted the moon themselves. The witness said that people used to ask him where he stood. He stated that he was of the position that Gambians should fast until the moon was sighted in The Gambia.

When it was the day of Eid in 2008, the SIC decided to conduct a courtesy call to Yahya Jammeh and introduce members of the new council. Yahya Jammeh gave them some money and two vehicles and also some additional money to pay for bills. Yahya Jammeh also asked them to go along with Mecca’s timing for fasting and Eid prayers. He argued that following the lead of Mecca was the best thing for them to do. The Lead Counsel asked the witness if he was present for that meeting. The witness responded in the negative, explaining that he learned about this from one Sidiya Ceesay.

The witness continued that, in 2009 when Ramadan was approaching, The SIC wrote a letter to Yahya Jammeh addressing their meeting with him from 2008. They claimed that they had been on a tour of the country to ask Gambians which sighting of the moon they should use to plan the timing of their fasting and prayers during Ramadan. However, the

witness claimed, they were actually just pushing the idea that they should follow Mecca's guidelines on the rest of the people. He said that they told people that they were a new council and wanted everyone in The Gambia to fast and pray on the same day. The witness said that they made it appear like they would base the prayers on the moon sighting of the people in Gambia but that they planned on going with Mecca's instructions all along.

The Lead Counsel asked the witness if he was saying that the SIC misled people and the witness responded in the affirmative. The Lead Counsel asked the witness if he challenged the SIC when he realised people were being misled and the witness responded in the affirmative again. He explained that they did not know they were being misled until after a little bit of time had passed. He said that during the countrywide tour, the SIC provided transportation money to the local imams and made them sign for it. After the tour, they went to Yahya Jammeh with the document and told him that it was a list of signatures supporting the initiative to time fasting and prayer with Mecca's schedule.

The Lead Counsel reminded the witness that he was under oath. He then asked him if he was swearing, under oath, that the signatures of the imams indicating receipt of transport money were used to show Yahya Jammeh that Gambians had agreed they would break the fast and pray alongside Mecca. The witness responded in the affirmative.

He added that Yahya Jammeh told them that if any imam turned against the new decision of the SIC, he would allow them to deal with dissenters how they saw fit. Clarifying, the Lead Counsel asked the witness if he was testifying that Yahya Jammeh was misled by the SIC and the witness confirmed he was.

The witness continued that in 2009, The Gambia's starting date for Ramadan coincided with that of Mecca. However, when the time came for Eid prayers, they did not sight the

moon at the same time. When people were looking for the moon before Eid, Modou Lamin Touray went on television and radio and claimed the moon had been sighted in The Gambia, in Dasilameh Sangajor, in Mecca, and some other countries. The witness explained that this was the only place in The Gambia that supposedly sighted the moon at that time. SIC President Modou Lamin Touray then told people that they should all begin prayers the following day. Some people followed the SIC but other people did not pray because many other countries in the sub-region of West Africa, including Senegal, had not sighted the moon. After Eid, Modou Lamin Touray spoke to Yahya Jammeh, complaining that people did not follow their mandate. The witness said that they told him, "they were giving him back that load so that he could do something about it."

According to the witness, Yahya Jammeh responded to them that it was no longer their business and he would take care of it. He said that those who did not pray on the day would not pray anymore. Yahya Jammeh then told Modou Lamin Touray that he had disappointed him too. He censured Modou Lamin Touray for delaying the news of the moon sighting in Mecca when he went on TV, focusing instead on a sighting in a village in Gambia. Yahya Jammeh asked him why he named countries other than Mecca if the country had agreed to go along with Mecca's guidelines – there was no reason to name Gambia, just Mecca. The witness added that when Yahya Jammeh made an announcement The Gambia realised that they were being made to follow Mecca's sightings. The Lead Counsel asked him if he was personally there at the meeting between Yahya Jammeh and the SIC. The witness explained that he heard about it on TV when Yahya Jammeh and Modou Lamin Touray made the announcement.

