

TRUTH, RECONCILIATION & REPARATIONS COMMISSION (TRRC) DIGEST



Photo: ©Thomas de Lacoste
© 2020 ANEKED & The Point Newspaper

EDITION 12

Presented by:



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.



DISCREPANCIES/CONFLICTING TESTIMONIES

Lamin Jobe

In his testimony, Lamin Jobe attested that he participated in a peaceful UDP protest in 2016 demanding for reforms and the release of the (late) Solo Sandeng. During that protest, PIU officers attacked the demonstrators and he (Lamin Jobe) sustained injuries on his face and a broken finger that took 2/3 months to heal.

Lamin Jobe was shown a photograph, which was supposedly taken around the time of the attack. In the photograph, he was wearing a Gambia Coalition T-shirt promoting then presidential candidate, Adama Barrow. The Lead Counsel pointed out that was impossible for him to have that T-shirt on at the time he said the picture was taken because the attack on Ousainou Darboe and the UDP preceded the selection of Adama Barrow as a coalition candidate. The Lead Counsel stated that the Lamin Jobe's T-shirt in the photo of his injuries suggested that the photo was taken in January 2017. If he was injured in April 2016 and his injuries took three months to heal, the wounds in the photo must have been sustained at a different time. Lamin Jobe was not able to explain the discrepancy between his story and the timing suggested by the picture. He said he must have made a mistake and the Lead Counsel asked that the picture of his injuries in which he was wearing a Gambia Coalition shirt be submitted as evidence so that its validity could be further investigated.

OVERVIEW

The 12th session of the public hearings of the Truth, Reconciliation and Reparations Commission, TRRC, which began on 17th February 2020 and ended on Thursday 5th March 2020 focused on the arbitrary arrest and detention of public servants and private persons.

The session first heard Imam Abdoulie Fatty and Imam Muhammed Lamin Touray regarding accusations of attacks on the religious freedom of people that testified during the previous session.

The session then saw witnesses testify to the systemic arbitrary arrest, (prolonged) detention (including incommunicado) and complete lack of due process they were subjected to during the Yahya Jammeh regime, as well as the torture meted out onto them, including sexual violence.

The 12th session also heard witnesses testify to the crimes against humanity committed by the Junglers including the enforced disappearance and extrajudicial killings of Gambians and Senegalese. One witness discussed the sexual exploitation of at least 40 women between 2001 and 2008 by Yahya Jammeh, the deaths caused by his presidential convoy and the lacing of spiritual concoctions in the food and drinks served to the general public.

Witnesses testified in various local languages and as in previous sessions, there were issues with the quality of the interpretation, with some interpretation not fully conveying what the witness had said, thus impacting the accuracy of the translation.

In this session, 14 persons testified, including one woman. One witness testified via skype.

In the course of the session, the human rights violations reported include:

- Religious intolerance
- Arbitrary arrest and detention
- Torture including sexual assault
- Enforced disappearance
- Extrajudicial killing
- Forced labour

73 persons were mentioned by witnesses in relation to human rights violations and crimes committed, namely¹:

AKEEM (first name not given): Judge/magistrate in 2000. Accused of abuse of power in the case of Ebrahima Yarbo in 2000.

Taiwo Ade ALAGBE: Principle Magistrate in Banjul High Court in 2012. Accused of corruption of justice in Lamin Karbou's case against four National Intelligence Agency, NIA, officers in 2012.

Alasan (last name not given): NIA Officer in 2015. Accused of arbitrary arrest and detention of Ousman Jammeh in 2015.

BADJIE (first name not given): Deputy Chief of Staff at State House in 2003. Accused of arbitrary arrest of Mahmoud Babadi Sarr in 2003.

BADJIE (first name not given): Guard at Kanilai detention facility in 2006. Accused of arbitrary detention of Ensa Keita, Kajali Jammeh, Yama Colley, Bai Dam, Sheikh Faal, suspected cattle rustlers, two unnamed men including a Senegalese and Pa Ous Jeng in 2006.

Ensa BADJIE (also known as Jesus): Inspector General of Police, IGP from June 2008 to March 2010. Accused of arbitrary arrest and detention of Ebou Jarju in 2008. Ensa "Jesus" Badjie was unlawfully sacked in March 2010, arrested, tortured and sentenced to life imprisonment on robbery-related offences. He was pardoned in 2015. According to several media reports, he was reinstated back into the police force with the rank of police commissioner in February 2020.

Lamin Bo BADJIE (also known as Bo): Director of the NIA in 2009. Accused of the arbitrary arrest and detention of Lamin Karbou in 2009.

Njogu BAH: Former secretary general and head of civil service. Accused of obstruction of justice in Lamin Karbou's case against four NIA officers in 2012.

¹The 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.

<https://www.anekeed.org/archives>

Samba BAH: Director of the NIA in 2000. Accused of attempting to illegally shutdown a private radio station in 2000.

Sambou BARROW: Sergeant in the State Guard in 2008. Accused of arbitrary arrest of Ebou Jarju in 2008.

Foday BARRY: Senior NIA officer in 2002. Accused of arbitrary arrest and detention, and torture including sexual violence of Lamin Jobe in 2011.

Sanna BOJANG: Described as a “volunteer” with NIA officers in 2009. Accused of drug trafficking and corruption at the NIA in 2009.

Francisco CASIO²: Italian organised criminal and mercenary. Accused of participating in the arbitrary arrest of Ebrahima Yarbo in 2000.

CEESAY (first name not given): Administrator at the NIA in 2014. Accused of participating in the arbitrary arrest and detention of Veronic Carayol in 2014.

Lamin CEESAY: Senior police officer in 2008. Accused of participating in the arbitrary arrest and detention of Ebou Jarju in 2008.

Lamin CEESAY: NIA officer in 2012. Accused of arbitrary arrest of Momodou Sowe in 2012.

Mustapha CEESAY: NIA officer in 2009. Accused of drug trafficking and corruption at the NIA in 2009.

Sheriff CEESAY: NIA officer in 2009. Accused of drug trafficking and corruption at the NIA. Accused of participating in the arbitrary arrest of Lamin Karbou in 2009.

CHAM (first name not given): Accused of participating in the arbitrary detention of Lamin Karbou in 2009.

David COLLEY: Former Director General of The Gambian Prison Services. Accused of participating in the arbitrary detention of Dr. Badara Loum in 2006. 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 and abuse of office in March 2018 but released on bail. He appeared before the TRRC as a person adversely mentioned on 25th June 2020.

Lamin COLLEY: Former lance corporal and medic of the Gambia National Army, GNA. Served in the army as warrant officer class 2. Accused of participating in the assault of Lamin Jobe and firing into crowds of UDP protestors in 2016.

DABO (first name not given): Sergeant at Mile 2 Prison. Accused of denial of medical treatment to Momodou Sowe whilst detained between 2012 and 2015.

Wanju DAMPHA: NIA officer in 2009. Accused of participating in the arbitrary arrest of Lamin Karbou in 2009.

Lamin DARBOE³: NIA officer in 2006. Accused of participating in the arbitrary arrest and detention of Dr. Badara Loum in 2006.

Lamin DARBOE: NIA officer in 2009. Accused of drug trafficking and corruption at the NIA. Also accused of participating in the arbitrary arrest of Lamin Karbou in 2009. Taken to court by Lamin Karbou but abruptly acquitted with a warning in 2012.

DARBOE (first name not given): NIA Officer in 2014. Accused of arbitrary arrest of Veronic Carayol in 2014.

Jim Ebrimah DRAMMEH (also known as Jim): Former director of operations at the NIA, later went to work for the National Drug Enforcement Agency/ Drug Law Enforcement Agency – Gambia, DLEAG. Accused of arbitrary arrest, detention and torture of Lamin Karbou in 2009; drug trafficking and corruption; obstruction of justice, assault of nine Casamance rebels and of Alagie Sajo. Taken to court by Lamin Karbou but abruptly acquitted with a warning in 2012. Said to be working for the DLEAG at the time of release of this publication.

²Sometimes reported in the media as “Casco”.

³Unclear if it is the same Lamin Darboe who is accused of participating in the arbitrary arrest of Lamin Karbou in 2009.

FAAL (first name not given): Commissioner of prisons at Mile 2 Prison in 2012. Accused of participating in the arbitrary detention of Momodou Sowe between 2012 and 2015.

Abdoulie FATTY: State House Imam from August 1995 to November 2014 and executive member of the Supreme Islamic Council, SIC. Confessed to incitement against and banning of Shia and Ahmaddiyah and defamation and encouraging arrest of Imam Baba Leigh, Dr. Dumbuya, Omar Fofana, Ba Kawsu Fofana, and Sheikh Sheriff Hydera; additionally, accused of religious intolerance and usurpation of authority. Preaching as an imam in The Gambia at the time of release of this publication.

Adama FATTY: Administrator at the NIA in 2014. Accused of participating in the arbitrary detention of Veronic Carayol in 2014.

Edward GOMEZ: NIA officer stationed at State House in 2012. Accused of arbitrary arrest of Momodou Sowe in 2012.

Leo GOMEZ: NIA officer in 2015. Accused of arbitrary arrest and detention of Ousman Jammeh in 2015.

Louis GOMEZ: Former officer and later deputy director of the NIA. Accused of attempted forced false confession of Lamin Karbou in 2009; of arbitrary detention of Mahmoud Babadi Sarr between 2010 and 2014; of arbitrary arrest and detention of Momodou Sowe between 2012 and 2015; and the arbitrary arrest and detention of Veronic Carayol in 2014. Deceased (2018) whilst standing trial with eight former NIA officials for the murder of UDP activist Solo Sandeng.

Lamin HYDARA: Accountant at the NIA in 2009. Accused of participating in drug trafficking and corruption in 2009.

Momodou/Muhammad Lamin HYDARA: Deputy director of the NIA in 2009. Accused of attempted forced false confession of Lamin Karbou in 2009.

Deported back to The Gambia by the US authorities in October 2018 and not under custody at the time of release of this publication.

Jafa Jafa (full legal name not given): Accomplice to the death squad team “the Junglers”. Accused of participating in the torture of Ensa Keita and the arbitrary detention/kidnapping of Yama Colley in 2006.

Ousman JALLOW: NIA officer in 2006. Accused of participating in the arbitrary arrest and detention of Dr. Badara Loum in 2006.

Famara RI JAMMEH (known as FRI Jammeh): Chief of police in 2000. Accused of attempting to illegally shutdown a private radio station. Deceased (2019).

Ismaila JAMMEH: Member of the death squad team “the Junglers.” Accused of arbitrary arrest and torture of Mahmoud Babadi Sarr in 2006. Detained at Yundum Barracks at time of release of this publication.

Kunchi JAMMEH: Senior police officer in 2008. Accused of participating in the arbitrary arrest and detention of Ebou Jarju in 2008.

Musa JAMMEH (alias Maliamoogoo): Officer in the GNA and bodyguard of Yahya Jammeh. Accused of torture of Tamsir Jasseh in 2006; of arbitrary arrest, detention and torture including sexual assault of Ensa Keita in 2006. Accused of arbitrary detention/kidnapping, extrajudicial killing and desecration of human remains of Yama Colley in 2006. Accused of arbitrary detention and extrajudicial killing of Bai Dam and Sheikh Faal in 2006. Deceased (2007).

Omar JAMMEH (also known as Boy Boots): NIA officer and Officer Commanding of the West Coast Region in 2009. Accused of drug trafficking and corruption, and of participating in the torture of Lamin Karbou in 2009. Taken to court by Lamin Karbou but abruptly acquitted with a warning in 2012. Said to be employed at the State Security Services, SIS⁴ at the time of mention.

⁴The NIA was renamed the SIS in 2017.

Pa Harry JAMMEH: Former solicitor general. Accused of the arbitrary arrest and detention of Ebou Jarju in 2008.

Sukuta JAMMEH: NIA officer. Accused of participating in the arbitrary detention of Ebrahima Yarbo in 2000, Mahmoud Babadi Sarr between 2010-2014 and Momodou Sowe in 2012.

Yahya JAMMEH: Chairman of the AFPRC, later APRC, and President of The Gambia until December 2016. Accused of sexual exploitation of at least 40 women between 2001 and 2008; hit and runs resulting in the death of around 20 people between 2001 and 2008. Accused of being at the highest level of the chain of command of the death squad team “the Junglers” and of ordering the enforced disappearance and killing of Haruna Jammeh and Marci/Masireh Jammeh in 2005. Accused of ordering the enforced disappearance and killing of Daba Marenah and Ebou Lowe in 2006. Accused of ordering the torture of Tamsir Jammeh in 2006. Also accused of ordering the arrest of Dr. Badara Loum in 2006, Bakary Camara and Manlafi Sanyang in 2008, Ebou Jarju in March 2008 and subsequent three-year arbitrary detention; and arbitrary detention of Mahmoud Babadi Sarr from 2010 to 2014. Accused of obstruction of justice, corruption of justice, religious intolerance, usurpation of authority, forced labour, politicisation of the civil service, consumption by fraudulent means/food poisoning and abuse of orderlies. In exile in Equatorial Guinea at the time of release of this publication.

Modou/Momodou Lamin JARJU (alias Rambo): Member of the death squad team “the Junglers.” Accused of participating in drug trafficking in 2009. Accused of participating in the torture of Mahmoud Babadi Sarr and Sarjo Fofana in 2010. His name is on the list of wanted persons issued by Gambian authorities in 2018.

Joseph JASSEY: Permanent secretary at the Ministry of Defence in 2006. Accused of arbitrary dismissal of Mahmoud Babadi Sarr in 2006.

JAWO (first name not given): Police officer. Accused of assault, arbitrary arrest and detention of Lamin Darboe in 2013.

Sheikh Omar JENG: Former operations commander at the NIA. Accused of arbitrary arrest, detention and torture of Alpha Touray in 2016. Facing trial as part of the case known as the “NIA 9 case” on numerous offences ranging from conspiracy to commit felony, assault causing serious bodily harm, murder and making false documents at the time of release of this publication.

Edrisa “Alagie Morr” JOBE: Former NIA officer and later head of the NDEA Intelligence Unit. Accused of arrest, detention, attempted forced false confession and torture of Lamin Karbou in 2009. Accused of torture of a person known as “kaw” and of nine MFDC rebels in 2009. Accused of drug trafficking and corruption. Reported to be in Scotland at the time of release of this publication.

Mustapha JOBE: NIA Officer in 2012. Accused of participating in the arbitrary arrest, search and detention of Momodou Sowe in 2012.

Sulayman JOBE: Accused of participating in the arbitrary arrest of Mahmoud Babadi Sarr in 2006.

Abdoulie KUJABI: Soldier in GNA in 2000. Accused of attempting to illegally shutdown a private radio station in 2000.

Sanna MANJANG: Former lieutenant colonel in the GNA and member of the death squad team “the Junglers”. Accused of extrajudicial killing and desecration of remains of Kajali Jammeh. Accused of torture of a suspected cattle rustlers. Accused of arbitrary detention and extrajudicial killing of Pa Ous Jeng in 2006. His name is on the list of wanted persons issued by Gambian authorities in 2018. Said to be living in Guinea Bissau at time of mention.

Lamin MANNEH: Officer at the NIA in 2009. Accused of arbitrary detention of Lamin Karbou and preventing him from receiving medical attention.

Daba MARENAH: Former head of the NIA. Accused of attempting to illegally shutdown a private radio station in 2000. Deceased (2006).

Matty (last name not given): Accused of participating in the torture of Lamin Darboe in 2013.

Dembo MBAYE: Officer at the NIA in 2009. Accused of drug trafficking and corruption in 2009.

MENDY (first name not given): NIA Officer in 2000. Accused of arbitrary detention of Ebrahima Yarbo in 2000.

PATEH (first name not given): Director of Criminal Investigations Division, CDI at Kanifing Police Station in 2016. Accused of participating in the arbitrary arrest and detention of Alpha Touray and Toumani Jallow in 2016.

Sulayman/Saul SAMBOU: Member of the death squad team “the Junglers.” Accused of arbitrary detention/kidnapping, extrajudicial killing of Kajali Jammeh, three suspected cattle rustlers and Pa Ous Jeng in 2006; and torture of one of the suspected cattle rustlers. His name is on the list of wanted persons issued by Gambian authorities in 2018.

Lamin SANYANG: Senior police officer in 2008. Accused of participating in the arbitrary arrest and detention of Ebou Jarju.

SAWANEH (first name not given): Sergeant in the Police Intervention Unit, PIU in 2002. Accused of participating in the assault of Lamin Jobe in 2002.

Kebba SECKA: Officer at the NIA in 2014. Accused of arbitrary arrest and detention of Veronic Carayol in 2014.

Lamin SENGHORE (aka Assassin (nickname Pa)): Officer at the NIA, working as a guard in 2009. Accused of participating in the arbitrary detention of Lamin Karbou. Arrested on 8th April 2019, hours after giving his testimony to the TRRC on accusations of lying to the Commission.

Ousman SONKO: Former Inspector General of Police, IGP and Minister of Interior (2000-2016). Accused of arbitrary arrest and detention of Sheikh Sheriff Hydera in 2014. 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 Crimes Management Coordinator, CMC at the Gambia Police Force in 2008, former IGP (2010-2014, and again from 2015-2017). Accused of participating in the arbitrary arrest and detention of Ebou Jarju in 2008; and of Alpha Touray and Toumani Jallow in 2016. Minister of Interior at the time of release of this publication.

Ousman SOWE: NIA Officer in 2009. Accused of attempted forced false confession of Lamin Karbou in 2009. Director of the SIS at time of mention.

SUSSO (first name not given): NIA Officer in 2012. Accused of participating in the arbitrary arrest and detention of Momodou Sowe between 2012 and 2015.

Aziz TAMBA: Nephew of Yahya Jammeh and said to be working for him as a general contractor. Accused of wage theft from Ensa Keita in 2006.

Tumbul TAMBA: Head of the death squad team “the Junglers” in 2006. Accused of enforced disappearance of Haruna Jammeh and Marci/Masireh Jammeh in 2005. Accused of enforced disappearance and killing of Daba Marenah and Ebou Lowe in 2006. Accused of participating in the arbitrary arrest of Mahmoud Babadi Sarr in 2006. Deceased (2007).

Muhammed Lamin TOURAY⁵: Imam and president of the SIC since 2008. Admitted to religious intolerance and usurpation of authority.

Nuha TOURAY: Former Secretary to Cabinet. Accused of corruption of justice in 2015.

⁵Also referred to as “Modou”.

6

TYPES OF HUMAN RIGHTS VIOLATIONS



forced labour



torture including sexual assault



extrajudicial killing



arbitrary arrest/detention



religious intolerance



enforced disappearance

73

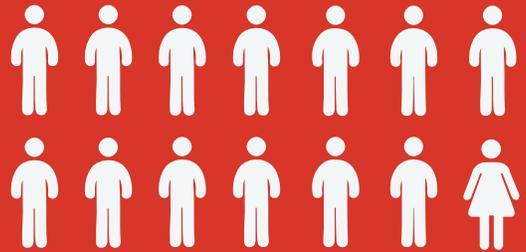
PERSONS MENTIONED

in relation to human rights violations committed

14

PERSONS TESTIFIED

Including 1 woman



7	S P E A K E R S	MANDINKA
4		ENGLISH
1		WOLOF
1		FULA
1		JOLA



PLACES

BANJUL POLICE STATION NATIONAL INTELLIGENCE AGENCY BAMBADINKA MILE 2 PRISON
 STATE HOUSE SUPREME ISLAMIC COUNCIL HEADQUARTERS BANJUL POLICE HEADQUARTERS
 KANIFING POLICE STATION BANJUL HIGH COURT BRIKAMA POLICE STATION



WITNESS NAME: Imam Abdoulie FATTY

TRRC HEARING DATE (S): 2nd February 2020

EVENT (S) DISCUSSED: Banning of imams and persecution of Ahmadiyyah and Shia Muslim community

POSITION BEFORE THE EVENT (S): Teacher at Umar Ibn al-Khattab school, Imam

ROLE DURING THE EVENT (S): State House Imam and member of the SIC

POSITION AT THE TIME OF TESTIMONY: Imam

SUMMARY OF TESTIMONY:

The hearing began with a debate between Imam Abdoulie Fatty and the Lead Counsel over whether or not the witness would hold the Quran to be sworn in. The witness eventually obliged after Chairman Sise interrupted to say that the Commission could not change its procedures half way through to fit the witness' preferences.

The witness began his testimony by describing his educational background in Gambian Quranic schools before he traveled to Saudi Arabia to attend the Islamic University of Medina, Saudi Arabia for tertiary education and training as an imam. He returned to The Gambia in 1993 where he taught at the Umar Ibn al-Khattab school in Banjul before being appointed as the imam of the State House mosque in August 1995.

When asked by the Lead Counsel to describe his role as imam of the State House mosque, the witness stated that it was similar to being any other imam in The Gambia

and that he was one of five imams who preached at State House. He told the Commission that he was offered the position of imam through a network of other imams as the mosque was under construction. He said that in a meeting with the then Minister of Interior - in which he allegedly declined the vehicle and apartment they offered him - he was given the position without much discussion.

In response to a question from the Lead Counsel, Imam Abdoulie Fatty stated that on the second Friday after he was given the appointment, he was called to State House to meet then Chairman Yahya Jammeh. According to the witness, Yahya Jammeh told him that while the soldiers could lead the five daily prayers, they needed an imam to lead the Friday prayer and teach them about religion.

Yahya Jammeh went on to say that as soldiers with deadly weapons, they needed to understand religion and morality, and he blamed the brutality in Liberia on a lack of religious education.

Beyond Friday prayers, the witness testified, he was also a part of any religious delegation at the State House.

The witness said that his relationship with Yahya Jammeh was similar to that which exists between a worker and his boss and an imam and his followers. He was evasive when asked if he had any influence on the former President, saying that he was not a formal advisor and instead implying that he was a messenger for communications from Allah. When pressed if the relationship went deeper, the witness said the Lead Counsel should focus on a specific issue. If anything, he added, the third aspect of the relationship was that Yahya Jammeh was the President. He denied that Yahya Jammeh consulted him on things he wanted to do or religious matters or that he targeted his sermons directly to the President.

Imam Abdoulie Fatty cited one instance where one of his sermons was banned from being broadcast, according to him because it was not pleasing to Yahya Jammeh. The Lead Counsel then asked if his other sermons had been pleasing to the former President, to which the witness replied that it was only one sermon that was not broadcast, and that the former President never asked about his sermons before he preached. When pressed to answer the question of whether his sermons were pleasing to Yahya Jammeh, he responded that only the former President could answer that question.

The witness continued that in the one sermon that was blocked, he had tried to advise Yahya Jammeh. When the Lead Counsel pointed out he had already denied giving advice to the former President, the witness claimed he had meant that he was never appointed an official advisor.

When the Lead Counsel tried to press the witness further, the imam responded: “you want the truth? Sometimes the truth is hidden.”

The Lead Counsel said the Commission would draw its conclusions from the answers he had provided, after which he moved on to the topic of the Supreme Islamic Council, SIC. After protesting unsuccessfully that Modou Lamin Touray would be better able to speak about the SIC, the witness narrated how the council was established.

According to him, in 1992 Alhagie Ebrima Soriba Gassama traversed the country holding discussions with elders and religious figures, culminating in the congress in Bakau which created the SIC. As he heard it (he was still in Medina at the time), there was concern that all the money coming from the Middle East was going to the Arabic schools leaving rural Gambian daras⁶ without resources. In response to a question from the Lead Counsel, the imam explained that it was not until another congress was held in Mansakonko and new leadership appointed under Alhagie Banding Drammeh that the SIC began to address disputes regarding Islam across the country.

When asked about the legal authority of the SIC, the witness was at first ambiguous before stating that the SIC only offered advice. He then misconstrued the Lead Counsel’s question and asserted that the SIC was not established outside of Gambian law. The Lead Counsel agreed, and repeated his question about whether the SIC was a state institution. The witness ultimately agreed that the council was not an institution of the state, albeit with different phrasing. The Lead Counsel then insisted that the SIC had no direct authority over any individual, to which Imam Abdoulie Fatty responded that the organisation had the power to monitor Islam in the country. When asked whether this constituted power over an individual, the witness responded cryptically “*Islam is not that kind of religion. We are speaking from two sides, I don’t think we can understand one another.*”

The Lead Counsel then asked whether the SIC could actually prevent someone from teaching the Quran, or whether the council was restricted to stating its opposition. The witness responded with a saying from the Prophet Muhammad imploring Muslims to create change for the better in the world through direct actions or by speaking about it. The Lead Counsel agreed this was an important teaching, and repeated his question about the scope of the SIC’s authority. The witness agreed that the authority of the state is not executed through the SIC but that there were various types of authority.

The Lead Counsel then accused the SIC of “abrogating to itself authority that it does not have by getting people arrested,” which the witness strongly denied.

The testimony then went on a tea break, partly, according to Chairman Sise, to let tempers cool.

As the session restarted, the Lead Counsel invoked surname joking relations⁷ with the witness before going over what had been covered before the break. The witness insisted that the SIC operated with the

⁶Loosely equivalent to a madrassa or majilis – an Islamic school young children go to learn the Quran.

⁷Joking relations between different pairs of surnames are part of Senegambian culture and can serve to build relationships or cool tempers.

authority it had been given. When the Lead Counsel alleged that the SIC was censoring preachers and banning people, and that these actions were unlawful, the witness asked “*which laws.*”

He said the government did not intervene in religious affairs and it was the responsibility of the SIC to determine who was speaking truth or otherwise. This power, he claimed was given to the SIC by the President.

However, when the Lead Counsel asked what law he was referencing, the witness said only Yahya Jammeh could answer that question. He went on to reject the Lead Counsel’s assessment that as the enforcer of the law, he should know the statutes his (purported) power rested, citing a passage in the Quran that encourages obedience to hierarchy. When the Lead Counsel accused him of taking part in illegal actions, the witness indicated that in his mind the laws of the country were in some places in contradiction with culture and tradition, and that God’s law must also be considered.

The Lead Counsel insisted that there are no Gambian laws which allow the President to advise the SIC to ban someone, and thus the witness was involved in the execution of unlawful instructions. The witness responded, again, by saying that only Yahya Jammeh could answer for the unlawful instructions. He then switched to arguing that those who he accused of attacking Islam in The Gambia were also operating outside the law. The Lead Counsel brought the testimony back to the implementation of unlawful orders, which the witness continued to deny as unlawful. When the Lead Counsel asked which laws he was following, the witness pointed to the Quran. When asked to explain what he meant, he reiterated his belief that he was simply executing the orders of his leader – “*my religion instructs me to execute his directives*” - and that Yahya Jammeh was the only one who could speak to the order’s legality.

The witness then repeated that he did not want to speak about the SIC because the council’s President, Modou

Lamin Touray, would be testifying tomorrow. He added that he was just one of eleven individuals in the council. The Lead Counsel then had the witness confirm his signature on a statement he had previously made to the Commission, after which the witness said that he had been told he could omit aspects of his statement in his oral testimony. The witness continued by telling the Commission that no names were sent to the SIC for banning by Yahya Jammeh and that instead the SIC regulated preachers through the issuing of permits. He testified that he was the head of the committee where imams would bring their certificates and sit for an interview in order to be licensed as an imam. The SIC also wrote to the radio stations to inform them that only people with a permit could broadcast their sermons.

The Lead Counsel agreed that regulation is important, but asked the witness whether he believed this should be done within the confines of the law. The witness said that when government instructions came, as long as they were not in opposition to the Quran or the ways of the Prophet, it was their duty to implement such orders.

The Lead Counsel retorted that it was unlawful to implement illegal orders, and neither the President nor the SIC had the authority to issue prohibitions against religious practice. Imam Aboullie Fatty said this statement would be useful for Yahya Jammeh to hear.

After acknowledging that Gambians in positions of power outside the country should have spoken out earlier, the Lead Counsel accused the witness of keeping silent and blindly implementing Yahya Jammeh’s orders. The witness said that Gambian society in general kept silent but maintained that the SIC operated as it was intended, and refused to state that his own conduct was unlawful, “*what you want me to admit to is impossible.*”

The witness then sought to justify his actions by implying that groups were trying to tarnish the name of Islam, which he said should also be forbidden. The Lead Counsel agreed but maintained that the witness and the SIC did not have the power to ban people. *“That is the way you see it,”* the witness responded, again alleging that Islam was under attack. When the Lead Counsel accused him, again, of blindly following Yahya Jammeh’s instructions, he responded that the Quran was their light. The Lead Counsel countered that the government of The Gambia is not under the Quran, to which the witness responded *“many things ought to be changed.”*

The Lead Counsel pointed out that regardless of the fact that Muslims make the majority, The Gambia is not an Islamic state. The witness countered that the Quran is central to the lives of the majority of Gambians, citing Islamic law for marriage, household issues, prayers and fasting. The Lead Counsel responded that while personal law can be run along religious lines, the larger system of governance in The Gambia was not based on Quranic law. Imam Abdoulie Fatty agreed, saying it was indeed “man-made law.” The Lead Counsel quickly asked if that meant he disrespected the law, which the witness denied, instead maintaining that he would accept whatever glorifies the Quran and reject whatever belittles it. He added that he believes that those who only accept one part of the holy book and reject other parts will not be empowered by Allah. He affirmed that his actions were within the laws set forth in the Quran.

The questioning then moved on to the SIC’s other functions. The Lead Counsel read from the witness’ written statement in which he said Yahya Jammeh was not involved in the council’s work, which the witness confirmed. The Lead Counsel immediately countered this was untrue and listed out the four functions of the SIC: the sighting of the moon, the monitoring and licensing of preachers, dispute resolution among religious scholars and imams, and fundraising for the daras. The tasks of sighting of the moon and monitoring preachers, the Lead Counsel continued, were given to the council by the President. The witness disputed this, mischaracterising the Lead Counsel as saying that Yahya Jammeh himself was responsible for sighting the moon⁸ and deciding which days Tobaski and Korite would fall on. He also argued that the bannings were based on standards.

The Lead Counsel again agreed that there must be standards but said those standards must be based on law, and in the case of the SIC, the authority and the law was given by one man.

“It was not an ordinary person,” the witness rebutted, “it was the President.”

The Lead Counsel then declared he was moving the questioning on to the treatment of the Ahmadiyya⁹ community. He began by quoting from a letter signed by 138 Islamic scholars addressed to Pope Benedict in which they said that one of the fundamental principles both Islam and Christianity share is love of the one God and love of the neighbour. When asked whether he agreed that this was a central tenant of Islam, the witness responded that they had no issues with Christians.

When asked how many sects there are in Islam, the witness responded that Islam is one religion. He acknowledged there are some differences in how people perform the ablution, but went on to quote from a hadith¹⁰ that says that Islam will be divided into 73 sects, but 72 of them will go to hell. The witness claimed that the root he and his followers practiced came from the one sect that avoided eternal damnation. When the Lead Counsel asked how many Islamic sects believed in this hadith, the witness replied *“anyone that claims to be a Muslim.”*

The Lead Counsel clarified that only the adherents of the one sect would go to heaven and that all Muslims claim to be a part of that sect, but that the witness was stating that the other 72 sects do have members. When the Lead Counsel asked about the Shia¹¹, the witness said they are a group amongst themselves and claimed that there were no Shia during the time of the Prophet. He refused to call the Shia Muslim, instead saying that there are Shia and there are Muslims and the two are different. The Commission then took another break for lunch, which according to Chairman Sise would calm down the Faal-Fatty duel on who would go to hell.

⁸As relates to deciding the beginning of Ramadan and holidays of Tobaski (Eid al Adah) and Korite (Eid al Fitr).

⁹The Ahmadiyyah are an Islamic revivalist movement with origins in South Asia in the 19th century.

¹⁰The hadith are a collection of sayings of the Prophet Muhammad written and collected many years after his death that form one of the backbones of Islamic belief.

¹¹The Shia are one of the two main branches of Islam.

After lunch the Lead Counsel asked the witness if the hadith he had quoted before the break was his justification for **denouncing the Shia as non-Muslims**. The witness responded that the Prophet did not name anyone in particular, but that the Shia “*are merely a group.*” Asked whether it is an insult to call someone a “*kafir,*”¹² the witness responded that “*if the person is an unbeliever you have merely stated what he is.*”

When asked about his problem with the Shia, the witness responded that they have a different Quran and different principles. The Lead Counsel tried to summarise this as a difference between “*their brand of Islam and your brand of Islam.*” As the Lead Counsel grew increasingly frustrated over the semantic differences, the witness insisted that nomenclature was important. The Shia, he said, only claim to be Muslims and therefore he refused to call them “Shia Muslims”.

The Lead Counsel responded that Shia identify as Muslim just as the witness does, but that the SIC took it upon itself to **attack** the Shia and denounce them as non-Muslim.

When Imam Abdoulie Fatty disputed that the SIC “attacked” the Shia, the Lead Counsel brought a newspaper article from August 2008 which stated that the SIC had ordered all programmes that propagated or defending Shia to stop immediately.

The witness claimed he never saw this but that he agreed with any statement from the SIC. The Lead Counsel again demanded to know if the witness asked the SIC to make the statement, to which the witness responded that he was there while the document was written, but that does not mean he wrote it.

The witness protested when the Lead Counsel asked again if he **attacked** the Shia, saying it was not an attack. The Lead Counsel pointed out that if someone made statements against the witness’ practice of Islam he would consider it an attack. The witness retorted that

if the Shia were speaking the truth, they would not attack him. When the Lead Counsel pressed who decided what is the truth, the witness snapped back “*God and the Prophet,*” to which the Lead Counsel pointed out that he was making himself the arbiter of what he believed God wanted.

When Imam Abdoulie Fatty said “we are speaking about religion,” the Lead Counsel countered that they were speaking about justice but the witness continued that “I do understand justice, but this is Islam.”

He went on to demand that the Lead Counsel withdraw his statement that the witness had insulted the Shia. The Lead Counsel then reminded him that he and the SIC had denounced the Shia, pointing to newspaper where they are quoted calling them heretics.

The witness responded passionately and the audience gave a collective gasp followed by short bursts of chatter. The Lead Counsel responded that no one said he had to accept other interpretations, and that he should “*leave others to believe in what they believe.*” The witness responded with a mumble that indicated he did not agree. When the Lead Counsel pointed out that by taking it upon himself to judge them and call them **heretics** he had broken the law, the witness responded that in Iran performing the sunnah¹³ was not allowed, and asked the Lead Counsel if he saw any fault with the Shia who claimed that Aisha and Umar are idols¹⁴.

The Lead Counsel answered that while the government can step in in the interest of public order and morality, no one has the right to **attack** another person for practicing their religion. The witness again disputed that the Shia were **attacked**, to which the Lead Counsel read from a newspaper about how all media had been warned to desist from encouraging the Shia. The witness again said that there was nothing wrong with calling the Shia

¹²Unbeliever in Arabic.

¹³The way of life and worship of Prophet Muhammad.

¹⁴Aisha was the Prophet Muhammad’s third wife and Umar a companion of Prophet Muhammad and an early Islamic leader. Shia and Sunni Muslims have different views on these two historical figures.

heretics considering that, according to him, that is what they are. This prompted the Lead Counsel to again state that the witness had restricted the Shia from exercising their religion, an action which was **unjust** and that he had no authority to order.

When the witness asked the Lead Counsel if he would arrest Boko Haram or Al Qaeda¹⁵ if they came to The Gambia, the Lead Counsel pointed out that Al Qaeda is not a religion. The Lead Counsel and the witness fell into the same pattern of the Lead Counsel insisting that no one should have the authority to prevent people from practicing their religion and the witness justifying his actions based on his religious beliefs.

The Lead Counsel then returned to the Ahmadiyyah, and the witness again disputed that he attacked them. When the Lead Counsel alleged that the witness called them kafirs, he responded that those words originated elsewhere. The witness continued with the defense that he was just repeating others' statements, even when the Lead Counsel read one of his sermons from June 1997. After more back and forth, the witness admitted he did use the word "kafir" to describe the Ahmadiyyah, and added that they were, according to him, unbelievers.

A newspaper article from 1997, in which an Ahmadiyyah leader is quoted as complaining that the witness was slandering the Ahmadiyyah and calling for their programmes to be stopped, was read to the Commission by the Lead Counsel. The witness maintained that his comments regarding the sect were in line with Islamic scholars around the world. He said that as far as he was concerned, the Ahmadiyyah could practice their faith as long as they did not identify as "Muslim."

The Lead Counsel returned to his earlier point that it does not matter what they call themselves, and that the witness did not have the authority to stop the Ahmadiyyah from practicing their religion.

The witness retaliated by saying the laws also did not permit them from coming to The Gambia and insulting the Islam that he practices. He framed his actions as a defense of his religion.

The Lead Counsel then asked the witness point blank if he had ever called for the **execution** of the Ahmadiyyah. The witness denied this vociferously, insisting that all he wanted was to debate them. The Lead Counsel then read from an open letter from the Ahmadiyyah community from August 1997 in which they claimed their peace and security had been **threatened** by the witness' sermons. He asked the witness again if his sermons **attacked** the Ahmadiyyah, and the witness stubbornly maintained that he was just calling them what they were being called by others including scholars in Saudi Arabia, Pakistan and across the Muslim world.

The Lead Counsel again insisted that regardless what happened outside the country's borders, his actions violated the laws of The Gambia regarding restrictions on the practice of religion. The witness countered that the Ahmadiyyah came and separated communities that were united, praying together, burying each other, adding that since the Ahmadiyyah came into this country, Gambia has not experienced peace. The Lead Counsel put it to the witness that perhaps the lack of peace was brought about as a result of the preaching of attacks against the Ahmadiyyah and statements made by the witness that the Ahmadiyyah should be taken to July 22nd Square and asked to convert or be **killed**. The Lead Counsel reiterated his question about whether the witness ever called for the Ahmadiyyah to be **executed**, which he again denied.

The witness said all the sermons he had given were here (proffering his mobile phone) which many people around the world have heard and that he could show them to the Commission. He repeated that the accusation was a lie. He clarified that they (the SIC) had invited them (the Ahmadiyyah) to debate either at the July 22nd Square or Independence Stadium. He added that he did not have the authority to kill or ask that anyone be killed. The Lead Counsel thanked the

¹⁵Boko Haram is an African jihadist group who have led a decade-long insurgency against the Nigerian government. Al Qaeda is a global jihadist organisation, also responsible for at least thousands of deaths around the world.

witness for clarifying, stating “It would be frightening if our imams could sit and determine or direct or dictate who should be killed and who should live”. He added that to have said so would be criminal and would have amounted to incitement of violence. The witness also put it to the Lead Counsel that the accusations against him that he said people should be killed when he did not say so was also a criminal act. The witness continued on to add that if this was a Sharia¹⁶ state, it could have cost him his life. Such lies have cost people their lives before he noted.

The witness admitted he had said that the Ahmadiyyah should be banned but disputed that banning the Ahmadiyyah was unlawful, indicating that he believed it was in line with his religion, and that the Ahmadiyyah had sown division in The Gambia. “Counsel we will not sit by and allow Islam to be destroyed,” he justified. The Lead Counsel tried to clarify that the witness believed that the existence of other groups different from his implied that Islam was in danger. According to the witness, because the Ahmadiyyah were brought into Islam after the religion’s foundation, they could not be accepted as a member of the faithful. The Lead Counsel pointed out that the Ndigal, the Mourides, the Layen¹⁷ were all sects founded far after the time of the Prophet. He added that like the Ahmadiyyah, the Layen believe the Mahdi¹⁸ has already arrived, but they are not stoned in the street or labeled as non-believers.

“If you don’t know the cause of the disease you cannot know how to cure it,” Imam Abdoulie Fatty said, ignoring the Lead Counsel’s argument and bringing the discussion back to the Ahmadiyyah. He insisted that there were not different versions of Islam and that he was following the true teachings of the religion. When the Lead Counsel pointed out that the witness was implying that anyone not following his version was not Muslim and that people across the Arab world have different Islamic beliefs, the witness retorted that this was his area of expertise, not that of the Lead Counsel.

The witness repeated his claim that Ahmadiyyah were not considered Muslims in other countries, and portrayed them as a threat to Gambian Islam, describing them as “dressed in sheep skin” and trying to “get into the barn of the sheep of the Muslim community.”

The **Lead Counsel** accused the witness of diverting from the questioning and again insisted that **“The Gambia was not a Sharia state in which you as a cleric are given the right to determine who is Muslim ... and stop them from exercising their faith”**.