Continuing his testimony, the witness testified that at that time, the moon had been sighted in Mecca and it was announced they would pray on a Friday. But in The Gambia, the moon was sighted on that Friday, meaning they should pray on Saturday. The witness added that Gambians did not want to pray on Friday because they did not want to follow Mecca.

On Wednesday, they (SIC) went on the TV and radio and announced the day for Eid prayers without mentioning sightings of the moon.

The witness then explained that on Tobaski day, more people refused to pray. Yahya Jammeh showed the SIC a letter and said that the SIC had told him that the whole country had agreed with them but that was not true. The SIC told him that the whole country had agreed and accused Imam Ba Kawsu Fofana of convincing the people not to pray on the day mandated by Mecca. The witness said that this was the first time they spoke of him to Yahya Jammeh. According to the witness, Yahya Jammeh asked them how Ba Kawsu Fofana was able to do that. He further asked if Ba Kawsu Fofana had gone around the country petitioning people not to follow Mecca. In response, the SIC accused Ba Kawsu Fofana of giving a sermon that advised people not to follow Mecca.

The Lead Counsel asked him if he gave that sermon. The witness said he had given that sermon but he did not travel the whole country to convince people to follow him. He added that even Yahya Jammeh wondered if his (the witness') sermon could singlehandedly have changed the minds of the whole country.

Ba Kawsu Fofana attested that that was the day that the government decided to investigate him. He said that the police came to him that following Friday but Sidiya Ceesay had explained everything that had happened and how he had been blamed for the confusion surrounding Eid prayers the Tuesday prior. The witness recalled that Sidiya Ceesay warned him so that he could protect himself. Sidiya Ceesay also advised Ba Kawsu Fofana to keep quiet but the witness said that he refused to be silenced and said that if anyone asked if Gambia could base Ramadan and Eid on the sighting of the moon in Mecca, he would tell them it was impossible. He told them that the year before when the SIC committed fraud, he had not stood up to them.

The witness stated he was told to report to the Banjul Police Station when the police came that Friday. When he went to the station, officers told him that the government wanted the imams and the SIC to speak with one voice. He was accused of defying the SIC and the President and for causing disunity on the day the SIC called for

Eid prayers. The witness stated that he told them that it was impossible for Gambia and Mecca to have prayers on the exact same day. He shared his opinion that there are times when people can go with Mecca - when they face Mecca to pray, when they take their pilgrimage there - but when it comes to fasting they should follow the moon.

All in all, the witness said he spent around ten minutes with the police. Afterwards, he called Modou Lamin Touray and told him that the SIC had reported him to the police. Modou Lamin Touray told the witness that in fact he had been the one who reported him. The Lead Counsel asked if, in the witness' knowledge, it was within the lawful role of the SIC to report him to the police and the witness explained that the SIC's agreement with Yahya Jammeh was that if any imams refused to follow the SIC's directives, the person would be handed over to him.

After probing, Ba Kawsu Fofana confirmed that the SIC, at that point in time, was an instrument of Yahya Jammeh being used to propagate his own ideas as to times of prayer for Muslims in The Gambia.

Continuing, the witness explained that Modou Lamin Touray admitted that though he had previously agreed that Gambia and Mecca could not observe prayers on the same day, the other council members convinced him to change his mind. The witness added that Sidiya Ceesay, however, had told him that Yahya Jammeh was the one who made Lamin Touray change his mind.

The Lead Counsel asked the witness if what he was saying was that, irrespective of what the SIC said they were just going with the imposition of Yahya Jammeh and he responded in the affirmative, adding that not only were they trying to please Yahya Jammeh by going with whatever he said but that the SIC constitution actually stipulated that the Gambian president was an official member of the SIC as well.

Further discussing the witness' **arrest**, the Lead Counsel asked if his encounter with the police caused him any lasting harm. The witness said that in addition to talking to Banjul Police, he was also questioned by the National Intelligence Agency, NIA. Later, when he tried to take part in a radio programme called Islamic Forum, he found a letter there telling him that he had been banned from taking part in the programme.