When the witness interpreted this as Islam having no way to protect itself, the Lead Counsel explained how the exercise of religion could be restricted where it went against public order or morality. However, he added, even in those cases the law can only “cure the mischief” and cannot ban a religion. The witness accused the Lead Counsel of abandoning Islam – to which the Lead Counsel responded that the imam was again deliberately misinterpreting the questions focusing on alleged **attacks** against Islam when the issue was the witness’ attacks on religious minorities. Nevertheless, the witness continued to frame his actions as a response to what he saw as the Ahmadiyyah’s intention to divide Gambian communities. When the Lead Counsel pointed out that the witness’ words were an **attack**, he replied that according to him they were just the truth.

After a brief diversion on the Chinese government’s treatment of Uyghur¹⁹ communities, the witness continued to take issue with the fact that Ahmadiyyah call themselves Muslims, and again accused them of dividing Gambian communities.

The Lead Counsel reiterated that regardless of what they call themselves, the Ahmadiyyah have the right to practice their religion in The Gambia and that while both sides have the right to express their opinion, it was unlawful to ban them.

The witness implied that according to him the Ahmadiyyah’s beliefs themselves amounted to an attack on Islam. The Lead Counsel then reminded him that the Layen in Senegal also believe the Mahdi has arrived. When he asked the witness whether he

¹⁶Islamic law system.

¹⁷The Ndigal are discussed in TRRC Digest Edition 11. The Mourides, established in the late 19th century, are one of the two largest Islamic sects in Senegambia. The Layen are a smaller religious community who reside mostly in the greater Dakar area.

¹⁸In Islamic belief the Mahdi will come to rule restoring religion and justice before the end of the world. Claims of the Mahdi’s appearance have at certain historical moments been more common in Islam in West Africa.

¹⁹ The Uyghur are a Muslim minority in western China that has been heavily discriminated against and recently interred by the Chinese government. See – More evidence of China’s horrific abuses in Xinjiang.

would call for the Layen in The Gambia to be banned, the witness tried to bring the conversation back to the Ahmadiyyah. The Lead Counsel then accused Imam Abdoulie Fatty of using double standards, and told him the Commission had enough information to assess his actions. The witness shook his head and muttered “no no no.”

The Lead Counsel then moved on to the charges that the witness advocated for a number of people to be banned. The witness testified that he was not present during the drafting of the order banning Ba Kawsu Fofana²⁰, and that this was corroborated by the fact that his signature is missing from the banning order. The Lead Counsel accepted that he did not sign the letter, but enquired whether he delivered a sermon on May 8th demanding Ba Kawsu Fofana be **arrested** and disciplined. The witness replied “it is false,” but refused to answer the hypothetical question of whether participating in the banning would have been illegal.

When asked about his statements regarding Imam Baba Leigh²¹, the witness admitted that he cursed him during his khutbah²² for his activism against female genital mutilation/cutting, FGM/C and family planning. When pressed by the Lead Counsel, he maintained that this was an acceptable thing for him to do and rejected that by giving his sermon in the presence of Yahya Jammeh, he was implicated in incitement. He said that what Imam Baba Leigh endured was between him and Yahya Jammeh, and that his problems with Imam Baba Leigh were restricted to FGM/C and family planning. Imam Abdoulie Fatty strenuously rejecting that he played any part in Yahya Jammeh’s **attacks** on Imam Baba Leigh.

The Lead Counsel then turned to the **execution** of the 9 death row inmates in 2012. After stating that he was unaware, the witness testified that he was part of a group that went to the then Vice-President and requested that she help stop the **executions**. The Lead Counsel acknowledged this was a noble action, but then asked whether the witness was involved in justifying the executions after they took place. The witness rejected this assertion. While the Lead Counsel rummaged through

his documents looking for an SIC statement from after the **executions**, the witness pointed out that the death penalty was allowed in The Gambia at the time and thus the actions were legal by The Gambia’s constitution. “*Even if they were to be killed, they were not killed on Sharia,*” he argued. “*If they were killed, they were killed on the basis of the constitution.*”

Citing an article from October 20th 2014, the Lead Counsel read a quote the witness had given in which he described The Gambia as a being “*blessed with a leader who is a true Muslim in the person of President Jammeh.*” He continued, “*we should thank Allah for the fact that he brought Zakir Naik²³ here.*” When the Lead Counsel labeled Zakir Naik an Islamic fundamentalist, the witness disputed the semantics of “fundamentalist”, arguing that the word describes someone who “*is standing up for real Islam.*” When the Lead Counsel accused Imam Abdoulie Fatty of **propagating Islamic fundamentalism** in The Gambia, the witness replied that might be what he had heard, but that no one from The Gambia who had studied Islam outside the country had launched suicide attacks against fellow Gambians. “*Thank God,*” the Lead Counsel responded, “*because the people like Zakir Naik breed fitna²⁴ in society. And that’s why we should avoid Islamic fundamentalism.*”

Imam Abdoulie Fatty then tried to argue that the same laws the Lead Counsel was citing that protect the Ahmadiyyah should also protect Zakir Naik. The Lead Counsel retorted that he was getting it wrong again by not differentiating between the freedom to exercise religion and the right to express opinion. No one has the right to stoke religious strife he added and regardless of how he felt about them, the witness was told that he did not have the right to ban the Ahmadiyyah or any imams.

According to the witness, the banning of Dr. Dumbuya and Omar Fofana was related to Dr. Dumbuya saying on the radio that those who went to Saudi Arabia were not educated and had fake certificates and that Ba Kawsu Fofana was the only learned individual.

²⁰See TRRC Digest Edition 11 pages 133-142.

²¹See TRRC Digest Edition 11 pages 20-30.

²²The weekly sermon given by an imam during Friday mid-day prayers. Also used for important sermons on Islamic holidays.

²³Zakir Naik is a popular Indian-born preacher whose views have been condemned by a number of other Islamic scholars and governments as extreme with the potential to incite violence. He is banned from the UK and Bangladesh, and currently resides in Malaysia where he is resisting Indian attempts at extradition. He came to The Gambia on Jammeh’s invitation and delivered a series of speeches in 2014. See article - Indian ‘hate preacher’ Zakir Naik charged with money laundering

²⁴Fitna is an Arabic word with extensive connotations related to temptation, sedition, civil strife and conflict.

In response to further questioning on whether he believes in democracy and human rights, the witness responded disjointedly, implying that the laws of the country and human rights were hypocritical.

He said that by focusing on women and children, human rights ignore the rights of men and elders and that he would apply the laws on the country *“where it is not in contradiction with my religion.”*

The Lead Counsel then asked whether the witness had ever **attacked** Dr. Samba²⁵ about his statements on FGM/C. The witness responded that while insults were exchanged, he had a cordial relationship with Dr. Samba and they used to sit and speak regularly. The witness then goaded the Lead Counsel to bring another accusation and asked how many accusations had been brought forth already. The Lead Counsel replied *“many,”* to which the witness snapped back *“not many!”*

The Lead Counsel again asked the witness if he believed he had the authority to ban people who practice a different version of Islam.

After some confusion, Imam Abdoulie Fatty responded that he did believe he had this authority, but said it was not to “attack” others, and that it was not against those with different Islamic practices, but “that which is not in line with Islam.”

When the Lead Counsel countered that there is no one version of Islam accepted by everyone who calls themselves a Muslim, the witness demanded the Lead Counsel repent, using the Arabic interjection *“astaghfirullah”*. The Lead Counsel took offense and told the witness never to do that to him again. The witness then replied *“I love you,”* to which the Lead Counsel said *“I love you back, but don’t impose your own belief.”*

When the witness pointed out that he was not alone in his beliefs, the Lead Counsel suggested that he was a Wahabi²⁶. The witness then challenged him to define the term, which led to both parties explaining their definition, and the witness finally relented that within one Saudi Arabian school of thought there is a group known as Wahabi.

When the Lead Counsel again accused the witness of believing that he had the only true path and that that dissent was heresy, the witness began listing Gambian religious scholars who he said agreed with him, as well as other people across the Islamic world. The Lead Counsel maintained that regardless of how many people are in the majority or minority, the witness did not have the right to prevent someone from exercising their belief.

The witness then argued that it was the SIC, not himself, that was responsible for the bans. He then said that thousands of people outside the Commission hall agreed with him. The witness framed any beliefs that differed from his own as beliefs that were spoiling Islam. He even said his calls against the Ahmadiyah continue up to the present.

The Lead Counsel then revealed that on 5th November 2014, the Ahmadiyah called for the witness to be banned, and that as a result of their protest he was fired from his position as the State House imam. Before returning to this issue, the Lead Counsel continued by reading from an article from later that month in which opposition politician Hamat Bah affirms the constitutional right of every Gambian to practice their religion within the confines of the constitution.

Hamat Bah went on to accuse the witness of propagating “intolerant dangerous rhetoric.” The witness responded that Hamat Bah “knows nothing about religion.”

The Lead Counsel returned to the witness’ firing, reading from two newspaper articles, which alleged

²⁵Dr. Ebrahima Malick Samba was the former Africa regional director World Health Organisation from 1995 to 2005.

²⁶Also known as Wahabia and refers to a member of the Muslim reform movement founded by Muhammad ibn Abd al-Wahhab in the 18th century.

that he was fired because the Ahmadiyyah labeled him a threat to the internal security of the country. The witness again blamed the Ahmadiyyah for dividing Gambians and said the problem of the Ahmadiyyah was there before he arrived on the scene. The Lead Counsel asserted that the witness had exacerbated the problem. He then read from another newspaper, which claimed that he was fired because Yahya Jammeh believed he was not giving him correct information on Islam²⁷. The witness rejected this, saying this is not what was contained in his letter of dismissal. Instead, he told the Commission, he was called to State House and given a letter and told he was retired from imamship at the State House respectfully and with honor.

Imam Abdoulie Fatty then rejected the assertion that he had caused the **arrest** of Sheriff Hydara²⁸. The Lead Counsel countered that this ran contrary to Sheriff Hydara's son's testimony as well as the witness' own written statement in which he had admitted to **threatening** the son to have his father arrested. The witness told the Commission that when he was informed of Sheriff Hydara's **arrest**, he contacted the then Interior Minister Ousman Sonko and asked that Sheriff Hydara be brought to the SIC for discussions. After the deliberations, the witness claimed, he called Ousman Sonko again and said they had come to an agreement.

Imam Abdoulie Fatty said Ousman Sonko told him the issue was in the hands of “the big man.”

The witness claimed he kept calling government figures, pleading that Sheriff Hydara be let out on bail. He finally got a hold of the President's then orderly, Yusupha Sanneh²⁹, and asked him to pass on the message about releasing Sheriff Hydara. Apparently, the orderly called him back later saying Yahya Jammeh said not to bother him about this matter again and that by bringing it up the imam was being hypocritical.

When asked what Yahya Jammeh meant by this, the witness claimed ignorance. The Lead Counsel pointed out that if the witness had called for Sheriff Hydara to be

arrested, then turned around and asked for him to be released, that would indeed be hypocritical. The imam claimed he was acting according to Islamic principles, and that the President should not have insulted him.

The Lead Counsel picked up this thread, agreeing that no one should be insulted, before asking if there were any statements that the witness regretted making. The witness said there were none. The Lead Counsel replied that calling for the banning of the Shia and Ahmadiyyah was wrong, as was his participation in the banning of Dr. Dumbuya and Omar Fofana, his incitement of Yahya Jammeh against other imams, his insults against Dr Samba, and his backing of Zakir Naik's visit to The Gambia. Imam Abdoulie Fatty denied all accusations, and the Lead Counsel proclaimed he had no further questions.

Chairman Sise thanked the imam for his testimony but before turning him over to questions from the Commissioners, he strove to correct the witness' views on human rights.

He stated that human rights are universal, quoting extensively from the Universal Declaration of Human Rights.

Then Commissioner Sey took the floor. Instead of a question, he commented that in his view anyone who insulted Aisha or other figures in Islam, or substitutes from the Quran, is troubling Muslims.

The witness then began his closing remarks by greeting the Commissioners, the Chairman and the Lead Counsel. He asked for the Lead Counsel's forgiveness for prolonging his time and for rising to anger at a few moments in his testimony. He applauded the Commission for their work and asked the audience not to associate him with the charges made against him, insisting he did not work any evil.

He continued that many of the people who leveled accusations against him also insulted him. The

²⁷See Freedom Newspaper article - [Imam Abdoulie Fatty's Passport Impounded by NIA; US Embassy Revokes Ousman Jah's Visa!](#)

²⁸See TRRC Digest Edition 11, pages 32-36.

²⁹See TRRC Digest Edition 9, pages 57-68.

witness began to cry as he narrated how he has been receiving insulting messages from strangers since the accusations have been aired. He told the Commission he had nothing to do with the case of Pa Modou Bojang³⁰. He pleaded with the youth to avoid insults and violence, to respect their elders, and to hold the Quran and the ways of the prophet close.

Persons Mentioned By Witness During Testimony:

Usurpation of authority

Yahya Jammeh

Arbitrary arrest and detention

Ousman Sonko, Yahya Jammeh

Religious intolerance

Abdoulie Fatty (the witness)

NOTES:

The Lead Counsel did not ask about Imam Abdoulie Fatty's incendiary comments, printed in the newspaper, against the LGBTQ+ community. See article – [Alhaji Abdoulie Fatty \(Imam, State House Mosque\)](#)

The Lead Counsel reiterated that regardless of what they call themselves, the Ahmadiyyah have the right to practice their religion in The Gambia and that while both sides have the right to express their opinion, it was unlawful to ban them.

³⁰We believe this is a journalist who was forced into exile.

WITNESS NAME: Muhammed Lamin TOURAY³¹

TRRC HEARING DATE (S): 19th February 2020

EVENT (S) DISCUSSED: Relationship of the SIC with Yahya Jammeh; decisions/pronouncements made by the SIC and some of its members; decision to ban certain individuals; actions by the SIC against minority religious groups or sects

POSITION BEFORE THE EVENT (S): Imam

ROLE DURING THE EVENT (S): Imam

POSITION AT THE TIME OF TESTIMONY: Imam, President of the SIC

SUMMARY OF TESTIMONY:

At the start of the hearing, the Lead Counsel informed the witness that the TRRC was a truth commission established by an act of parliament, with a mandate to investigate and establish a true historical record of the violations of human rights and abuses that occurred in The Gambia during the 22 years of Yahya Jammeh's rule.

He highlighted that the constitution of The Gambia provides every person living in the country with a freedom of religion and to manifest that religion in any way they deem fit, but within the confines of the law.

He added that the TRRC understood that during the Jammeh regime, certain religious rights were violated or the rights of certain individuals to practise were violated and specified that the mandate of the Commission was to investigate what those violations were, their causes, the extent of the violations and who were the perpetrators of those violations. The ultimate objective is to establish the truth about what had happened so that there would be reconciliation.

The Lead Counsel further clarified that the enquiry was not an attack on any particular religion or question the validity of morals of any religion, or morale authority of



any individual, nor is it an examination of Islam or the Sharia law but simply to ask the following questions: were any religious rights violated during the 22 years, what were those religious rights, what is the extent of the violation and who was responsible for the violation. Chairman Sise also emphasised that the four main purposes of the TRRC were to: 1) promote healing and reconciliation, 2) respond to the needs of the victims, 3) address impunity and; 4) prevent a repeat of the violations and abuses suffered by making recommendations for the establishment of appropriate preventive mechanisms including institutional and legal reforms.

Imam Muhammed Lamin Touray said he understood and proceeded to give a brief description of his personal and educational background. He told the Commission that as a child, he studied Islam through his father, the imam of Gunjur. He attended an Islamic school in Gunjur before going to Saudi Arabia to do a Bachelors of Arts in Islamic law. He also did a higher diploma in teaching Arabic. He returned to The Gambia in 1989 and became the president of the Islamic Solidarity Association of West Africa – a position he still holds - as well as the deputy imam ratib of Gunjur and for some time was the imam at the State House Mosque.

The witness then described the reasons for the establishment of the Supreme Islamic Council, SIC. He explained that there were a lot of Muslim associations being established in the country one by one. They also realised that people graduating from Islamic studies from different countries including

³¹Referred by other witnesses who testified before the TRRC as Modou Lamin Touray and Momodou Lamin Touray.

Sudan, Egypt, Libya were returning to The Gambia and they needed an umbrella body to cover all Islamic associations in the country.

The Lead Counsel asked if it was realised that these graduates coming from different countries had different perceptions or ideologies of Islam. The witness responded that he would not be able to answer but repeated that the intention of the SIC was to ensure that everybody returning would have the same ideology in The Gambia.

The Lead Counsel then stated that he would read one sentence from the witness' testimony: "*The graduates who returned from these countries all wanted to implement the Islamic ideologies from these different countries in The Gambia.*" Asked if that represented his view, the witness responded that that was the main reason for establishing the SIC and to avoid having ideologies that differed from the mainstream in The Gambia being implemented by anyone returning. The Lead Counsel added that the witness had said in his statement: "*Since the numbers of returning graduate were on the increase, an idea of having an umbrella body that will bring the different ideologies together, so that we can live in harmony*". Asked if that represented his views, the witness repeated what he had earlier stated and highlighted that they wanted to bring unity amongst Muslims in the country.

The council was thus established in 1992 with an elected president. Imam Muhammed Lamin Touray specified that the SIC was different from most types of charitable organisations because it is a body which was called upon by the central government to resolve disputes. The Lead Counsel revealed that it had been being suggested that before the establishment of the SIC, a number of madrassas or institutions would go abroad to raise funds for Islamic education in The Gambia and it was deemed necessary to have an organisation through which all these fundraising activities could be coordinated. The Lead Counsel asked if that was the reason for the establishment of the SIC and Imam Touray responded in the negative. Upon probing, the witness clarified that the SIC was a non-governmental organisation, not a governmental organisation.

Asked if when the SIC was established it had any governmental powers or powers to enforce any orders, the witness responded in the negative. The witness then confirmed that the SIC did not have powers to force its decisions on anyone.

In fact, under the laws of the SIC, they did not have the power to ban anyone from preaching or to censor.

When asked if they had the power to declare someone non-Muslim, the witness dithered and said that he did not think this was a power in itself but rather a conclusion drawn based on observations. The Lead Counsel explained that they wanted to understand the powers of the SIC at that time, thus the question. He then asked if it was part of the functions of the SIC to declare organisations or individuals as being non-Muslim. The witness responded, "*Well we can utter those types of statements, we can say things like that*".

When the Lead Counsel then put forward that it was not the role of the SIC to force anyone to accept to fast or pray at a particular, the witness agreed but added that if the SIC deemed it fit that people should pray on a particular day, they had the right to broadcast the message. Asked about the relationship between the SIC and the government, that is if there was a national law that established the SIC or gave it statutory reconnection, the witness responded that was not established by an act of parliament.

The witness then proceeded to discuss the relationship between the SIC and Yahya Jammeh. He explained that the relationship of the SIC with the government including Dawda Jawara, Yahya Jammeh and Adama Barrow was based on requests from them and if in line with Islamic laws and useful to citizens, the SIC implemented them. Asked if he agreed that the acts they were to implement were to be in line with the law of this country, the witness responded that whatever act should be something "Allah would

accept". The Lead Counsel repeated his question and the witness referred again to Sharia law. He added that the law and Sharia law were almost the same.

Going back to forcing Gambians to pray on a particular day, the Lead Counsel asked the witness if he would say that it is lawful in Islam to force anybody to pray or fast on a particular day.

Imam Touray attested that the Islamic religion itself does not have anything forceful because worshipping Allah needs to be done willingly and from the heart.

The Lead Counsel asked if it would be lawful to require people to pray or fast on a particular day and the witness responded that the government did not have such power neither was such power bestowed onto the SIC. The Lead Counsel thanked the witness and asked that a video of Yahya Jammeh be played.

In the excerpt, Yahya Jammeh was dressed in his signature white boubou and could be heard saying in English that he would not allow people to divide Islam in The Gambia as per the Quran. He then proceeded in Wolof to say, *"Those who say they are not praying because they are waiting for instructions (from the leader of their sects) will not be allowed to perform their Eid prayers in The Gambia. If they want to pray, they should go to where their leaders are because tomorrow, no one will be allowed to pray here. I own this country. [...] I am giving instructions to the government, to give the local Chiefs and governors instructions to pass to the local Alkalos to dismiss those so-called imams that say they are waiting for confirmation from their sect leaders. Otherwise, I will shut down those mosques. Minister of Interior³², I am giving you these instructions. Unless you want to be in my hotel."*³³

After the excerpt was played, the Lead Counsel asked the imam if what they had just heard from Yahya Jammeh regarding praying on a particular day was lawful. The witness responded Yahya Jammeh could give instructions to the SIC but they thanked God he gave the instructions to the Local Government Minister and therefore the SIC

was not concerned. The Lead Counsel responded that he had underlined that fact but he asked if what Yahya Jammeh had pronounced was lawful. The witness did not respond directly and instead stated that if the TRRC had been aware of what had transpired between him and Yahya Jammeh on that particular issue, they would not have brought this up. He added that he told Yahya Jammeh that nobody should be forced to pray in this country and that they could give the information but not force people to take that on board.

The Lead Counsel insisted on a response as to whether the words uttered by Yahya Jammeh were lawful or unlawful and the witness responded that they were not in line with Sharia, which does not force anyone. The Lead Counsel added that these words were also not in line with the laws of the country as contained in the constitution.

Imam Muhammed Lamin Touray reiterated that Sharia does not force anyone to do anything in a particular way.

The Lead Counsel then stated that Yahya Jammeh went further and said that imams that went against his orders would be **arrested** and removed from imamship and asked if this was lawful. The witness responded that he did not know what Yahya Jammeh based his statements upon but, based on his own knowledge of Sharia, this was not part of it. The Lead Counsel asked if the witness would say that the attempt to force everyone to pray on a particular day would have amounted to a violation of the rights of Muslims. The witness paused and responded that he could not say because that was a mere statement. The Lead Counsel then rephrased his question and asked if those that prayed on that particular day only did so because they were afraid they would be arrested if they did not, would he say that their rights were violated? The witness answered by asking if that actually happened - if people prayed because they were afraid - and the Lead Counsel responded in the affirmative.

³²Speaking to Ousman Sonko.

³³Most probably referring to Mile 2 Prison.

Imam Touray then seemed to indicate that if they did so because they were afraid, then it is possible their rights might have been violated. The Lead Counsel concluded that from what the witness said, there was some element of violations of religious rights of people. The witness then again countered that the rights were violated only if God knew the person was not supposed to pray but then if the person was supposed to pray and did so out of fear, than the person causing that fear actually helped. He added that as they could not say which of the two it was, it was impossible to say people's rights were violated. The Lead Counsel argued that he could not rule out that people's rights were violated and the witness responded, "All we can say is 'maybe'".

The Lead Counsel affirmed that what was clear was that there was no law in The Gambia that empowered Yahya Jammeh to make the pronouncements he made. The witness responded that he did not know Gambian laws but admitted that Sharia does not empower anyone to force anyone to pray.

Moving on to the case of Sheikh Muhideen Hydara, the Lead Counsel stated that he was arrested for not praying on the day that Yahya Jammeh had announced and asked the witness if he was aware of the case. The witness responded he was. The Lead Counsel revealed he had an article from the Foroyaa newspaper dated 4th August 2014, which said that Sheikh Muhideen Hydara, the Caliph General together with the Alkalo Buyeh Touray of Sangajor Dasilameh were arrested by the police for observing the Eid prayers on Tuesday 29th July 2014 and spent three nights in **detention**. Imam Touray stated that he had made it clear that if there was any connection between the **arrest** of Sheikh Muhideen Hydara and the refusal to pray then all those who had refused to pray on that day would have been **arrested**. He asked why Sheikh Muhideen Hdydara was targeted and noone else. The Lead Counsel asked the witness if he would say that if Sheikh Muhideen Hydara was **arrested** and **detained** for not praying, was lawful and the witness responded that if there was anything he could say was that if that was the reason for his arrest, he would have been arrested with others and asserted that Sheikh Muhideen Hydara was not **arrested** for refusing to pray. There were many other issues involved.

The Lead Counsel insisted and stated that the government said that they had arrested Sheikh Muhideen Hydara for disobeying Yahya Jammeh's order by not praying on that day. In view of what the government had said, did he think that **arrest** was lawful or unlawful? The witness still refused to accept that they could come to that conclusion. The Lead Counsel then told the imam that was the reason the government gave and when they took Sheikh Muhideen Hydara to court, he was charged with disobeying the orders of Yahya Jammeh so questioning if there were other reasons for his **arrest** was not in play. He added that even if there were other reasons, his questions were regarding the reasons given by the government for the **arrest** of the imam and if those were lawful.

The witness did not give a clear answer and rather focused on the fact that others who had not prayed on that day were not arrested. The Lead Counsel remarked that the witness was still not answering the question posed to him and that they could go around and around but the elephant was clear to see. He once again repeated the question and the witness rebutted by asking if he was certain that it was because of a refusal to pray. The Lead Counsel told the imam that that was what the government had stated. Still refusing to address the question, the witness said that he would not say that was the genuine reason for the arrest.

The Lead Counsel put it to the witness that he was not asking him if the reason given was genuine or not but was asking if the government had the power to arrest him for praying on a day that was different from the one prescribed by Yahya Jammeh. The witness retorted that he was 100 per cent certain that Sheikh Muhideen Hydara was not arrested for merely refusing to pray on that day. He then added that what he knew was more important than what the government said and seemed to imply that he could not perjure himself.

The Lead Counsel asked the witness to focus on what the government said and the legality of what they said. He then proceeded to read another article from Kairo News, an online paper, which discussed

the **arrest** of Sheikh Muhideen Hydara during a meeting with the SIC and that the SIC had told Sheikh Muhideen Hydara that his **arrest** had been initiated by the SIC and not Yahya Jammeh, in connection with his refusal to obey Yahya Jammeh's fatwa that no Eid prayer should be held on Thursday. The Lead Counsel asked again if the arrest was lawful. The witness responded that Imam Fatty had been given the opportunity to clear himself in front of the Commission. When Imam Fatty had told Muhideen Hydara that they had initiated his arrest, the entire world misunderstood him. He claimed that their action was intended to assist Sheikh Muhideen himself because if Yahya Jammeh had arrested him himself, the police would not have been brave enough to release him. But if it were made to look that he was being arrested on the behest of the council, then the pressure would be taken off from the police so they would not harm him.

The Lead Counsel asked the question again and begged the witness to respond. He added that he understood the reasons advanced from the government are different from the actual reasons for his arrest but they all knew government gave a particular reason for the **arrest**. The witness finally pronounced himself on the reason for the arrest stating that whether it was right or not, he could not answer that.

The Lead Counsel put it to the witness that the government's reason for Sheikh Muhideen Hydara may have not been a genuine reason but it was patently unlawful.

After a back and forth, with the witness failing to answer the questions posed to him, the Lead Counsel also stated that Imam Abdoulie Fatty and the son of Muhideen Hydara agreed that Sheikh Muhideen Hydara had been arrested for that reason (praying on a different date). The witness responded that he thought they had gone beyond that and the Sharia does not give anyone the power to force someone to pray or fast on a certain day. The Lead Counsel thanked the witness and concluded that Sheikh Muhideen Hydara's rights were violated.

Moving on, the Lead Counsel asked to discuss the issue of the Ahmadiyyah and highlighted that it was only going to be looked at from the lens of the law of The Gambia, independent from any personal views held on religion. The Lead Counsel revealed that the Commission had received a letter that was written by the Ahmadiyyah to Yahya Jammeh dated 10th August 1997. In that letter, they complained there was a threat to **persecute** the Ahmadiyyah and that someone said they should be taken to 22nd July square and asked to convert to Islam or be **killed**. Asked if in Sharia anybody had the power to make such a pronouncement. The witness responded that the right person to ask this question is the person whose signature is on this letter.

The Lead Counsel tried to cajole the witness into answering the question but the witness maintained his stance. The Lead Counsel asked the witness if it was not true that in Islam nobody could be forced to convert to Islam and the witness agreed. The Lead Counsel went further and stated that Islam actually prohibited forceful conversion. The witness dithered and finally agreed with the Lead Counsel. He then put it to the witness that it was also prohibited to kill anyone because they do not believe in Islam as well as to call for the killing of an individual because that person has not accepted Islam but the witness responded, it must come with a reason. Asked to tell what would be a reason, the witness was hesitant. He asked that they stuck to issues that concern the SIC. The lead Counsel highlighted that they wanted the witness to help them understand what acts are permissible and not permissible under Islam because it was alleged that certain statements were made in the interest of Islam so they were asking the SIC for their position on such statements. The witness responded that the answer needed to be researched in order for him to provide informed reasons for such actions.

The Lead Counsel highlighted that there were calls to have the Ahmadiyyah sect be banned in The Gambia and asked the witness what he knew about that. The witness asked for clarification and the Lead Counsel said, *"so that they would no longer exist in*

this country". Imam Touray responded in the negative. The Lead Counsel stated that he would take it a step backwards and added that there was a stage in which the SIC was monitoring the sermons given by imams in the country. The witness refuted this statement.

The Lead Counsel added that if they did for the purpose of censoring sermons of religious leaders, would that be lawful. The witness responded that this was not within the scope of their work and they never had such responsibility. He highlighted that the SIC was a peacemaking body in the country and if they happen to recognise a sermon which is not line or one that could stir trouble in the country, it is their responsibility to pinpoint it and take care of that but other than that they had no problems with anyone on how sermons were prepared and delivered.

Asked if he had ever heard of calls being made by the SIC or members of the SIC to have the Ahmadiyyah sect banned in The Gambia, the witness responded that the Ahmadiyyah do a lot of work in The Gambia, they have schools and hospitals so he wanted the Lead Counsel to specify which work he was referring to. The Lead Counsel said, "all work". The witness denied that the SIC ever said that. The Lead Counsel repeated his question and Imam Touray responded in the negative.

The witness was asked what would be his reaction if a member of the SIC, of which he is president, was to make calls for the Ahmadiyyah Jamat to be banned in the country and all their humanitarian work to end. The witness asked to go back a bit because he had made it clear from the previous exchange that the SIC did not have such power. The witness then added that he would see it as a statement from someone else and not theirs. The Lead Counsel asked why the SIC would not take that particular position and the witness responded that they were only concerned with the religion, praying and being faithful to God.

The Lead Counsel then noted that the witness had made a distinction- that is, the SIC was prepared to welcome their humanitarian work, but enquired about their missionary work. The witness asked "What religion?" The Lead Counsel responded they were talking about the Ahmadiyyah and the witness interjected "What religion?" The Lead Counsel paused for a moment slightly unsettled

and responded "What they worship, the form and manner". He highlighted that they call themselves Ahmadiyyah Muslims and others call them differently, but whatever they are called, he wanted to know if the witness was prepared to accept them in the society to do their own missionary work.

Imam Touray responded that the SIC had no power to stop them but if they had the power, they would not allow anyone to come and sow discord amongst Muslims here. At this point, the audience gasped.

The Lead Counsel highlighted that the laws of the country did not allow anyone in the name of exercise of religion to cause public strife or immorality but equally, the law does not allow anyone to restrict the rights of people in exercise of their religion.

He asked the witness if he accepted that position in this country. Imam Touray said it was not possible to have Christians, Muslims and Ahmadiyyah under one umbrella, only Christians and Muslims. He accused the Ahmadiyyah of causing discord as they have declared that they do not recognise or accept the SIC. The Lead Counsel asked if his position would change if they had accepted or agreed to be part of the SIC and the witness responded that if they accepted the SIC's rules and regulations, there would be no problems.

The Lead Counsel asked the witness if he agreed that under the rules of The Gambia, they were free to do as they choose and not to come under the umbrella of the SIC. The witness said if the laws of the country accepted that, that would be "sabotage" against the Muslims because all of them are under one umbrella. The Lead Counsel remarked that the Christian version of the SIC was the Christian Council and that not all churches and sects are members of the Christian Council. He asked the witness

if that was also sabotage. The witness did not give a clear response so the Lead Counsel asked the witness if many of the Pentecostal churches were not part of the Gambia Christian Council. The witness responded “*they are not Christians*” and the Lead Counsel rebutted, “*they call themselves Christians, that’s as much I can say*”. The witness responded that not all Muslims are part of the SIC. He then added that the Ahmadiyyah did not have any right to carry out activities in the country in the name of Islam. The SIC is unable to do anything about it but they are not pleased about it.

Asked why they are not able to do anything about it, the witness responded that they had no authority. The Lead Counsel responded that in addition to their lack of authority to do anything about it, it is the right of every Gambian to belong to any religion he/she wants whether the witness liked it or not. The witness responded that even one has no right to carry out activities in the name of a party they are not a member of, much more a religion. When the Lead Counsel asked if the Ahmadiyyah claimed to be members of their party, the witness made a point that they are not Muslims and they cannot be members of a Muslim organisation. However, the Lead Counsel asked if he accepted that the laws of the country allow them to have their organisation? The witness said they can have an association but if the law allows them to set up an association in the name of Islam, then that would be sabotage.

The witness then confirmed that he had a problem with them calling themselves Muslims and that they should limit themselves to their schools and hospitals. The Lead Counsel insisted that they had a right to worship in the way they wish to worship. The witness said that their worship was not a problem until they attached it to the Islamic religion. The witness stated that there was no single Muslim in the country who would vote for such a right to be included in the constitution. The Lead Counsel told the witness that Muslims in Gambia had actually consistently voted for this right. In all constitutions, they had had freedom of association, freedom of religion and the manifestation of that religion (Article 25 of the constitution). The imam responded that this was the reason why Muslims and Christians are co-existing peacefully in the country but accused the Ahmadiyyah of

taking away the right of other people and it was the right of those people to push back unless if they are unable to.

The Lead Counsel then read Article 25 of the Constitution, subsections b and c: “*Every person shall have the right (b) freedom of thought, conscience and belief, which shall include academic freedom; (c) freedom to practise any religion and to manifest such practice*”. The imam put forward that if the Ahmadiyyah only limited themselves to the Ahmadiyyah religion, they would not have any problems with anyone but the dispute was the fact that they did not consider the Ahmadiyyah as Muslims. If they were Muslims, they would have joined the SIC.

The Lead Counsel remarked that he had a document, which said they were Ahmadiyyah Muslim Jamat so the problem the witness has with them is the use of the word “Muslim”. The witness confirmed that was the case. Asked if he had any ideas as to how the problem with the use of name could be peacefully resolved in the country, the witness responded that the country accepted their school systems and hospitals but not in the name Islam. The Lead Counsel asked if canvassing their member of parliament to prohibit the use of “Muslim” in their title would have been more in recognition of the law rather than **attacking** them and advocating for their **ban**. The witness responded that the problem with the Ahmadiyyah was two-fold. The SIC had hosted Zakir Naik and his preaching had touched many people in The Gambia but the Ahmadiyyah disgraced him by publishing articles in newspapers even when he was still in Gambia. The SIC wrote to express their displeasure with the government.

The Lead Counsel then asked if he was saying that there was no problem between the Muslims under the umbrella of the SIC and the Ahmadiyyah Muslim Jamat before Zakir Naik’s visit. The witness responded that the disagreement was between them and “other people”, which the SIC used to intervene in. He explained that they once tried to build a mosque in a small village, which already had a mosque. The Ahmadiyyah wanted their own mosque in that small

community and the residents refused this. The Lead Counsel said they would come to the Sare Ngai issue but he wanted clarification on his question.

The witness said there was no problem that they forwarded to the government and they dealt with any problems internally. The Lead Counsel countered that Imam Fatty had consistently been calling for the Ahmadiyyah schools and hospitals to be closed and for them to be **banned** during his preachings at State House. The witness said Imam Fatty was not making those sermons in the name of the SIC. The Lead Counsel pointed out that the SIC did not deem it fit to address the problem to which the witness retorted that that was because all the sermons that take place in The Gambia are the particular responsibility of the imams in that mosque. Members of the SIC have nothing to do with those sermons.

The Lead Counsel asked if calling for the Ahmadiyyah to be **banned** and their schools closed would have been unlawful and the witness responded they were in need for their schools and hospitals. The Lead Counsel asked again if he accepted that they are free to practise whatever religion they wished, the witness responded *“one that they do not associate with Islam, no problem”*. The Lead Counsel pointed out that the imam had said he did not have the power to determine who is Muslim and who is not Muslim. The imam paused and responded that he could not recall saying this. The Lead Counsel reminded him that he had said one could give his opinion but one did not have the authority to say, *“this one is Muslim and this one is not”*. The witness added that the Ahmadiyyah were stirring up trouble, with some members of one family being Muslim and others being Ahmadiyyah. He added that the treatment of Zakir Naik was also very upsetting.

The Lead Counsel asked the witness if he was suggesting that Imam Fatty’s call for school closure and **banning** of Ahmadiyyah was just a personal statement. Imam Touray replied that he knew the imam was highly versed and he knew he would not say something just like that and they needed to know the reason for his actions/words before they could proceed. The Lead Counsel responded that they were not interested in the wrongness or correctness of his reasons but rather the protections given by the law. The Lead Counsel told the witness that his testimony

was that the statement made by Imam Fatty to **ban** the Ahmadiyyah was an individual statement and was never endorsed by the SIC. The witness responded, *“exactly”*.

The Lead Counsel asked the witness what he would say in a situation where people were to call for the Islamic religion to be banned, to which he responded, *“That will never be”*. He added, *“Who owns the Islamic religion? For God’s religion to be banned? No Muslim would ever do that”*. The Lead Counsel responded, precisely the point, what is good for the goose is also good for the gander. The imam laughed and said the Ahmadiyyah were not the same thing with “us”. The Lead Counsel asked the witness if he would agree that the law would protect the Ahmadiyyah and the witness responded that the law did not have that power. The Lead Counsel once again referred to section 25 of the constitution, adding this is the reason the SIC could not do anything about it. The witness agreed. The Lead Counsel said that was the point that they were trying to get across; the law protects people in the exercise of their religion. The witness responded that was why the Ahmadiyyah mosques were still standing and nobody had demolished their mosques.

The Lead Counsel revealed that the paramilitary and the police destroyed their mosque in Sare Ngai and that was unlawful. The witness responded that a mosque that came with violence should not be allowed to stand. The Lead Counsel stated that his question was to show that the mosque was in fact destroyed.

The attack on the Ahmadiyyah and calls for them to be physically attacked, beaten and killed, and for their schools and hospitals to be closed is unlawful on the basis of the current state of Gambian law.

The Lead Counsel asked the witness if he realised that after some of the pronouncements calling for the Ahmadiyyah to be banned, the programmes they had on TV and radios were stopped.

On Monday 14th July 1997, The Point Newspaper reported that soon after the Khutbah/Hutbe³⁴ in State House calling the Ahmadiyyah “kafirs” and asking their activities be stopped, the Gambian Radio and Television Services, GRTS, stopped all their programmes. He asked the witness if that was unlawful and the witness admitted: “that was not displeasing to me”. He said that what they do not want is for them to preach in the name of Islam and again repeated that he was glad that their banning was called for. The Lead Counsel said he may like that but it was unlawful. The witness said he did not know how the law was written but to say that the Ahmadiyyah were allowed to carry on as they wish, nobody has accepted that in the country.

Continuing, the Lead Counsel told the witness that in 2015, the SIC weighed into the debate and declared the Ahmadiyyah Muslim Jamat as non-Muslim and urged their **ostracism**. The Lead Counsel referred to the Standard Newspaper of 26th January 2015 which reported that the declaration was signed by the president of the SIC, which was the witness. The witness took a look at the newspaper and confirmed that they had written the letter to the President (Yahya Jammeh) to express their displeasure with the manner in which the Ahmadiyyah disgraced Zakir Naik and he (the witness) had signed it.

The Ahmadiyyah responded that the SIC wanted to destabilise the country and veteran journalist Demba Jawo wrote a piece on the subject. He asked one important question and it went as follows: “Who gave this unrepresentative clique of Talibes the authority to determine who is a Muslim or even to act as guardians of religious purity in the country. The Gambia is a secular state as such the constitution guarantees everyone the freedom to practise their religion the way they feel or even not to belong any religious persuasion as long as they do not infringe on the right of citizens”. Asked what he had to say to that, the witness responded that it was an enemy that would say such a thing. After a brief moment, he added, “he could say that”.

The Lead Counsel went on to say that Hamat Bah also weighed in on calls that Ahmadiyyah as not Muslim and should be banned from this country. He read from the Today newspaper dated 5th November 2014: “It is a

constitutional right of every Gambian to belong to any religion or worship in a way that suits the individual as long as he or she does so within the confines of the constitution. I don't share such hardline religious views, they are unconstitutional. Fundamentalism starts in any society with an intolerant religious verbal rhetoric, which later escalates into conflicts as seen in Nigeria. Such type of intolerance must not be entertained in The Gambia if The Gambia is to maintain its status as one of the leading countries in the world in terms of religious tolerance. The Gambia is a free society and everybody has the right to worship the religion you want to worship, religious freedom is a constitutional right of all people and that cannot be compromised. I do not agree with the view that a particular religion should be banned because The Gambia is a secular state and it is everyone's right to belong to any religion. We have to be careful with some of these Arabic students.”

Asked what he had to say to that, the witness responded that what was important was the reason why the SIC had made this statement and then they would know who was interested in violence. He added one should wonder why that declaration came at that point before drawing conclusions. The SIC is an association with well versed persons and whatever they do, they make sure it is something that will “make instead of destroy” and that they do not have any intention to harm.

Moving on to the issue of the Shia, the Lead Counsel asked if it was the case that on 7th August 2008, the SIC issued a statement that all media proprietors have been warned to discourage Shia activities in the country. The witness paused and responded “that is our work”. The Lead Counsel asked if they had the power and the witness responded no. The article said

“The Gambia Supreme Islamic Council has ordered all programmes geared towards propagating or defending Shia Muslims to stop with immediate effect.”

³⁴Friday sermons.

The Lead Counsel noted they had ordered not just stated. The witness said that they did not have the authority to compel radio stations to stop or not and that although they gave the order, they could not enforce it and it was up to the radio stations to implement the order or not. He continued that the Shia wherever they existed, that place ended up in flames. That no one will insults the sons of the Prophet and you would allow them to go free.

The Lead Counsel told the witness he might be right but what the law says is that the exercise of religious right can only be restricted by law for particular purposes so the right thing to have done is to go to Parliament and get a law passed to prohibit the exercise of certain Shia types of worship in the country for stated reasons allowed within the law. The witness retorted that they only stated but they did not have the power to implement and that the orders were left in the power of the radio stations. The Lead Counsel told the witness that there was freedom of expression in The Gambia “*you can criticize the President, you can criticize other religions within reason*”, adding that the document did not seem to suggest that he stopped at criticising. It suggests that he gave orders, in fact the article claims that Yahya Jammeh asked the SIC to regulate the Islamic differences. Asked if that was true, the witness’ response seemed to indicate that that was the case.

Asked what gave Yahya Jammeh the authority to empower the SIC to take steps against the Shia, the witness responded that maybe it was what he had witnessed the Shia do in other countries.

The Lead Counsel repeated his question, the witness said he could not answer that and the Lead Counsel affirmed, “in fact, he did not have that power”.

The witness responded that he was the President. The Lead Counsel said the witness should have checked if Yahya Jammeh had the power to do that. The witness admitted that he did not have the wisdom or the means to know whether it was lawful or not. The Lead Counsel thanked the Imam for his very honest answer.

He added that they were given a hadith, which suggested that the orders of the head of state must be implemented. Asked if he was aware, the witness responded “*if and only if that is not in contradiction to God’s own wish*”. The Lead Counsel asked if God says the Shia must be banned, to which Imam Touray countered that that destroyers should not be allowed to live amongst them. The Lead Counsel asked what was his basis for this statement and if the Shia destroyed anything in The Gambia. The witness did not give a straight answer then added “*May God protect us from the Shia*”.

The Lead Counsel announced that the council had issued a decree/fatwa/order dated 7th August 2008 that says that “*The council has decided the proprietors of all print and electronic media shall ensure that all religious programmes aimed at propagating or defending the faith that contradicts the teaching of Prophet Muhammad should be stopped.*” Asked if that was true, the witness claimed these were not orders. The Lead Counsel noted that the language in the document seems to indicate that every other religion apart from Islam is banned. Maybe that was not the intention but this document seems to indicate that the SIC had also banned the activities of all churches in The Gambia. The Lead Counsel pointed out that Christians did not believe that Prophet Muhammad was a prophet, which is the greatest contradiction to the teachings of Prophet Muhammad and the document showed that all religious teachings that contradicted Prophet Muhammad must be stopped. He reiterated that he did not believe that the SIC intended to be that broad but that is was the paper says.

The witness responded that they are the SIC, emphasising “Islam” and whatever they say is related to Islam. He highlighted that they did not have the right to speak on anything related to Christianity. He added they were talking about Muslims, the SIC cannot make a pronouncement over radio that Christians should not exist. Muslims and Christians are equal. The Lead Counsel pointed out that it was clear that was in that document and what the SIC intended were different.

Moving on to another topic, the Lead Counsel told the witness that he had told them earlier that the SIC did not have the authority to monitor Khutbahs/Hutbes or to **ban** people, yet they banned Ba Kawsu Fofana on several occasions. The witness asked on what grounds and on what occasions. The Lead Counsel said he had a few letters in which the bans against Ba Kawsu Fofana were lifted, which implies that he was banned. He appeared before the Commission and testified that he was **banned** and the bans were subsequently lifted. Asked if he agreed that happened, the witness stated that he did not know how it went but recalled having two meetings with Ba Kawsu Fofana. The Lead Counsel asked if he recalled the meeting where Yahya Jammeh was present, the witness confirmed he did. The Lead Counsel stated that Ba Kawsu Fofana had appealed to Yahya Jammeh for his help and as a result the meeting was called. The witness agreed this was what happened but during the meeting it transpired that it was Ba Kawsu Fofana who was the one causing issues. The Lead Counsel responded that the Commission was interested in the violation of rights of individuals. The witness told them that the SIC did not have the power to ban anybody, did he remember that? The witness said they had never destroyed anything and only did good to foster peace and unity in the country.

The Lead Counsel agreed with the witness but pointed out that the ban was unlawful. The witness responded that all the members of the SIC had a good reputation except for Ba Kawsu Fofana and asked for a thorough investigation regarding the issue between Ba Kawsu Fofana and the SIC. The witness claimed they banned Ba Kawsu Fofana for his own security and for the country's. He said Ba Kawsu Fofana **attacked** people through his preachings and they could have retaliated. The Lead Counsel pointed out that no matter how good intentioned your actions are, if it is unlawful, it is unlawful. The witness argued that if it is not lawful then it is the one implementing that is to be blamed; their only role was to suggest.

The Lead Counsel told the witness that just writing a letter telling Ba Kawsu Fofana that he was banned was unlawful as they had no power.

After a short back and forth, the witness retorted that what they did was to “mend”. The Lead Counsel insisted the SIC did not have the power to ban him but the witness argued it was merely a suggestion and it was left to the authorities to implement. The Lead Counsel pointed out that the SIC wrote to all radio stations saying that no one should preach the Islamic religion without a permit from the SIC. The Lead Counsel asked who gave them the authority to be licensing preachers in The Gambia and the witness responded it came from the President. Asked if the President had the power to decide a licensing authority without the legislation, Imam Touray said they were tasked with an assignment that was not in contradiction with the Sharia and he could accept instructions from the President if they are not in contradiction with Sharia.

The Lead Counsel pointed out that not only did they unlawfully ban Ba Kawsu Fofana, Omar Fofana was also banned because he preached sighting the moon that was different from the arrangement the SIC had with Yahya Jammeh. Asked if Omar Fofana said that or if it was written, the Lead Counsel responded that he testified under oath. The witness responded that anyone who appeared before the TRRC could exaggerate. The Lead Counsel agreed this could be very much the case but the SIC had no authority to ban and though they might have had good reasons, it was unlawful. The witness argued that the radios could have refused and there is nothing the SIC would have been able to do but seeing the directive came from Yahya Jammeh, they implemented the order.

The Lead Counsel told the witness that under the laws of this country, Yahya Jammeh had acted unlawfully as well as the SIC in this particular instance.

The witness stated that to be instructed to monitor sermons to ensure that they do not cause any problems is not in contradiction to being a Muslim and they were working in the name of Islam. They

did not need to know where Yahya Jammeh had derived that authority from; what concerned them was whether what they were instructed to do was in line with Islam or not. The Lead Counsel concluded that from what the witness was saying, Gambian law did not matter – they would implement whatever Yahya Jammeh tasked them to do as long as it did not infringe Sharia. The imam responded that he had not studied law but what he knew is that he should not do anything that troubled another person and he is mindful of that in the course of his work. The Lead Counsel counter argued that whether or not he had studied law, he knew the SIC did not have the authority to ban anyone and the SIC had acted unlawfully by **banning** Ba Kawsu Fofana.

The witness started arguing that the person who had signed the document was the person who lifted the ban, implying Yahya Jammeh and the Lead Counsel asked him to read two documents dated 15th October 2010 (one in Arabic, one in English), he had in his possession and look at the signatures. The imam took a look and responded, “*Counsel, Ba Kawsu Fofana needed to be banned at the time for the security of the country*”. The Lead Counsel asked the witness if he accepted that he signed the lifting of the ban. The witness did not answer directly and the Lead Counsel read out the document: “*In relation to the meeting held by the executive of The Gambia Supreme Islamic Council and his Excellency Sheikh Professor Dr Alhaji Yahya AJJ Jammeh President of the Republic of The Gambia concerning the ban on your dawa activities, I am pleased to inform you that the ban is lifted and you are allowed to commence your activities as soon as possible*”. The Lead Counsel pointed out that the imam was not suggesting but telling him. It was quite clear that the SIC imposed and lifted the ban. They might have had the belief at the time that they held such power or it was the right thing to do but the clear thing is that they did not have the authority to do so.

The witness contended that the government-Office of the President or Office of Religious Affairs-did not want to commit itself and instead will delegate the work that it did not want to do personally referring to the letter removing the ban on Ba Kawsu Fofana. The Lead Counsel pointed out that still by writing the letter, he exceeded his authority. The witness responded: “*anything that is not destructive, I accept*”.

The Lead Counsel announced that he had no further questions and tendered the two documents into exhibit.

Chairman Sise took the floor and stated he wanted to seek two minor clarifications. The first one was related to when Sheriff Muhideen Hydara was **arrested**. He highlighted that there seemed to be discrepancies in the witness’ testimony. The first one was that Sheriff Muhideen Hydara was **arrested** by security officers of the state but later the witness said that the SIC ordered his **arrest** to save him from Yahya Jammeh’s people. Asked to clarify, the witness responded that there is nothing that the SIC did, it was Imam Fatty who made it known that the SIC had arrested him. Everyone thought that Sheriff Muhideen Hydara had angered Yahya Jammeh but the witness said that Imam Fatty made that declaration to get him off the hands of the police and enable him to return to his family.

The second clarification Chairman Sise sought was in relation to the SIC’s relationship with the President during the Jammeh era and post-Jammeh era. He added that what triggered his query is that he saw very quickly the provisions of the SIC constitution. Article 31 of the constitution states that “*The Gambia Supreme Islamic Council shall remain a non-governmental and independent body in all its dealings*”. Then article 38 goes as follows “*The President of The Gambia shall be the chief patron by virtue of his position as head of state*”. He asked what exactly was the relationship between Yahya Jammeh and has it changed with the President since his departure.

The witness responded that when the President has a need within or outside the country and needs a council member to represent him, they choose a representative when his instruction reaches them. Any events that is in relation to religion and which Gambia is part of, the SIC will represent the Muslims and the Christian Council will represent the Christians.

Commissioner Sey took the floor and highlighted that Sharia is not the same as the common law, there are many things that the law accepts which are forbidden

in Sharia. If this was another country, which used Sharia, many of these disagreements would not have happened.

In his concluding remarks, Imam Muhammed Lamin Touray thanked God that this day had come to pass. He had not followed all the TRRC sittings but heard a few that made allegations against the council. The imam stated that the council was established to foster peace and cohesion. He highlighted that under his leadership, the SIC had done its very best.

He stated that no matter how good intentioned one may be, they are only human and they may do things to people that may not be pleasing to them. Therefore whatever he might have done to anyone during the course of his tenure, he asked for their forgiveness. He highlighted that he also forgave anyone who made allegations against him.

He appealed to Gambians to be mindful of the SIC as it is a very important organisation that has made many efforts for the preservation of peace and tranquillity in the country. He blamed politics and politicians for the problems and mentioned when Yahya Jammeh refused to relinquish power. He added that they mobilised about 100 imams from around the country who met at the King Fahad Mosque in Banjul so they could go meet with Yahya Jammeh and pleaded for him to leave, which the whole Gambia appreciated. When Yahya Jammeh left, they saw there were still tensions and they travelled the whole country to ease them.

He stated that the SIC would always work alongside the head of state and will never disagree with him unless if he instructs them to do something that is against Islam. He decried politicians using imams for the furtherance of their political ambitions and asked for the SIC to stay apolitical.

He prayed to God to bless and protect The Gambia from violence and evil. He praised the TRRC for its work and asked that the slogan “Never Again” become a reality.

Persons Mentioned By Witness During Testimony:

Religious intolerance

Yahya Jammeh, Abdoulie Fatty, Muhammed Lamin Touray (the witness)

Usurpation of authority

Yahya Jammeh, Muhammed Lamin Touray (the witness)



Photo: ©Thomas de Lacoste



Photo: ©Lena Nian



WITNESS NAME: Lamin KARBOU

TRRC HEARING DATE (S): 20th February 2020

EVENT (S) DISCUSSED: Corruption at the NIA; the witness' torture and detention; the court case against the witness; the failed court case against his torturers

POSITION BEFORE THE EVENT (S): Officer at the DLEAG

ROLE DURING THE EVENT (S): Arrested, detained and tortured by the NIA

POSITION AT THE TIME OF TESTIMONY: Narcotics Officer with the Gender and Child Welfare unit at the NDLEA

SUMMARY OF TESTIMONY:

Lamin Karbou began his testimony by identifying himself as a resident of Brikama and a narcotics officer with the Gender and Child Welfare unit at the Drug Law Enforcement Agency, the Gambia, DLEAG³⁵. He outlined his career trajectory from teaching in a private nursery school, to managing the library at a kindergarten, to working at a narcotics office. When asked about this drastic shift in vocation in 2008, he explained that he had wanted a change of career and had applied at several places before being hired by the Drug Squad.

The witness described how he undertook three months of practical training and three months of theoretical training in Bijilo before being posted to Banjul International Airport with the National Drug Enforcement Agency, NDEA. He identified Ebrima Jammeh as the Station Office, SO, Juma Sowe as the Officer Commanding, OC, Neneh Sowe as the Commissioner, and Nfally Dambeleh as the

OC of the West Coast region. He was at the airport for eight months, checking passengers' luggage for drugs, until his ordeal began in May of 2009.

After his torture, detention and trial, he went back to the Drug Squad and was later transferred to the Banjul charge office.

He attested that he was consistently passed over for promotions and that he only became a sergeant through a promotional rank exam. He later was transferred to Denton Bridge before being posted to the Gender and Child Welfare unit at Brusubi where he sits today.

The Counsel then asked the witness about the events of May of 2009. He narrated how on 29th May 2009 the then OC in Brikama, Nfally Dambeleh, told him and Lamin Sima an inspector attached at Brikama, that he had received a tip that a cocaine deal was planned at the Brikama/Kembujeh highway the next day. The witness initially refused to reveal the source of the tip but later divulged that it came from Baba Cham³⁶, a businessman.

Lamin Karbou continued that on the 30th of May at around 1 pm, Nfally Dambeleh called him and told him to report to the station. He met Lamin Sima at the station, where they waited until their supervisor got a call that the subjects of the drug deal were moving into place. Nfally Dambeleh then ordered the witness and Lamin Sima to go and effect an arrest.

When they arrived at the Brikama/Kembuja highway, the witness told the Commission, they found a grey private vehicle and a taxi. They saw around ten people split in two groups facing each other whilst negotiating. The witness and Lamin Sima got out of their taxi and presented their warrant cards as agents of the Drug Squad. The men halted their negotiations and began presenting their bags to be searched. As the witness' partner rushed towards a suspicious black plastic bag, someone hit Lamin Sima on the chest, **fired** a pistol into the air and cursed.

³⁵In 2005, the National Drug Enforcement Agency, NDEA was established as an ostensibly independent security agency responsible for enforcing laws regarding drugs. The Act establishing the agency was amended several times and its organisation was renamed the Drug Law Enforcement Agency, the Gambia, DLEAG in November 2014. These bodies are commonly referred to as the 'Drug Squad.'

³⁶Also reported in the media as Babucarr Cham.

“That was when we came to know they were NIA officers”, the witness testified. He identified the man with the pistol as Lamin Darboe, and later learned that the others were Sheriff Ceesay, Mustapha Ceesay, National Intelligence Agency, NIA officer Dembo Mbaye, OC of West Coast Region Omar Jammeh alias Boy Boots, an accountant with the NIA named Lamin Hydara and a “volunteer” named Sanna Bojang. Modou Lamin Jarju alias Rambo, who the witness identified as one of the Junglers, was standing away from the group by a pickup truck with his arms folded. He added that at least three others who were not in the security services were also present, one of whom was clutching another black plastic bag, which he later learned contained foreign currency.

When asked why the **NIA officers** were there, **Lamin Karbou** responded that at the time he did not know but later came to learn “**they were there for their own economic interest.**”

The witness then confirmed that the NDEA, not the NIA, had jurisdiction over drug related offenses. By firing his pistol, Lamin Darboe had prevented Lamin Sima from checking the black plastic bag, which according to the witness likely contained cocaine. He affirmed that the NIA was preventing them for performing their duties. When asked if the NIA was there as part of an operation, Lamin Karbou responded that the NIA officers were selling drugs with civilian collaborators in direct contradiction to the laws of the country.

After Lamin Darboe **fired** his shot and made **threats** to the witness and Lamin Sima, the other NIA officers began eyeing each other. One of the NIA officers put two of the civilians in one of the parked taxis and then the loaded the others into another taxi and the private vehicle. The witness and his partner hopped in their own taxi and began following the taxi with the NIA officers and the two men. He testified that instead of taking the straight path to the Brikama Station, the NIA officers took as complicated a route as possible, “*they wanted to lose us, escape from us so we couldn’t follow them.*”

When the NIA officers finally pulled up at the Brikama Police Station, they brought the two civilians they had shoved in the taxi to the police charge office. The witness later learned the two civilians were Tijan Ndure and Karamo Drammeh³⁷ and were from Guinea-Bissau. The third civilian, also from Guinea-Bissau, was Ansumana Fatty³⁸ but he was moved in the truck and was not present at the station at that time. The witness later explained that Modou Lamin Jarju (alias Rambo) and Sanna Bojang remained in their parked cars within the police station premises. According to the witness, the NIA were pretending to **arrest** the two civilians.

The Counsel asked about the suspected seller of the cocaine, Ansumana Fatty, who the witness confirmed was not being charged at that moment. She also pointed out that the charge office at the Brikama Police Station was under the police and they did not have the jurisdiction to deal with drug related offenses. Why, she asked the witness, did the NIA officers not take the suspects to the NDEA officer at the same station? “*They went on a bungled mission,*” he replied.

He added that when Nfally Dambeleh came to the charge office, he was prevented from inspecting the black plastic bag that Omar Jammeh was holding. The NIA officers left the two individuals in the custody of the police, saying they would return to pick them up later. The Counsel later clarified that Nfally Dambeleh, who was of a higher rank than the NIA officers, was prevented by them from investigating the bag and that the police would have known that the NDEA had jurisdiction over drug related offenses, but they **arrested** the two men anyways. The witness confirmed this was what happened, adding that they were outnumbered in the station and that the NIA officers had pistols while they had no weapons. He confirmed again that the NIA was under the Office of the President, that their director had been appointed from the army and that his orders came directly from the President.

³⁷Spelling might differ in Guinea Bissau.

³⁸Spelling might differ in Guinea Bissau.

“At that time, the NIA, the kind of authority they had, there was no sister force that could dare it” he said. They acted as though “they were in charge of the law and they could do anything and no one would say anything about it.”

The witness testified that Nfally Dambelah immediately called the then Director General of the NDEA, Bun Sanneh, who, with the phone on loudspeaker, told them that what they described was “*impossible*” and said he would call then Director of the NIA, Bo Badjie. Bun Sanneh then called back a little later and relayed that the director of the NIA said he had not been aware of the operation involving his officers. The witness stayed at the police station until around 7 pm when Nfally Dambelah told him to go home.

That night, the witness continued, around 10 or 11 pm, he got a call from Nfally Dambelah saying that the director of the NDEA, Bun Sanneh wanted to see him and Lamin Sima. The next morning, he arrived at Bun Sanneh’s office next to the Police Headquarters in Banjul and met with a group of senior staff including Karamo Bojang, then Director of Operations Ousman Sanneh, Commissioner Essa Sarr, and OC Lamin Ceesay. The witness was then asked to narrate his story, and he obliged.

Lamin Karbou told the Commission that Bun Sanneh then told him that they would go together to the NIA Headquarters to repeat the story. They arrived through the back door and no one asked for any identification. Bun Sanneh went into an office while the witness stood outside. After some time, Bun Sanneh called him into the office and introduced him to then Director of the NIA, Bo Badjie. The witness again recounted his ordeal, after which both directors spoke to each other in Jola, taking turns translating for the witness. Bo Badjie then told Bun Sanneh he could leave and that his team would take the witness’ statement and release him. Bo Badjie then handed the witness over to then Director of Operations at

the NIA, Jim Ebrimah Drammeh, alias Jim and told him “*this is Lamin Karbou and he is aware of everything that happened the other day. Take his statement, then release him to go.*”

When the witness sat down facing Jim Ebrimah Drammeh in his office, he pulled a pistol out of his drawer and placed it on the table. The witness stated that he laughed because he believed Jim Ebrimah Drammeh was **threatening** him but that he could not be cowed. The witness further stated that he was asked again to describe what he saw on 30th May but this time, he was asked to write his statement to mirror the NIA officers’ which stated that the suspects in the drug deal had run from the scene and were arrested by NIA officers. Lamin Karbou said he refused.

“I said to him, ‘I did not see anyone who ran away from the arresting place, and those you have arrested, I don’t know them or where they came from, so I will not tell you a lie.’”

The Counsel then confirmed the director of operations was talking about the third civilian, Ansumana Fatty. The witness said this might have been the case but that Ansumana Fatty did not run – his departure from the botched drug deal had been facilitated by the NIA. When the Counsel asked if Jim Ebrimah Drammeh was trying to get the witness to say that people had run from the scene, he replied in the affirmative. The Commission then took a break for the morning coffee.

After the break, the witness continued with his testimony, asserting that he refused to sign what amounted to a false statement. Jim Ebrimah Drammeh then called Alhagie Edrisa Jobe, alias Alhagie Morr, and told him “*the kid is not cooperating.*” Alhagie Edrisa Jobe replied, “*Ok since the kid is not cooperating, he has to go through the normal procedure that people follow*”. The witness

said he was asked to put his phone on the table then told to leave the room for Alhagie Edrisa Jobe and Jim Ebrimah Drammeh to speak. Alhagie Edrisa Jobe then left the office, leaving the witness sitting in the hallway until someone he identified as Cham told him to follow. They climbed the stairs up to what he believed was Jim Ebrimah Drammeh's office. Cham pointed to a door and told him to enter.

Lamin Karbou testified that as he walked through the door, four people sprung out behind him, shackled him in handcuffs and shoved a green plastic bag over his head.

Alhagie Edrisa Jobe, who was facing him, told the other men in the room the bag was unnecessary and it was taken off. The witness said he did not know who the other four assailants were. While he was sitting **cuffed** on the ground Alhagie Edrisa Jobe picked up a pair of scissors and cut his clothes open, rendering him essentially **naked**. As he looked around the room he saw live electric wires plugged into the wall, clamps used to charge a car battery and a clothes iron. There were also other electrical gadgets plugged in what he did not recognise. At this point in his testimony, the witness bowed his head and wiped tears from his eyes.

The witness continued that Alhagie Edrisa Jobe then ordered the people in the room to **force** him to kneel. Then he picked up an electrical wire and started **beating** him. The others followed, and he was pummeled for two to three minutes until he heard someone say *"let's give him time, he'll change his mind."* He told the Commission he used his hands to cover his face, and as a result his body was seriously injured and he was **bleeding** profusely. The witness again testified that beyond Alhagie Edrisa Jobe, he did not know the identity of his other **torturers**. He also accused Alhagie Edrisa Jobe of being the head of the **torturing** group at the NIA.

Once the **beating** stopped, all but one of the **torturers** left the room. The witness told the Commission he was there for a long time before Cham came to the door

with a police officer that recognised the witness and asked why a member of the security services was being **beaten** by the NIA. Cham responded, *"here, you never know."*

Lamin Karbou recalled that after they left, he realised he was alone except for one other person he later learned was Pa Ceesay. As he regained himself, he came to feel that if he did not run, he might die there. He pushed the man standing behind him, kicked down the door and ran – still in handcuffs, naked, and bloody from the **beating** – through the backdoor of the NIA, out across the cemetery and towards the Arch³⁹. He remembered it being between noon and 1pm, and his dash had attracted quite a crowd, but he told the Commission he could not hear what they were shouting – *"I was only thinking about my life."*

The witness ran to the police station and straight to Director Bun Sanneh's office, where he crashed through the door into a meeting between the director and OC Lamin Ceesay. Bun Sanneh's orderlies gave the witness a shirt and unsuccessfully tried to open the handcuffs. While they were trying to loosen the restraints, Jim Ebrimah Drammeh, Alhagie Edrisa Jobe, Sheriff Ceesay, Lamin Darboe, Wanju Dampha and other NIA officers entered the office and said *"we will take him back."*

According to the witness, OC Lamin Ceesay tried to resist the NIA's entrance, which caused a confrontation. Bun Sanneh called the director of the NIA, Bo Badjie, and asked *"do you know what your people did to my officer?"* Bun Sanneh said he would show the NIA director for himself and ordered the witness into his vehicle. Jim Ebrimah Drammeh joined them as they drove back to the NIA and walked through the same back door the witness had escaped from earlier that day.

When Bo Badjie saw him, Lamin Karbou continued, he said it was unbelievable and asked who was responsible. According to the witness, Alhagie Edrisa Jobe said that himself, Jim Ebrimah Drammeh and some of their other colleagues were responsible for the **beating**. While the witness again confirmed

³⁹A landmark archway in Banjul erected by Yahya Jammeh known as Arch 22 in reference to the 22nd July 1994 coup d'état.

that apart from Alhagie Edrisa Jobe he did not see his **torturers**, he stressed that Alhagie Edrisa Jobe implicated Jim Ebrimah Drammeh in front of Bo Badjie. At this point Lamin Karbou revealed that Jim Ebrimah Drammeh now works for the Drug Squad as operations director and was, at the time of the testimony, his boss.

Going back to his testimony, the witness stated that after Alhagie Edrisa Jobe took responsibility for the **beating**, Bun Sanneh left him (the witness) at the NIA Headquarters for a second time that day and returned to his office. When the Counsel returned to this moment later, Lamin Karbou said that none of the directors challenged the NIA at the time. One of the NIA officers present, who the witness identified as Malick Ceesay, said that “*such nonsense should not be tolerated anymore, we should act professionally,*” which prompted an argument with Alhagie Edrisa Jobe. Alhagie Edrisa Jobe then tried to find the key to release the witness from the handcuffs but was unsuccessful. Malick Ceesay took the witness to his office and had to use a hacksaw to cut the handcuffs off, leaving a mark the witness showed the Commission.

While Malick Ceesay was helping the witness clean his wounds, Cham came to the door and said that the witness was needed at the panel. He was taken to a conference room upstairs where he found Louis Gomez, then Deputy Director of the NIA Hydara⁴⁰, Jim Ebrimah Drammeh, Ousman Sowe, Alhagie Edrisa Jobe, and a charge officer with the NIA named Sukuta Jammeh seated at a table on the right-hand side. On the other side sat Tijan Ndure and Karamo Drammeh, the two civilians who had been arrested on 30th May and taken to Brikama Police Station. He also saw Fernando Ko⁴¹, Ansumana Fatty, Baba Cham, and Lamin Sima.

He told the Commission that **Tijan Ndure’s head was bleeding as was Ansumana Fatty’s body**, but the worst **torture** was meted out to Fernando Ko, on whom **he could make out the shape of the clothes iron seared onto his body**.

Looking at the **torture** the others had also endured, Lamin Karbou realised that this is what Alhagie Edrisa Jobe had meant when he said that the witness should be taken through the same process.

The panel began with Hydara asking the other suspects if they knew the witness or Lamin Sima, to which they all replied in the negative. Then, according to the witness, Ansumana Fatty got angry and began describing what brought him to the NIA. He said that Jim Ebrimah Drammeh and Alhagie Edrisa Jobe knew the full story and paid for the lodge where he stayed. He said that they (the witness later clarified that Hydara asked who was ‘they’ was, and Ansumana Fatty said himself, Karamo Drammeh, and Fernando Ko) were given money to buy lime powder⁴², after which the NIA would bring the cocaine. Alhagie Edrisa Jobe tried to stop Ansumana Fatty from exposing more, but Hydara told the suspect to keep talking, saying he wanted to learn what was actually transpiring.

According to the witness, Ansumana Fatty told the panel that the cocaine was mixed with the lime powder and then they would put more pure cocaine on top of that before looking for buyers. When the buyers would arrive, the NIA would show up, arrest everyone, seize the money, charge the buyers but release Ansumana Fatty and the other sellers, and then split the money with them.

He added that **Ansumana Fatty said they were in The Gambia at the behest of the NIA, who were paying the bills at the lodge, giving them money to buy the lime powder, and supplying them with the pure cocaine**.

When the Counsel asked who were the buyers in the operation the witness had stumbled into, he responded that he did not know but that he had not seen Fernando Ko and Baba Cham at the scene in Brikama. He reminded the Commission that he was not a member of the conspiracy and thus was just

⁴⁰We assume he is referring to Modou Lamin Hydara also sometimes referred to as Momodou/Muhammed Hydara who at one point was acting director at the NIA.

⁴¹The name was also written as “Ferdinand Co” in some Gambian press reports.

⁴²White lime powder, made from the burning of oyster shells along the Gambia River, is used in road construction and landscaping.

repeating what he heard Ansumana Fatty say that day in front of the panel. He also revealed that he later learned it was Baba Cham, who he knew as a businessman, who had given his OC Nfally Dambeleh the tip off about the drug deal.

When asked about the purpose of the panel, the witness replied it was for “implicating people, that’s all. They never speak the truth.”

Further testifying, the witness explained that after Ansumana Fatty finished his narration, Sukuta Jammeh (one of the NIA officers present) said “*this one you have tortured but what is the use of it if there is no truth?*” Before he could finish speaking, Jim Ebrimah Drammeh told him to “*shut up.*” Sukuta Jammeh then picked up his papers and walked out of the panel room, leaving a heavy silence. Then Deputy Director Hydera got up, followed by Jim Ebrimah Drammeh, Alhagie Edrisa Jobe and Ousman Sowe, and they all left the room. The remaining NIA officer, Lamin Manneh took the witness and the other suspects to a small cell from which they could see the charge office. Lamin Karbou testified that they were neither charged nor even informed what would happen next.

The witness was imprisoned in the small cell with Fernando Ko, Ansumana Fatty, Karamo Drammeh, Tijan Ndure, Baba Cham, Lamin Sima and one man who was there when they got there named Lamin Konjera. The cell was small he remembered, with a concrete floor, “*they left it like that they didn’t take us to the hospital,*” he said.

Around 6 pm the then Inspector General of Police, IGP Ensa Badjie, alias Jesus, his orderly Sambo (first name not given), Bo Badjie, Alhagie Edrisa Jobe, Jim Ebrimah Drammeh, Lamin Darboe, Sukuta Jammeh and Lamin Manneh arrived at the cell. Ensa Badjie told them that he was there because Bun Sanneh, the director of the NDEA, had come to his office to complain that NIA officers had maltreated one of his officers. He said he felt he should come to see them “*if the big man⁴³ should ask me.*”

According to the witness, once they were brought out of the cell, Ensa Badjie assessed them and asked Bo Badjie what had happened. Bo Badjie apparently replied that

only his people could explain and pointed to Alhagie Edrisa Jobe. Ansumana Fatty told Ensa Badjie about the NIA agents’ scam to lure in people to purchase cocaine, steal their money, arrest them, and then split the money with the cocaine dealers. Ansumana Fatty repeated that he did not know the witness or Lamin Sima. He elaborated that in his experience, they had only dealt with the NIA and that it was the intervention of the Drug Squad that had led to their current predicament. The witness stated that Ensa Badjie then instructed him (the witness) to show him his body, to which he was alleged to have said “*Bo this is unfortunate, these three people are trying to undermine your administration.*”

The Counsel asked the witness to confirm that two photos were of him. He described the photos as evidence of the **torture** he endured. He added that the photos were taken weeks after he was **beaten** at a photo studio opposite the Brikama Police Station and thus his wounds had healed but the scars were still visible.

The witness then explained that the people who Ensa Badjie was accusing of undermining his administration were the people who carried out the **torture**. Ensa Badjie then said the only advice he could give would be to take the witness to the hospital, provide him with some medicine and release him immediately. According to the witness, Bo Badjie said “*no problem,*” but it never happened. Instead, before they were put back into the cell, Alhagie Edrisa Jobe said that the witness could not be released with all his scars.

Lamin Karbou elaborated that “Because of the torture they did to me they did not want the world to see me in that state.”

Lamin Karbou told the Commission that they were **detained** in the small cell by the charge office for some weeks. He narrated how one day, when Bo Badjie was walking past, the witness called his name and accused him of keeping them **detained** unlawfully without charges or taking them to court.

⁴³We assume he was referring to Yahya Jammeh. Several other witnesses who testified before the TRRC referred to Yahya Jammeh as “the big man”.

He further stated that Bo Badjie responded “*know how to talk to me.*” The witness started to respond but was told by Lamin Manneh to shut up. A few minutes later, Lamin Manneh came to the cell and took the witness alone upstairs to another cell. At this point the witness became overcome with emotion and took a pause to catch his breath.

He then described how the light was turned on in his new cell and before him lay an old man, his body and shirt soaked in **blood**. The old man was unable to speak but took the witness’ water bottle and began drinking. When food arrived, the elderly man quickly ate it all, leading the witness to feel like the man had not eaten for two or three days.

The elderly man identified himself as “kaw”⁴⁴ and said he was a marabout. He had a beard and the witness estimated he was around 80 years old. He said the elderly Fula man had been severely **tortured**, likely with electrical wires and that when he tried to remove his shirt, the man groaned. When the witness asked the man what had happened, the man told him how he had done some work for a lady but she did not pay him and when he asked for the payment, she brought in Alhagie Edrisa Jobe, who **beat** him and inflicted the terrible injuries he suffered. The next morning when the witness was let out of the cell on a break, he told Lamin Manneh that the elderly man needed medical attention, to which Lamin Manneh responded that he should be more focused on staying alive himself than worrying about the elderly man.

Lamin Karbou continued his testimony by describing the conditions of his **detention**. He said that one day he began feeling particularly unwell, so Lamin Manneh at the charge office took him to the military clinic behind State House. A nurse he identified as Corporal Sambou said that due to the severity of his wounds, the witness would need to be admitted to the hospital. However, before the nurse could admit the witness, Lamin Manneh called an unknown person at the NIA, and then passed the message along that Corporal Sambou should not admit the witness but give him medicine and then return him to the cell. He was given paracetamol, driven back to the NIA building and returned to the cell with the elderly Fula man.

The witness told the Commission that in the evening Lamin Manneh came back to his cell and told him that he would only be allowed out of his cell after normal working hours. While he was out of his cell, he met Lamin Senghore alias Assassin⁴⁵ who according to the witness was one of the security guards, who saw his condition and was sympathetic. Lamin Senghore became the witness’ friend and the liaison between him and his family outside the detention facility. He said he even assisted him in bringing in an Africell sim card. Every time he was on duty, Lamin Senghore allowed the witness to use his phone to call his lawyers, lawyer Mboge and his niece, Fatou Barrow. The witness said he was not aware at that time that Lamin Senghore had taken part in the **torture** of other detainees.

Lamin Karbou described how one day while he was sitting by the gate after-hours, he saw an ambulance arrive and someone brought down on a stretcher. The witness asked the man on the stretcher his name, to which he replied Alagie Sajo. Alagie Sajo told the witness that he was from Guinea Bissau and had come to The Gambia along with Ansumana Fatty and Karamo Drammeh. When Ansumana Fatty had been picked up by the NIA, Alagie Sajo had gone to the lodging to collect their belongings. While he was there, NIA agents including Jim Ebrimah Drammeh showed up. As he ran from the scene, Jim Ebrimah Drammeh **shot** him in the leg. The witness told the Commission this was the moment he really came to know that the story Ansumana Fatty had told the panel and Ensa Badjie was indeed the truth. The witness said that Alagie Sajo wanted to speak with him further but Jim Ebrimah Drammeh and others were approaching.

The Counsel asked the witness what else he saw Alhagie Edrisa Jobe and other NIA officers do after hours. He told the Commission that he used to see them drinking alcohol. Guinness was Alhagie Edrisa Jobe’s beer of choice. He described how “*to the NIA, [Alhagie Edrisa Jobe] was like a king ... whatever he said stood.*” When asked where Alhagie Edrisa Jobe derived his authority from, the witness responded that Alhagie Edrisa Jobe would trick even

⁴⁴The Fula/Pulaar word for “uncle.”

⁴⁵See TRRC Digest Edition 4, pages 9-14.

the directors. Foreshadowing slightly, he described how after Alhagie Edrisa Jobe moved to the Drug Squad, he gave the impression that he was dealing directly with the President. Whether this was true or not, the witness could not confirm. Nevertheless, *“people were scared of him and they never did anything if he’s not there.”*

Lamin Karbou continued that he was **detained** at the same time as the journalist Pa Modou Faal and Emil Touray⁴⁶ and saw them at the NIA facility. He added that a group of Casamance rebels were also **detained** at the same time he was.⁴⁷ He said he saw them all with their hands tied inside a pickup truck.

He testified that he was outside the room while they were being tortured and could see them being beaten. He attested the abuses were committed by Alhagie Edrisa Jobe, Jim Ebrimah Drammeh and their people.

One day on a Thursday, the witness narrated, Sukuta Jammeh took him out of his cell and brought him to a vehicle where he found the Bissau-Guineans and Lamin Sima. The vehicle went to the police station in Banjul, where they met Lamin Manneh who presented them to a man he identified as Officer Sam, the Duty Commander from Brikama.

On Friday, the witness continued, they were arraigned before a court in Banjul and charged with conspiracy and obstruction. He later said this was the first time he heard his charges. However, Magistrate Edrissa Mbaye said the Banjul magistrate court lacked the jurisdiction to hear the case and referred the case to Brikama. The Counsel, reading from The Point Newspaper from 10th March 2010⁴⁸, clarified that the witness and the others were charged with fraud, obstructing a police officer, possession of drugs and the trafficking of drugs.

Lamin Karbou explained that he waited in Mile 2 Prison for three weeks while his case was referred to Brikama. The cell was so cramped that to fit with the least amount of suffering, nine people would sit up while the other nine lied down and they would switch every few hours.

They would be let out at 8 am for breakfast, then the cell would be locked again at mid-day. Then they were let out at 2 pm for lunch and prayers, before being locked in at 5 pm for the rest of the night. Their sanitation facilities were two 20-litre drums for urine and excrement. There was a showering facility opened in the mornings but the line was so long that it was difficult to bathe with any regularity. The inmates took turns emptying the human waste containers and tidying up the cell. It was hot inside the cell, and mosquitos and black flies were plentiful. He added that the Casamance rebels and the journalist Pa Modou Faal later joined him at Mile 2 Prison.

The witness further stated that once the case was transferred to Brikama, he faced one adjournment after another. Sometimes the state would not be present and Magistrate Foster grew irritated and finally let the witness out on bail. Immediately after being released on bail, he went to the photo studio across from the Brikama Police Station and had photos taken of his scars.

He said that when out on bail, he learned that his six-year-old daughter had died after a bout of malaria while he was in detention, adding that his remaining children’s education was seriously disturbed and his family suffered in his absence.

Meanwhile, the case continued to bounce around between courts and magistrates before finally ending up at the Banjul High Court with Justice Emmanuel Nkea. He recalled that after he managed to get Ansumana Fatty’s number from Tijan Ndure, he learned that Ansumana Fatty and the others were taken to the border by an NIA driver, given a travel allowance and told to return to Guinea-Bissau.

In response to questions from the Counsel, the witness said that his case was in Justice Joseph Enwa Ikpala’s court twice. On the second occasion,

⁴⁶Pa Modou Faal and Emil Touray were among a group of journalists who were charged with two years in prison in 2009 before being released later that year. See CPJ article – [Six Journalists Released in The Gambia](#).

⁴⁷In 2008 nine alleged members of the Senegalese separatist Mouvement des Forces Démocratiques de Casamance, MFDC were convicted on a variety of charges despite claiming their statements had been made under duress. See The Point Newspaper article – [Nine MFDC Jailed](#).