When asked who he was told made, or who he thought made, that decision, the witness testified that he was told by the NIA and the radio programme that he had been banned by the SIC. The witness specified that at that time the SIC did not have such powers under the constitution. The Lead Counsel sought clarification and the witness confirmed that Modou Lamin Touray had told him that any person who was preaching on radio or television had to have the approval of the SIC.

He added that most people were approved but the SIC said that they wanted to ban him and Ahmadiyya.

Continuing, the witness stated that he was banned in the summer of 2010. He argued that people did not believe in or trust the SIC anymore and Yahya Jammeh and the SIC blamed him for this. He further recalled that in 2010, during Tobaski, Modou Lamin Touray went to State House and swore by the Quran that there were two people in the country who were causing problems - Dr. Dumbuya and Ba Kawsu Fofana. The Lead Counsel asked if Dr. Dumbuya was included because he had been giving his sermons on Vibes FM radio with Omar Fofana (not the witness' brother) and the witness agreed. He explained that Dr. Dumbuya was an imam and during the radio programme, Dr. Dumbuya also stated that prayers could not take place on the same as Mecca. Imam Abdoulie Fatty took the matter to Yahya Jammeh who effectively ordered that both Dr. Dumbuya and Omar Fofana be banned from the radio.

Clarifying, the Lead Counsel asked the witness to be clear about who instituted the ban. The witness explained that Yahya Jammeh verbally gave the order. The Lead Counsel

informed the witness that they had testimony from Omar Fofana that the radio station claimed that the SIC had told them that they should not allow him to be on the radio. Omar Fofana then went to the SIC to get his permit and it was refused. The Lead Counsel asked the witness if he was aware of that information. The witness explained that the SIC implemented Yahya Jammeh's order to have people banned.

Proceeding, the witness testified that the day after Imam Touray swore on the Quran, Yahya Jammeh told him that he had given him supreme powers for five years but Imam Touray was still unable to bring the people together or unite the people of the country. Yahya Jammeh gave Imam Touray one week to solve the problem of Islamic disunity in the country. When the Lead Counsel asked the witness where he got that information from, he responded that he had "heard it".

Ba Kawsu Fofana recalled that the SIC decided to convene a meeting so they could settle the matter of the sighting of the moon once and for all. When the witness arrived at the meeting he was shocked to see that, contrary to the invitation letter's details, there were 200-300 people there. The SIC informed him that they decided to call those people there because of him. The witness stated that Modou Lamin Touray then asked him to agree to four things: 1) that he was not well educated, 2) what he preached was a lie, 3) the SIC was right and the witness was always lying; and 4) that he was always brewing trouble in the country.

At this point, the Lead Counsel announced that the Commission had a video of the meeting in question and that it would be reviewed to fact check the witness' statement. The Lead Counsel then asked the witness to clarify if he was speaking about when he met with the SIC alone or when he met with the SIC and Yahya Jammeh. The witness explained there were two meetings and it was at the first meeting he was told to agree to the four defaming statements.

Ba Kawsu Fofana stated that at no point did he concede to the SIC or agree with them, adding that he defied them and that was the day they decided to put the ban on him.

The Lead Counsel asked if, in that meeting, he was accused of making inflammatory and insulting statements against certain ethnic groups, including the Jola, in his sermons. The witness responded that he was not someone who insults, swears, or beats people including women. The Lead Counsel pressed on and asked if he said the Jolas were not learned in the Quran and did not understand Islam. The witness admitted that he used to talk about all the tribes. The Lead Counsel asked if he would agree that when talking to or about the tribes, he had said things that could be viewed as insensitive. The witness disagreed. The Lead Counsel further asked if the witness sometimes said things that could be viewed as condescending or insulted some of the ethnic groups. The witness countered that he used some harsh words but they were not insulting. The Lead Counsel asked if some of those words might be viewed as offensive by some of the ethnic groups that they talked about. The witness claimed that people would say that what he said was insensitive but true.