⁴⁸See The Point Newspaper article – [Justice Richards issues arrest warrant for sureties in drug case](#).

the Justice told the state prosecutor that he would throw the case out if he failed to produce any witnesses. The next adjournment, a new prosecutor said the state was withdrawing the case and asked that the witness be discharged. The Justice apparently was confused and irritated, asking on what basis, to which the state prosecutor revealed that they had failed to convince any witnesses to appear.

Lamin Karbou confirmed that over the two to three years the case was being adjourned, the state never produced a single witness against him.

The witness continued that when there was a change of leadership at the NDEA and Benedict Jammeh replaced Bun Sanneh as the director general, he opened an investigation into his ordeal and ended up taking a number of NIA officers to court including Alhagie Edrisa Jobe, Lamin Darboe and Omar Jammeh. The Counsel read from an article in The Point Newspaper, which included Jim Ebrimah Drammeh and added that they were charged with assault⁴⁹.

The witness complained that the case against the NIA officers who **tortured** him was mishandled. Medical papers that he snuck out of the military hospital and presented to his Lawyer, Lamin Mboge, were rejected by the magistrate – *“During those days even the magistrates were scared. Some of them used to run away from the country.”* The witness acknowledged that Justice Emmanuel Nkea, who was presiding over the case while he was giving his evidence, proceeded very honestly, in fact, so much so that the case was later taken from him and given to Principle Magistrate Taiwo Ade Alagbe.

The witness said that after presenting their evidence in the open, the defense gave their evidence in a private chamber. While the judge was making his judgement, the witness later testified, the magistrate’s orderly came and told him he had just received an urgent call. The magistrate left, at which point another lawyer said *“everything is spoiled.”*

When the magistrate returned, he acquitted the NIA officers and gave them a mere warning not to interfere in the NDEA.

The witness later said he saw Njogu Bah, Yahya Jammeh’s then Secretary General, coming out of the magistrate’s chambers right before the decision was announced. Lamin Karbou accused Njogu Bah of *“subverting justice”*.

After the NIA officers were acquitted and discharged, the witness said, he wanted revenge. He travelled around town with an iron bar, moving from one bar to another trying to find them. He did see one of them once in Westfield but they left in their vehicle before he could get to them. *“I wanted revenge”* he told the Commission, *“and if I was to die in the process, I was to die.”*

The witness testified that soon after the case against the NIA officers, Alhagie Edrisa Jobe and Jim Ebrimah Drammeh were transferred to the NDEA. Jim Ebrimah Drammeh is, as of the time of the testimony, head of operations at DLEAG and technically his (the witness’) boss. The witness said he avoids him and does not return his greetings. *“I still remember what he did to me and I can never forget”*.

The witness revealed that recently someone close to Jim Ebrimah Drammeh called him and issued what he understood to be a threat that if he did not drop the case at the TRRC, he would never be promoted and might even be assigned an undesirable posting.

The witness hinted that Jim Ebrimah Drammeh was implicated in another criminal case. When asked to elaborate, he said he heard that Jim Ebrimah

⁴⁹See The Point Newspaper article – [Defense opens in former NIA officials’ torture case.](#)

Drammeh was involved in the case involving Shyben A. Madi⁵⁰. Those that did nothing were locked up, he alleged, and those with access to money – Alhagie Edrisa Jobe – are free, despite being called back from Darfur and sacked.

When asked what was the impact of the **arrest, detention and trial**, Lamin Karbou first pointed to the passing of his daughter while he was **incommunicado** at the NIA. He also said that he had to sell the compound he had his hopes on to pay his legal fees. The accusations leveled against him still follow him, he added.

When asked about justice, he said he was disquieted by the fact that the men who tortured him are still walking around freely. Apart from Jim Ebrimah Drammeh at the DLEAG, Alhagie Edrisa Jobe is in the UK and Lamin Darboe, Omar Jammeh and Sheriff Ceesay still work at the NIA.

Before asking the Commissioners if they had any further questions, Chairman Sise asked the Lead Counsel to remind the audience that harassing or interfering with a witness is a crime under the TRRC Act and that the Commission would take the allegations the witness made very seriously.

The Deputy Chair then expressed her sympathy with the witness before going into three issues. In response to her first question, the witness said that he had not dealt with any women as a part of his work in the gender and child welfare unit of the DLEAG. She then asked if it was normal to go on a dangerous mission unarmed and without backup. He said it was and that the only weapon they usually had was handcuffs, and sometimes even those were not provided. When asked to explain how he was brought back to the NIA after escaping to the police station, he replied that his director, Bun Sanneh, was afraid of the NIA. He said he even heard the fire officers saying that if it were their officer, they would not take him

back on the force. *“There was no one brave enough to face the NIA,”* he continued. *“The NIA during that time they were the only ones with pistols and used vehicles as they pleased. They arrested people as they pleased so that’s why my boss was scared.”*

Commissioner Bishop Odico then said it was very worrying how the NIA took the law into their own hands and were involved in the selling of drugs. He also asked about the electric **torture** devices and the witness affirmed that Fernando Ko had been burnt with the clothes iron.

Commissioner Samba then asked if his **torturers** were Muslims. The witness responded that the officers did what they did for economic gain. *“They were not working for Gambians,”* he said, *“they were working for themselves.”* He added that he never saw Alhagie Edrisa Jobe pray, instead during prayer time he alleged he would sit drinking from his Guinness bottle.

The witness concluded his testimony by telling the Commissioners that sitting in front of them has helped him *“unload the burden on my head which has been troubling me for a while.”* He pleaded with the security services and Gambia’s leaders to be fair and impartial. *“The truth is painful,”* he cautioned. He said that those on the ground were the foot soldiers and that regardless of class, everyone should be given respect. He asked Gambians to pray to be one and to make the country their first priority.

Persons Mentioned By Witness During Testimony:

Drug trafficking/Corruption at NIA

Lamin Darboe, Sherriff Ceesay, Mustapha Ceesay, Dembo Mbaye, Omar Jammeh, Lamin Hydara, Sanna Bojang, Alhagie Edrisa Jobe alias Alhagie Morr, Modou Lamin Jarju alias Rambo

Obstruction of justice (forcing witness to give a false testimony)

Jim Ebrimah Drammeh, Alhagie Edrisa Jobe alias Alhagie Morr

⁵⁰In 2015 Gambian courts charged Shyben A. Madi and Sons and seven of their employees with drug trafficking after they found 45 kg of cocaine in a sugar shipment from Brazil. See Reuters article: [Gambia import firm, employees charged with cocaine trafficking](#)

Torture (of Lamin Karbou)

Alhagie Edrisa Jobe, Jim Ebrimah Drammeh, Lamin Darboe, Omar Jammeh, Sheriff Ceesay

Torture (of nine MFDC rebels and “kaw”)

Alhagie Edrisa Jobe alias Alhagie Morr

Assault, use of excessive force including shooting (of Alagie Sajo)

Jim Ebrimah Drammeh

Arbitrary detention

Bo Badjie, Jim Ebrimah Drammeh, Alhagie Edrisa Jobe alias Alhagie Morr, Lamin Manneh, Lamin Senghore, Cham

Arbitrary arrest

Bo Badjie, Jim Ebrimah Drammeh, Alhagie Edrisa Jobe alias Alhagie Morr, Sheriff Ceesay, Lamin Darboe, Wanju Dampha

Attempted forced false confession

Jim Ebrimah Drammeh, Alhagie Edrisa Jobe alias Alhagie Morr, Louis Gomez, Modou Lamin Hydara, Ousman Sowe

Obstruction of justice (in the case of Lamin Karbou)

Njogu Bah, Yahya Jammeh

Corruption of justice

Taiwo Ade Alagbe

WITNESS NAME: Lamin JOBE

TRRC HEARING DATE (S): 24th February 2020

EVENT (S) DISCUSSED: Participation of witness in two protests and his subsequent arrest, detention, and torture

POSITION BEFORE THE EVENT (S): Deckhand at the Gambia Port Authority

ROLE DURING THE EVENT (S): Detained and tortured at the NIA for being a UDP militant

POSITION AT THE TIME OF TESTIMONY: Deckhand at the Gambia Port Authority

SUMMARY OF TESTIMONY:

Lamin Jobe gave some background information on his education and explained that he used to work at the Gambian Post and had also been involved in politics since before 1996, prior to the formation of the United Democratic Party, UDP. The Lead Counsel asked the witness if he attended any UDP rallies or meetings. The witness responded in the affirmative. The Lead Counsel asked if he had been at a UDP rally in 2002 as mentioned in the witness statement. The witness said he was there.

Discussing the 2002 UDP rally, the witness said that he was part of the organising committee. He stated that while he was setting up chairs for the rally on the side of the highway, the Police Intervention Unit, PIU arrived with a single truck and approximately 24 officers wearing masks and riot shields. According to the witness, PIU officers spoke to the UDP members and told them that they had instructions to cancel the meeting. The witness told them that they had a permit issued by the police but the PIU officers replied that they had their orders from State House. The Lead Counsel asked the witness if he knew who at State House gave the order to the PIU and the witness replied that the order came from Yahya Jammeh. When asked, the witness said that at the time of the confrontation, he believed the PIU was acting on the orders of Yahya Jammeh.

When the witness told the police officers that he had a permit for the meeting, issued by the police, the PIU officers told him that the meeting, “had to stop by all



means.” The Lead Counsel asked the witness what happened after that conversation and he replied, “there was a lot of push and pull between us”. He added that at the time of the confrontation there were UDP supporters present but their party leaders had not yet arrived for the rally.

Addressing the confrontation between the PIU and the UDP supporters, the witness described how UDP members refused the PIU’s order to disperse and told the PIU officers that the meeting was going to go ahead and “they were ready for anything. Either the meeting holds or we kill each other here with you.” The witness said they quarreled and some people got up, picked up the chairs, which were made of iron, and proceeded to attack one another.

The witness highlighted that one sergeant was armed with an AK-47 and the other officers had shields and batons. When the fight broke out, people threw stones at the police officers.

The witness said that he was beaten with batons all over his body until he fainted. The PIU officers stomped the witness with boots and trampled him before they put in the pick-up where he was threatened by the sergeant who pointed his gun at him and threatened to kill him if he tried to get up.

The witness could not recall the name of that particular sergeant and said it would be hard to recognise the officers because they were masked, but he noted that he heard them referring to the “S. I” leading them and the name was Sawaneh.

When asked, the witness said that he was put into the pickup with 5 other men who were also **beaten, arrested**, and put in the vehicle. The witness could recall the names of two of the other men who were **arrested**, one was Fabakary Sonko from Essau and the other was Aboulie/ Abdoulie Njie⁵¹, a resident of Mayamba.

The witness testified that he still experienced pain from the beating at the time of the testimony. Sometimes, he noted, the pain was bad enough that he needed to go to the hospital. Specifically, he had 24 stitches on his left elbow, which he showed to the Commissioners at the request of the Lead Counsel.

The witness said that the injury was so severe that he nearly lost his arm and had to massage it with goat fat regularly (sometimes with the help of his sister).

He kept it in a sling for several months. Before he began massaging the injury, he could not stretch out the arm fully.

The witness also suffered other blunt force injuries and bled from the wounds. The other UDP members who were **arrested** were also severely **beaten**. When the Lead Counsel asked, the witness said that six of them were **beaten** by the entire group of 24 officers and that the PIU driver was the only one that did not participate in the attack. The witness added that the PIU officers continued to **beat** them in the pickup on the way to the police station. He was not able to say what specific injuries the other men sustained but he knew that they were injured because of how severely they were all **beaten** and **trampled**.

Lamin Jobe recalled that they were taken to the Banjul Police Headquarters and they were put into the same jail cell. When asked, the witness said that cell was already full of people when they arrived. Despite the fact that the cell was full, all six of the UDP members were put into one cell. The witness said that it was so crowded they had to lie on their shirts on the floor. The witness described the conditions as dirty and foul smelling. He said that there was “urine coming from all sides” and it smelled so bad at times that it was hard to breathe.

At night there were many mosquitos, and even though the witness offered to give the guards money to purchase mosquito coils, they would not provide them any protection from the mosquitos that swarmed them at night. The Lead Counsel asked the witness how many of them were in the cell. The witness said there were more than fifty people stuffed into a long, narrow cell with plywood on the concrete floor. The plywood was infested with bugs and they had to shake out the bedbugs before they could sleep on them. The witness spent eight nights there and was not able to sleep the entire time because of the mosquitos and bedbugs.

The Lead Counsel asked if the space was ventilated. The witness said that the cell did initially have a small window but it was blocked. The Lead Counsel asked if the window was blocked to prevent them from seeing outside or if it was to seal off their ventilation. The witness said when they blocked off the window there was no ventilation except when they opened the door. The Lead Counsel pointed out that the cell must have had some opening or else they would have **died**. The witness agreed, and said that there were some little holes in the wall that allowed some fresh air inside. As for food, the witness said that his family brought him food and he shared with people. The police also provided food for people but the witness said he could not eat it. The Lead Counsel asked him why he could not eat it and the witness said that he was used to eating good food and that his “*surname was Jobe and he eats only sure things.*”

⁵¹It was difficult to understand if the witness said “Aboulie” or “Abdoulie”.

Returning to earlier in his testimony, the Lead Counsel asked Lamin Jobe to describe the beatings that he experienced while he was imprisoned. The witness said that they happened at night.

Officers came after dark with batons and whips to beat them.

Specifically, the witness testified that they used a special type of whip woven from the skin of a baby shark. The witness explained the process of skinning a baby shark and weaving the abrasive skin into a whip.

Lamin Jobe testified that in addition to the sharkskin whip, he was **beaten** with black hosepipes. The Lead Counsel asked the witness how they knew who to **beat** since the cell was so crowded. The witness said that only those that were **arrested** at the protest grounds were **beaten**. The Lead Counsel asked if he could recognise who **beat** him. The witness said that he could not because they wore masks and **beat** them at night. The witness said that he knew that they were PIU officers even though they removed their uniforms before administering the **torture**.

The Lead Counsel recalled that the witness said he was **beaten** on each of the eight nights he was **detained** and asked the witness how long each of the beatings were.

The witness said that the beatings were, “very hard and took a long time.” He estimated they were **beaten** for at least 30 minutes.

Taking a step back to reexamine the canceled rally, the Lead Counsel asked if the PIU officers said anything about the UDP. The witness responded in the affirmative, he said that the officers claimed that the UDP was the cause of all of The Gambia’s problems and that the UDP was “anti-Jammeh.” The witness said he told the officers that, “*Yahya Jammeh must be opposed at all cost. Whether he likes it or not we will oppose him because what he was doing in the country was not correct.*” The Lead Counsel asked if this conversation took place in 2002. The witness responded in the affirmative.

The Lead Counsel asked if it was also true that the UDP party militants on the ground also **attacked** the PIU forces and Lamin Jobe responded in the affirmative. He said they attacked the PIU officers by pelting them with stones, adding that he hit the sergeant with an iron chair. The Lead Counsel asked the witness if he was aware that it was a crime to assault a police officer in The Gambia. The witness said he understood but the police did not come peacefully. The Lead Counsel asked the witness if they acted in self-defense or if they were attacked. The witness clarified that they fought the police after the PIU officers attacked them.

Returning to the prison cell, the Lead Counsel asked the witness what happened after his eighth night of **detention**. The witness said they were taken to an office where they sat down with the police and one of their Officer Commanding, OCs who was dressed in white. The OC asked them if they had anyone who could bail them out. The witness responded in the affirmative and, when asked, he said his younger brother could bail him out.

When asked, the witness said that he was never taken to court about the incident or the **arrest**. Even after the witness and the other victims were bailed out, they had to report to the police station periodically for two months.

Moving on, the Lead Counsel asked if it was correct that the witness started working at the Gambia Port Authority, GPA about a year later and the witness responded in the affirmative. Lamin Jobe affirmed that he continued to work at the GPA from 2011 on. In 2011, he was working on a ship in operations. During that time, he also worked at the Gambia Ferries. He explained that whilst working on the ferry, he had opportunities to meet senior political leaders of the party he supported. Every time he encountered Ousainou Darboe, the founder of the UDP, he would attend to his and his convoy’s needs personally. When asked the witness said that he would make sure to give him the VIP treatment, allowing him to sit on the captain’s bridge if he desired. The Lead

Counsel asked him why he gave Ousainou Darboe special treatment. The witness said that he had to give him his due because he was an important person and the leader of his political party.

The Lead Counsel asked the witness if he appreciated that at the time that he was working on the ferry he was a public officer. The witness responded in the affirmative. The Lead Counsel asked if he understood that there were rules governing the involvement of public officers in politics. The witness responded in the affirmative. The Lead Counsel read the rules about public officers in politics. The rules stated that public officers could vote and hold their own political beliefs and be a member of a political party or organisation but they were not permitted to accept any office, paid or unpaid, in any political party or organisation. Also, public officers were forbidden from making political speeches, joining in demonstrations, or publicly mentioning their political affiliations or support. When asked, the witness said that he was aware of these rules but he said that politics was in his blood and he could not hide his political affiliation.

The Lead Counsel said that although the witness was passionate, the rules of public service prohibited public officers from openly participating in politics or showing open support for political affiliations. The Lead Counsel asked the witness if he had understood that by showing open support for the UDP while operating the ferry, he was violating the rules governing his position as a public officer with the GPA. The witness said he understood that.

Continuing, the Lead Counsel said that as much as the witness agreed that he had violated the above mentioned rules, it was also true that during that time many public officers were showing open support for the Alliance for Patriotic Reorientation and Construction, APRC. The witness agreed that was correct. He added that even civil servants were openly supporting the APRC sometimes wearing Yahya Jammeh T-shirts. Therefore, he felt justified in expressing his support for the UDP while working as a public officer. He felt that Yahya Jammeh had already violated the law by allowing civil servants to openly support him and use government resources to promote the APRC.

The Lead Council asked if the witness was saying that politics were commonplace at the time amongst civil servants and public officers, particularly with APRC supporters. The witness blamed the APRC for the illegal promotion of political figures. He accused the APRC of handing out campaign materials and T-shirts at the port and blacklisting the names of people who would not take the APRC T-shirts. The witness told them that he would not take their APRC T-shirt, he told them to put him on the “red-list” because he would never support them.

The Lead Counsel asked what the purpose of the blacklist was. Lamin Jobe revealed that the list was to target people who did not support Yahya Jammeh. He added that the ports had become politicised and that if you refused to go to Kanilai to work on Yahya Jammeh’s farm they would also put you on a list. The witness said that many of the ferry staff helped out on Yahya Jammeh’s farm in Kanilai. As a result of this, the witness testified that his relationship with the management of the GPA soured and they hated him and made him their enemy. The witness said that not all the GPA managers hated him but the Managing Director, Modou Lamin Gibba, fought with him because he was very close to Yahya Jammeh.

Lamin Jobe explained that Modou Lamin Gibba complained about him often, calling him to his office on several occasions to discuss his political views and his lack of support for Yahya Jammeh.

The Lead Counsel asked if anything happened at the ferry terminal on 31st September 2011 that led to a meeting between the witness and the then managing director of the GPA. The witness explained that he was working that day and after they had crossed over to Barra and were loading the ferry to return, he received a call from a senior security officer of the GPA named Jobarteh (full name not mentioned). Jobarteh asked him where he was to which he replied that he was in

Barra loading the boat for the return to Banjul. Jobarteh told him he had a message to him deliver to him upon his return to Banjul. When the witness arrived in Banjul, Jobarteh told him that he had been sent by Modou Lamin Gibba to summon the witness to his office for a meeting. The witness agreed to go once he had informed his boss.

After the ferry was loaded, the witness went to the MD's office where Modou Lamin Gibba showed him a piece of paper that he said contained a complaint about the witness giving "VIP treatment" to Ousainou Darboe, allowing him to sit on the captain's bridge. The witness admitted that it was true and then told the MD that he had in fact not done it once but many times because he was an important, tax-paying, Gambian citizen. He argued that because Ousainou Darboe was an important figure it made sense to give him special treatment. The witness added that he told the MD that Ousainou Darboe was his party leader and he would give him any special treatment he needed to feel comfortable, then added that the Lamin Gibba was the managing director and would decide what to do about it.

Then Modou Lamin Gibba told the witness that he would make sure to "victimise" him. The witness responded that he would wait for that day. He then left the office and continued with his work for three more days. On his day off, he came to the terminal and was there until nightfall. At dusk three men wearing suits and ties approached him. The witness testified that he thought that they were just ferry passengers until they asked him if he was Mr. Jobe and told him that they wanted to see him.

The witness agreed to go with them although they had not identified themselves. He went with the men in suits out of the ferry terminal towards the Adonis Hotel. The Lead Counsel asked the witness why he would go with three strangers who did not identify themselves to him. The witness said they were dressed professionally and so he trusted them. He thought they had a vehicle, which they wanted to put on the ferry. The witness said they had a pick-up truck parked close to Hill Street by the Adonis Hotel. At this point, the Lead Counsel said he meant Orange Street. When they got to the vehicle, the men told the witness they were National Intelligence Agency, NIA officers.

The Lead Counsel asked the witness if MD Modou Lamin Gibba mentioned the NIA when he **threatened** the witness during their meeting.

The witness said that Modou Lamin Gibba told him that he would make sure the NIA arrested him.

The Lead Counsel asked the witness what came to his mind when the men revealed that they were NIA officers. He said that when they revealed themselves, he thought about that moment with Modou Lamin Gibba.

When the NIA officers told the witness he was under **arrest** he told them, "Okay, no problem." The witness was placed in the backseat with an officer on either side of him. As they departed, the officers placed two bags over his head and took him to the NIA Headquarters. The witness said that he could not see where he was during the ride but he was able to tell where they arrived because he recognised the sounds of the, "doors clanking." When he heard that sound, he realised they were at the NIA.

The witness testified that when he arrived, he was still **handcuffed** and had two polythene bags over his head. They removed the bags and the handcuffs after taking him to an office inside the NIA. In the office, the witness met Foday Barry. The Lead Counsel asked the witness why Foday Barry was there. The witness testified that he did not know his exact position but Foday Barry was a senior officer of "some kind". The witness continued by saying Foday Barry asked the officers if, "that was the guy," to which the officers responded in the affirmative. The Lead Counsel asked the witness if he was implying that Foday Barry knew the witness was going to be **arrested**.

The witness testified that he was sure that he did because he believed that Foday Barry gave the order to arrest him. He added that Foday Barry was, "the boss there."

Foday Barry ordered the guards to search him. They removed his wallet and discovered his UDP membership card, which they confiscated. The Lead Counsel laughed, and said that this was the main evidence they had against the witness. The witness laughed and responded in the affirmative. The witness testified that Foday Barry said that the witness was, “headstrong,” and then told the officers to take him away. They took him to another office where there was a desk, two chairs and four “tough guys” who were already drunk. When asked, the witness testified that he did not know their names. One of the men told the witness to sit down and when he tried to sit in the chair, the man kicked the chair away so the witness fell on the floor. The witness testified that the man told him, “*we had been tracking you for a long time, but today we have you.*”

The Lead Counsel asked the witness if Foday Barry and the others knew what was going to happen to the witness when they sent him to the other office. The witness testified that Foday Barry knew what was happening because he gave the orders. The Lead Counsel reminded the witness that he was under oath and asked him to speak the absolute truth. He asked the witness what Foday Barry said that led him to believe that he was going to be **tortured**. The witness said that Foday Barry told him that once he was done with him, he would be useless even to his own wife. The Lead Counsel asked the witness again who said that to him. The witness testified that it was Foday Barry.

The Lead Counsel asked the witness to repeat himself several times for clarification and the witness reiterated that Foday Barry told him, in Mandinka, “When we part ways even your wife will not have any use for you.”

The Lead Counsel asked what happened after Foday Barry made the ominous statement. The witness said they move him to another office at around 11 pm-midnight, and they started **torturing** him around 1 a.m. The witness was asked how many men were in the office

and he replied that there were four “hefty” men and that they were drinking hard alcohol from crate of bottles in the room. The witness testified that they started by **kicking** the chair out from under him, knocking him to the floor.

After he had fallen, the men ordered him to **undress**. He removed his clothes down to his underwear. They did not ask him to remove his underwear. Then they started to **beat** him with truncheons. Then, the witness said, they made him sit on the floor and stretch out his legs. The men smoked cigarettes and put them out on his legs. The witness showed the Commissioners the cigarette burn scars that covered his lower legs.

The Lead Counsel asked the witness if he sustained any injuries from the truncheons. The witness said that he still had pain in his body from the **beating** at the time of the testimony. When asked, he said that during the beating he sustained multiple lacerations. He added that he could not sleep at night because of the pain. The Lead Counsel asked the witness how many cigarettes the men burnt him with.

Lamin Jobe estimated that he was burnt with 15 cigarettes. He said that one man told him, “you are the ashtray.”

He said the soldiers would smoke the entire cigarette, putting them out on his body when they were finished with one. The Lead Counsel asked if, at this stage, his hands were bound or free. The witness responded that the officers removed the handcuffs when he arrived in that office.

Continuing his story, the witness said that after the officers had finished using him as an ashtray, they told him to get dressed and took him away. As the officers were leading him to another location, they stopped by a freezer that contained a bucket full of cold water. The guards then poured the ice water on the cold tile floor of the cell in which the witness slept. The witness testified that he had to sleep on

the wet floor and **developed chronic pneumonia** as a result. The witness said that it made it very difficult for him to work on the sea even up to the TRRC hearing. The Lead Counsel asked the witness how many nights he was forced to sleep on the floor. The witness said he was in **detention** for over two months.

Regarding the first night he was **tortured** at the NIA, the Lead Counsel asked the witness if they used any other form of **torture** against him. The witness said they also did something else to him, which was very painful. The Lead Counsel asked him if he would tell him what happened.

Lamin Jobe said that his torturers electrocuted his genitals. The witness explained that this was the reason why Foday Barry had told him that he would be useless to his wife.

The witness said his wife has since left him, adding that he was finished and that if they went to the restroom, he could show him the extent of his injuries. The witness added that the injuries from that night stayed with him to the present day and he was permanently robbed of his manhood. He said that they put the positive and negative, red and black cables on him. He told the Lead Counsel, *“Everything, they put on my body. Up to date, I am suffering from the consequences.”*

The Lead Counsel sighed and said, *“they electrocuted you and you lost your manhood as a result”*. The witness responded in the affirmative. The Lead Counsel asked the witness if they said anything to him while they were **torturing** him. The witness said that they told him, *“When we are done with you, even your wife, you will be useless to her. When you leave this place that will be the end of you.”* The witness added that he only had one child, a daughter named after his sister.

The Lead Counsel asked the witness to confirm that he was forced to sleep on a cold tile floor covered in ice water every night. The witness said that there was no way to avoid it. In the end, he used to try to mop up the water with his shirt a little bit. The Lead Counsel

asked the witness who was supervising his **torture**. The witness said that everything that happened to him happened because of Foday Barry. He reminded the Lead Counsel that Foday Barry had been the first person to **threaten** him and to say that the witness would be of no use to his wife anymore.

The Lead Counsel asked the witness how long he was held at the NIA. The witness said it was two months and that they beat him four times, each time from 1 to 2 am. He said that the NIA officers did not give him enough food and that he survived in part because there was one security guard who would buy him food from a woman on Independence Drive. He said he did not know the guard or why he helped him but believed the security guard sympathised with him or it could be that he knew him somehow but he would never know his identity. The witness said the security guard smuggled him bread with beans and would tell him, after giving him the food, *“Brother, try and eat.”* He said the NIA officer would give you a half piece of bread with mayonnaise after **beating** him. The witness told the Commission that he had money with him and asked Foday Barry to buy him food. The money was not returned to him after he was released.

The Lead Counsel asked the witness if he had problems with Foday Barry prior to the incident. He said that it was possible because they were well acquainted from the time when Foday Barry was an officer in the Criminal Investigation Department, CID. The Lead Counsel asked the witness if he was **arrested** by the NIA for being a UDP militant and the witness responded in the affirmative. The Lead Counsel asked if he was **tortured** on any other occasions during those two months aside from the four times previously mentioned.

Lamin Jobe said he was tortured four times in total.

When asked, he said he was never taken to a hospital to receive treatment for the injuries sustained during the **torture**. He had to take himself to a clinic after he was released.

After two months at the NIA, the witness was taken to Mile 2 Prison and **detained** in the remand wing. He was not taken to court and did not receive a trial. When asked, the witness said that he was taken there because there was no place to bathe at the NIA. He added that by the time they took him to Mile 2 Prison, his clothes were all but destroyed from his two months at the NIA. He got trousers and a shirt from a boy he met in the remand wing. The witness was there for one month until, one day, police officers came with a list of names. They read the names off the list and the people whose names had been called were told to stand aside. The witness went to join the rest of them but they separated him into a different group and told him that his problem was different from the others. The prisoners who were called boarded a truck and were taken away. Lamin Jobe speculated that they may have been going to court.

Next, the police officers told the witness to come with them and they took him to another office out of remand and gave him a paper to sign. The witness asked what it was, saying that he would not sign it because he was not a prisoner, not sentenced, just a detainee at the remand. The police officers took him back and he remained at Mile 2 Prison for one more week before he was released. He did not receive a trial or a sentence at any point. When he was released, he went to the sea and bathed. Then he walked along the ocean until he arrived at the beach in Banjul and went home. The Lead Counsel asked the witness if his family members were aware of what was happening to him during that time. The witness said that he had a niece who knew what happened to him who visited him a few times in **detention**. Aside from her, his little sister tried to visit him several times while he was detained but each time she came they told her he was not there.

The Lead Counsel asked the witness if he went to the hospital once he finally made it home. The witness said he did and they prescribed him some medications. When asked, the witness said that he was fired from his job at the GPA. He could not recall when exactly he lost his job but knew it was the same year as his **arrest** in September of 2011.

After a break, the Lead Counsel continued the testimony by asking the witness to describe an incident, which took place in April of 2016. The witness testified that the incident took place at Westfield at the NAWEC junction when a group assembled at Ousainou Darboe's compound for a protest led by the UDP executive. The Lead Counsel asked if there was a protest prior to the one he was talking about. The witness said that was the one he took part in. The Lead Counsel said that he understood that, but asked if there was another protest that day or in the days prior to that. The witness said that it was the one concerning the late Solo Sandeng at the Bamboo Night Club junction.

The Lead Counsel asked the witness what happened to the protest led by Solo Sandeng. The witness testified that Solo Sandeng was **arrested** at the protest and taken to the NIA where he was **tortured** and subsequently **died**. The Lead Counsel asked the witness where he was when Solo Sandeng was **detained**. He testified that he was also at the NIA while Solo Sandeng was there. The witness did not see him but knew he was there.

The Lead Counsel asked the witness if the demonstration he participated in and the demonstration led by Solo Sandeng were on different days. The witness said they were on different days and that Solo Sandeng led his protest for political reforms in the London Corner. The Lead Counsel asked the witness if he knew if Solo Sandeng was **arrested** the same day as the protest or at another time. The witness believed he was **arrested** on the day of the protest. The Lead Counsel asked why the UDP executive felt the need to hold another protest. The witness said that Ousainou Darboe was demanding the same political reforms and also demanding that Solo Sandeng be released.

The Lead Counsel asked the witness to describe the demonstration and his role in it. He explained that he came from Banjul and met the demonstrators at NAWEC junction by the Cooperative. He knew there was a demonstration planned for that day because he was a UDP member. The witness said that while

he was at NAWEC junction, he got word that the group traveling with the UDP executive was intercepted and **arrested** by PIU officers. According to the witness the entire executive team of the UDP, including Ousainou Darboe, was **arrested** except for one person. The witness learned about the **arrest** from the UDP militants who escaped and met up with the other protestors at the Cooperative. When asked how he felt when he learned the UDP leadership had been **arrested**, the witness said it pained him a lot because they had assembled to call for political reform for the benefit of all Gambians.

The Lead Counsel asked the witness what they did next. The witness said that as the protestors were getting ready to leave NAWEC junction, they were met by paramilitaries. The witness estimated that there were 2000 or more protestors in Banjul, assembled from all over the Gambia. The witness attested that they were organised, party militants from the UDP. The witness said that as they were leaving for Westfield, they were stopped by PIU officers who **attacked** the protestors.

Then, the soldiers in the military vehicle also attacked the protestors with live ammunition.

The witness said the soldiers jumped on them. He said that he recognised the man who **shot** Fafa Nyang. The Lead Counsel asked the witness how he recognised the man who shot at protestors. The witness said that he watched him testify at the TRRC. The witness said his name was Lamin Sanneh. The witness was not sure about the surname. When asked, he described the man as being well built with a dark complexion. The witness said that the man was almost the same height as him. The Lead Counsel read several names to the witness and asked him to identify the correct one. The witness said the man's name was Lamin Colley⁵².

The Lead Counsel asked the witness how he knew it was Lamin Colley and he replied that Lamin Colley was in the navy and they knew each other from the seaport. When asked, the witness said that he did not have a personal relationship with Lamin Colley but he recognised him. The Lead Counsel asked the witness if he was aware that Lamin Colley was not as tall as him. The witness said it

was possible. The Lead Counsel asked the witness again how he knew it was Lamin Colley and also how he knew that Lamin Colley testified at the TRRC. The witness responded that the other soldiers were calling his name and that he saw him on television with the Lead Counsel. The Lead Counsel asked if the witness would be surprised to know that he did not lead the testimony but it was led by Counselor Singhateh. The witness argued that they were all present at the table.

The Lead Counsel asked the witness if he was convinced, without a doubt, that the soldier he saw that day was Lamin Colley.

The witness said Lamin Colley was the one who wounded him by striking him with in the head with the butt of his gun.

The strike tore his forehead and he fell down. The Lead Counsel asked the witness to give a detailed account of how that happened. The witness said that when the soldiers jumped out of the military vehicle, Lamin Colley was facing him and then struck him with the butt of his gun. He fell into the ditch and the soldiers came after him and stamped on him. He lost several teeth and his eyes were damaged in the **attack** from being forced face first into the mud. Lamin Jobe described his various troubles with his eyesight as a result of the **beating**. He escaped arrest after the **beating** because there was a huge crowd, which allowed him to sneak away. The Lead Counsel asked the witness how he was able to see as he escaped. He testified that he could barely see anything and his whole face was covered in mud.

After passing through Jakaranda, he took a backway into Banjul where he went to the hospital. He was told at the hospital that they could not treat him unless he saw the police first. He received treatment from a private clinic the next day. In addition to the injuries to his face, he testified that he had a broken finger and had to return multiple times to have the wounds redressed.

⁵²Lamin Colley was accused of deliberately shooting Fafa Nyang after the alleged 11th November 1994 failed coup. He testified before the TRRC on 20th March 2019 and claimed that the shot that killed Fafa Nyang was not deliberate, contradicting testimonies from other witnesses. See TRRC Digest Edition 3, pages 29 and 59.

The Lead Counsel asked the witness at what stage he was at the NIA. The witness testified that one day when he was returning from the clinic, he found two individuals at his home waiting to take him to the NIA because he had been recognised at the protests in Westfield. He went with them and gave a statement after which they sent him home and told him they would call him if needed.

The Lead Counsel asked the witness when he knew that Solo Sandeng was at the NIA. He replied that he heard Solo Sandeng was there on the day he was called in. The witness testified that he was not detained but he did give a statement.

Returning to the witness' firing from the GPA, the Lead Counsel gave the witness a document to look at and asked him to describe it. The witness said it was the dismissal letter given to him by the administration of the Department of Ferry Services, signed by one, Mariam Ousarra. The Lead Counsel asked the Commissioners to look at some pictures provided by the witness. The witness was handed the photograph. He said it was a picture of his hand and finger. The Lead Counsel asked how long the injuries took to heal. He testified that it took between 2/3 months.

The Lead Counsel pointed out that in the photograph he was wearing a Gambia Coalition T-shirt promoting then presidential candidate, Adama Barrow. The witness said that was true and then added that the T-shirt made him identifiable at the protests. The Lead Counsel pointed out that was impossible for him to have that T-shirt on at the time he said the picture was taken because the attack on Ousainou Darboe and the UDP preceded the selection of Adama Barrow as a coalition candidate. The witness said that may be true but the T-shirts had already been printed. The Lead Counsel said that it was impossible for that to be a picture of him at the protest because the T-shirts were printed after Adama Barrow became a candidate. The Lead Counsel stated that the shirts could not have been printed until after Ousainou Darboe had been **arrested**. The Lead Counsel asked the witness to explain the discrepancy between his story and the timing suggested by the picture. The witness said that he must have made a mistake.

The Lead Counsel stated that he had to wonder if the witness' injuries could have been sustained during the attack on the protestors in April 2016. The Lead Counsel doubted the witness' story because the witness had stated that the injuries healed in 2/3 months. The Lead Counsel stated that the witness' T-shirt in the photo of his injuries suggested that the photo was taken in January 2017. If the witness was injured in April and his injuries took three months to heal, the wounds in the photo must have been sustained at a different time. The witness was not able to explain the discrepancy. Later, the Lead Counsel asked that the picture of the witness' injuries in which he was wearing a Gambia Coalition shirt be submitted as evidence so that its validity could be further investigated.

Moving on, the Lead Counsel asked if the witness if he made any complaints about his dismissal from the GPA to the new government. The witness said he went to Ousman Jobarteh who was the deputy managing director of the GPA at the suggestion of a friend from the GPA. He met with Ousman Jobarteh who told him that they had decided to reinstate him to his position at the GPA because of an appeal by Musa Jobe on his behalf. He said he thanked him but Ousman Jobarteh suggested the witness write an apology letter, which he could give to Musa Jobe who would bring it to him. The witness said he wrote an apology letter and was subsequently reinstated.

The Lead Counsel also addressed another document and asked if the witness if he was taken to court after his arrest in 2002. The witness said that he did not go to court. The Lead Counsel asked the witness to take a look at the document he had provided the TRRC. The witness said that he was given the document when he was released from Mile 2 Prison and told to keep it. The Lead Counsel asked the witness who gave it to him and the witness said that it was given to him in Mile 2 Prison. The Lead Counsel asked if he read the document. The witness said he had not looked at it. The Lead Counsel asked him if they told him what the nature of the document was and the witness responded in the negative.

The Lead Counsel said that the document was a certificate of expiration of a term of imprisonment. Summarising, the Lead Counsel said the document claimed the witness was prosecuted, imprisoned as Number 96 of the year 2002 and sentenced to six months from 27th May. The document said he served a portion of his sentence, which expired on 5th July 2002. The Lead Counsel asked the witness what he had to say about it. The witness said that it was written by “those people” but he did not serve six months in prison. The Lead Counsel asked if he knew the nature and content of the document that he submitted to the Commission. The witness said that it was mixed up in the other documents. The Lead Counsel then said that Commission should examine the document because if the prison issued an order for the expiration of term of imprisonment for someone who never was convicted in a court it would reflect a fundamental problem in the prison system. The Lead Counsel submitted the document as evidence.

At this point the Lead Counsel opened up the floor to further questions from the Commissioners.

Commissioner Kah asked the witness what he apologised for in the letter he was asked to write for reinstatement at the GPA. The witness said that when Ousman Jobarteh called him, he told him that at the time it was to his advantage to apologise to smooth things over and get him his job back even though what happened to him was wrong. He was reinstated a few weeks after submitting the apology. Commissioner Kah said he could not understand why he would have to apologise for anything. The witness said that they asked him for it and he did not refuse because he wanted to get his job back.

Lamin Jobe closed his testimony by thanking the Commission and the press. He said that what happened to him may have been destined for him by God. He said what he experienced was very difficult. Lamin Jobe expressed gratitude for the TRRC, adding that what Yahya Jammeh did was being revealed at the TRRC. He said that people should forgive one another because that was the purpose of the TRRC. He suggested that everyone pray to God that such horrible atrocities never happen again. The witness said that they should leave the past in the hands of God and added that he forgave his oppressors and left them with God.

Persons Mentioned By Witness During Testimony:

Arbitrary arrest and detention

Foday Barry

Torture

Foday Barry

Assault (of Lamin Jobe)

Sawaneh (first name not given), Lamin Colley

Shooting (of protestors)

Lamin Colley



Photo: ©Katherine Taylor

Mrs. Bayo was arrested after she demanded to know the whereabouts of her husband who was one of the many arrested (and detained) during a peaceful UDP protest in 2016. She was beaten several times during her 10-day detention by security officers.



WITNESS NAME: Ousman JAMMEH

TRRC HEARING DATE (S): 25th February 2020

EVENT (S) DISCUSSED: Dispute leading up to the arrest and detention of the witness

POSITION BEFORE THE EVENT (S): Employee of the Ministry of Agriculture

ROLE DURING THE EVENT (S): Tried to mediate dispute within the Rice Farmers Cooperative Society in Sapu before being arrested

POSITION AT THE TIME OF TESTIMONY: Agriculture scientist with the NGO United Purpose

SUMMARY OF TESTIMONY:

The Lead Counsel opened the testimony by stating that although the hearing would cover conflicts that took place between the rice producing communities in the Central River Region, CRR where the witness worked, the purpose of the hearing was not to establish who was right or wrong in those conflicts. The Lead Counsel said that the hearing was about the violation of the witness' rights as a public official trying to do his duties. Furthermore, the Lead Counsel added that they were not trying to establish whether or not the witness took proper actions during the course of events, which led to the violation of his rights. They were concerned with whether or not his rights were respected by the government that was in power at the time.

The witness, Ousman Jammeh, told the Commission he was born in Banjul and grew up near Kanifing South. After giving a summary of his educational background,

he explained that he got a job with the Ministry of Agriculture in The Gambia in 1993 and was first posted in Kerewan, North Bank Region, NBR.

The Lead Counsel asked the witness who was the Minister of Agriculture at the time and he said that he believed it was Omar Amadou Jallow, commonly known as O.J. He recalled that when he was awarded his certificate, he shook Omar Jallow's hand.

When asked to proceed with his employment history, the witness said that he was appointed as a trainee district supervisor and worked in that position for a year. During that time, he traveled through the NBR meeting with rice farmers, advising them on their methods and sharing their ideas about rice farming.

After, he went to work for an agricultural office in Farafenni and after a year, he was transferred to Jarra Jassong, before being transferred to the Jenoi Agricultural Station where he was in charge of soil conservation and crop production. The witness said that from 1998-2000, he worked as the soil management officer at Yundum. After a year, he enrolled at the University of The Gambia for further studies, graduating in 2005. He was then stationed in Sapu until 2006, where he was charged with working with a Taiwanese agriculture project to learn the technical knowledge that they brought to the Gambia. In 2006, the witness was the monitoring and evaluation officer for a rice-growing project until the project completed around 2009.

In 2009, he was made a regional director and sent to Basse though he was still involved in the project in Sapu. As regional director in Basse, the witness managed a team, was in charge of budgeting and distributing funds, coordinating communication and cooperation between co-operatives, and facilitating further education abroad for people. The witness eventually returned to Sapu also working as a regional director.

The Lead Counsel asked the witness if it was true that the conflict, which led to his **arrest and detention** came out of his time working in the Central River Region, CRR. The witness responded

in the affirmative. Returning to his career, the Lead Counsel asked the witness to describe his appointment as director general of Bakau in 2012. The witness said that he was still a regional director in 2012 but because of trouble in Sapu, he had to be transferred to Bakau. The Lead Counsel asked the witness if he had a different position in the Director General's Office in Bakau. The witness said that he was a director there and he was given a desk to work at but was largely ignored, though he remarked it was fine because he was able to work on his duties unsupervised.

The Lead Counsel asked the witness if he had a transfer to Chamen during that time. The witness said the transfer was suggested but it did not happen. The Lead Counsel asked the witness if it was true that he refused the position because he did not feel like it was a directorate position and the witness confirmed.

Going back to being ignored in the office in Bakau, the Lead Counsel asked the witness what he did. The witness stated that he was told that the Food and Agriculture Organisation of the United Nations, FAO needed people to help with the distribution of materials brought into The Gambia by the FAO, and after completing the job with the FAO, he was transferred to Kuntaur in 2012 as a director.

He told the Commission that after a year, he was transferred by then Minister of Agriculture Solomon Owens to West Coast Region following a visit from Yahya Jammeh to the region. In 2014, he became the director general. At this point, the witness laughed and said that it seemed like one-year tenure was a theme in his life. In 2015, he was moved to the Ministry of Agriculture as permanent secretary where he worked for less than a year before he became the deputy minister of agriculture. The witness held this position for less than four months before he was removed and sent to prison.

He joked, “They told me this is not your place, wait a while, we will transfer you to the prisons and you can taste that place as well.”

The Lead Counsel replied, “To a 5-star hotel.”⁵³ The witness laughed and said, “Yes. *That is the way my work panned out.*” After he left the prison, he was unemployed for a while but he found work at a non-governmental organisation called United Purpose in 2017.

The Lead Counsel asked the witness to return to his time working in Sapu and the problems that led to his eventual **arrest**. He also noted that they were not interested in establishing which group was right or wrong as it had already been litigated and decided by the courts.

Describing the events that led up to his **arrest**, Ousman Jammeh told the Commission that in 2011, the farmers wrote a letter to the local government authority of the CRR to call for a meeting. At the time, the witness explained, there was an established organisation called the Rice Farmer's Cooperative Society, RFCS. At the meeting, the farmers told the governor they were not pleased with the leaders of the RFCS due to lack of transparency with how much money was generated through equipment rentals and the labour of cooperative farmers. They also had not been informed as to how that money was being used. The witness said that RFCS was supposed to have an annual general meeting in which the cooperative farmers could discuss the work that was done over the past twelve months, review yearly financial details and profits, and also plan for the year ahead. However, according to the farmers, these meetings were never held.

The witness further stated that the area council chairman was leading the meeting and representing the governor. He told the farmers that they should move the meeting to another day when representatives of the RFCS could be present. The area council chairman also suggested that they take the issue to the agricultural department since it was an agricultural issue. A meeting was scheduled with the witness who was working in the agricultural department. RFCS executives were also asked to participate in the meeting.

⁵³Former President Yahya Jammeh infamously referred to Mile 2 Prison as his “five-star hotel.”

When the meeting took place, the witness asked the farmers to narrate their grievances and then gave the RFCS an opportunity to respond. The witness explained a few more details and then the Lead Counsel asked the witness if he was saying that, in essence, there was a dispute about how the assets and funds of the cooperative were being used. The witness responded in the affirmative.

The Lead Counsel asked the witness what efforts were being made to solve the problem. The witness said that after the meeting, he told the farmers and RFCS executives that they must find a solution and that they should abide by the laws laid out in their organisation's constitution. The witness also told them to make efforts to hold their annual general meetings as laid out in their rules and regulations. He also said that the Department of Agribusiness would help the RFCS with financial accounting. At the end of the meeting, it seemed as if the matter had been settled and things would proceed peacefully.

Ousman Jammeh disclosed that he believed things went sour when a National Assembly member came to Sapu. The MP was not present at the meeting held by the witness and when he came to Sapu he changed the agreements of the original meeting. The witness said that, to their credit, they held another meeting between the farmers and the RFCS in which they went over accounting details and conducted an election. The witness testified that after the election, the former leaders of the cooperative refused to "hand over"⁵⁴, though they were removed during the general meeting.

The Lead Counsel asked if the witness was saying that in essence, when the RFCS had their annual meeting, an election was held for a new executive. The witness responded in the affirmative. The witness confirmed that as a result of the election, new executive members were elected but the old executives refused to "hand over," to the new executives. The witness explained that the old executives of the cooperative had materials such as tractors and power tillers that they were not ready to hand over because there was an understanding that some of those instruments "were not there anymore"

and would be difficult to transfer over. He added that the records were also a problem because when the auditors came, they had a very difficult time getting prior financial records from the old executives and some records were missing entirely.

When asked, the witness said that the auditors had difficulty gaining access to the old RFCS bank accounts and also had difficulty getting access to accounting books. The witness recalled that the auditors found seven bank accounts belonging to the former executives of RFCS. The witness added that he could not recall exactly what transfers were done but he knew there was a dispute over them.

The Lead Counsel asked the witness if, as the regional director, he was involved in the affairs of the administration of the RFCS and the witness responded in the negative. He said that he was only responsible for them as an advisor. He added that if you want to strengthen a cooperative you let them manage their own affairs but also advise them or show them the way from time to time.

Regarding the RFCS accounts and financial records, the Lead Counsel asked if the government or Ministry of Agriculture played a role in auditing those accounts. The witness said that it was the responsibility of the government; specifically it was the responsibility of the Department of Agribusiness, which the cooperatives are directly under. He revealed that it was observed that the RFCS executives were not doing their work as expected and that they failed in accounting the cooperative. In seven years, they had failed to account the RFCS, hold annual general meetings, or provide guidance to the cooperative members. These activities resumed after the cooperative farmers lodged their complaints.

The witness confirmed that the annual general meeting followed the rules in the constitution and "the Act"⁵⁵. When the Lead Counsel asked how the problems of the hand-over were ultimately resolved, the witness responded that it took a long time to resolve because "politics also crept in."

⁵⁴"Hand over" refers to the transfer of leadership, assets, and funds after an election.

⁵⁵The witness referred to the Act but did not say what it was in particular.

One group was labeled as the opposition while another side aligned themselves with the Alliance for Patriotic Reorientation and Construction, APRC and were empowered by the government to kick the others out of office.

He said that those that were labeled the opposition sought the recourse of the law and the courts ruled in their favour but the ruling was not executed.

The witness began to explain further details of the court case but the Lead Counsel asked him to first discuss investigations that took place prior to that judgement. The witness explained that the then director general of the Department of Agriculture selected an individual named Ebrima Jawara to go to Sapu to investigate the conflict. Ebrima Jawara called the witness and told him that he wanted them to bring the two groups together and discuss the matter so he could gather information. The witness agreed to help him and when Ebrima Jawara asked him to hold the meeting at his (the witness') office, he also agreed. Ebrima Jawara then contacted the two groups and they all agreed to hold a meeting at the Sapu office in the witness' presence.

However, on the day of the meeting, the old executive and associated supporters did not come. The witness said he suggested they call them to find the reason and when Ebrima Jawara did, they explained that they refuse to come to Sapu because Ousman Jammeh, the witness, was there. According to them, the witness had already sided with the new executive of the RFCS and their supporters. Ebrima Jawara asked the old executive and their representatives where they wanted to meet and they requested that they meet at a Village Savings And Credit Association, VISACA (the one at the village training center in Brikamaba). The witness said when they went there with Ebrima Jawara, the new executive members came, but the old executives once again did not show up. When they contacted the former executives, they said they needed a vehicle. A vehicle was sent and everyone waited for them to arrive. However, they called

Ebrima Jawara and said that they would not come to the VISACA and wanted to reschedule the meeting to take place at Alhagie Haruna Mballow's compound, who was the chairperson of the APRC at the time.

The witness said that he refused to go to the APRC chairperson's house because he did not want to get involved in politics and "spoil his work". He told the old executives that he would go to any meeting place that was not politically charged, adding that he did not want to go to an APRC chairperson's house where one group in the dispute had already been declared the opposition. The witness told them that everyone has a right to have their political opinions but they should not be brought into the work environment. At this point, Ebrima Jawara said he would go to speak with the old executive alone.

The Lead Counsel asked the witness if Ebrima Jawara ultimately produced a report. The witness responded in the affirmative. The report was sent to the director general and many other people at the same time. However, the witness said that everything he said to Ebrima Jawara was excluded from the report. The witness approached the director general and told him that he thought he had sent an investigator (Ebrima Jawara) to look into the problem in Sapu. The director general told him that he did but when Ebrima Jawara returned from the investigation he only received the same email report as the witness. The witness accused the director general of bias because he did not sit down with Ebrima Jawara to discuss his findings in person after the investigation.

The Lead Counsel asked the witness if he responded to the report because he was dissatisfied with it. Ousman Jammeh responded in the affirmative.

On the conclusions/ recommendations from the report, the witness said that the only item that was implemented and that he was aware of was to remove him from the CRR.

He added that he was not initially removed because the two groups of new and old executives of the RFCS were arguing for and against him in Banjul.

The witness testified that all of these problems occurred in Lower Fulladu West⁵⁶. While he was there, then Local Government Minister Lamin Waa Juwara and Justice Minister Lamin A.M.S. Jobarteh were also sent out to investigate the situation. The witness said because of his position in the region and his access to many contacts, he usually knew or heard about what was going on. He heard that the two ministers went to Haruna Mballow's compound and spent a long time there with a large group before going to Janjanbureh where they held another large meeting.

Ousman Jammeh explained that he received a phone call informing him of the meeting in Janjanbureh and the ministers were requesting for his presence at the meeting because it involved agricultural affairs. The witness agreed to go and took a car to the meeting. When the witness arrived, the speakers had already finished. Minister of Justice Lamin Jobarteh asked the witness to explain what he knew about the issues at hand and he did. After the witness explained what he knew, Lamin Jobarteh said that the RFCS election had not been properly conducted and that he had annulled the results. When asked, the witness said that the Minister of Justice Lamin Jobarteh did not have the power to annul an election as he said he did and both of them knew it. After Lamin Jobarteh told him he had nullified the election, he (the witness) told him that, in his observation and expertise, the election had been properly held. Lamin Jobarteh claimed that the women of the cooperative had not been properly represented in the election and so it must be held again. The witness agreed to a new election and they went their separate ways.

The Lead Counsel asked if the RFCS had any interim measures in place while they were sorting out the leadership of the cooperative. Ousman Jammeh said that he advised them, telling them that their rice fields would be destroyed if they did not come up with a solution so that they could continue to work the fields. He added that the government and various organisations had invested a lot of money into the Sapu rice fields so they needed

to protect the farms; and that much of the money put into the farms in Sapu came from international loans that needed to be paid back for the benefit of the country. He argued that they needed to have mechanisms to manage the issues.

Next, the Lead Counsel asked the witness to look at two documents before submitting them as evidence. The first document the witness verified was a record of the first annual general meeting held in seven years by the RFCS after the cooperative farmers lodged their complaints with the local governor. The second document was titled, Minutes on Conflict Resolution on Rice Farmer Cooperative Society Issues. This document was a written record of the agreements made at the annual general meeting in order to resolve the conflict in Sapu. The witness also verified this document.

Going back to his testimony, the Lead Counsel directed the witness, who was unsure of where to resume, to a part of his statement which described how he was approached by police officers who were investigating an incident in which a Crimes Investigations Department officer, CID named Mr. Touray (first name not given) was injured while sensitising people for the vote with a representative selected by the witness.

Ousman Jammeh responded, "It happened like that." He said a CID officer named Mr. Touray in Janjanbureh wanted his help sensitising voters. The witness said he could not do it himself but he would nominate an agriculture officer to go with him in his place. He further stated that his representative and the CID officer then travelled the region sensitising people to vote and holding meetings in the villages. At one point, after they arrived in Fula Bantang, CID Officer Touray was standing in front of the police station when he was struck by a vehicle which knocked him down and broke both of his legs. The witness testified that the meeting to sensitise the people came to an end as people were afraid and subsequently the planned election did not take place. The witness noted that he did not personally witness the accident.

⁵⁶It is one of the ten districts of the Central River Division of The Gambia.

The Lead Counsel interjected, saying that in the meantime an annual general meeting was held that ended the mandate of the old executive committee. Then, the witness had instructions from Lamin Jobarteh annulling the election of the new executive committee, which caused a vacuum in the management of the cooperative. When asked if those statements were correct, the witness responded in the affirmative. Continuing, the Lead Counsel asked the witness if he ever learned about any activities at that time from a National Assembly member called Yerro Mballow. The witness responded in the affirmative. He testified that he was aware of activities because his colleagues, the extension workers, informed him. Specifically, the witness heard that Yerro Mballow had gone to the director general's office to report them. The witness said that one of his colleagues was also in a meeting in which Yerro Mballow had defamed him.

The witness began to explain his response to Yerro Mballow but the Lead Counsel interjected and said that the purpose of the hearing was not to examine the personality clashes and disagreements between different people. The Lead Counsel reminded the witness that the Commission was trying to establish the context, which led to his **arrest** and the **violation of his rights** by the government. The witness said that he understood.

The Lead Counsel asked the witness if, at any stage, he came to learn of any formal accusations filed against him with the police. The witness responded in the affirmative. He explained that he was summoned to the Serious Crimes Unit, SCU because of a letter which was written against him and sent to State House. The letter accused him of being a "wicked person" who was causing destruction in the CRR. It also stated that he should leave the region. The police told him that the woman who wrote the letter was called, Ma Marie Baldeh. However, the police also told him the woman had been admitted to the hospital and when the police followed up on the letter with Ma Marie Baldeh, she denied having written it.

Ousman Jammeh said he wondered how she could have written a letter about someone that she did not even know. He further testified that the police took Ma Marie Baldeh's fingerprints to verify her statement and, based on the fingerprint evidence, they discovered that she was speaking the truth. When she was discharged from the

hospital, Ma Marie Baldeh came from Brikamaba and met him in Sapu. She said to him that she did not know him but the allegation that she wrote the letter was not true.

Ma Marie Baldeh told the witness that "they" wrote a false letter, which was an impersonation of her, in order to destroy him.

The Lead Counsel asked if the witness knew who was impersonating Ma Marie Baldeh and he put forward that she was impersonated by a local National Assembly member. The Lead Counsel expressed that that was a serious allegation. He asked the witness how he knew that the letter was written by the Honorable Yerro Mballow. The witness testified that he learned that information from the police when he went to the SCU. They told him that they had carried out their own investigation and also Ma Marie Baldeh told the witness that she did not write the letter.

Searching for more evidence, the Lead Counsel asked the witness how Honorable Yerro Mballow's name came into play. The witness testified that the police at the SCU told him that and he believed them because Yerro Mballow was "*involved in a lot of other things*". The Lead Counsel stated that, in essence, the witness was saying that he had no real evidence with which to accuse Yerro Mballow and that his allegations were based on hearsay from the police who conducted investigations that indicated that it was done by the Honorable Yerro Mballow. The witness said, "*that was what they told me.*" Then they had asked him to write a statement. The witness said it had been a long time but it might be possible to find his statement at the SCU.

Returning to the sensitisation campaign that resulted in the injury of the CID officer Mr. Touray, the Lead Counsel asked the witness which minister of justice minister was involved in the new election. The witness stated that his name was Lamin Jobarteh, also known as Babadingding. The Lead Counsel went on to ask if the witness remained in his position as

regional director during the time that sensitisation was ongoing. The witness said what he was aware of was that after the two ministers went on their sensitisation tour of the region, the director general called him to inform him that the ministers had given him a report which recommended that the witness “be removed from that place.” The witness testified that he did not personally see the report but he was eventually removed from his position.

The Lead Counsel asked Ousman Jammeh if his removal was based on the recommendation of the two ministers and he responded in the affirmative. Summarising, the Lead Counsel said that at that point, there had been three senior government officials calling for the witness’ removal. They were filed by then Director of Administration Ebrima Jawara, Minister of Justice Lamin Jobarteh and Minister of Local Government Lamin Waa Jawara. The Lead Counsel also pointed out that both recommendations of dismissal occurred on the back of investigations about the conflict in Sapu. The witness agreed that the summary was accurate. The Lead Counsel then asked the witness if, at that point, he still believed his transfer was unfair. Ousman Jammeh said he believed his transfer was unfair. The Lead Counsel asked him if he believed it was unfair despite the fact that the transfer was recommended as the result of two different investigations by senior government officials. The witness testified that he believed it was unfair because politics got involved in the investigations. The Lead Counsel asked if the witness was attributing bias against all three government officials at that time. The witness responded in the affirmative.

The Lead Counsel asked if, whatever conclusion one came to, the witness’ transfer was lawful. The witness said that government employees were not allowed to refuse a transfer. He added that sometimes transfers did not go the way they should. The Lead Counsel said he appreciated that but he was trying to understand if, at this point, the witness’ rights had been violated. The witness said that they did not violate his rights but they did violate the rights of the division because it was masterminded by a few individuals. The Lead Counsel asked what rights were violated and he responded that if you asked the majority of people in the region where he worked, most of them would say they liked him.

The Lead Counsel further asked the witness if that trumped government prerogative to transfer its civil servants. The witness said there were regulations that the government was suppose to observe. He explained that, at the time, if you were posted somewhere you had to be there for two years. The Lead Counsel asked the witness if what he was pointing out amounted to merely an administrative irregularity in his transfer. The witness stated that he accepted that it was, which was why he did not refuse to be transferred. The Lead Counsel asked the witness if it was correct that the transfer then did not constitute a violation of his constitutionally guaranteed rights. The witness said, “*Perhaps that was not a rights violation but what I could have done, I was not able to do.*”

The Lead Counsel asked the witness if, while he was transferred to the Director General’s office, a court case was brought by one faction in the dispute in the CRR. The witness responded in the affirmative. Next, the Lead Counsel asked the witness to examine a document which the witness identified as a trial decision by the High Court of The Gambia. At the request of the Lead Counsel, the witness read a section of the document and confirmed that the judges had ruled in favour of the new executive members of the RFCS and the results/agreements of the original election. The witness confirmed that was true. The witness read several other sections of the document and then the Lead Counsel summarised the information. He told the witness that, in a sense, the decision by the high court was that the new committee which was elected by the annual general meeting was declared to be the rightfully elected executive. The witness agreed. The Lead Counsel asked if it was correct to say that it appeared that the instructions given by Minister of Justice Lamin Jobarteh had been overturned by the courts. The witness testified, “*that is the truth.*”

Continuing on, The Lead Counsel said, subsequently, Sherif Marie Tamedou (the lawyer for the winning side) sent a request to the governor asking that the judgement be enforced. He asked the witness if he remembered that. The witness said he was not there

but he was told about it. When asked, he said that he did see the letter. The Lead Counsel asked the witness if he would recognise the letter and when the witness responded in the affirmative, he asked the witness to examine another document. The Lead Counsel asked the witness to read a section which described the “cancellation.” The witness read the section out loud in which Sherif Marie Tamedou informed the governor that the courts had ruled in favour of the cooperative farmers and the new executive. In the letter, the winners of the case were asking the governor’s assistance in enforcing the order. When asked, the witness said that letter was written by the lawyer Sherif Marie Tamedou and sent to the governor of the CRR. The date of the letter was 13th January 2015.

The second document was a letter dated 14th July 2015 to Yahya Jammeh written by the “winning side” of the court case petitioning him for assistance. When asked what the letter meant to the witness, he replied that it came just after the detention of the then President of the RFCS, “Haruna”. He explained that when they were released, they wrote a petition to the President so that their assets would be returned. The Lead Counsel asked the witness if the letter also disclosed that in spite of the efforts of Sherif Marie Tamedou to have the judgement enforced, it was not enforced. The witness responded in the affirmative, adding that that the judgment had still not been enforced as of the date of the petition.

Clarifying, the Lead Counsel said, in the meantime members of the new executive were **arrested** and **detained**. The witness responded in the affirmative. Continuing his testimony, Ousman Jammeh stated that it took a little while until he was called by the NIA. When they contacted him, he went to the NIA Headquarters where he was questioned about the problems that led to the **arrest** of the members of the new executive.

Ousman Jammeh said he narrated everything to them and said that the arrests of the new executive were unlawful.

He advised the police to release them because they had done nothing wrong. The witness stated that after a trial, the members of the new executive were acquitted and released. He added that at this time he was the permanent secretary and they told him to go.

In time, the witness stated, the RFCS started following up on their case and wrote the letter petitioning Yahya Jammeh to assist them in the handover of power. The witness said that he was aware that the then Deputy Protocol Officer of State House Mr. Bori Colley and some RFC members came to his office. They told the witness they wanted him to “*do his very best on that issue.*” He told them that he would do anything in his power to help them adding that since they had written to the President, he was of the belief that Yahya Jammeh might ask him for his insight on the issue. The witness told them that if that happened, he would tell him the truth about everything. The witness said that then Director of Public Policy and Analysis, Muhammed Lamin Jaiteh called him over the telephone and let him know that the President wanted the RFCS assets to be returned to them immediately, even going so far as to give the witness a deadline to complete the job.

The Lead Counsel then said, prior to that, the witness was written to and asked for his opinion on the matter. The witness responded in the affirmative and added that even before the letter came, it got to him by word of mouth (probably referring to the phone call with Muhammed Lamin Jaiteh) but he requested for this in writing. He added that he told Muhammed Lamin Jaiteh that he was not supposed to implement a court order, that was the work of the Ministry of Justice, but if the order was to be put into effect, he could be there representing the Ministry of Agriculture. He further requested for the letter to be directed to the Ministry of Justice but they never did it. The Secretary General wrote to him and sent a copy to “*all these other individuals*”.

The Lead Counsel gave the witness three documents to look at. Ousman Jammeh said that the first one

was addressed to the permanent secretary and the Central River Rice Farmers Cooperative Society. The Lead Counsel asked the witness if he was referring to the Permanent Secretary of Public Policy and Analysis Muhammed Lamin Jaiteh that he mentioned early. He responded in the affirmative. The witness read the letter which sought advice from him on how to proceed with the dispute over the election of new executives. The Lead Counsel asked him if it was the written version of the conversation he had with Muhammed Lamin Jaiteh and he responded in the affirmative.

When the Lead Counsel asked the witness to look at the second document and asked where it emanated from and to whom it was addressed, he responded that it emanated from the Secretary General Office of the President and that the letter was essentially asking for advice which the witness gave.

Asked to describe the third document, Ousman Jammeh said it was also addressed to the permanent secretary. This letter was written in response to the petition sent to Yahya Jammeh by the new executives of the RFCS. The letter stated that it was written to convey the executive directive that the “unreputable” deputy minister of agriculture should enforce the courts ruling on the RFCS case by no later than 15th October 2015. The Lead Counsel asked the witness what he understood the phrase “executive directive” meant in the context of the letter. The witness testified that he took it to mean that it was from Yahya Jammeh. He then confirmed that he was the deputy minister of agriculture was at the time.

Continuing, the Lead Counsel said that despite all of the things that had been happening, when the witness was transferred from the CRR, he actually was in a higher position than before. The witness responded in the affirmative. The Lead Counsel said the witness went from being ostracized to being elevated to the rank of deputy minister and that at the time his advice was being taken by the government and he had been directed to enforce the court order. The witness concurred.

The Lead Counsel asked if he was feeling vindicated at this point. Ousman Jammeh responded that he had felt the truth was on his side but that it was not his

responsibility to enforce a court order. He said he made that clear but they would not accept it so he called Solicitor General Marenah (first name not given) to “put things to him,” because he had also been copied on the correspondences mentioned above. After, he went to the Police Headquarters to meet with the inspector general but he could not find him. Instead, he met with the deputy inspector general who was there. After explaining the situation and requesting assistance with the handover of power and assets between the old and new RFCS executive, Solicitor General Marenah said that he would send the Sheriff Division there and they would spend the night. Ousman Jammeh told them he would go there in the morning to witness the handing over.

Summarising before continuing, the Lead Counsel stated that at this point the witness had been recently transferred to the appointment of deputy minister of agriculture and the dispute in the CRR had been resolved by way of a court order. The Lead Counsel further said that a petition was sent to Yahya Jammeh who sought advice from the Ministry of Agriculture and then the witness was given an order as to enforce the executive order by noon, 15th October 2015. The Lead Counsel noted that the executive order from Yahya Jammeh was dated 13th October 2015. The Lead Counsel joked that Yahya Jammeh must have expected his government machinery to be so efficient and swift as to be able to carry out the handover within hours.

The witness responded, “Yes, it was a lot of work and once I got the letter I was not certain anymore,” adding that he fortunately had a list of the assets that were supposed to be handed over. The Lead Counsel asked the witness if he actually came to enforce the handover himself as he had been told to do in the executive order from the then President. The witness explained that he was prepared to enforce the order but the night before he was going to travel to the hand over, he got a phone call from Secretary to Cabinet Nuha Touray around 10 pm. Nuha Touray told him that the handover he was supposed to attend had been canceled.

When he asked the reason for the cancellation, **Nuha Touray** said that **Yahya Jammeh** told him that the people who would be assuming the RFCS handouts and executive positions were **“members of the opposition”** and they should be **arrested and detained**.

Ousman Jammeh said he was shocked by the phone call. After talking to Nuha Touray, he called then Governor Alagie Omar Khan to let him know that the handover had been canceled, followed by the regional directors and others. The witness said he then contacted, Haruna, one of the newly elected RFCS executives to inform him that the handover had been cancelled and Yahya Jammeh was naming the new executive as the opposition and calling for their **arrests**. That night Haruna fled the country and escaped into Casamance.

Further testifying, Ousman Jammeh said that the next morning, he took his time getting ready because the handover he was supposed to attend had been canceled. He left his house around 11 am to travel to Basse to attend the World Food Day celebration. He recalled going with then Permanent Secretary Lalo Touray to attend a closing ceremony by the Livestock Association. While he was at the ceremony, the protocol to the Vice-President Mr. Sinyall called and asked for the witness call him when he was ready.

Ousman Jammeh recalled that when he contacted Mr. Sinyall, he told him that then Vice-President Isatou Njie-Saidy said the witness should, “turn back.” The witness asked if he was being summoned for a meeting, in which case he could send a representative. Later, the orderly called him back and told the witness that he would have to turn back no matter what the case might be.

The Lead Counsel interrupted the witness to ask him if he was sent any document regarding the phone call he had the night before which instructed him that the handover was cancelled. The witness responded in the negative.

Proceeding with his testimony, the witness said that he took a car with his orderly and turned around.

On the way, **the witness** stated he was, **“getting calls from NIAs all over the place”**, asking him where he was.

The Lead Counsel asked the witness how he knew it was the NIA calling him. The witness said he asked the caller who they were and they said they were with the NIA. He added that they were calling him from a private number, adding that at that time, he knew something was wrong but he assumed it had nothing to do with him because he had done nothing wrong. Had he known better, he could have easily slipped away to Casamance, but instead, believing himself to be safe, he went to the meeting.

He recalled that when he met then Vice-President Isatou Njie-Saidy at her home, she said to him, *“It’s peace and not peace at the same time”*. She then showed him a letter from Yahya Jammeh, which removed him from the position of deputy minister. She instructed him to go to his office to hand over his position to the next deputy minister of agriculture. The witness said that he did not go home, he continued to his office and when he got to the quadrangle, he found two NIA officers waiting for him, called Alasan (full name not given) and Leo Gomez. They told the witness that they were waiting for the new deputy minister to arrive for the handover but he never came so the officers told him that they would try again the next day at the NIA Headquarters. The witness asked them why they were meeting at the NIA and asked them what he had done.

They told him that they had only been given instructions to take him to the NIA Headquarters.

The witness explained that when he went to the NIA Headquarters, they took his details and also confiscated his personal belongings. He was taken to a cell near the reception of the NIA, which contained about 10 people and some foam mattresses. After a while, a man named Sheikh Omar Colley, who was

the Deputy Imam at Jabang, was brought in. The witness said that Sheikh Omar Colley was friends with members of the RFCS and was present when the RFCS members brought their petition to State House. He added that he believed that was why Sheikh Omar Colley was **arrested**. Sheikh Omar Colley was **detained** there for a day and then proceeded to Janjanbureh.

The following day the two NIA agents who had met him at his office took him to the Ministry of Agriculture where they crafted an emergency handover document. The witness said the NIA officers rushed him through the process. After the handover occurred, the witness' replacement, Ismail Sanyang, was appointed as "full minister." The witness said that during the handover process, the NIA officers told Ismail Sanyang that they would need to borrow a utility vehicle so they could go party.

The witness said that after the handover, he was taken back to the NIA Headquarters and stayed there on 15th and 16th October. On 17th October, he was moved to Mile 2 Prison. When asked, the witness said he was not charged with anything before being moved to Mile 2 Prison nor was he given an explanation for his **detention**, contact with a lawyer, or contact with his family members. He added that he quickly spoke to the driver and was able to speak to a few people before his phone was confiscated.

Ousman Jammeh testified that he spent one year three months and seven days in prison and was not allowed any contact with visitors during that time.

Next, the Lead Counsel asked the witness where he was **detained**. Ousman Jammeh stated that it was in the maximum-security wing "*where the killers were placed*". When he was taken there, he was given a single cell. The Lead Counsel asked the witness if it was true that the maximum-security wing was part of the prison for convicted felons and the witness responded in the affirmative. He added that the place was called confinement number five, cell number fourteen.

Describing the condition of his cell, the witness said that it was extremely cramped and had an iron door with a few small openings in it. The cell had a barred window that

was slightly larger than the openings on the door and contained a raised concrete platform, adding that he was lucky to have a mattress. He had a mosquito net and a chamber pot as well. He noted that he was never allowed to use the restroom anywhere other than the chamber pot in his cell, making everything smell foul. The witness testified that during the first month he was only let out of the cell once a day in order to bathe. The Lead Counsel asked him how many hours a day he spent in the cell.

The witness responded that he was in the cell for almost 23 hours a day for the first month.

After the first month, he was able to take a morning and evening break and his time confined in the cell was reduced to around 18 hours a day. The witness said that the prisoners used to chat during the breaks and that he was determined not to die in prison so he developed a schedule for himself to keep himself healthy and busy. This included morning exercises so that he would be able to sleep well, and borrowing books to read by the light which came through the small windows in the door. He said he did these things to pass the time but he also learned a lot while he read the Quran and other things.

As for the prison guards, Ousman Jammeh said that some of them were "wicked" and some of them were good. He explained that he only had one shirt and one pair of trousers for three months and he had to borrow trousers from his fellow prisoners to wash his own clothes, adding that the "good" prison guards would sometimes smuggle him clothes and supplies.

He highlighted that the food was the worst he had ever had and that when the prison served "pop"⁵⁷ it was the texture of elastic, while the couscous was always full of sand. He initially thought that the food was accidentally prepared this way but after they complained to the prison officials and nothing changed he started to believe the quality of the food was purposefully terrible. The witness stated that due to malnutrition, many prisoners became sick with Beriberi⁵⁸ and many prisoners died of that disease.

⁵⁷A kind of porridge made from corn meal.

⁵⁸Beriberi is a disease in which the body does not have enough vitamin B-1 (thiamin). It is usually caused by poor diet or alcoholism.

On the fish they were fed, the witness told the Commission that they would fry the fish so long that it became hard and dry like a stone and the only edible part was the head, which could be gnawed on. When they served meat to the prisoners, it was usually entrails and other organ, which would sit overnight, become black and smell. The witness said they often asked the guards to give them dry couscous to mix with water instead. The witness stated that he usually only ate lunch.

The witness said that eventually he was allowed to receive supplies from friends and relatives but he was not allowed to see any of his visitors, adding that his wife used to bring him things including vitamin tablets to prevent serious malnutrition. His relatives also used to send him malaria tablets to keep in case of emergency.

The Lead Counsel asked the witness if he was ever **beaten** during his **detention**. The witness responded in the negative. The Lead Counsel asked the witness if he was ever subjected to any kind of deliberate physical torture.

The witness said he was not physically tortured but he felt that being denied access to his family during his confinement was a kind of psychological torture.

He argued that being kept in a cell for 23 hours a day was also a form of **torture**.

He also asserted that when the guards periodically searched him, they would sometimes conduct contraband searches in which they would touch his genitals while looking for hidden items. During one particular search during the month of Ramadan, the search was conducted by one “little lad” young enough to be the witness’ son. The young guard searched the witness’ things and was going to confiscate a bottle of oil that the witness put on his skin after bathing. The witness and the young guard got into an argument about it. The guard called his boss and the witness got into an argument with him as well about his right to keep the bath oil. As a result, the prison boss got upset and ordered that all of the witness’

belongings be confiscated, even the water he had set aside to perform ablutions. That evening he had to get water from the other inmates to break his fast. Ousman Jammeh recalled that the entire prison was ransacked that day and he heard a rumour that Bibles and Qurans were confiscated, thrown in the dust, and even burned. He specified that he did not personally witness this.

The Lead Counsel stated that throughout his **detention**, whether he was aware of it or not, the witness’ ordeal was somewhat documented by Foroyaa newspaper. The witness said that he became aware of it at some point and even thanked Foroyaa after he was released for caring about his case and following it. He added that when things were okay in the prison, he could listen to the radio and on one occasion he heard that his mother had collapsed and fainted. At the time, he thought the news was only saying those things to help force his release from prison.

Next the Lead Counsel asked the witness to examine a few articles from Foroyaa about his case. The first article discussed the tour he took to farming communities in CRR in early October before he was arrested. The second article was about his removal as deputy minister. The third was published with the headline, “Is the Former Deputy Minister of Agriculture Arrested?” Then after the witness’ **arrest**, Foroyaa ran an article about detention without trial and disappearances in The Gambia. That article contained a picture of the witness. The Lead Counsel also submitted several more articles detailing the witness detention throughout the witness’ time at Mile 2 Prison. The witness submitted the articles to the Commission. When asked, the witness testified that he was **detained** from 15th October 2015 and released on 23rd January 2017. The Lead Counsel remarked that the witness was released when the new government took over.

Continuing, the witness testified that after his release he tried to get back into government service. He heard an announcement on the radio from the new government announcing that those who were **unlawfully arrested** should go to the Personnel

Management Office, PMO to fill out a form. After doing so, the witness was told to go to the NIA, which he had believed was for clearance purposes. He said that after that, many people were reinstated, retired, or paid off but nothing was done for his own issue.

The witness also testified that a group of people who had been **detained** from the Department of Agriculture wrote a letter collectively to explain their case but none of them were reinstated, alleging that there were people in agriculture who did not want to see them return. The witness said that many people were reinstated but neither he nor his colleagues got their jobs back. He was eventually hired as the Project Manager of Bio-fortification, a position which involved improving the nutritional content of agricultural products at United Purpose. The witness said he worked there a while before he was sent to Dakar, where he heard that he had been appointed to the position of permanent secretary of the Ministry of Agriculture.

Ousman Jammeh told the Commission that although he was paid far more at the NGO, he felt that with a new government in place it was an opportunity for them to come together and work. He took the letter of appointment to Minister Omar O.J Jallow. When he went to his office and greeted him, Minister Omar O.J Jallow would not offer him a seat. He conferred to the witness that he and others were not happy with the witness' appointment to permanent secretary. Omar Jallow added that when he heard about the appointment, he personally wrote a letter expressing his disappointment with the decision.

The witness said he was disappointed to hear this from someone who was supposed to be a leader of the new Gambia and help move it forward.

He told Omar Jallow that he was not the owner of the country and was not responsible for appointments, he said he was going nowhere unless the appointment was rescinded. The witness then sent a letter to the permanent secretaries at the PMO to tell them about the developments, also copying the secretary general and the President⁵⁹.

The witness waited for two days and then went to the PMO's secretary and told him that he wanted to get the keys to his office of his new appointment. The secretary explained that he should wait because there was an executive directive from the President re-deploying him. The witness agreed to wait for the letter. He then went to the secretary general and asked him why Minister Omar Jallow said that he could not work with him. The secretary general explained that he was not comfortable with him because he had once been a deputy minister as well. Ultimately, the witness was reassigned from permanent secretary of the Ministry of Agriculture to director of the Department of Agriculture, a significant demotion. He added that ultimately, he rejected the offer and resumed his work in the private sector with United Purpose.

After that, the witness explained that there was a lot of information being published in the newspapers about him by Minister Omar O.J. Jallow defaming his character. The witness did not respond but after a number of articles came out about him, he wrote a response, which was published. The witness said that after that things were quiet. The Lead Counsel asked that the documents/correspondence involved in the witness' reappointment as permanent secretary and eventual demotion be submitted as evidence. At this point the Lead Counsel ended his questioning and the witness was handed over for questions from the Commissioners.

In response to a question from Commissioner Kinteh, the witness confirmed that when he was dismissed and his letter of dismissal was handed to him by the then Vice-President, his salary for that month was not paid to him.

Commissioner Samba asked how the witness' family fared during his **detention** and the witness said that fortunately his family took care of each other and also had help from sympathetic friends.

His children and mother had psychological difficulties because of his detention.

⁵⁹At the time Adama Barrow.

The witness expressed his extreme gratitude at the friends that supported his family while he was in Mile 2 Prison.

After questions from the Commissioners, the witness gave his concluding remarks in English. Ousman Jammeh began by expressing his gratitude for the opportunity to speak at the TRRC. He said that the TRRC commissioners had impressed many Gambians and won their gratitude. He advised people not to be concerned with what pulled them down and said that, if anything, those things were actually pushing them towards success.

He advised civil servants and politicians to love their country and be dedicated to service, adding they should address problems before they became malignant. He said it was important to keep an eye out for corrupt officials who might deny The Gambia progress and get in the way of the civil servants who were trying to do good things.

He said that those who had done wrong should not be rewarded as it would further disillusionment in the country and that they could turn their country around if they pursued reforms seriously.

Ousman Jammeh insisted that discrimination must be eliminated from the civil service. He called for prison reform and stated that human rights must be respected; prisoners should be given medical care and food fit for human consumption. He stated that people must be given their right to a speedy trial. In addition, he said they must be more careful about the prison officers that are hired and they should be given human rights training. He also stated that people should not be persecuted for their political beliefs and party interests should never be used to interfere with public service projects. He ended by saying that for reconciliation to be considered, justice must be served, and perpetrators must demonstrate remorse in order to promote reconciliation.