The Lead Counsel then asked the witness if he would agree that leaders in the country must be careful not to stoke problems and say things that would upset the social cohesion of The Gambia. The witness replied that the Gambian people liked his preaching more than anyone else. The Lead Counsel added that he understood the rationale behind what the witness said, but he wanted to know if he understood that as a religious leader, he had a responsibility to avoid saying things that would cause strife in The Gambia and the witness agreed. The Lead Counsel then noted that he was accused of insulting Yahya Jammeh, which the witness also denied.

Going back to the ban, the witness said that he wrote a letter to Yahya Jammeh in which he said that he preached every day in the country, in villages and on the radio, and many people listened to him, but if he wanted him

to attend his meetings in person, it interfered with his preaching. He told Yahya Jammeh that now that he was banned, his students would not be able to benefit from his teachings and that he taught them many things that were not “the SIC’s business”. In response, Yahya Jammeh called him to another meeting with the SIC.

At the meeting, the witness first explained his views on sighting the moon and then Abdoulie Fatty told Yahya Jammeh that they had a problem with him (Ba Kawsu Fofana) because he had insulted the President and the Jola tribe. The witness added that he believed that Abdoulie Fatty said those things to anger Yahya Jammeh and accused Abdoulie Fatty of insulting all the tribes in the country in his sermons. He then claimed that Abdoulie Fatty also insulted Yahya Jammeh in one of his sermons.

Asked how the meeting ended, the witness responded that he was told that the SIC would lift the ban on him and later received a letter confirming the ban had been lifted. The witness recalled that all was well until 2012, when issues started surfacing. He explained that Abdoulie Fatty gave a sermon on 18th May 2012 at the State House Mosque calling for the witness to be **arrested, punished**, and disciplined, adding that Abdoulie Fatty was trying to incite Yahya Jammeh to be angry. As a result, Ba Kawsu Fofana was **arrested** on 31st May and **detained** for nine days.

According to the witness’ testimony, men led by Yankuba Badjie took him to the NIA office in Banjul where he was **beaten** with sticks and pipes and **suffocated** with a nylon bag over his head. The witness then put forward that Yahya Jammeh was the one who broke his finger. When the Lead Counsel asked if Yahya Jammeh personally participated in his **torture**, Ba Kawsu Fofana responded that he was the “chairman and the boss” of those who were **beating** him. The Lead Counsel asked if he was then suggesting that because Yahya Jammeh was the superior of those that broke his hand that he was therefore responsible for **breaking** his finger and the witness responded in the affirmative.

Ba Kawsu Fofana stated that after participating in his **beating**, Ousman Sonko left the country. Asked who else had participated in his **torture** aside from Ousman Sonko, the witness responded that *“there were plenty because it was dark”*. He added that one of them wanted to smoke a cigarette and when he took the lighter out, the other officers struck it out of his hand so it would not illuminate them.

Discussing his **torture** on a typical day, the witness explained that they would put him down on his stomach first and some would stand on his legs and hands so they could **beat** him anywhere they wanted. The **beatings** took place mostly at night around 3 am. He further explained that when he was in the cell, they would take him out at night. He said it happened on the first Friday and the following Thursday of his **detention**. When he was taken, they did not remove his clothes but his gown and head cover were taken from when he was first **detained**. His attackers used sticks to **beat** him on the first day and then they used pipes.

They did not electrocute him but they did put plastic bags over his head, which when torn, they would replace.

Ba Kawsu Fofana told the Commission that after they finished **beating** him, they would interrogate him. They asked him why he called Yahya Jammeh “Banjul Mansa,” or the king of Banjul, when he was the king of the whole country. They also asked if he would change his preaching and stop talking about Yahya Jammeh in his sermons. The witness told them that he never talked about Yahya Jammeh in his sermons.

The witness described the impact of the **torture** as being very painful but specified that he was never beaten unconscious during the torture sessions. Aside from the broken finger, he did not sustain other wounds or lacerations. He added that sometimes when they beat him, he used to laugh because he did not want to be angry.

Addressing the broken finger, the Lead Counsel asked if he sought help for it. The witness admitted that he did get someone to help him put his finger back in place. Asked how many times he was **tortured** during the nine days of his **detention**, the witness responded that the **torture** took place on Friday and Thursday. He was later released on a bail but told to come in to report regularly.