Persons Mentioned By Witness During Testimony:

Arbitrary arrest and detention

Alasan (full name not given), Leo Gomez

WITNESS NAME: Momodou SOWE

TRRC HEARING DATE (S): 26th February 2020

EVENT (S) DISCUSSED: The witness' detention incommunicado at the NIA Headquarters and Mile 2 Prison

POSITION BEFORE THE EVENT (S): Protocol officer in the Office of the President

ROLE DURING THE EVENT (S): Detained at NIA Headquarters and Mile 2 Prison

POSITION AT THE TIME OF TESTIMONY: Protocol officer in the Office of the President

SUMMARY OF TESTIMONY:

Momodou Sowe began his testimony by describing his upbringing in Wellingara in Central River Region, CRR and secondary education at Armitage High in Janjanbureh. He also studied at the Alliance Française as well as the Gambian Technical Training Institute, GTTI, before going to teach French himself at the Alliance Française. He began his career as a civil servant in 2003 as a records clerk in the President's Office, where he worked for three to four years before being promoted to records supervisor. He worked for another three to four years, after which he was promoted to the protocol office.

When asked by the Deputy Lead Counsel why he was promoted to the protocol office, he said that his ability to read and write French in addition to his work ethic played a part. As a protocol officer, he continued, he arranged meetings with other heads of state, handled the day-to-day affairs of the President's Office, and would be a part of the advance team when the President would leave the country to visit other places. He clarified that while they were in The Gambia his interactions with the President were primarily via paper but when they travelled outside the country they would sometimes meet in person.

The witness added that while in The Gambia, the Secretary General was the connective tissue between his office and the President. The witness told the Commission that when he began in the protocol office, the Secretary



General was Ebrima Camara. Over the next one and half years, there would be at least two others, Abdoulie Sallah and Dr. Njogu Bah.

Momodou Sowe further stated that in 2012, he was living in New Yundum. His vehicle, which was issued by the then Controller of Government vehicles Samba Bah, was usually parked at his gate in the evenings. One night, someone broke one of the windows and stole his bluetooth handsfree headset, cash that he was going to use to buy rice and a USB drive. Upon questioning from the Deputy Lead Counsel, he stated that no valuables were taken and explained that the USB, which he had purchased in Addis Ababa, had no confidential information on it, just Ethiopian music.

The witness testified that he discovered the robbery the next morning around 7 am during his morning routine, which consisted of checking the vehicle after completing his morning prayers. When he saw the broken window, he called Samba Bah, the vehicle controller for the government, and then on his instruction called the nearest police station. The police told the witness the theft had no larger meaning and recorded the incident in their books. No one was arrested for the break-in and to this day he said he does not know who was responsible.

According to Momodou Sowe, the police told him they would write a report, but because he did not want the car to sit outside with a broken window overnight, he paid for the window to be fixed and had an anti-theft alarm system installed right away. The following day, which was a Thursday, he went to work and came

home as normal. However, on the Friday, around 8 pm, he got a call from Lamin Sanneh, then commander of the State Guard, who instructed him to return the vehicle the following day. According to the witness, Lamin Sanneh did not reveal where he was receiving his instructions from.

When the witness pointed out that Lamin Sanneh did not give him the vehicle and thus the witness could not return the vehicle to him, the commander of the State Guard told him “you know me, you know these orders come from on top.”

When the Deputy Lead Counsel asked the witness to clarify what Lamin Sanneh told him, he replied that only one person had the authority to tell Lamin Sanneh to return the vehicle – Yahya Jammeh. He also elucidated that when Lamin Sanneh told him that his vehicle belonged to “his excellency” and not the central government, he was referring to the fact that there were one fleet of cars belonging to the government and another fleet owned by the President. The Deputy Lead Counsel asked if there is anyone else that could have given Lamin Sanneh the order to demand he return the vehicle, and the witness said it was possible, but asked “*who is above Lamin Sanneh in the State Guard?*”

After his conversation with Lamin Sanneh, the witness continued, he called then Chief of Protocol, Moses Benjamin Jallow and informed him of his conversation with the commander of the State Guard. Moses Benjamin Jallow advised him to follow Lamin Sanneh’s instructions. He tried to call Samba Bah but could not reach him. Instead he contacted the former Chief of Protocol Alhagie Ousman Ceesay⁶⁰, who was at that point the director of protocol affairs at the Ministry of Foreign Affairs, to inform him of what had transpired.

That Saturday was Set-Setal⁶¹, so the witness rushed the vehicle to the State House and turned it over to Momodou Njie, who was then the orderly of Lamin Sanneh. The

witness testified to the Commission that he did not sign any paperwork during the exchange but that Momodou Njie did call Lamin Sanneh in his presence to inform him that the witness had returned the vehicle. Moving forward, the witness explained, getting to work was very difficult, as he had to pay his own fare when his colleagues in the protocol section could not give him a lift.

Two weeks later, on the morning of Monday the 19th of November 2012, the witness arrived a work, and as was his custom, went to the Office of the Chief of Protocol Moses Benjamin Jallow to greet him and go over his to-do list. That morning, the witness testified, Jallow was in the middle of a phone call, so he figured he would wait until the call was finished to speak with his superior. However, two minutes later Edward Gomez, who the witness identified as being an NIA officer posted at State House, walked into the office and whispered to the witness that one of his directors wanted to speak with him.

The witness told the Commission he did not expect the meeting with Edward Gomez’s superior to take too long, so he figured he could handle that then return to greet Moses Benjamin Jallow. Once out of the building, Edward Gomez suggested they take his car, which the witness found puzzling considering he believed they would be going to Edward Gomez’s boss’ office at State House. Instead they drove – in silence – to the NIA Headquarters at No. 10 Marina Parade opposite the judiciary complex.

They went in the front gate and Edward Gomez reassured the witness that it would be a short discussion with the director. They entered the building and went into a guardroom where the witness’ details were recorded and his possessions – laptop, keys mobile phones – were taken. The witness was then taken up a flight of stairs to the office of then Director of Operations Louis Gomez, who told Edward Gomez that he could be taken to “invest.” The witness told the Commission he did not know what “invest” meant, but he did not ask and instead followed Edward Gomez. They then went downstairs to another office where they met Sukuta

⁶⁰Alhagie Ousman Ceesay testified at the TRRC on the 28th of October 2019 about Yahya Jammeh. See TRRC Digest Edition 9, pages 94-100.

⁶¹Set-setal is held one Saturday every month. Businesses are shut down for a few hours and citizens are encouraged to clean up their neighbourhoods.

Jammeh, who was referred to as “OC,” who then escorted the witness and Edward Gomez to another man named Mustapha Jobe. At that point Edward Gomez and Sukuta Jammeh left, leaving the witness with Mustapha Jobe and another man named Lamin Ceesay.

Momodou Sowe stated that Mustapha Jobe began the interrogation by making jokes and small talk, playfully teasing the witness that as an employee at State House, he should have brought them some money as a gift.

The witness was not amused, and instead was starting to get **worried**.

“I wasn’t there for jokes,” he reflected, **“I wasn’t there for that mood.”**

After a break for tea and coffee, the witness narrated how once Mustapha Jobe saw his concern he stopped bantering, brought out a piece of paper and instructed Momodou Sowe to write his statement. Initially, he said, he refused, but soon relented and wrote everything from when he arrived at Moses Benjamin Jallow’s office that morning to being questioned at the NIA Headquarters. Mustapha Jobe told him to hand over his belongings to which he replied he already had when he arrived at the building. The Deputy Lead Counsel then reaffirmed that the witness was asked to write a statement without having any idea of why he was brought in for questioning in the first place.

Mustapha Jobe, the witness continued, then clarified that he had a laptop at the gate before telling the witness to write down his passwords for the computer and his three mobile phones. The witness complied. He was then told to wait while someone in IT scoured his devices. It was not until the office was closed that evening that Sukuta Jammeh came and told him that Mustapha Jobe had instructed him to hold the witness in “light **detention**” until they were finished looking through his devices. The Deputy Lead Counsel then asked the witness what was meant by “light detention.” The witness said he did not really know, and that all he could do was narrate his experience.

Mustapha Jobe met Momodou Sowe at the main gate of the NIA facility and took him to a small room with a table, well-worn jackets hanging on the wall, and food scraps on the floor, and told him to wait.

He testified that while he was given food to eat, **he was not allowed to call his family or a lawyer, and still was completely clueless as to why he had been detained.**

Someone did bring in a torn mattress, but Momodou Sowe said that the room was so small he could not lie down. On top of it all, he added, the mosquitoes made it impossible to sleep that night.

The witness testified that he spent the whole next day in the room without being told anything. It was not until Thursday morning when Mustapha Jobe, the IT technician, and up to two other agents came and told him they were going to escort him back to his house. When they arrived in Yundum, they found his four-month pregnant wife cooking lunch. As they arrived and began searching his house, his wife began to grow **fearful**. The witness attested that he began telling her that security checks were a regular part of life for those working in the Presidential Office, but that this did little to calm her down. Meanwhile the men continued to **ransack** his house, despite the witness telling them that if they would just tell him what they were looking for he would furnish it. After half an hour, they gave up their search and took the witness back to the station.

Around Westfield all the other agents got out of the car except Mustapha Jobe. Alone in the car with the NIA officer, the witness attested that he asked Mustapha Jobe point blank what the issue was. According to the witness, Mustapha Jobe turned to him and told him that he probably should not divulge this, but that the witness was alleged to be supplying information to online news media, which the witness took to mean Freedom Radio⁶². Before the witness

⁶²Freedom Newspaper is an online newspaper based in the USA.

could respond, Mustapha Jobe continued that the person they were looking for was known as “the soldier,” and it was very clear that the witness was innocent. The NIA officer added that someone in the witness’ office had most likely wanted to set him up.

When they returned to the station, the witness was informed that Louis Gomez wanted to see him again. After thanking the witness for his cooperation, Louis Gomez asked if he had been beaten or insulted by any NIA officers. The witness replied in the negative. According to the witness, Louis Gomez then revealed that the information they had been given by the witness was clearly incorrect, and suggested that someone in the witness’ office was trying to set him up. Louis Gomez continued that he would not be instigated to **attack** an innocent man and told the witness that he could be released on bail on Friday. He was then taken back to the guardroom.

That evening, he continued, he learned on the 6 pm news that Friday was Tamharit⁶³ and the President had declared a public holiday. On Tuesday morning, after eight days of **detention**, he was taken to Sukuta Jammeh’s office and told to call someone with an ID card who could bail him out. He told the Commission during this stint of confinement he was allowed to bathe, but he only had one set of clothes. He was not physically tortured, but he was also not allowed visitors to bring food or clothes.

“The room I was kept in,” he stated, “people should not be kept in the room like that. It’s a shame, a government office having a room like that. Keeping someone in that room was inhuman.”

The witness said his terms of bail included reporting back to the station to Sukuta Jammeh’s office at 10 am every day. The following Monday, however, he was instructed to see Louis Gomez. “I sat and waited for 5 minutes, but it felt like an hour,” he said. During the time he felt like Louis Gomez was avoiding eye contact with him. Then two

men came into the room, one of whom the witness later learned had the surname Susso, and Louis Gomez told the witness to go with them. The witness recalled that on his way out the door Louis Gomez wished him luck and the witness replied “thank you.”

Momodou Sowe was escorted out of the office and downstairs into a Pajero that had not been parked there when he had arrived at the station that morning. Susso brought the witness his phone and wallet, but not his laptop, and then loaded the witness into the back of the car. The witness noted that the Pajero, which he assumed belonged to Louis Gomez, was the exact same kind that had been previously issued to him. “At that moment a lot of things came into my mind. I became confused and I didn’t know what to ask.”

Once they reached Bond Road in Banjul, the witness continued narrating, Susso turned to him and told him that they had instructions to take him to Mile 2 Prison.

He added that Susso said that he should “take it in good faith because we know you are innocent. We are just doing our job.”

The witness affirmed that he was not told where the order originated and that he was not charged with any offense.

Once they reached Mile 2 Prison, the witness was taken to the office of then Commissioner Faal, who the witness understood to be in charge of admissions. After exchanging the mandatory greetings, Susso told Commissioner Faal that they had been instructed to bring the witness to the prison until further notice. When Commissioner Faal asked where these instructions came from, Susso was reluctant to answer, but after Commissioner Faal insisted he needed an answer, Susso replied that it was an executive order from the President’s Office.

⁶³Tamharit, also known as I-Hijira or Amaal Ashura, is the Islamic New Year.

At this point the witness clarified that if there had been a warrant or documentation explaining his detention, he was not aware of it.

Momodou Sowe testified that he was told by Commissioner Faal's orderly to hand over all his possessions including his shoes, jacket, rings, wrist watch, belt and glasses. At this point Susso got up and left, which coincided with the arrival of Yahya Jarju, then Deputy Director General of State Prisons, and Kalilu Jammeh, also a high-ranking officer in the prison system. As the witness was taken out of the room Commissioner Faal warned him to be careful and respect the rules in the prison. "*Be careful because we don't even know why you are here,*" he apparently said.

The witness was then escorted by the phalanx of high-ranking officers to the maximum-security wing, also known as the security wing or just confinement. As he walked across the prison other **detainees** craned to see who was being escorted by such an entourage. At the entrance to the maximum-security wing his name was written in a book, but he was given neither a prison number nor a uniform. Commissioner Faal then took him to room number 5 and put him in a small cell on the right-hand side. The witness described the cell as being narrow with a small window on top and a hole in the door. The walls here made of iron and the floor of concrete that was broken and infested with ants. The room had no ventilation and was devoid of any cross breeze. Later in the day, another prisoner the witness identified as Demba who used to be a PIU Officer, brought him a plastic bucket to use as a toilet and a 1.5 litre bottle of water for drinking.

After Commissioner Faal and the other officers left, Momodou Sowe narrated, he was swamped by other prisoners who were trying to greet him and figure out why he had received such a star-studded escort. He remembered one man, speaking in Wolof, who told him that he was not a criminal and instead looked like a banker. Another man asked if what they had heard about him before his arrival was true. The witness said that he did not know what they were talking about, so he pretended not to hear their questions.

Later during his **detention**, the witness said he found out that in the weeks before his arrival at Mile 2 Prison, a rumour had been spread that Yahya Jammeh was going to imprison an insider from State House to gather information on the inmates from inside the prison and draw up a new list of people to be **executed**. He learned that they believed he was that insider and this was one of his biggest concerns during the beginning of his **detention**. Initially he had no contact with his wife or a lawyer, which only added to his stress.

The witness told the Commission that he soon learned that Lamin Jobarteh and Njogu Bah were also **detained** at Mile 2 Prison⁶⁴. He was particularly interested in speaking with Njogu Bah, who had been the Secretary General when he had been **arrested** and who might be able to shed light on his situation. The witness was friends with a former accountant general named Alieu Jobe, who one day happened to be in the same transport as Njogu Bah, who was being taken to court. According to the witness, Alieu Jobe told Njogu Bah that there was a young man (referring to the witness) in the maximum-security wing who spoke highly of the former Secretary General, but who wanted to know why he had been **arrested** and **detained**. Njogu Bah allegedly replied to Alieu Jobe that the witness was indeed a loyal and principled man, and that before his **detention**, President Yahya Jammeh himself had asked for "the Fula man," and Njogu Bah had told the President that the witness was in the UK for his studies. Before Alieu Jobe could ask follow up questions, he was separated from Njogu Bah. When he returned to Mile 2 Prison, he immediately came to the witness and related this conversation.

Momodou Sowe explained that Njogu Bah's response puzzled him because the former Secretary General, as his supervisor, would have known that he was not studying in the UK and was in fact **detained** at Mile 2 Prison. He noted that Njogu Bah had not answered Alieu Jobe's question. He added that there is no way Njogu Bah could not have known about his **detention** considering that the witness' family went all the way to Njogu Bah's house to enquire about his whereabouts.

⁶⁴See [The Point – Njogu Bah, Lamin Jobarteh, Pa Harry Jammeh Jailed Two Years.](#)

Months later, the witness continued, Njogu Bah and Lamin Jobarteh were brought into the maximum-security wing from the main yard. At that point, he disclosed, he and Njogu Bah had been exchanging notes, but he had not brought up the reasons for his **detention**. When the two men were transferred, the witness made sure that some of the younger men in their wing swept the floors, hung up a mosquito net, and generally made the cell presentable. The witness brought the two men to their cells, which were near his, and told them that as his elders, they could rely on him for assistance. *“Anything he needs, I can always help him,”* he elaborated, *“I didn’t allow anything to be between us.”*

After more than a year in Mile 2 Prison, the witness then approached Njogu Bah and told him he wanted to talk about his previous conversation with Alieu Jobe. He told Njogu Bah that he had been honest in all his interaction, and just wanted to know why Njogu Bah had told the President he was studying in the UK when he clearly knew he was detained at Mile 2 Prison. He added that if he did not have a prior relationship with Njogu Bah, he likely would have been far angrier with him. According to Momodou Sowe, Njogu Bah replied that Yahya Jammeh was quick to anger and difficult to deal with and he was afraid what he would do. In short, Njogu Bah said he was protecting the witness from Yahya Jammeh.

This answer only confused the witness further, because if he had been **detained** at Mile 2 Prison on an executive order from the President’s Office, why did the President ask where he was? *“However stupid Njogu can be, he would not say that executive order came from the President when the President is also asking where I was!”* he exclaimed. He added that there was even a British couple that the witness used to escort around The Gambia and with whom he had various plans to enter into apiculture with, who went all the way to Yahya Jammeh to ask what happened to him.

Momodou Sowe said that he has been trying to straighten out everyone’s statements for years in an effort to learn why he was **detained**. For a while he believed that perhaps Yahya Jammeh had ordered his **detention**, but then promptly forgotten about it.

He reasoned this would not have been the first time **Yahya Jammeh gave orders just to be surprised by the same orders a few days later.**

However, he also could not understand why Njogu Bah had not told the President that the witness was in Mile 2 Prison. Why had he lied and told him that he was in the UK? *“I’m not blaming him,”* he clarified, *“and only Allah knows, but maybe Njogu Bah was trying to hide something from the President.”* In summation, the Deputy Lead Counsel said, he had spent 26 months in **detention** and he still does not know why.

The witness then began describing some the health complications he endured while **detained** at Mile 2 Prison. Just before his detention, the witness had undergone cataract surgery, and in the dark and unhygienic conditions of Mile 2 Prison, his vision continued to deteriorate despite the surgery. When he asked to get medicine or go for follow up, Sergeant Dabo allegedly told him that only those who imprisoned him could authorise him to seek medical care. When the witness pointed out that he was not allowed to contact anyone outside the prison, Sergeant Dabo did nothing to help him. When he sought treatment at the prison hospital, Dabo told him to stop bringing them his problems, and that if he left the prison alive he should thank Allah. As his vision deteriorated, he said he was unable to read if the paper was a certain colour.

The Deputy Lead Counsel then asked the witness if he made any attempts to speak with his family. Momodou Sowe responded that there were some prisoner officers who were known to help inmates contact their families on the outside. One young man eventually helped him pass word to his family, although his elder brother refrained from telling their mother for a few months because of her hypertension, and ended up being a conduit for letters back and forth. Meanwhile, his wife had been doing everything in her power to find and release him.

Along with his mother, they wrote and delivered letters to the Presidents' Office asking about his whereabouts.

The Deputy Lead Counsel then brought out the letters that were written on the witness' behalf, dated July 2013 and January 2014. Both letters, she described were appeals for mercy. The reply to the July 2013 letter came in September 2013 and the reply to the January 2014 letter came later month. Both of the replies simply noted that their appeal had been received and gave no further information. His wife even wrote in petition form asking for a meeting with the President, which was rejected.

Based on his experience in the President's Office, the witness detailed how the Secretary to the Secretary General or the Records Office usually checked letters to Yahya Jammeh. When the Deputy Lead Counsel asked if Yahya Jammeh actually saw the letters, the witness replied in the affirmative. The witness went on to point out that he was skeptical of the responses his family received because the reference numbers were unfamiliar to him. The Deputy Lead Counsel said maybe the reference style had changed since his departure, but the witness rejected this.

When the Deputy Lead Counsel asked about other actions his family took during his detention, the witness replied that his wife began approaching media houses with his story, but it was only Foroyaa newspaper who agreed to investigate and publicise the matter. The newspaper began to include him in their updates of who had been **detained** or **disappeared**, and finally they approached a lawyer, Madam Sagar Jahateh, who took his case to the Banjul High Court.

According to what the witness heard, the State's representatives refused to attend the court. Regardless, Madam Sagar Jahateh was steadfast, until finally on the 21st of January 2015 the Inspector General of Police, IGP sent two people to Mile 2 Prison and took the witness to Police Headquarters in Banjul. He met a senior officer in a white uniform with the surname Badjie who told the witness he needed someone with a Gambian ID card and property documents worth at least 500,000 dalasi.

After his wife's brother came to the prison with the required documentation, he was released under orders to report back every day at 10 am.

“That was the first day I slept outside the prison after two years and some months.”

Momodou Sowe said that he reported to the station for one to one and a half weeks before he complained to the unnamed Officer Commanding, OC, that he had no job, no money, and that the pass from Yundum to Banjul every day was proving problematic. The OC replied that he could just call instead of report in person, but that he should not leave the Kombo region. The Deputy Lead Counsel then tendered a series of newspaper clippings documenting the witness' incarceration as further evidence⁶⁵.

The witness again told the Commission that he still does not know why he was **arrested** and it continues to bother him. He added that he got his job back at State House and he still sees some of the same people who used to work there during his previous stint in the office, some of whom still believe he is a criminal. The two years he was **detained** have seriously hindered his life. He said he has to regularly call his mother to assure him that he is safe. His children were robbed of his presence at a young age.

He said that the stress of his detention caused his wife to lose her hearing when she gave birth to their second child.

People on the street sometimes stare and point. After his testimony at the Janneh Commission⁶⁶, people accused him of “eating” Yahya Jammeh's money. His eyesight has deteriorated to the point he cannot drive at night.

Upon questioning from the Deputy Lead Counsel, the witness revealed that while his case was thrown out of the courts, Madam Sagar Jahateh later took the case

⁶⁵See Foroyaa - Former State House employee files for unlawful detention and Momodou Sowe Released on Bail After 2 years in Detention without Trial.

⁶⁶The Janneh Commission investigated the financial wrongdoings of former President Yahya Jammeh.

to the appeals court, which in January of 2018 ruled that his **detention** was unlawful. The Deputy Lead Counsel then handed over questioning to the Commissioners.

Commissioner Bishop Odico asked the witness to clarify the difference between the Presidents fleet of vehicles and those belonging to the central government. The witness answered that the government vehicles all are the same make, have GG on the license plate, should be accounted for in the Ministry of Finance, and should only be used for official government business. The President's vehicles, he continued, "*are vehicles American rappers buy*" and not the kind of vehicle a responsible government would spend money on. When Commissioner Bishop Odico followed up by asking if these vehicles were purchased with the President's own money, the witness responded he does not who was responsible for their purchase.

Commissioner Kinteh then expressed sympathy with the witness, before asking if Yahya Jammeh's erratic nature was permanent or was brought on by a specific influence. The witness replied that he never got close enough to really know the former President's personality, but that he was very confused by his dual nature. He said he has been watching the TRRC hearings, and pondered how one person could provide scholarship, pay medical bills, and send people to Rome and Mecca, but also be responsible for horrific acts of violence.

He said he has concluded that Yahya Jammeh was an abnormal person who behaved badly, "I don't understand how he ruled."

Commissioner Kah also expressed his sympathies, before asking the witness how his **detention** affected his family. Momodou Sowe responded that his wife was forced to sell all his cattle (he kept his money in livestock as opposed to a bank) and had to move into a back room at her brother's house in Busumbala with her two infant children. He also added that when he returned from exile in Dakar, he was told he could get his old job back, and he was reinstated on 17th September 2017.

In response to a question from the Deputy Chairperson, the witness clarified that while his glasses and watch were taken from him when he arrived at Mile 2 Prison, he did see other inmates with glasses or crutches. He added that those inmates had already been convicted.

Imam Sey repeated the sympathies of his co-Commissioners and then asked the witness about the role of Islam in Mile 2 Prison. The witness responded that prior to his **detention**, he had only studied the Quran from Islamic schools as a primary student, and otherwise had only read from the English translation. During his detention, he continued, he was a rapacious reader, reading between 30 or 40 books, which he borrowed from a personal collection General O B Mbye⁶⁷ had in his cell. One day one of his friends, Captain Wassa Camara⁶⁸ teased him that if he had been reading the Quran instead he would already be a marabout. The witness said after he finished reading Dan Brown's "Inferno," he approached Wassa Camara and asked him to help teach him how to read the Quran in Arabic. He told the Commission he quickly learned to read in Arabic, and ended up reading the whole Quran 16 times. During the month of Ramadan, the witness, Wassa Camara, Kuluteh Manneh and someone with the surname Secka held a competition to see who could read the Quran the most number of times over the holy month.

The witness added that once the other inmates realised he was not in Mile 2 Prison to be the President's spy, they became his friends and showed him pity. Despite the fact that he was not allowed to receive parcels from his family, the generosity of his fellow inmates ensured he never went without. He singled out Wassa Camara and Alieu Jobe as being particularly supportive.

Imam Sey then asked if the witness believed that Njogu Bah was hiding something from him. Momodou Sowe responded that Njogu Bah knows how he (the witness) risked his life to help him survive, and was sure that the former Secretary General was watching

⁶⁷The witness was probably referring to Brigadier General Omar Bun Mbye who was imprisoned in July 2010;

⁶⁸Wassa Camara was arrested for attempting to overthrow Yahya Jammeh's government in March 2006.

his testimony as he gave it. He still does not understand why Njogu Bah told then President Jammeh that he was in the UK, but also knows that Njogu Bah alone could not have him locked up.

In his concluding remarks, the witness told the Commission he had prayed for the day where he could sit in front of a panel of knowledgeable Gambians who would be willing to listen to his story. He revealed that he had sat down for similar interviews with foreign journalists, *“but it has never touched me so much as it has today.”* He said he knew that the perpetrators of his ordeal were also listening, and they will now know that he was not playing any games with anyone.

He also pleaded his innocence to his current coworkers. He thanked everyone who came before him and helped give him a voice, particularly Foroyaa, the Fatu Network and Madam Sagar Jahateh. He asked the Commission to help secure a transfer at work. He said despite the new dispensation, *“there are so many things that remind me of the past, I have so far ignored a lot of them,”* but that he would like a new place of work. He told the Commission the reason he came to testify is because he knows their recommendations will matter, and he wants to shape them.

He wants to see measures created to ensure the system cannot be used to abuse people.

He said those who still languish in prison must not be forgotten. He ended by praying that God gives The Gambia the peace everyone has been yearning for.

Persons Mentioned By Witness During Testimony:

Arbitrary arrest

Edward Gomez, Louis Gomez, Sukuta Jammeh, Mustapha Jobe, Lamin Ceesay, Susso (first name not given)

Arbitrary detention

Sukuta Jammeh, Mustapha Jobe, Louis Gomez, Susso (first name not given), Commissioner Faal

Arbitrary search

Mustapha Jobe

Denial of medical treatment

Sergeant Dabo



Photo: ©Katherine Taylor

Mr. Gillen was a senior accountant under Yahya Jammeh. Like many other Gambians during the Jammeh regime, he was arbitrarily arrested and detained (on two occasions). His property was seized and under the stress of his detainment he suffered a stroke losing the use of his left arm and hand. Mr. Gillen has struggled to regain employment and provide for his family since this time.



WITNESS NAME: Ebou JARJU

TRRC HEARING DATE (S): 27th February 2020

EVENT (S) DISCUSSED: Experience working at State House and ill-treatment of staff; arrest and prolonged detention of the witness; accidents involving the presidential convoy and motorcade; Junglers and forced disappearances of victims particularly within the Jola tribe; Yahya Jammeh's administration of/lacing of spiritual concoctions in the food and drinks consumed by the general public; and sexual exploitation of young women by Yahya Jammeh

POSITION BEFORE THE EVENT (S): Waiter

ROLE DURING THE EVENT (S): Steward at State House

POSITION AT THE TIME OF TESTIMONY: Owns a motorcycle taxi

SUMMARY OF TESTIMONY:

Ebou Jarju told the Commission that he was born in Dasilameh in 1966, where he still lives. After giving a brief summary of his education background, which involved training as a waiter at the Gambia Hotel School, the witness explained that in 2001, one of his relatives told him about a vacant position for a waiter at State House and asked if he was interested.

The witness stated that he was asked to report to Lang Tombong Tamba, the then Commander of State House. When the witness arrived, Lang Tongbom Tamba explained that he would be serving in the private residence of Yahya Jammeh at State House and highlighted the confidential nature of the work.

The witness further stated that he was under the supervision of one Sergeant Ndow from State Guard who at the time was acting as the manager of the household. At this point, the witness specified that he started in March 2001 but only received his salary after 4-5 months. He added that Sergeant Ndow instructed him to go the Personnel Management Office, PMO, for an interview. He then received his appointment letter in 2002. Counsel Jahateh announced she had a copy of his appointment letter and asked if he would like to take a look at it. The witness did and he confirmed it was his letter of appointment, which stated the date to be "18th July 2002" and the position to be "Steward and Cook". The witness however highlighted that he did not cook whilst at State House.

Asked where he lived when he was appointed, the witness explained that he was residing in Banjul, opposite the Accident & Emergency unit of the Royal Victoria Hospital, RVH. The witness further explained that originally he was temporarily residing in Serrekunda when they hired him but he got to replace someone who had traveled overseas for treatment and occupied his room in Banjul for free with his wife.

Further testifying, the witness stated that he eventually moved to a larger official residence opposite Sonko Jileng Enterprise in Banjul with his family in 2002. Asked what his duties were as a steward, the witness responded that he was to serve food and drink to the President, his family and the guests. He added that when there was a cabinet meeting, he also served food and drinks. Asked if he performed this role only at State House or elsewhere, the witness responded that when there was a banquet or an official opening, he would attend to serve the President and serve head of states from other countries if present.

Ebou Jarju told the Commission that, whilst at State House, he worked with one Nyima Ceesay for two years, followed by Lamin Jammeh and Tijan Bojang and an Egyptian called Mohammed. Asked about the period they served, the witness said he could not remember but he started with Nyima Ceesay and the others came at different intervals. He added there

were four Gambians and one Egyptian (whose name he could not remember) who cooked as well as Indonesian and Moroccan babysitters. On the Gambian cooks, he remembered Alieu Tamba (a relative of Lang Tombong Tamba), Sheikh Sanyang and Isatou Jammeh.

The witness revealed that he had to taste the food to ensure there was enough salt and sometimes he would taste the leftovers to ensure it was safe. The witness then went on to describe how he would serve the food to Yahya Jammeh. He was escorted by the orderlies and was never left alone with the food for security reasons. He recalled that Yahya Jammeh did not drink water from The Gambia but imported water from France (Evian). When asked why he only drank foreign water, the witness responded that he believed Yahya Jammeh did not trust the local water.

The witness went on to describe Yahya Jammeh's erratic and unpredictable behaviour. He highlighted that though he would be nice and give money whilst outside, at State House Jammeh would **insult** his staff. According to the witness, Yahya Jammeh would sometimes ask for dinner at 3-4 am and stated that before he worked at State house, he thought Yahya Jammeh was a good person but once he started working there, he realised he was not truthful. Upon probing, the witness explained that Yahya Jammeh was playing to the public's perception. He added that his colleague Mohammed once told him: *"Ebou, I don't know the big man. He is a person with different attitudes, he is like climate changing 'Now now happy, now now angry'."* The witness responded to Mohammed *"That is the way we seem him"*.

Asked about insults Yahya Jammeh would hurl at them, the witness responded, *"his insults are very bitter"* (referring to how unpleasant the insults were) and preferred not to repeat them. The Counsel asked for examples and the witness said he would say bastard to his orderlies and even made one orderly by the name of Tombong Bojang cry. The witness was then asked to give the names of the other orderlies that worked with him at the time. He remembered Ba Jerreh Manneh (longest serving orderly), Alieu Sarjo commonly known as "Kebex", Yusupha Sanneh, PO Jatta and Ali Jammeh. He added that the orderlies suffered most at the hands of Yahya Jammeh

because they spent a lot of time in State House. He remembered when Yahya Jammeh found an orderly lying down whilst others were sitting and poured very cold water on him.

If Yahya Jammeh found orderlies sleeping, he would spray "Bop" mosquito spray in their face or would sometimes beat the orderlies with a stick called "karawas".

The witness stated that during Yahya Jammeh's tours, the plain-clothed officers who were in charge of crowd control would be beaten with a stick if they were close to the car. Gambia Radio and Television Services, GRTS would be filming and would later edit this out. Ebou Jarju remarked that his time at State House was interesting but **fearful**. Sometimes he would hear that someone within the domestic staff of the President had been taken to the National Intelligence Agency, NIA and they would not know why. He recalled that Sheikh Sanyang and Mohammed were once taken to the NIA. Mohammed had mistakenly packed another brand of water (not Evian) when they went on tour. When Yahya Jammeh saw that the bottle had already been opened, Mohammed was taken to the NIA, interrogated at State House and later released.

The witness then explained that before 2006, he travelled only within The Gambia with Yahya Jammeh but after 2006, he travelled internationally citing Taiwan and Dakar as examples. Discussing the travels within the country, Ebou Jarju told the Commission that every year, Yahya Jammeh would go on a "Meet the people" tour, during which there were many accidents caused by the presidential convoy, especially of children. He added that once, one of the female protocol officers called Kodou (the witness could not remember the surname) commented that the President should be advised to stop throwing biscuits because people were dying. He said she was transferred the following day. He confirmed that Yahya Jammeh knew that the throwing of biscuits was causing accidents because the information

would be communicated on radio in the cars. He added that around 2002, one MP called Jane Colley Faye took a child that had been knocked over by the convoy back to “his people”. The child passed away and Jane Colley Faye attended the funeral.

The witness remembered one Fula shepherd that was hit by a land rover. He was not sure if the boy died but he was seriously hit. Asked how many incidents he would say there were, the witness said “*there were too much*”. He explained that whenever a vehicle in the presidential convoy would hit a person, they would continue with their trip while the ambulance would pick and take the person to the nearest hospital. Even members of the security of Yahya Jammeh were victims: they were either **injured** or **killed**. He specifically recalled two cases of motorcycle drivers who had accidents, Kandeh and Nyassi (the witness could not recall the surnames) and died. The witness also named one Willy Bakotu, a civilian, who was hit by the convoy and died.

Asked if Yahya Jammeh ever gave any apologies or condolences to the families, the witness said maybe he did but he was not aware of that.

Asked how many deaths there were due to the motorcade/convoy, Ebou Jarju said perhaps about 20 from 2001 to 2008.

He stated that he once asked his then supervisor Serign Modou if he could leave before the presidential convoy as there were too many accidents but Serign Modou told him it was not possible.

Asked if he would describe Yahya Jammeh as a nice person, the witness responded that he would not. He added that Yahya Jammeh was paranoid and would not sleep. The witness explained: “*if you do many bad things on to people, you will always be thinking who will come and ‘revenge’*”, adding that was the reason for the many social gatherings he entertained at night. The witness remarked that he devoted and dedicated his time to Yahya Jammeh at State house because he would not sleep but entertain. As a result, the witness would not see his family for days. When he was asked what his reward for

doing that was, the witness paused and, clearly lost in his thoughts with pain/sadness flickering in his eyes, responded that he was **arrested** and **detained**.

Discussing his **arrest**, the witness explained that after returning from the Organisation of Islamic Cooperation OIC meeting in Dakar with Yahya Jammeh, one night at around 10pm, when he served dinner, Yahya Jammeh asked the witness if he knew the former Minister of Justice Sheikh Tijan Hydera. The witness responded that he knew him. Yahya Jammeh enquired about their relationship and the witness responded “nothing”. After the witness responded, Yahya Jammeh called his then orderly, Yusupha Sanneh to seize the witness’ phones and hand them over to the then State Guard Commander Serign Modou Njie. He was asked to go and print out the numbers from the witness’ phones to see who he had been communicating with. Serign Modou Njie kept his phones for over a week.

When asked if he knew why Yahya Jammeh had ordered for his phones to be seized, the witness explained that he thinks Yahya Jammeh wanted to confirm if the witness was communicating with Sheikh Tijan Hydera, who had been dismissed. Asked why Yahya Jammeh was interested in finding out if the witness and the former minister were communicating, the witness responded that whenever Yahya Jammeh distrusted someone, he did not want anyone around him associating with the person.

Going back to his phones being seized, the witness could not confirm what they did with the phones. When Serign Modou Njie proposed to return the phones, the witness asked him to hold on to them. After three days, on a Wednesday, at around 11.30pm, Yahya Jammeh ordered Ba Jarreh “*Tell this idiot to go home*”, referring to the witness.

Ebou Jarju testified that he went home and a few minutes to midnight, Ba Jarreh called and informed him that Yahya Jammeh had ordered for him to move out of the quarters before the next day. The witness called Serign Modou Njie and told him what had occurred. He asked him to help with transport and Serign Modou Njie sent a vehicle. The witness packed everything and put it in the vehicle. He stated

that he went to his personal home in Dasilameh before the belongings arrived, as he wanted to prepare the house. At around 2 am (on 20th March 2008), Sergeant Sambou Barrow, from the State Guard arrived and told the witness that he had come to escort him to the police. The witness said that when he heard that, he prepared himself mentally for any eventualities. He took a small bag containing mosquito repellent and glycerine oil, commonly used for moisturising the skin. He highlighted that his family was not present when he was **arrested**, only his brother was.

The witness told the Commission that he was taken to the Major Crime Unit, MCU at Banjul Police Headquarters, where he found senior officers from the police force Lamin Ceesay, Kunchi Jammeh and Lamin Sanyang. They asked him if he knew the reason for his **arrest** and the witness responded in the negative. The witness also noticed his seized mobiles phones were in their possession. They proceeded to tell the witness that they had received information he had poisoned the President. The witness said when he heard the accusation, he laughed because he knew he could not commit such a crime. The Counsel asked what type of poisoning they were referring to and the witness responded “food poisoning”. Following some clarification questions, the witness disclosed that he was accused of lacing Yahya Jammeh’s food.

He recalled that he told the officers to go to State House and investigate. He also explained that he only served the food - he did not cook it, and argued that he would taste anything before the President ate it. They then asked to see what was inside his bag and took the repellent and oil. Whilst the witness was locked inside a cell, they sent the items for testing to the National Environment Agency, NEA and the results came back negative for poison. The Counsel remarked with a sarcastic undertone that the police officers could not read the instructions on the containers. He added that the items were also sent to the University Cheikh Anta Diop in Dakar for testing.

When asked how long he spent in the Banjul Police Station, the witness responded 9 months and two weeks.

He added that he found another person there called Samsudeen Jammeh who had been in detention for two years. Asked how often he was allowed to leave his cell, the witness responded that he was only allowed out at night. The witness explained that he had an in-law working at the station and when he came on duty, he would take the witness and Samsudeen Jammeh out of the cells to drink attaya⁶⁹. When the Counsel remarked that the police station had in effect been converted to a prison, the witness agreed.

Asked to describe the conditions in the cell, the witness revealed that he slept on mats and there was only one toilet available, which was also where they showered. Ebou Jarju stated that he was **detained incommunicado** for three weeks, after which his family found out where he was and brought clothes for him. He told the Commission that he had heard of people from State House getting **arrested** so he took it as if it was his turn now. Asked what the circumstance were around those **arrests**, he responded “*You cannot know*”. He cited the example of Bakary Camara who would go buy things for Yahya Jammeh in Mali and whom the witness worked with at Cabinet. Bakary Camara was **arrested**, taken to court and accused of stealing a car⁷⁰. He was sentenced together with the late Manlafi Sanyang.

Asked if people **disappeared** at State House, the witness cited Daba Marenah. Giving more details, the witness said it was in relation to the 2006 attempted coup of Ndure Cham. When Yahya Jammeh was in Mauritania with Daba Marenah, he was informed of a coup d’état. They returned and suddenly the witness heard that many people had been **arrested** including Daba Marenah and Ebou Lowe.

Ebou Jarju recalled that one early morning, Tumbul Tamba a commander of the Black Black (also known as Patrol Team or Junglers) was drunk and said to the witness “We have finished all of these guys”.

⁶⁹Local green tea.

⁷⁰See The Point Newspaper article-D Day for Lt. Bakary Camara, Others.

The witness asked who and he said those involved in the attempted coup d'état. Tumbul Tamba justified those actions by saying if they did not, those coup d'états would not stop. Asked how he knew Tumbul Tamba was the commander of the Junglers, the witness said he would often come to State House to talk with Yahya Jammeh.

The witness said to his surprise in the afternoon, he heard on Radio Gambia that Daba Marenah and others had escaped. The witness who was with one of the guards, Modou Jatta, turned to him and related what Tumbul Tamba had told him in the morning. Modou Jatta responded that he was not aware of anything. Then Modou Jatta moved away from him and the witness said "You people are very wicked, the bad things you are doing is too much".

The witness was adamant that **Yahya Jammeh** was aware that they had been killed. He disclosed that when **Tumbul Tamba** left State House, he was carrying black plastic bags filled with money given to him by Yahya Jammeh through the orderlies. He said it looked like it was a reward for their actions.

The witness added that the Black Black did not answer to anyone, except Yahya Jammeh. Asked how he knew they were personally answerable to Yahya Jammeh and no one else, the witness explained that the Black Black would be in Yahya Jammeh's house and that Yahya Jammeh was the one who had bought the black uniforms for them during his trip to the USA. Asked who Yahya Jammeh was with when he went on the trip during which he bought the uniforms, the witness said he travelled with many people including Kawsu Camara "Bombardier" who was a State Guard officer. Asked if he was also a member of the Junglers, the witness responded that he understood Kawsu Camara "Bombardier" was the commander of the patrol team. The Counsel responded that according to their understanding at the TRRC, the patrol team was also otherwise known as Junglers. The witness responded that most of them in the patrol team turned out to be the Junglers⁷¹.

Asked about the circumstances under which he would usually see the Junglers at State House, the witness responded that the leader would come at odd hours to meet with Yahya Jammeh. Asked about any other **disappearances** in which the Junglers were involved, the witness responded that he was aware of Haruna Jammeh's and his sister Marci Jammeh⁷². The witness highlighted that there were many **disappearances** during his time serving at State House.

When Haruna Jammeh disappeared, the witness stated that he overheard Marci Jammeh ask Yahya Jammeh where Haruna Jammeh was after his disappearance. Yahya Jammeh said to her "Do you want to know where he is?". That week, she also disappeared.

The witness further said that one day, he went to Kanilai with Yahya Jammeh and they came out of the vehicle when they were close to the residence. Haruna Jammeh's mother, an old woman had struggled until she got in front of Yahya Jammeh and asked him "Where is my son?" Yahya Jammeh looked at her - and then left. When they finally reached his residence, he **insulted** his security officers and **threatened** them. The witness expressed his dismay, as Haruna Jammeh was a close relative of Yahya Jammeh. He remarked that when he **disappeared**, nobody heard about anything, no investigation took place. The witness said he was certain Yahya Jammeh had heard of the disappearance given they were related. He added that when Marci Jammeh also **disappeared**, no investigation was launched either.

Ebou Jarju said that one Eid, whilst in detention, he heard of the **disappearance** of one Ceesay Jatta from Bujiling. He added that he remembered when the marabout Tambajiro came and gave Ceesay Jatta a concoction to drink⁷³. Tambajiro claimed Ceesay Jatta had a bottle inside his stomach. The

⁷¹See TRRC Digest Edition 6 and TRRC Digest Edition 7 for testimonies regarding the Junglers/Patrol Team.

⁷²Sometimes referred to as Masireh.

⁷³ See TRRC Digest Edition 10. Tambajiro has been named by witnesses as being the leader of the witch-hunters and

witness said when he heard the death of Ceesay Jatta, he was surprised. He added that when he was released, he asked the Intelligence Officer for the NIA (attached to Kanilai) the late Lamin MI Jatta about the death of Ceesay Jatta and he told the witness to forget about it as it “*is the work of those people*”, referring to the Junglers. The witness added that they found his corpse tied inside the bush.

Going back to his detention, the witness said that he was afraid they would **kill** him because he had family behind him and his parents were alive.

Asked if he felt Yahya Jammeh was capable of killing him, the witness categorically responded yes adding that if relatives could be killed, he the witness could definitely be killed.

The witness further testified that after 9 months and two weeks, then Crime Management Coordinator, CMC Yankuba Sonko⁷⁴ asked for the witness to be released. He told the witness that he had been accused of something he did not do and he “should not take it to heart”. Asked why they would **detain** people they knew were innocent, the witness responded that Yahya Jammeh gets tired of people. If you were close to him for a long time, he felt like you knew him and he did not want people to know him very well.

The Counsel repeated her question as to why the police would detain innocent individuals, and the witness responded that the entire security apparatus in The Gambia would execute any orders Yahya Jammeh gave to show loyalty. He added that it was for “fear, greediness and to be known”.

The Counsel stated “basically self-interest” and the witness responded “exactly”.

Going back a bit, the witness explained that people who were detained from the 2006 attempted coup d’état were **tortured** at the NIA. He specifically recalled that Tamsir Jasseh was **tortured**. He added that Yahya Jammeh asked Musa Jammeh⁷⁵ if Tamsir Jasseh had said anything yet and when Musa Jammeh responded in the negative, Yahya Jammeh instructed him to take Tamsir Jasseh to the “talk room”, referring to the **torture** chamber. The witness also heard that when people were being **tortured**, the torturers would call Yahya Jammeh for him to listen in. Eventually, Yahya Jammeh came to find out that they would make people pretend to be shouting or crying so he asked for photos. A photographer was assigned. At this point, the Counsel asked the witness to write the name down instead of saying it. The witness explained that the photographer would record as well and that even when they were intoxicating those accused of witchcraft, he would be assigned⁷⁶.

Then discussing his release, the witness stated that Yankuba Sonko drove him to Westfield, gave him fare money and left. The witness was asked who was the Inspector General of Police, IGP then, the witness responded that when he was **arrested**, it was the late Benedict Jammeh. However, he could not recall if when he was released it was Benedict Jammeh or Ensa Badjie. He however highlighted that he spoke to Ensa Badjie when he was **rearrested**.

When he got home, it was a moment of joy. His parents thought he was dead because when he was **detained** they did not speak with or see him. However, the happy reunion was short-lived as the witness was rearrested within a week or two. The witness recalled that he received a call and was asked to go to answer to Yankuba Sonko at the Banjul Police Headquarters. The witness thought that Yankuba Sonko was calling him to go collect his clothes, which he had left but when he arrived at his office, Yankuba Sonko could not look him in the eyes. He then suddenly left the witness in the office and another man came in and told him he was to be taken to the cell. The witness was **detained** for less than five days when one senior

⁷⁴Minister of Interior at time of testimony.

⁷⁵Musa Jammeh was also known as Maliamoogoo in reference to the right-hand man of Ugandan dictator Idi Amin and responsible for the mass murder of civilians and soldiers suspected of being disloyal to Amin.

⁷⁶The witness might have been referring to Sankung Fatty who was named during session 10 as being the person filming those who were accused of witch-craft after they had drunk the hallucinogenic concoctions. See TRRC Digest Edition 10, page 210.

officer from Faraba, called Jatta (the witness could not recall the full name) arrived and was surprised to see the witness.

Officer Jatta asked the witness to follow him and he was taken upstairs to a room where he found Ensa Badjie. Ensa Badjie told him there was a “liquid” in his bag referring to spiritual water and they wanted to know who had given it to him. The witness went with Officer Jatta and his bag was brought out. They looked into it and did not see any liquid. Officer Jatta suggested he write to the IGP to let him know.

The Counsel then asked the witness if he was saying that false accusations were laid against him seeing no spiritual water was found in his bag. The witness confirmed that was the case.

Continuing his testimony, the witness said he was then returned to his cell and after about 2 days, he was taken out of the cell and asked to board a vehicle. The witness said that when he was asked to board the car, he thought they were going to **kill** him. He said that he thought they were taking him to the NIA but they passed the NIA and took him to Mile 2 Prison, where he was placed in confinement in the security wing.

The witness told the Commission that he found Landing Sanneh and Bakary Camara and so many others. He was asked if he had been charged with any offence at that time and he responded that he had not, nor was he taken to court. Asked if there was an order for his imprisonment at Mile 2 Prison, the witness responded that he did not see it.

He revealed that he was detained for 3 years and 5 months at Mile 2 Prison.

When asked if he appeared before any court during his time at Mile 2 Prison, the witness responded in the negative. Asked if he was allowed access to his family or a lawyer, the witness responded that he was not. The Counsel then asked if any one knew his whereabouts, the witness responded, “*You can say yes*”. He added that there was a time he could not urinate and was taken to Royal Victoria Teaching Hospital, RVTH where he found a Cuban doctor who once worked at State House.

The witness explained what had happened and the doctor gave him medication. He then told the witness that he would give him an appointment so he could leave the prison and his “people” could have access to see him. For the next three years, the doctor gave him monthly appointments and the witness would try and send a message to his wife so she could see him, adding that she could not speak with him but at least she could see him.

The Counsel announced that the witness had supplied some newspapers, mainly from the Foroyaa newspaper, cataloguing his **disappearance**. The first article was published 31st December 2010 in the Foroyaa newspaper. The heading said “Detention without trial or Disappearance Without Trace”. The Counsel further stated that the article listed the names of those who had **disappeared**, including Major Wally Nyang, Alieu Lowe, Aboulie Njie and the witness Ebou Jarju. It stated that he was “*arrested on 20th March 2008, held at Banjul Police Station up until 11th January 2009 when he was released without any charges, only to be rearrested a week later. He is currently held at Mile 2 Prison*”.

The Counsel mentioned another newspaper article dated 17th June that the witness had supplied to the Commission, with the same heading. She highlighted that it showed the pictures and names of Chief Manneh, Kanyiba Kanyi⁷⁷, Jasarja Kujabi, Ndongo Mboob including the witness. The article was dated 17th June. The Counsel then tendered into exhibit another newspaper article from the Foroyaa newspaper 2nd to 4th December 2011 (one of their weekend editions), with the same heading and finally an article dated 29th June 2012 discussing the release of the witness after years.

Asked what his conditions of detention were like at Mile 2 Prison, the witness stated that he found people to be afflicted with diseases he used to hear of in The Gambia in the 70s, including Beriberi. He added that they gave him food that was not fit for human consumption. Then one day, after he had gone for his monthly hospital visit, he was told to pack his stuff and leave. He was taken to the then Attorney General Pa Harry Jammeh⁷⁸'s office who told the witness he

⁷⁷His name was Lamin Kanyi and was also known as Kanyiba.

⁷⁸According to media reports, he was at some point solicitor general. However it is not reported that he served as attorney general as well.

had received a directive from the President to release him. He told the witness to take it in “good faith” and gave him fare money.

In between tears, the witness explained that to his surprise when he arrived home, he did not find his mother and father. They had passed away and this was the first time he was learning of it.

When he asked, they told him that his father had passed away in September 2011 and that his mother had passed away in February 2012. The witness stated that the reason why he had not been able to pay his last respect to them was because he had been **detained** at Mile 2 Prison. He added that he was detained for no reason, which was even more painful and blamed Yahya Jammeh for his ordeal.

The Counsel asked the witness why, despite everything he had revealed at the Commission, he thought people still supported Yahya Jammeh. The witness claimed that Yahya Jammeh would put concoctions in the leftover food at State House so his senior officers would be loyal to him as well as in food given out as charity to the public. Asked to give instances when Yahya Jammeh did so, the witness responded he did not personally see Yahya Jammeh do that but he heard of it.

Continuing his testimony, the witness explained that when he was **detained** a second time, his wife, a nurse at the Roman Catholic Mobile Unit, had to stop working so she could help the family. He added that his eldest daughter was traumatised by his detention. He explained that after his second release, he went into exile because he feared they would eventually **forcibly disappear** him.

He said he would constantly be on the move in Senegal as he feared for his personal safety. He stayed in Senegal until 2017, after Yahya Jammeh had left. Asked why he did not feel safe during his exile, the witness responded that he did not trust Yahya Jammeh. He added that Gambian security officers would kidnap Gambians who had fled to Senegal.

The Counsel then announced that they had one more issue to deal with before they concluded with the testimony, which was the issue of the “Attaya Girls”. She reminded the witness that it was mainly the female soldiers who were serving Yahya Jammeh with attaya. Ebou Jarju stated that he knew Yahya Jammeh liked attaya but he did not think it was only just for the taste of attaya as it was mostly the female soldiers who prepared it. The witness then claimed that men usually prepared attaya better than women.

The witness stated that under normal circumstances, any time attaya was prepared, he would be the one to serve Yahya Jammeh. If he took the attaya to Yahya Jammeh, he would be asked who had prepared the attaya. Yahya Jammeh would then specifically ask for that person to serve the attaya herself.

Ebou Jarju noted that this usually happened at night, which he thought was very suspicious, adding that that they would spend at least 15-20 minutes with Yahya Jammeh.

Though he admitted never seeing anything, he said he was left perplexed. He added that any time the wife was there, the witness would be the one to take the attaya not the female soldiers.

The Counsel asked how long it would take Yahya Jammeh to drink the small glass of attaya when he served him and the witness responded that when he (the witness) served the attaya, Yahya Jammeh would tell him to leave and that he would call him back when he was done. The Counsel asked the witness what he thought of all this, the witness said “*A man and a woman? Anything can happen*”. Probed further, the witness repeated “*A woman and a man in a house, anything can happen*”.

Ebou Jarju testified that many times when they went to Kanilai, they would be escorted by female soldiers and if Yahya Jammeh wanted one of them to make attaya for him and she was not there, a car would have to leave Kanilai to go get her in the Kombos.

The Counsel pressed the witness further as to what he thought this was all about and the witness did not explicitly stated what he thought was going on.

Asked what the insinuation was around the Attaya Girls at State House, the witness repeated that it was all suspicious. Pressed further, the witness kept dithering.

When asked if the gossip around State House was that Yahya Jammeh was sleeping with the female soldiers serving him attaya, the witness responded in the affirmative.

The witness then added that when they would go on holidays, young women from the National Patriotic Students Association, NAPSA would stay at Yahya Jammeh's cousin's house and come and visit him inside his house.

He highlighted some of the ladies who came to brew attaya were in civilian clothes and he realised they were immigration officers, paramilitary, from the NIA and also local staff in the household. The witness asserted that Yahya Jammeh would personally select the women. Asked what was the criteria, the witness said he preferred light skinned girls.

The witness was asked to read out the numbers not the names of the women involved from the protection information sheet. He read out Number 11, Number 2, Number 3, Number 4, Number 9, Number 10 and then the witness stated "*almost everybody on this list*".

Ebou Jarju said he could not remember them all but there were more than 40 of them during his time at State House.

After the witness was asked to confirm the protected information sheet and it was tendered to the Commission as exhibit, the Counsel concluded her questioning.

Chairman Sise shared his outrage at hearing the abuses of young women by Yahya Jammeh, a former Head of State. He emphasised the abuse but then also the

fact that someone who represented their country, their system, their culture, their society to the rest of the world to partake in such abuses was just unbelievable.

Commissioner Bishop Odico asked where the attaya was served and the witness responded in Yahya Jammeh's sitting room. The witness remarked that one could not see inside Yahya Jammeh's sitting room and it was impossible to know if there were in the sitting room or not.

In his concluding remarks, the witness thanked God that he was able to tell his story because when he was in exile, the international and local media wanted to interview him but he was reluctant to speak. Yahya Jammeh was still head of state and his children were still in the country.

He told the Commission that Yahya Jammeh disappointed The Gambia and if you were close to him, you would become a victim. The witness said he personally did not hold any grudge against Yahya Jammeh. However if he had died without telling his story, he would not have been able to forgive to Yahya Jammeh. He stated he could not forget but he had forgiven Yahya Jammeh, whom he held responsible for what happened to him.

Persons Mentioned By Witness During Testimony:

Ill-treatment (of orderlies and household staff members)

Yahya Jammeh

Hit and run

Yahya Jammeh

Sexual exploitation

Yahya Jammeh

Arbitrary arrest (of Ebou Jarju)

Sambou Barrow, Yahya Jammeh

Arbitrary arrest and detention (of Ebou Jarju)

Lamin Ceesay, Kunchi Jammeh, Lamin Sanyang, Yahya Jammeh, Yankuba Sonko, Ensa Badjie, Pa Harry Jammeh

Unfair dismissal (of Ebou Jarju)

Yahya Jammeh

Extrajudicial killing (of Daba Marenah and Ebou Lowe)

Tumbul Tamba, Yahya Jammeh

Enforced disappearance (of Haruna Jammeh, Marci/Masireh Jammeh, Daba Marenah and Ebou Lowe)

Tumbul Tamba, Yahya Jammeh

Torture (of Tamsir Jasseh)

Musa Jammeh, Yahya Jammeh

Consumption by fraudulent means/food poisoning

Yahya Jammeh

WITNESS NAME: Dr. Badara LOUM

TRRC HEARING DATE (S): 27th February 2020 & 3rd March 2020

POSITION DURING THE EVENT (S): Permanent secretary at the Ministry of Agriculture

ROLE DURING THE EVENT (S): Falsely accused of fraud, arrested and detained

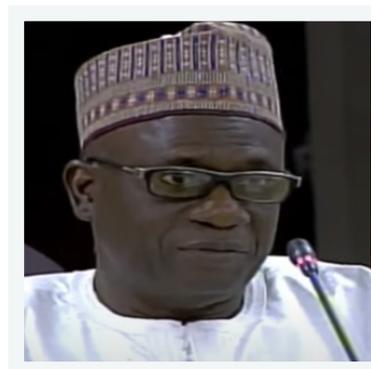
POSITION AT THE TIME OF TESTIMONY: Not mentioned

SUMMARY OF TESTIMONY:

Dr. Badara Loum told the Commission he was born in Medina Kanuma in the North Bank Region on 1st March 1953. After completing his early education, he attended the National Agricultural University in Ukraine in 1973 and joined the Gambian Civil Service. After graduating in 1979 rose, he through the ranks to become the deputy permanent secretary in 2000 and later was promoted to permanent secretary at the Ministry of Agriculture.

He explained that as the permanent secretary, he was the chief advisor to the Minister of Agriculture and his main focus was on strategy, planning, policy analysis, and oversight responsibilities for financial and administrative issues. Asked if he was the principal accounting officer, he responded that he was an accounting officer but there was also an accounting department, which was headed by a principal accountant who worked directly under the permanent secretary of finance and admin. Expanding on this, the witness explained that permanent secretaries are considered to be accounting officers for ministries *“wholly and solely because they must keep in mind the fact that financial instructions and also general orders are adhered to. There will be physical discipline and it is only in that regard that permanent secretaries are accounting officers.”*

The Lead Counsel said that it depends on how one sees it and asked the witness if it was true that the permanent secretary would have “overall oversight responsibility.” The witness agreed. The Lead Counsel asked if, then, that oversight responsibility would also involve ensuring that others within the ministry that also have responsibilities would discharge those responsibilities. The witness said this would be within reasonable limits and added that



the permanent secretary is based in Banjul and so it is difficult for the permanent secretary to have oversight over every officer in the country. He said that permanent secretary would only get involved when reconciliations were done and there was evidence of fraud, thus it was physically impossible for him/her to monitor the activities of every officer entrusted with some responsibility for finance. He added that that was why there was a certain degree of decentralisation and that at each level there were people who were supposed to ensure that there was strict adherence to oversight guidelines.

The Lead Counsel then put forward that it can be agreed that every individual or officer that is given a responsibility also bears primary responsibility for the correct discharge of their responsibilities whether they are a superior or not. The witness agreed. The Lead Counsel added that the superiors within that ministry also had a responsibility to ensure that work was done correctly and funds were accounted for. The witness said that was correct. The Lead Counsel continued by saying that it was in the general framework and did not necessarily give rise to individual criminal responsibility for the acts of another person. The witness agreed that he took that position. The Lead Counsel said that they would return to that point later.

Continuing, Dr. Badara Loum went on to describe some of the programmes that existed within the Ministry of Agriculture specifically the fertiliser programme. He explained that the “fertiliser question” was important in 2003-2004 during cropping season.

When the fertiliser arrived at the port, the supplies officer took the delivery. Interjecting, the Lead Counsel said the programme was conceived around 2004 before he became permanent secretary but the delivery of the supply of fertiliser occurred after he had been promoted to that position. The witness said that was true. When the Lead Counsel asked who took the delivery, the witness said it was Awa Sey Touray, who was the supply officer and also a storekeeper named Aliou Saine. The witness said that they were in charge of receiving the fertiliser at the port and delivering it to Gambia Port Authority, GPA, stores and also some stores belonging to the GGC⁷⁹.

Looking for background and context, the Lead Counsel asked the witness what the programme was all about. The witness said that at the time there was something called the BADEA⁸⁰ exports and financing scheme, funding by the Arab Bank. Funds were lent to developing countries particularly within the Islamic Ummah.⁸¹ The funding could be used to import what the country wanted. In the case of Gambia, it was decided that fertiliser was the priority, so those funds were used to purchase and import it. The fertiliser was supposed to be sold to farmers and when they paid back the Ministry of Finance, the government would decide on the next priority issue to use the funding for. The witness said that the next priority for The Gambia was to buy diesel and petrol but for the first grant they were buying fertiliser.

Asked to explain the arrangements that were put in place for the supply and sale of the fertiliser as well as the treatment of the proceeds, the witness said that the arrangement was in place for several years before he became permanent secretary. He said that system had always been set up so that when the fertiliser arrived at the ports, it was received by the stores section and held in GPA and GGC warehouses before being taken up country.

The Lead Counsel asked what stores section he was referring to. The witness said it was the stores section of the Ministry of Agriculture. The Lead Counsel said it meant, therefore, that when it arrived at the ports, the Ministry of Agriculture took possession of the fertiliser. The witness responded in the affirmative. Continuing, the witness said that the fertiliser would then be transported, adding that there were many logistical details involved

in the transportation but eventually, the director of agriculture took six together with the ministry and decided on a distribution plan-how much fertiliser went to which region. The Lead Counsel asked if the director of agriculture's directorate was functionally part of the Ministry of Agriculture. The witness said it was one of several departments within the Ministry of Agriculture. He also confirmed that the director of agriculture was answerable to the permanent secretary and that he also an accounting officer for the allocations given to his department.

Dr. Badara Loum then explained that any delivery of fertiliser that was going from the ports to another region of the country had to be accompanied by a delivery note. For each consignment that went to any region, the divisional agricultural coordinator, DAC took possession of the consignment and signed the delivery note, a copy of which would be returned to the stores section of the ministry. The next step was sales. The witness said that it was a long-established practice that payment would be made in cash on delivery and credit sales were prohibited for many years due to some bad experiences. Then, because the Ministry of Finance negotiated the loan, once the divisional agricultural coordinators made their sale, they were supposed to deposit the money in a bank account/trust with the Ministry of Finance. The witness testified that the Ministry of Finance managed the account and that the Ministry of Agriculture did not have control or access to it. The Lead Counsel said that in a sense the Ministry of Finance would contract the revolving loan with BADEA, then fertiliser would be procured, then supplied to DACs who would sell it and then refund the account with the Ministry of Finance. The witness responded in the affirmative.

The Lead Counsel asked the witness who was in charge of the management of the proceeds of sale from the point of sale until the deposit in government accounts with the Ministry of Finance. The witness said that at the regional level, the DACs were in charge of the sale and also the banking of the proceeds. He added that the funds never passed through the Ministry of Agriculture because they should have gone directly from the divisional agricultural coordinator to the trust account with the Ministry of Finance.

⁷⁹We assume the witness was referring to the Gambia Groundnut Corporation.

⁸⁰BADEA is also called the Arab Bank for Economic Development in Africa.

⁸¹Arabic word meaning community.

The Lead Counsel asked if there was a system in place for reporting back to the Ministry of Agriculture on quantities of fertiliser received, sales made, retirement of those funds, and stock balance. The witness said there was an arrangement that every month, the head of the stores department, Alieu Saine, the director of agriculture and also the supplies officer would reconcile cash paid to the bank, the stock in their store, and also the outstanding balance. On a monthly basis, reports were made, given to the Ministry of Agriculture, and distributed to stakeholders.

When asked, the witness said that these procedures were regularly observed. The reports were disseminated to the departments within the ministry and particularly to the coordinators. The witness said that the reports would only leave the ministry if there was an issue that required outside assistance, like fraud for example, in which they would have to report to the police or the Secretary General.

The Lead Counsel asked the witness why they were supposed to report suspected fraud to the Secretary General or the police. The witness said that if something got to “that state” there was only so much the ministry could do, adding that the Ministry of Agriculture’s job was to ensure that there was transparency and that there was complete reconciliation of funds and assets and then report their findings to the permanent secretary. The Lead Counsel asked the witness if the permanent secretary was then obligated to report to the Secretary General and the police if they had established suspicion of fraud. The witness responded in the affirmative.

When asked, the witness stated that records and systems were scrupulously observed minus one caveat. He suggested that it should be taken into consideration the total amount of fertiliser brought into the country was so substantial that its use and distribution was spread out over two cropping seasons. Even though they kept records and systems, it was still sometimes very difficult for the director of agriculture, the stores managers and also the supply officers to quantify the total amount that was in a store. He said that they oftentimes had to take for granted the quantity they were told was in the store because sometimes there could be 3,000 or more bags of fertiliser in a warehouse, which have to be emptied

out and restocked in order to get an exact count. The witness said that the total weight tonnage would only become fully clear once the store was empty, which took two years in that case. The Lead Counsel said, therefore it was impossible to do proper accounting of the stores during the first season. The witness responded in the affirmative.

The Lead Counsel asked if there were any suspicions of fraud during the first season. The witness said that there was not any suspicion during the first cropping season because there were still so many tonnes of fertiliser left in the stores and they were difficult to quantify. It was not until the second season that suspicions arose when the stores were more depleted and easier to account for. When asked if the government accounting cycle was one year and if, at the end of that cycle, the government must account for all the funds and assets that were entrusted to each officer, the witness said, yes, where it is possible. The Lead Counsel said that the general order from the government did not state that they should account when possible but it stated that they must account at the end of every year. The witness stated that he wanted to explain that when you have a massive amount of supplies to account for, it is difficult and expensive to pay people to remove, organise, and count every item in the store. The Lead Counsel said that that was how it must be done.

The witness replied that although that accounting was very important, when the cropping season began, the fertiliser to be available and distributed to farmers and sometimes the timing of the crops overlapped poorly with different financial years. The Lead Counsel said he understood but insisted that only was relevant to the supply aspect and that they still had to do an accounting of government resources at the end of the year. The witness made some further arguments about the realities of the difficulties involved in accounting for large quantities of government goods. The Lead Counsel argued that it must be done no matter what.

After some further discussion, the Lead Counsel asked if it was the culture in the government at the time that they did not really implement rules properly.

The witness said he would not say that about the culture of the whole government. The Lead Counsel asked if it was typical for the Ministry of Agriculture to wait until the stock was finished or nearly finished to do a stock take or if they would follow the regulations that made them account for the stock of goods every year. The witness said that they would do a stock take every month accompanied by a report. The Lead Counsel asked the witness if he would agree with him that they were not actually doing physical stock take, because if they had they would have noticed the discrepancies earlier, to which he responded that they discovered the discrepancies after the end of the second year. After some more back and forth between the witness and the Lead Counsel, the witness said that he would not make any excuses for it and suggested that the DACs could clear up the questions about the stock takes.

The Lead Counsel said, but the witness was the permanent secretary, and that he was not necessarily attributing any failure to a particular person, what he was suggesting was that government procedures mandated that a physical stock take ought to have been made. The witness answered by once again asserting that it was physically impossible to do a stock take of large shipments of goods to governmental departments. The Lead Counsel contended that the ministries were run by educated people who should have known that there were systems that could have been put in place and used to make it easy to count the stock of various supplies. The witness said that would have been fine, but that was not the case. The Lead Counsel said that was precisely his point, that if you wanted to hide discrepancies in your stock you would stack it in such a way that it would make it difficult to count. The witness and the Lead Counsel argued about this point for a while until the Lead Counsel asked if the witness agreed that systems should have been put in place to allow proper accounting of stocks and he said he did.

The Lead Counsel said that in addition to needing to store goods properly, government rules mandated that there be a physical stock take at the end of the year. The witness once again argued that that would be ideal but

was unrealistic. The Lead Counsel and the witness argued back and forth on this point for some time further until the witness finally agreed that the monthly reporting being done on the fertiliser stock was not being done adequately.

The Lead Counsel asked the witness if there were any reports indicating that a physical count of the fertiliser had been done. The witness said there was no such report because it was very difficult and expensive to physically count all the supplies every month. Eventually the witness agreed that the rule was that government departments needed to account for funds and assets at the end of each year.

Moving on, Dr. Badara Loum confirmed that he discovered some discrepancies in the second year when they were doing monthly checks on the supply of fertiliser. He explained that as permanent secretary, in the event that discrepancies were found, it was first necessary to bring together all the divisional coordinators, the director of agriculture and the director of finance and admin to then go through the report meticulously to look for discrepancies and establish who was responsible for those variances. After the initial audit, people who had been indicated in those discrepancies had to be given the opportunity to explain how they came about. They were given two to three weeks to explain and cover for those shortages, adding that the attitude was that they should be given a chance to explain and if the explanation made sense it was fine but if it did not, they were supposed to write a report and forward it to the Secretary General.

The Lead Counsel then asked the witness to take a look at a document called Fertiliser Reconciliation Report as of 22nd November 2006 Department of State for Agriculture. The witness confirmed the document's title and that it originated within the ministry where the witness worked and was provided by him. When asked to briefly describe the document, the witness said that it was one of the many reports prepared during the time the fertiliser stock was with the divisional coordinators. The witness explained

how the document was prepared after the regional stock counts were compiled by comparing the amount of stock that was supposedly sold to the amount of money deposited by that region into the bank account with the Ministry of Finance.

The Lead Counsel asked if any discrepancies were found in that particular report. The witness responded in the affirmative and said that all the divisions except the West Coast Division had discrepancies in their accounts. The total amount in discrepancies from all divisions was 10.5 million dalasi and this was a major problem within the Ministry of Agriculture. Asked who, within the ministry, would have been responsible for those discrepancies, the witness said it would have been the divisional agricultural coordinators because they received the stock of fertiliser, stored it in their stores, sold it to farmers, and were supposed to pay the proceeds into the trust account overseen by the Ministry of Finance.

The Lead Counsel said that the witness essentially seemed to be saying that the divisional coordinators were directly responsible for the management, disposal, and accounting of the proceeds surrounding the fertiliser and he agreed. The Lead Counsel asked if the permanent secretary or director of agriculture had anything to do with the management of that fertilizer and the proceeds of its sale. The witness said that the Director of Agriculture was the head of the Department of the Agriculture and all divisional coordinators reported to him. In that sense, the director of agriculture had oversight responsibilities but not physical responsibility for the stock fertiliser and its proceeds.

Continuing, the Lead Counsel asked, if, on that particular occasion, anything happened during the period given to the DACs to make good on their discrepancies. The witness said that he was **arrested** during that period of time. When asked how it happened, the witness said he had just returned from a trip to Abuja with the honourable Minister of Agriculture, but prior to his departure he had handed over his reconciliation report to his deputy and asked him to work with the deputy permanent secretary of finance and admin and review the reconciliation report to discuss the results with the witness upon his return.

Dr. Badara Loum said that when he returned from his trip, he was arrested within two or three days.

When asked if he had the opportunity to sit with his staff before that happened the witness said he did not. Discussing his arrest, he explained that it took place on 13th December 2006. He received a call from one Ousman Jallow who identified himself as an agent of the National Intelligence Agency, NIA. Ousman Jallow asked the witness where he was and the witness said, “*he was around.*” Ousman Jallow asked the witness for his exact location because his director wanted him to come and shed some light on a few issues. Ousman Jallow then told him that he was at his home (the witness’), waiting for him, and he should come home immediately.

At the time, the witness explained, he was with a delegation from the EU and they were having a meeting at the Baobab restaurant. While it was going on, the NIA agents kept insisting on knowing where the witness was. The witness said that he suspected that if he told the people who had identified themselves as agents of the NIA where he was, they might just pick him up from the meeting. So, the witness said, he decided to meet them at his home.

When the witness got home, he found a white pickup truck by his compound gate with Gambia National Water and Electric Company, NAWEC, number plates. Immediately, two officers alighted from the vehicle and identified themselves as Lamin Darboe and Ousman Jallow. They told him that they were NIA agents and that their director needed to talk to him now. The witness told them that was fine but asked if he could please go into his compound and inform his family that he was under **arrest**. The NIA officers told him that he was not under arrest and they just needed to speak to him for a brief moment.

They told him that going into his house was not necessary and that it would just bring problems.

The witness insisted and told them that his wife was not around and only his children were home so he at least needed to tell them that he was being **arrested**. After some push and pull they let him go to speak to his children. Lamin Darboe accompanied him into the house. The witness said he told his eldest child, Sulayman, that the men were from the NIA and they were there to **arrest** him. Sulayman asked the men to show them their identification so that they could confirm that Lamin Darboe and Ousman Jallow were actually NIA agents but they refused. The witness told his son it did not matter and he would follow them. He asked Sulayman to take care of the other children because he was the eldest and he did not know when he would return.

The Lead Counsel asked the witness if he rode with the NIA agents. The witness said he was actually asked to drive his official government vehicle and they followed him in their NAWEC pickup. The witness said he was struck by the fact that he was wearing a light shirt at the time of his **arrest** and the agents told him that he should go change into something “heavier”. That was when he suspected that something was not right. When asked what his suspicions were, the witness said that he suspected that “*well maybe I am there for the long haul.*” He said the reason he suspected that was because there were already two or three permanent secretaries at Mile 2 Prison.

The witness said he had friends like Lamin Sanneh, director of PS⁸² for works who died, Omar Ndow then Managing Director of Gambia Telecommunications, GAMTEL, Foday Barry of the NIA and half of the government. The witness clarified that he meant that the top echelon of government was there as the arrest and detention of senior government officials was the norm at the time, which was why he had his suspicions when he was asked to wear a heavy shirt for his meeting with the NIA.

The Lead Counsel asked the witness if the direction they were driving in gave him any idea of where they were going. The witness said no because they told him to drive through Bakau because his deputy lived there and the NIA agents wanted him to show them where his deputy lived. The witness said he drove through Bakau and to his deputy’s residence and they asked the witness to wait at

the gate. He waited at the gate for a long time until eventually Ousman Jallow, who the witness believed was in charge, told the witness, “*Okay, let us drive to Banjul.*” The witness said that Ousman Jallow left the pick up with the other guys and told him, “*Okay you can ride with Mr. Jaito, he is my deputy.*”

The witness said he drove with him towards Banjul and when they were near Mile 2 Prison, he asked the witness to park up the road to wait for his deputy. The witness said that after some time, he saw his deputy who overtook them and drove in to Mile 2 Prison. The witness asked, “*Is that where we are going?*” and the NIA agent confirmed it was. When they got into Mile 2 Prison, the witness realised that he had some personal items in the car. He told the NIA agents that the car was a government car but that the phone belonged to him. They told him not to worry; they would return it to his children. The witness testified that he gave them his brand-new phone and he never saw it again.

The Lead Counsel asked who took his phone and the witness replied he could not be sure but he thought it was either Ousman Jallow or Lamin Darboe. The Lead Counsel then asked who he was riding with and the witness said he was with Ousman Jallow in the vehicle but when he got to Mile 2 Prison there were a lot of people around and the witness could not be sure who he gave it to. The Lead Counsel asked if they told him why he was at Mile 2 Prison. The witness said they did not. He explained that after he was taken inside and his personal belongings were confiscated, he was given a form and asked to write down everything he knew about “the fertiliser.”

When asked where he was given that form, the witness said it was some office inside the prison and it occurred around seven or eight. He said he was asked to write everything he knew about the fertiliser and also tractors belonging to the Alliance for Patriotic Reorientation and Construction, APRC. The witness said about the fertilisers that he was not there when it was imported and he was not responsible for storage transportation or sales, he was working as the permanent secretary at the Ministry of Agriculture. The witness also explained in

⁸²The witness did not indicate what “PS” stood for.

the form about the system with which the fertiliser was supposed to be managed as he did for the Lead Counsel earlier in the hearing, adding that he was never involved with the APRC tractors.

When asked if the statement was seen as satisfactory, the witness testified that at first it seemed to be. The Lead Counsel asked if from there they let him go. The witness responded in the negative, from there they marched him into security wing number 5 and threw him into a terrible cell.

He was not told the offense he had allegedly committed, he was not charged, he was not able to contact his family, and he was not given the opportunity to talk to a lawyer.

The Lead Counsel asked if, apart from being booked, searched, and given a cautionary statement, anything else was done with him before he was put into a prison cell. The witness responded in the affirmative. The Lead Counsel asked him how he felt as a senior government official to have been **detained** without any formal process. The witness said that he was mostly angry, angrier than scared, because he knew that he had done nothing wrong. He thought, *“this is how my government repays me for my services.”*

The Lead Counsel asked the witness to give a good description of maximum-security wing 5. The witness said that a good description was that when he eventually had access to his friends who were also at Mile 2 Prison, his friends would say that one day the prison would be turned into an animal pen to which the witness would reply that if you put animals in there they would die, as a veterinarian he could say the prison was unfit even for animals. He added that it was horrible and he was flabbergasted that at the time of the testimony Mile 2 Prison still existed. He thought they should raze Mile 2 Prison to the ground and build a new prison somewhere else.

The witness then said that when he first arrived, in his naivety, he told one of the guards that they had forgotten to turn on the light, to which the guard told him, *“What*

light? There is no light here.” Then the witness looked around and saw something that looked like a bed-sheet but it smelled so bad that he just put it on the floor. After he was put into his dark, two by two-and-a-half-meter cell, he had to grope in the dark to find his bed. The cell was stinking and full of mosquitoes and the blanket was so filthy that he initially thought he could never sleep on it. He tried to sleep on the mattress but his mind was racing, trying to figure out what had happened. The witness said that at the time he knew he had done nothing wrong and thought it would be sorted out soon.

In the cell there was no sanitation, only bucket of water in which to relieve yourself and two or three litres of water *“that you are supposed to use throughout the night.”* The witness said in the morning he could really see how filthy the cell was. In the morning, some colleagues from before had the opportunity to come and see him through a peephole in his cell door. They told him that they welcomed him though they were sad to see him inside Mile 2 Prison. The witness said that he clearly remembered when his colleague and friend, Lamin Sanneh who was the “PS for works”, looked through the peephole and said, *“Boy, you are here.”* The witness said Lamin Sanneh told him that he was sorry to see him there but now that he was he would have to survive somehow. Lamin Sanneh told the witness that they had to survive and tell their story so that not only The Gambia but everyone would know what they went through.

The witness said, at first, he was kept in solitary confinement for almost a week in which he was only released for 20 minutes in the morning for a shower - if he were lucky.

If the line for the shower was too long, then you would miss your chance. Another thing that had an impact on the witness was the fact that basic medical care was almost non-existent. The witness said that there was a man who was “some sort of medic,” called Walf Kujabi.

The Lead Counsel asked the witness what he meant when he called Walf Kujabi, “some kind of medic.” The witness said that he did not think he had basic training in medicine. He said on one instance, Walf Kujabi asked them how to spell abscess and leukocyte for him because he was writing a report. The witness said he knew that guy could not have had any medical training yet he was responsible for the health of the witness and the other prisoners. The Lead Counsel asked for the name of medic again. The witness said he thought his name was Walf Kujabi and speculated that the name Walf could have been an acronym or something like it. He added that he heard on the radio at some point later that Walf Kujabi had passed away.

The witness stated that Walf Kujabi was at least responsible for the medical unit of security wing 5. The witness that he was also struck by the many signs of malnutrition, advanced or terminal tuberculosis, and severe mental illness amongst the prisoners. For example, the witness said that one young prisoner of Mile 2 Prison would tell him that he was only staying there because he did not like his mother and he was not actually **detained**. The witness said one man named Abdurahman Bah had been **detained** in security wing 5 for almost nine years without a trial. The Lead Counsel asked if it was Baldeh or Bah. The witness said he did not know but could say that the man only spoke Fula and French. When Abdurahman Bah learned that the witness spoke French he would often explain to the witness his predicament.

When asked what that predicament was, the witness said that Abdurahman Bah had been unfortunate in that the day of the Farafenni attack, he was caught at the border between Basse and Velingara with a homemade pistol.

Someone thought that he was one of the Farafenni attackers and taken to the security wing for almost nine years, he had never been to court.

The witness said that after he was released on a court order, he asked a friend who was later released about the fate of Abdurahman Bah. The witness said that his

friend Omar Ndow told him that Abdurahman Bah lost his mind shortly after he (the witness) was freed from Mile 2 Prison. The witness did not know what ultimately happened to that man.