The witness recalled that he was **arrested** again on 15th August of the same year, adding that he was still under bail and used to report every Monday. Yankuba Badjie came to his house with a large group of masked people to **arrest** him. Yankuba Badjie explained that because the witness was a respected elderly man, he had decided to lead the team of officers himself, but had he been sent for somebody else he would not have joined the team. The witness testified that he asked Yankuba Badjie if he could finish his ablutions and he agreed. When he came out of the house, his brothers asked him what was going on. He informed them that the officers were from the NIA and they were there to take him to Banjul.

Ba Kawsu Fofana stated that he told Yankuba Badjie, *“The first arrest, when you came you told me that it would be peaceful but there was no peace. Today also you are telling me that there will be peace. Now, what’s going to happen”*. Yankuba Badjie tried to reassure him but the witness was not convinced as he had previously received information that he would be **arrested** again and Imam Abdoulie Fatty was telling Yahya Jammeh things about him.

The Lead Counsel asked the witness if he only clashed with Abdoulie Fatty or if his problems were with the whole SIC. The witness explained he initially had problems with Modou Lamin Touray, then with the president of the SIC, but ultimately, it was Abdoulie Fatty was the one leading the trouble against him. The witness claimed that later Modou Lamin Touray actually expressed that he regretted his actions against him. The witness then explained how Abdoulie Fatty **defamed** him to the SIC and Yahya Jammeh.

The witness stated that **Abdoulie Fatty did everything he could to turn other people against him, justifying his actions by saying he was responsible for Dawa.**

The Lead Counsel asked the witness what happened on the day that the NIA, headed by Yankuba Badjie, came to **arrest** him. The witness said that after he left the mosque to perform ablution, Yankuba Badjie went to his house and asked his father where he was. His father said that he did not know. Yankuba Badjie said that Ba Kawsu had told them that he was leaving the mosque and said that he was going to get permission from his father.

The NIA officers proceeded to search the entire compound but they were unable to find the witness. The Lead Counsel asked the witness if he snuck out of the compound and the witness responded, “yes, *they thought that I disappeared*”. The Lead Counsel asked the witness if he was suggesting that he disappeared into thin air. Ba Kawsu Fofana then explained that that was something that marabouts do and he was a big marabout, disappearing was a small thing for a marabout.

After the witness “disappeared”, he said he stayed in the country for two days, deliberating whether or not to flee the country. The witness added that right before he escaped, Yankuba Badjie and his men - his would-be-captors - told their boss, Mendy (the witness did not give the first name)⁹³, that they were bringing him in. Mendy then informed Yahya Jammeh that they had **arrested** him, but the witness said he, “*prayed two rakats and disappeared*”.

The Lead Counsel asked the witness if he really prayed two rakats. The witness responded in the affirmative. The Lead Counsel asked him when he had the time, since he told them that he was going to perform ablution with his father. The witness said it was when the officers followed him into his house. He said they were very close together as they followed him in. He performed ablution and they watched. However, when he stood in the middle

of the compound he disappeared. The witness further testified that when he escaped, Yankuba Badjie told Yahya Jammeh that Ba Kawsu Fofana had disappeared. Yahya Jammeh then ordered Mendy to meet up with Yankuba Badjie to search for the witness.

Mendy questioned the witness’ father and told him that he was there to apologise to Ba Kawsu Fofana on behalf of Yahya Jammeh. Mendy tried to reassure his father that all of the trouble was over and the Yahya Jammeh would not touch him but that Ba Kawsu Fofana was required to criticizing various people in his sermons. The witness added that there were many witnesses present.

Continuing, the witness said that the first time that Yankuba Badjie and his men arrived some of them stank of alcohol. He noted that because of the conflicting information about whether or not he was in trouble, he stayed in Gambia for another two days. The witness said that he eventually spoke to one Sukuta Jammeh who worked at the NIA to ask him what was happening at the NIA and Sukuta Jammeh told him he had not heard that he was to be **arrested** that day and told him that he did not need to run. However, the witness told Sukuta Jammeh that it was bad for countries when their governments **persecuted** their nation’s scholars also. Sukuta Jammeh harshly responded that scholars like him needed to leave the government alone or they were going to **beat** them.

Sukuta Jammeh told him that the people wearing “black black” were the ones that had taken him up the “storey building ⁹⁴” him but if the people wearing “red-red⁹⁵” came he would die.

Sukuta Jammeh further told him that the first time he going to be **tortured** but the second time he would be killed adding that Numo Kujabi, the then director

⁹³It is possible the witness was referring to James Mendy, the chief of security guards under the National Intelligence Agency.

⁹⁴We believe he was referring to the witness being tortured at the NIA by the Junglers who were also known as the “Black Black”.

⁹⁵It is possible that the witness was referring to the “witch-hunters” that were accused of persecution of hundreds of Gambians in 2009. Some of the witnesses who testified during session 10, referred to the men as wearing “red-red”.

of the NIA told him (Sukuta Jammeh) that if more reports of Ba Kawsu Fofana came to his office he would go in his “Black book”.

The Lead Counsel asked him if he left the country then. The witness said he went to Casamance, Senegal. When asked, he testified that he was given protection by the Senegalese government and the Jabi Clan. The Lead Counsel asked if it was true that he was not able to return home to visit his mother, children or wives until Yahya Jammeh left power. The witness said he returned in 2015 when President Yahya Jammeh granted general amnesty to those he had problems with previously or had jailed. His mother thought it would not be safe but he insisted and told her about Yahya Jammeh’s general amnesty. However, he did have some people on standby to smuggle him out of the country if necessary.

The Lead Counsel asked the witness how he felt being in exile from The Gambia and leaving his family behind. The witness said that he trained himself to endure hardships and if you do that you will not feel anything when you go through hardships. The Lead Counsel asked the witness how his family felt while he was in exile. The witness said that his family and his students were all sad and upset that he had been sent into exile. When asked, he said that in his absence his family was taken care of by his younger brothers and friends.

The Lead Counsel opened the floor to the Commissioners for questions. The witness was asked many questions about his opinion on sighting the moon and the Lead Counsel reminded the Commission that, although that was an interesting subject, it was not what the hearing was for.

In his closing remarks, Imam Ba Kawsu Fofana said that people can have different views but that does not make them enemies.

He added that Jannah⁹⁶ is a big city and there were many roads that led there. He urged the victims of Yahya Jammeh to have patience and forgive. Yahya Jammeh’s

dictatorship was only a small moment in Gambian history, a short time in their history and they would heal and be fine.

He further stated that the TRRC hearings were an opportunity to learn and a reminder for the country that no one should trouble their neighbour and called for Gambians to come together as one in order to move forward. He stated that in his first sermon he said to forgive and forget. He then disclosed that initially he was not sure if he should come to the TRRC but he decided to come so people could learn something from his story.

The witness then ended his testimony by extending his sincerest thanks to the Commissioners, the TRRC Lawyers, the elders, the audience and the government.

Persons Mentioned By Witness During Testimony:

Religious intolerance and defamation

Yahya Jammeh, Abdoulie Fatty, Modou Lamin Touray

Arbitrary arrest

Yankuba Badjie, Yahya Jammeh, Mendy (first name not given)

Torture

Yahya Jammeh, Ousman Sonko

⁹⁶The Muslim concept of heaven in the afterlife.

When the Lead Counsel asked if **Yahya Jammeh** personally participated in his **torture**, **Ba Kawsu Fofana** responded that he was the “chairman and the boss” of those who were **beating** him. The Lead Counsel asked if he was then suggesting that because **Yahya Jammeh was the superior of those that broke his hand that he was therefore responsible for breaking his finger and the witness responded in the affirmative.**

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About The Point Newspaper

The Point Newspaper is a major independent Gambian newspaper, co-founded by Deyda Hydara, a fierce advocate of press freedom and a fierce critic of the government of then President Yahya Jammeh, who was allegedly killed under the orders of Jammeh in 2004. The current co-publisher is his son, Baba Hydara.

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