Continuing on, the witness said there were major issues with malnutrition. He said that “ancient” diseases like Beriberi were rampant in the prison. When asked why he described them as ancient, the witness said that they were diseases that people in modern times did not have to grapple with. They were diseases of nutritional deficiency and he was shocked that the most basic nutritional needs of prisoners were not provided. He particularly had sympathy for a group that they called “the rebels,” who were from Casamance, and were being fed a starving diet of white rice. Many of them contracted Beriberi. The Lead Counsel asked what the symptoms of the disease were and the witness said one of them was if you press the skin of someone with Beriberi, your finger will leave an impression in their skin for several minutes.

The witness said that also, people with tuberculosis were using the same toilet facilities as everyone else in the prison. When asked about utensils, the witness said that you had no way of knowing if the plate was cleaned or not and also, he doubted that it would ever have been washed let alone disinfected. The Lead Counsel asked if there was any kind of medical quarantine taking place for the tuberculosis patients. The witness responded in the negative. He added that he did not officially know their diagnoses but to him their clinical symptoms were very clear. The Lead Counsel said that a man of his training would be able to identify that. The witness responded in the affirmative. He added that it would have made sense to just transfer them to the infectious diseases hospital, which was just across the way. The Lead Counsel said it was 150 meters from the prison.

The sick inmates were never taken to the hospital.

The Lead Counsel asked the witness to tell him about the food and the reasons behind the malnutrition.

The witness testified that it was mainly due to lack of protein. He said that if a prisoner was about to die, they would be put on a “high protein diet,” which consisted of stew with “quarter bonga⁸³,” just a piece of “bonga” as the high protein. Ordinarily, there was almost no protein in the diet. In the morning they were fed pop⁸⁴, in the afternoon they were served either dry or wet chere, which was actually not real chere but made from the husks of the grain. The Lead Counsel said that was normally meant as animal feed. The witness said yes, if you do not add something to it for nutrition you would eventually die. He added that even the pop was a mystery and no one really knew what it actually was.

Even stranger, the witness said that the guards would sometimes go around collecting plastic bags from people’s cells. The witness later found out that every Thursday a bull was actually being slaughtered for the inmates and people would share the meat. The Lead Counsel asked who shared it and the witness said it was the people looking for plastic bags, the wardens, prison officers, and others, ate the good meat, while giving the prisoners scraps of organ meats if they were lucky. If not, that then protein sometimes was served as a bone that even a dog would have difficulty eating.

The Lead Counsel asked if the witness was aware that the guards were slaughtering a bull every week and taking the meat for themselves. The witness said he learned about it because he asked people why the guards were always looking for plastic bags, specifically on Thursdays. He said that every Thursday, the prisoners also did have some amount of meat. When, asked the witness said that the detainees never spoke up about the food and when the witness asked questions they would caution him not to speak up about things.

He also recalled that he was once fed rice laced with diesel.

The witness said that when this happened, he asked the guy in charge if he had smelled the rice. That guard explained that the driver who picked up the rice had also picked up diesel, which had contaminated the rice. The guard told him it was not a problem. The witness

added that when he spoke up about the rice, another detainee asked him to please not complain too much about the food or they would all be in trouble. The witness said that he felt like the prison superiors should know what was happening to the detainees.

He said he also thought that he may or may not survive and noted that many people did not survive. He said that many people died while he was there, not just in the security wing but also in the main yard.

One man in prison told him that he had kept a record of the deaths and from August to December there were around 38 deaths.

The Lead Counsel said that was a death rate of epidemic proportions considering the population size. The witness agreed but also conveyed that that information was hearsay and he could not confirm its accuracy.

The Lead Counsel asked if he had reason to believe there were many deaths. The witness said he did and that based on his medical background, he knew that people would die in Mile 2 Prison. He talked about how people have varying abilities to resist disease and that not everyone was able to survive Mile 2 Prison. He said if you were unfortunately not able to withstand the conditions you would die. When asked about the water, the witness said that the water may not have been that bad because it came from the public tap. However, there was no way of knowing if the place where the water was kept was actually clean. The witness said they would give you two bottles of water a day and you had no way to know if they were clean bottles.

Additionally, there was hardly any ventilation in the cells. The back of the cell had a small window and the door had a peephole. If you were lucky some air might pass through. The witness said that he was lucky to have been **detained** in December when it was cool because he heard from other inmates that in June-August it would get so hot you would be naked in your cell and when you got a chance

⁸³Bonga is a type of fish popular amongst Gambians.

⁸⁴Porridge made from corn meal.

to go outside for fresh air you would run out half naked and sweating. The Lead Counsel asked the witness if, as far as he knew, the **detainees** complained about that particular condition. The witness said that the detainees were scared to complain and if you spoke up they would ask you not to so they would not get in trouble.

The witness said there were different ways that they would punish the inmates including restricting group prayers, which was important to many. The witness said he had to thank the Christian charities here because he never saw any Muslim charities bringing things to the prison. The witness said the Christian charities used to bring them tapalapa bread and Suntop⁸⁵. The witness said that might not seem like much but to them it was like a Tobaski feast. Those days helped them greatly and he was grateful to the Christians for what they did. He said that he was a Muslim but was disappointed by the Muslim charities. He said they had Sunday service for the small population of Christian inmates but he never saw one imam.

Discussing his bedding, the witness said that it was a rough straw mattress of an indeterminate age and smelled terrible. The mattress was on a concrete slab and they were given a bed sheet that also doubled as a blanket. When asked, the witness said that as far as he knew you were supposed to wash your own blanket. He said that he did not use the blanket for a while until his neighbour (who had been jailed for armed robbery but did not know what the term armed robbery meant) told him to wash his own blanket. He said that it was also very hard to dry your blanket. In short, they would not wash anything for you. Additionally, the witness said there was no protection from the mosquitoes and malaria was rampant in the prison.

Dr. Badara Loum added that there was also significant ethnic discrimination taking place within the jail.

For example, he had a terrible chest infection and he asked the “medic”, Walf Kujabi, to prescribe him some medicine for his wife to pick up for him. Walf Kujabi told him that he was out of prescription forms for the day.

The witness said that soon after, he saw Walf Kujabi writing prescriptions for his Jola cousins. The Lead Counsel said that in a sense he was confirming other witness testimony that the Jolas received preferential treatment. The witness said that was true and added that many of the prison officers were Jolas. He said the Jola prisoners suffered like they did but they also received small privileges.

Continuing on, the Lead Counsel asked how it felt to him, stepping down from the high pedestal of permanent secretary in one of the most important ministries in The Gambia and being thrust into Mile 2 Prison without any explanation whatsoever about what he may or may not have done. The witness said at the beginning he was very angry but later, with his background he was able to understand things and could make some diagnosis and arrive at conclusions. He thought, “*this is what I have to go through.*”

As a religious person, he sometimes thought perhaps it was just his destiny, but he was also very angry and his blame rested wholly with Yahya Jammeh. He also speculated that maybe, as a country, they somehow allowed it to happen.

When asked why he blamed Yahya Jammeh, the witness said that two or three days after he was taken to Mile 2 Prison, he was brought to the office of David Colley who was the head of prison services. He told the witness that they did not know anything about his case and they had orders from the top to bring him to Mile 2 Prison. The Lead Counsel asked if any document was submitted Mile 2 Prison as authorisation for his admission in to the prison. The witness said that it never happened. That was why David Colley told him that he was there because an order from the top. When asked what he understood the phrase “order from the top,” to mean, the witness said that he understood it to mean that

⁸⁵A brand of juice.

Yahya Jammeh had personally ordered for him to be put in prison because no one else in the country had the power to do that the way it happened.

The Lead Counsel asked the witness if, while at Mile 2 Prison he had any contact with investigative authorities. The witness said that after almost a week or ten days he was taken to the NIA from Mile 2 Prison and asked to give details about the problem with the fertiliser. He said he explained in detail to the NIA the same details about the fertiliser he had explained to the TRRC. It was also the first time he had the opportunity to see his wife. The Lead Counsel asked the witness if, before he was taken to the NIA, he was given the opportunity to see his family. The witness said, never. He said that some of the detainees who had been there for a long time, like detainees from the Ndure Cham coup attempt, were able to see their relatives. The witness asked why some were getting visits and he was not. He was told that it was because he was a security detainee and security detainees were not supposed to have contact with their families. Additionally, the witness was not allowed to speak to a lawyer. He was never accorded the opportunity.

The Lead Counsel asked if his first contact with the outside world was when he was taken to the NIA. The witness agreed. When asked he said that he thought he was taken to the NIA 10-14 days after he was confined. The Lead Counsel asked him to describe his experience at the NIA. The witness said he explained everything he knew about the fertiliser, how the system worked, and how it was supposed to be managed. He explained that he had no part in the procurement, storage, sale, or management of funds related to the fertiliser. He added that the people to ask were the ones who “*had the goose under lock and key,*” the divisional agricultural coordinators. The Lead Counsel asked if they accepted his explanation. The witness said he did not know if they accepted it or not. He added that the people who interviewed him seemed to be junior officers who were used to just taking statements.

The Lead Counsel said that the witness gave them the reconciliation document. He asked the witness to describe it. The said the reconciliation report was analysed by a man named Sanyang. The document essentially analysed

discrepancies between stock numbers and bank receipts for every divisional coordinator who was supplied with fertiliser. The Lead Counsel asked if the discrepancies represented missing funds that the government was after. The witness said he was not sure because he was not sure how they even arrived that the conclusion that they did and it looked like they had compounded the interest on the loan. He said the bottom line was it recorded how much was given to you, how much had you sold and how much was outstanding.

When asked if there was an official audit by the Gambian Government, the witness said one did occur after he was already arrested. The Lead Counsel said that therefore if there was any suspicion that funds were stolen it was based on speculation at the time of the witness’ **arrest**. The witness said it was possible but also that the information at the time pointed to the possibility that funds might have been missing. The Lead Counsel asked if the basis of that conclusion pointed to where or at what office the funds might have gone missing. The witness said it did very clearly, it pointed at the DACs. The Lead Counsel asked if, based on the arrangements that were put in place, the permanent secretary had nothing to do with any of the administrative steps involved in dealing with those funds. The witness said that was his understanding.

Continuing on, the Lead Counsel asked him why he thought the government “jumped all those responsible entities and officials” and moved on to him. The witness said that at the time the executive thought that they could do anything and there was so much power concentrated in the hands of Yahya Jammeh that he could do whatever he wanted.

The witness said that it was his understanding that when Yahya Jammeh learned of the missing funds, he ordered people to go and get “Dr. Loum.”

The Lead Counsel said that that was hearsay and the witness agreed. The Lead Counsel asked him how close the person who told him that information was to Yahya Jammeh. The witness said that he did not want to reveal them but they were very close to the former President.

Reviewing the NIA meeting with the witness, the Lead Counsel said that he explained the process to investigators and they said they would call in the divisional agricultural coordinators to investigate further but nothing happened subsequent to that. The witness agreed. The Lead Counsel asked if any further investigation was done after that. The witness said he believed it was because he heard that some of the divisional agricultural coordinators had to sell their properties to offset the losses and there was also an audit from the Central Auditing Department and an audit report eventually came out. The Lead Counsel asked if the divisional agricultural coordinators who had to sell their property were arrested. The witness said that to his knowledge no divisional agricultural coordinators were arrested. The Lead Counsel said that forcing them to sell their properties did seem to indicate some form of acceptance of responsibility. The witness agreed. He said the evidence that they had refunded some of the money was that when he was charged there were six million dalasi withstanding, but after he was released the amount outstanding was down to around three million dalasi.

The Lead Counsel said other people were paying for the shortages that the witness was supposed to be accountable for. The witness said exactly, and added that he never paid a single dalasi towards it. He added that, at one point, *“a prosecutor asked him to talk to his people to get them to pay more.”* The witness asked him how he was supposed to know who they were.

The Lead Counsel then said that first few weeks he was not charged with an offense but he was in **detention** for 70 days. The Lead Counsel asked the witness when he was charged. The witness said it was right as he came out of **detention**. The Lead Counsel asked how he managed to get out of detention. The witness said he was freed through the efforts of his wife who spoke about her husband’s case to many of the top lawyers in the country.

Many of them advised her to wait because **if she started legal action against the government it would anger Yahya Jammeh.**

The witness said that eventually his wife was fortunate to talk to a lawyer named Amie Bensouda who said that she was glad she had talked to her because if the case was not brought up he (the witness) could languish in jail for a very long time. Singlehandedly, along with the Deputy Lead Counsel of the TRRC who was then working with Amie Bensouda, they managed to get him out of jail. He said that Amie Bensouda personally visited to him at Mile 2 Prison, brought him his discharge paperwork and took him out in her own car. The witness said he thought that was really remarkable. He also said that he also owed the Deputy Lead Counsel Haddy Dandy his thanks for the work she did to help him win his freedom.

The Lead Counsel said that those **three women really sorted him out** and Dr. Badara Loum added that **all the men he asked for help were afraid of challenging Yahya Jammeh.**

Moving on, the Lead Counsel said he was released after seventy days of detainment at Mile 2 Prison without charge, without being presented with a lawyer, without an explanation as to what he had done. The witness said that was true. The Lead Counsel then asked the witness how he felt about it after he was released.

The witness said that for him, the basic problem was that he had been shown a letter of termination from his post at the Ministry of Agriculture while he was in jail. A guard showed him the letter through the slot in his door. The witness asked for a copy of the letter but they would not give him the letter. He said that after some period authorities also confiscated his passport. When asked, the witness said that he

believed that Ousman Jallow was the one who showed him the letter. The witness was never actually given the letter and he was not allowed to read it. The witness was in Mile 2 Prison and some time after filling out the cautionary statement, on the day in which he was made to hand over his position to a deputy, the witness was shown a letter of termination. The Lead Counsel asked him to whom he handed over his position and the witness said it was to Dr. Amadou Sowe who was the next in line for the position.

The Lead Counsel asked if, after he was released, he was truly freed from the accusations that he was responsible for the millions of dalasi missing from the Ministry of Agriculture. The witness responded in the negative, he said the possibility of going back to jail was always hanging over his head. The witness then confirmed he was subsequently charged with economic crimes. He said that his trial took place over five years. He read a list of the names of the Justices that he saw within those five years. He added that it took five years because the audit report came out early in the process and exonerated him. He said that when he went to pick up the audit report, people appeared to be afraid to speak with him, because, the witness speculated, they may have been afraid of Yahya Jammeh.

The Lead Counsel asked the witness how he knew the audit report exonerated him. The witness said it was because he had friends that worked at central auditing who read the report and let him know.

The witness said that after his case was finished, the judge's report stated that the witness should have been exonerated when the audit report came out because the audit report showed that he was innocent.

The witness said he did not know at what exact date this to come out but it was in the judge's report. The Lead Counsel said that the state had an obligation to disclose the report to the witness so he could use it in his case.

The witness said it was not done. He said that he was aware of it but the people who had the audit report in their possession were scared to give him a copy of it so he could not use it in his case for some time.

The Lead Counsel said that he was ultimately prosecuted for a period of five years. When asked, the witness said he could not leave the country because his travel documents were with the state. He was unable to travel and he could not find employment because people were afraid to talk to him. He agreed with the Lead Counsel that he was considered "toxic" at the time. He said he could remember that Maimuna Taal was in court around the same time. The witness remembered that she told him that she was very sorry for him and that normally in his kind of situation you become poorer because you spend your resources paying for your lawyers, and you lose all your friends. The witness said she was right. He said the reality was that people avoid talking to you and he avoided contact with any government officers.

Next, the Lead Counsel asked the witness if he was aware that there was some reluctance on the part of the state institution to execute the order of the courts and have the witness released. The witness said he was not aware of it but he also was not surprised. The Lead Counsel said that perhaps that was the reason why his lawyer, Amie Bensouda had to physically go to Mile 2 Prison to get him out. The witness said it was very strange to see Amie Bendousa inside of Mile 2 Prison. When he saw his lawyer inside the prison he thought, "*there must be something behind this thing.*"

Continuing, the Lead Counsel said that, ultimately, he was acquitted and discharged by another woman.

Dr. Badara Loum said that for him it had always been an experience and the women in his life really helped him.

He explained that it was not that he did not have male friends and colleagues but when push came to shove it was the women in his life that bailed him out. The Lead Counsel said that they were the ones who had the strength of character to stand up to the injustices against him. The witness said, exactly. The Lead Counsel added that he heard there were what were called “mercenary judges”⁸⁶ in Gambia at the time of his trial. The Lead Counsel said he must have been lucky not to encounter them. The witness said he may have encountered several during the early part of his trial; he was just lucky. He said he did not have proof but he had suspected that these included Justices Wowo and Yamo⁸⁷.

Moving on, the Lead Counsel said that ultimately on 16th January 2012 the witness was acquitted and discharged. The witness responded in the affirmative. The Lead Counsel asked him to look at a document and tell the court what it was. The witness said it was the judgement from the high court before Justice Amie Joof. The Lead Counsel submitted the document for evidence. The Lead Counsel said that there were several news reports about his case and read a report, which said he was charged with being the accounting officer entrusted with responsibility for distributing and selling 38,000 metric tons of fertiliser and 2,230 metric tons of urea. It said he wilfully omitted or recklessly handled the material causing losses of 1.5 million dalasi. The Lead Counsel asked the witness to look at those documents and confirm if they accurately represented the charges that he faced. The witness said they did.

When asked, the witness read from one of the articles the particulars of his first charge. The witness read the section of the paper, which described how he had been charged with mishandling, wilfully or through negligence, the fertiliser, causing 6,000,349 dalasi worth of losses to the Gambian Government. The Lead Counsel said this was the initial charge he faced and then said that the second document reflected the amended charge. The Lead Counsel asked the witness to read the amount of the discrepancy on the amended charge. The witness said it went down to 1,471,251 dalasi. The Lead Counsel then said that the difference between the two charges would then be money that was recovered from people with direct responsibility for the money. The witness agreed.

Trying to understand, the Lead Counsel said that the witness was charged for something that happened that was not his responsibility and that he was charged with the losses caused by other people that had not reimbursed the state. The witness said that was exactly right, and added that in one strange moment he was even asked by the prosecution to help recover money from the divisional agricultural coordinators. He added that he thought it was gross incompetence on the part of the state.

He further remarked that he had the misfortune to work closely to Yahya Jammeh for some time and “gangsterism” was the order of the day.

The Lead Counsel asked the witness if he resigned, knowing what the government was headed by a gangster. The witness said that he did not resign because he knew that Yahya Jammeh would get his day in court and that he felt he was working for the Government of The Gambia not Yahya Jammeh. The Lead Counsel asked that the news articles be submitted as evidence.

Continuing, the Lead Counsel asked the witness if, after being acquitted of the charges that hung over him for five years, he was able to proceed with his life unhindered. The witness said unfortunately not. He said that after he was acquitted, he had an opportunity to work for FAO in Sierra Leone and Liberia, preparing their national livestock reviews. When he applied to the passport to the head of state, he was told that his passport belonged to the Gambian government. The witness then read the letter he received back from the government telling him that the passport was Gambian government property and that he needed to apply to the Ministry of Interior. He did not apply to the Ministry of Interior because he felt it would be a waste of his time.

Fortunately, he was eventually able to travel because he had a friend that was able to help him acquire a passport, “legally or illegally.” The witness gave

⁸⁶A number of judges in The Gambia have been accused of corruption of justice under Yahya Jammeh.

⁸⁷Probably referring to Justice Joseph Wowo of Nigeria, former chief justice of Gambia and Mabel Yamo⁸⁷ Agyemang of Ghana, the first woman to hold the position of chief justice in The Gambia. She lasted six months before Yahya Jammeh dismissed her without explanation.

him an old passport and his friend “went underground” to get him a new one. He said that when he had it, he was smuggled across the border to fly out from Dakar. The Lead Counsel told the witness to rest assured that he was not the only one to have done that. The witness laughed. The Lead Counsel said that many people were denied the opportunity to get international jobs but they managed to get smuggled out of the country and left. The Lead Counsel asked why he took that option. The witness said that he was concerned that Yahya Jammeh’s government might **arrest** him but when he returned from working abroad, he did not encounter troubles.

On everything that happened to him, Dr. Badara Loum said he was not fairly treated by the head of state, his career in the civil service was cut short by seven years and for five years, while he was on trial, his life was in a sort of limbo.

During that time, he could not work or do anything and no one would talk to him. The witness said his family was negatively impacted as well. He said he was especially upset by an incident in which his youngest daughter was confronted by her schoolteacher who asked her where her father was. His daughter said that she was traveling but the teacher insisted that she tell her everything and asked if her father was in prison. The witness said his daughter did not answer the teacher but the experience was traumatic for his daughter. He said, fortunately his daughter was doing very well in life.

At this point the Lead Counsel handed the witness over to the Commission for questions, but first he asked the witness to say a few words about his colleagues in prison. The witness said that he was imprisoned with many other civil servants but he especially wanted to remember his friend Lamin Sanneh, known as Lamin Sanneh “See”, who was an outstanding engineer. He designed the Westfield Brikama Highway and many other bridges and roads.

The witness said that he was a gentleman and that **Lamin Sanneh could not take the trauma and died shortly after he was released from prison.**

The Lead Counsel said that the two of them had been extremely close and that the witness even wrote a poem for and about Lamin Sanneh. The witness shared the poem at the request of the council it read:

“Ode to a Friend, Lest We May Forget, In Memory of Lamin Sanneh “See”

Oh Dear friend Lamin I will forever mourn you

How can I forget the tough days eternity that we weathered through together at Mile 2

Humiliation, trepidation, consternation and dismay

With egos deflated, shattered, battered, and bruised

Desperately clinging on to the tiniest thread of our challenged collective sanity

We subsisted through our ordeal wishing to survive and tell our story

Who can forget the night of first arrival direct from the apparent luxury, the great comfort of our homes

To the dense days suffocating disconnect between reality and the figment of our wild tattered imagination

I remember the relief I had on seeing you the morning after and your welcome remarks

‘Boy I am sorry to see you here. It is a horrible place but we must survive.

The food here is horrible terrible and inedible

If you eat it you may survive or perish, if you don't you will die’.

Striped of all our worldly possessions aside from our intellect and resilience

You are an inspiration to us all

Lengthy period of enforced isolation provided fertile ground reflection and mental gymnastics

Despite the odds we shared optimism enthusiasm and vision of our country's great future

I remember long hours of heated intellectual exchange

On issues as diverse as the works of Einstein, Homer, Christopher Okigbe, Stephen William Hawkins, the nature of doppler effect, entropy, algorithms, black holes and black energy, the big bang and the big quen⁸⁸

Artificial intelligence that our incomprehensible incarceration afforded us.

I remember also the manic depressive manic chap with smelly camembert sores you referred to as the village idiot and the evil slimy skinny dictator we all called pol pot who would only smile when locking up detainees

And the medic who requested us to spell abscess and leukocyte for him

A shining example of a specialist from the bankrupt held delivery outage

To whom our collective health and survival were mortgaged to

Let us all pray to Allah to save the health of the prisoners at Mile 2

At least they fall pray to the machinations, trials and tribulations of the specialist

O Lamin, the only regret is that you did not live to witness the coalescing and gelling of our aspirations

And the final time of truth over ingenuity over falsehood over mediocrity and sycophancy

However rest assured that we the survivors of miles 2 will tell our story and continue absorb the moments we share together

And pray you rest in perfect peace dear friend"

After reading his poem. The Lead Counsel said that he could assure the witness that many people who went through Mile 2 Prison would feel the same way. The witness said he was not really a poet but a scientist but he felt called to write it. At this point the Lead Counsel asked if the poem could be exhibited and potentially put into the TRRC museum someday.

After a few questions from the Commissioners, the witness gave his concluding remarks.

Dr. Badara Loum thanked the Commissioners, the audience and his family. He expressed his gratitude for the opportunity to tell his story at the TRRC about the experiences he lived through.

He said that as a nation they lived through horrible human rights violations unleashed by Yahya Jammeh and his loyalists.

The witness said that to set the record straight, civil servants like himself did not serve Yahya Jammeh, they served the Gambian government and its people. He added that his civil service career spanned over three decades and he watched it go from being one of the best civil services around through the process of it being degraded beyond recognition. Core values were eroded and appointments were not based on competency and experience but political connections and favours.

He stated that in order to better the Gambia, there must be a paradigm shift in the civil service towards justice, limiting the power of the executive in the new constitution, screening and confirming justices, and also giving people due process in termination or dismissal from appointed positions. He highlighted there was need to invest in services, infrastructure and agriculture in the country. He also warned that tell tale signs of old problems were already beginning to re-emerge. For example, he was chairman of the board for food safety and quality authority but he resigned after six months because he decided that he would never be party to an "illegal process."

⁸⁸Unclear what word the witness said.

Dr. Badara Loum declared that it was no longer tenable for a whole nation to be held hostage by one person with an inferiority complex and megalomania. He decried the various negative aspects of Yahya Jammeh.

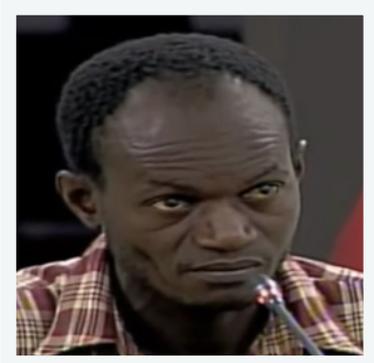
He again thanked his wife, a remarkable woman who challenged authority when no one else had the courage to do so.

The witness also thanked Amie Bensouda, the Deputy Lead Counsel Haddy Dandy who also worked on his case and Lamin Camara who pursued his case in the High Court for five years. The witness finally thanked many organisations and people in the world of agriculture who helped him through his ordeal.

Persons Mentioned By Witness During Testimony:

Arbitrary arrest and detention

Yahya Jammeh, Ousman Jallow, Lamin Darboe, David Colley



WITNESS NAME: Alpha TOURAY

TRRC HEARING DATE (S): 2nd March 2020

EVENT (S) DISCUSSED: APRC bureau arson attack; arrest and detention of the witness and others; impact of the detention on the witness and his family

POSITION BEFORE THE EVENT (S): Police constable

ROLE DURING THE EVENT (S): Arrested and detained

POSITION AT THE TIME OF TESTIMONY: Not mentioned

SUMMARY OF TESTIMONY:

After giving a brief summary of his educational background, Alpha Touray told the Commission that he had worked for different security companies including G4S and Tigertail. He stated that after he had applied to join the Gambia Police Force, he was invited to attend the selection process and successfully passed. On the selection criteria, he specified that they had to pass Maths and English (at the Gambia College), and their height and fitness were also taken into account.

Discussing the training, the witness explained that they trained for 10 months at the Training Police Recruitment. The training included learning how to march and take statements. Asked what rank he was given after his training, the witness said he completed his training on 10th July 2012 and was given the rank of police constable.

Alpha Touray recalled that after the training, he was posted at Manjai Police Station but because Manjai was very far for him (he lived in Sanyang), he negotiated with one of his colleagues to swap and he ended up at Brikama Jidda

Police Station. Asked if the swapping process was through the police, the witness said yes, the station officer at Manjai Police Station communicated with his counterpart at the Jidda Police Station in Brikama and the witness was eventually transferred there where he remained for five years.

Asked about his role at the Jidda Police Station, the witness stated that when on duty, he would wait for any complaints to come in so he could take them down. The witness recalled that one fine day, when he arrived at the station, his superior told him there was a mission in Banjulinding. He was not told what the mission was. Asked if it was normal to be transferred from one police station to another just like that, the witness said it was because there were always missions.

When the witness got to Banjulinding, he was moved to Kanifing Municipal Council, KMC where he stayed for some days. Alpha Touray stated that one day, then Sub Inspector, SI Lamin Tabally came and said he needed some men where he was posted at the Alliance for Patriotic Reorientation and Construction, APRC political bureau in Kanifing (near the French school) so the witness was instructed to go with him. The witness was asked if during that time the nature of his work involved sentry duties or guarding any posts and the witness who seemed not to understand the question responded that “*when we get there, we just sit down and observe their movements, their coming in and out*”. The witness then told the Commission that he was posted at the APRC political bureau with two police officers called Kaddidjatou Jallow and Adama Mbye in addition to Lamin Tabally. On the first day, the female police officers left for the evening and returned home. The witness and Lamin Tabally spent the night at the bureau but the next day, he told the witness that he (the witness) would spend the night there alone.

Asked what his duties were at the bureau and if he was told the reason he was there, the witness said he was never told, adding he was not even given food whilst there.

Asked if he knew if the APRC bureau was a government institution, **the witness responded that at that time, he took it to be a government place because it was “Yahya Jammeh’s place”**.

The Counsel further asked if the witness knew if the government of the Gambia owned the APRC bureau. The witness said he could not say but he knew that a political bureau could not be a government institution.

When the Counsel asked which security outfit should be responsible for guarding places and institutions, the witness responded “somebody with arms”, like paras or soldiers. The Counsel asked if when he was being recruiting in the police force, he trained to guard places or people. The witness responded yes, they were taught self-defence. He then explained that they were posted there as guards in case someone attacked or tried to cause destruction.

Moving on to the incident of 14th August 2016, Alpha Touray told the Commission that around 3 am he heard the sound of vehicle so he went outside to confirm what type of vehicle it was. After he did that, he looked behind and saw two people standing behind him and said “*If you move, we will shoot you*” to which he responded “*Don’t kill me*”. They dragged him “*behind, where the flowers are*” and left him there.

Giving more details, the witness revealed that he had seen three people in the vehicle but was **attacked** by two dressed in civilian clothes with combat boots on. He did not recognise any of them as their faces were covered. He noted that they were not civilians but soldiers because of the way they **threatened** him.

Going back to when he first saw the vehicle, the witness stated that as soon as it arrived, they all alighted and he saw one person place a gallon on top of the vehicle. After that, something told him to look behind him and when he did, the individuals said, “*If you move, we shoot you*”. He added that after he was taken to the back, his trousers and belt were removed, and his legs tied. They

used his belt to tie his mouth, tore his shirt with a knife and used it to tie his hands behind his back. When the witness tried to stretch his legs, they would **hit** him on the knee using the blunt side of the knife. He stated that they made him sit in the position circumcised boys are made to sit. Asked if they left him **naked**, the witness responded in the affirmative.

Alpha Touray recalled that after they tied him up, they told him that if he shouted, they would **slaughter** him. They added they were terrorists and they would **kill** anyone that loved Yahya Jammeh. The witness responded that if they kill him, they would be killing a poor person as well as his mother who was at home because the witness was the only one living with her. The witness then paused and visibly shaken looked down, away from the cameras. Asked if he could continue, the witness took a moment before carrying on. He added that after he responded to them in that manner, they became sympathetic and said “*we are not here to kill*”.

The witness was asked if he knew what they were there for and the witness responded in the negative. He went on to state that someone was communicating and heard “*the situation is under control*”. Then all of a sudden, they started a fire and left with the witness still there. He recalled that he heard one of them ask, “*Where is the spark?*” and the other one threw a matchbox to him.

The witness was asked if he knew what was inside the gallon and he responded that he did not. He remembered that the men asked him what work was done at the bureau and the witness told them he did not know, only that they brought the “ashobi”⁸⁹. Asked whether he saw them holding the gallon at any point whilst he was being tied up, the witness responded in the negative. The witness said he was placed at the back so he could not see anything else. He saw the fire burning and he could not understand. He tried by all means to escape and he managed to free himself from the police shirt used to tie him. After he freed his hands, he grabbed his trousers and wore his belt and ran from the building.

⁸⁹Fabric made into uniform outfits worn by members of a group, team or family to indicate cooperation and solidarity during ceremonies, festive or for the purpose of self-identification during events. Nigerian origin and very popular in West Africa.

Alpha Touray testified that he went to the Police Intervention Unit, PIU and informed them that he had been **attacked** by individuals and the bureau had been set ablaze. The PIU went to the scene to visit it and when they came back, they brought along his shirt and boots.

Asked if he sustained any injuries from the hits on his knees, the witness responded in the affirmative and that up to date, his knees and joints hurt him. Asked if he received any medical attention when he reported the matter at the PIU, the witness responded in the negative. He continued that when the PIU came back from the burnt bureau, KMC Mayor Yankuba Colley later arrived and asked “*Where is the boy who was on duty overnight?*” They brought him outside and Yankuba Colley instructed him to be taken to Kanifing Police Station. The witness remarked that at that time, he did not even know there was a station in Kanifing. Once at Kanifing Police Station, the witness was asked to write a statement.

After writing his statement, they made him sit behind the counter. He stated that he sat there for a long time before being called to the Criminal Investigation Department, CID, office where he was interrogated by one Pateh (he could not remember the surname). He was asked if he recognised the individuals and the witness informed him that he did not but that the individuals spoke Mandinka, English and Wolof.

Alpha Touray told the Commission that he spent the entire day at the station, without being given food and in the evening when he complained, the Deputy Inspector General, DIG (maybe Modou Sowe) gave him 100 dalasi to go buy food at the shop. On his way to the shop, the witness said he felt he was being followed. He believed he was being monitored because of the arson attack. The witness was asked if he felt like he was being **detained** and he responded in the negative.

The witness then noticed that Lamin Tabally, Ebrima Sonko and Adama Mbye were called to Kanifing police Station. Kaddidjatou Jallow was not called because she was pregnant. The witness explained that on that particular night, he was the only one present but these individuals were brought in to be questioned because they worked at the APRC bureau generally. Continuing

with his testimony, the witness testified that together with the others, they were put in a pickup but before they left, Landing Bojang reassured him he would be released. Asked who Landing Bojang was, the witness stated that he was not sure as he was not familiar with those working in that area.

When they boarded the pickup, they were taken to the National Intelligence Agency, NIA. Asked if they told them where they were being taken, the witness responded that they told him they were taking them to Banjul. Once they arrived at the NIA in Banjul, they took all of their possessions and proceeded with them inside and they were made to sit. Then Sergeant Sheikh Omar Jeng called in the witness and asked him if he recognised the individuals that had attacked the APRC bureau. The witness responded he did not. He asked the witness what they told him and the witness repeated what they told him, that they were terrorists and they would kill anyone who liked Yahya Jammeh.

Sheikh Omar Jeng then said “Do you not know that this bureau belongs to Yahya Jammeh? Do you not know that this can cost Yahya Jammeh to lose at the election, why did you allow these people to burn this place down?”

The witness responded that he was not armed so could not have done anything. Asked if he knew what they meant by saying this could lead to Yahya Jammeh losing the election, the witness responded that he did not know and though the statement surprised him, he did not ask them to clarify, he just kept quiet.

After his conversation with Sheikh Omar Jeng, the witness was allowed to go sleep. The next morning, he saw then Sergeant Jarrai Badjie, a soldier working at State House who had also been brought there. He said that she explained that the reason she was brought in was because the people who burnt that

place used her ID card to get an Africell sim card but at the time, she was in the provinces. The witness was asked who else was **arrested** in connection to the arson attack and the witness responded Alhagie Badjie, a soldier called Matarr Ceesay and Toumani Jallow a member of the “Black Black”⁹⁰. The witness specified that Toumani Jallow was always wearing black and told him he was part of the group. Asked if Toumani Jallow told him why he was arrested, the witness responded that Toumani Jallow told him that one of his friends called him to let him know that they had burnt Yahya Jammeh’s place and were escaping to Senegal. Toumani Jallow stated that he texted back: “Use your soldier drill and be careful”.

Continuing with his testimony, Alpha Touray revealed that on Wednesday, together with Toumani Jallow and Jarrai Badjie, he was taken back to the Kanifing Police Station. Once there, they were taken to the CID office and the officers were accusing Toumani Jallow of being responsible for burning down the place. They kept saying he knew about it and did not reveal anything. After a while, a CID officer came and told the witness that he had been instructed by the station officer to **detain** the witness in a cell. When he got there, he saw many people who were relatives and friends of those alleged to have burnt the place.

He later stated that he did not know their names. They told the witness that when the security officers came looking for the alleged arsonists, if they did not find them, they picked up whoever was there including neighbours. The Counsel asked if there were both men and women in the cell and the witness explained that there were 3 women including a pregnant one behind the counter and 3 men were inside the cell.

The witness also recalled that before they were taken to Kanifing Police Station, the previous night at around 2 am (on Tuesday or Wednesday) Sheikh Omar Jeng called him inside his office and as soon as he walked in, he was grabbed, thrown onto the table, his hands and legs were held down and they started **beating** him with batons. The witness shouted “*Sheikh Omar Jeng, I told you, I had no gun, I had nothing with me. I told you that those individuals made communication*”. After the witness said that, Sheikh Omar Jeng ordered those present to stop

beating the witness and he was returned to the cell. The witness stated that he did not see the batons but they **beat** him with something hard on his feet and on his backside and that up until the time of testimony, he felt pain. The witness added that sometimes his soles would ache and the pain would go up to the top of his head.

Asked if he recognised any of his **torturers**, the witness responded that he did not recognise them but prior to being taken to that room to be beaten, he saw Fatty, Gibba and Saidykhan (he did not give the first names) who were NIA agents he knew. He specified that he could not say whether these people were in the room.

He estimated that he was beaten for 5 minutes before Sheikh Omar Jeng told them to let him go and there were 6 persons present in the room.

Asked if any other individuals were **beaten**, the witness said he was not sure. He stated that whilst he was in **detention**, he was constantly sick and kept vomiting. He told them that if they did not release him, he would kill himself. The witness stated that as a matter of fact, there was a day he fainted and Lamin Tabally called Sheikh Omar Jeng so he could be taken to the hospital.

Revisiting when Toumani Jallow was being **threatened**, the witness stated that it was Pateh and then Inspector General Police, IGP Yankuba Sonko, who at time of testimony of the was the Minister of Interior. The witness testified that they were telling Toumani Jallow: “*We are going to deal with you seriously, how can you allow these people to do this, you don’t inform us*”. Toumani Jallow kept explaining that he was just informed by one of his boys and he knew nothing about this.

He then stated that after Toumani Jallow was interrogated, they, including the witness were all returned to the NIA. The witness added that at that point, they were not charged with any offence, nor

⁹⁰Also known as the Junglers or Patrol team.

were they accused of anything. Asked how many days he had been in **detention** up to that point, the witness responded that he spent two days at the NIA before going to the Kanifing Police Station. He explained that they were again returned to the NIA, then again Kanifing Police Station.

Back at Kanifing Police Station, they kept interrogating them (Jarrai Badjie, Toumani Jallow and himself). The witness was also taken to the APRC bureau so he could show them where he was standing and where he was tied. After that, he was returned to Kanifing Police Station, placed in the cell and Toumani Jallow was taken in for interrogation.

The witness was then asked if he knew who was interrogating Toumani Jallow and he responded that it was Pateh who was the head of the CIDs at Kanifing Police Station. Asked if he knew the outcome of Toumani Jallow's interrogation, the witness responded in the negative. After that, they were each put in a pickup truck and returned to the NIA in Banjul. Once at the NIA, they were taken in a particular room with AC and a bed. Asked about Jarrai Badjie, the witness responded that she was placed with Adama Mbye and one Sirra Wally-Ndow who was brought along with Papa Sanyang from the Ministry of Energy.

The witness told the Commission that he was kept at the NIA for two weeks and released on 29th August 2016. Before his release, Alhagie Badjie was released which was the same day Toumani Jallow was taken away. Asked if they said where they were taking them, the witness responded in the negative but stated that as soon as they called out his name, he started panicking. He added that because of the statements they had made to Toumani Jallow in Kanifing, he was frightened. "*Toumani Jallow he keep secrets, there are things he knows but he is keeping secrets*", they would say. Asked why they were saying that, the witness stated that they believed Toumani Jallow knew about everything but was refusing to divulge any information.

Alpha Touray further stated then while he was being returned to the NIA from Kanifing Police Station, the statements being made by the officers in his vehicle

about Toumani Jallow scared him. They were saying: "*You see these little boys, when they are working under Yahya Jammeh, they used to act pompously. They make themselves appear as if they can do anything.*" They added that Toumani Jallow would be **electrocuted**, however the witness clarified that they did not torture Toumani Jallow in his presence and he was not aware of any torture.

The witness admitted that he was upset with Toumani Jallow at first and told him that he should have shared the information when they called him on Sunday. Toumani Jallow responded that he was not involved and he was not aware of anything. His friends called him to implicate him. The witness said he came to believe Toumani Jallow. Counsel Singhateh asked if it was because they were pointing at Toumani Jallow as being the culprit, that was why the witness was afraid when he was taken out and he responded in the affirmative. He said when Toumani Jallow was called out by Sheikh Omar Jeng, he thought he (Toumani Jallow) was going to be **electrocuted**.

The witness did not see where Toumani Jallow was taken and he never saw him again. Asked about the other people that were **detained** with him, Alpha Touray stated that he was with them until his release. On a Monday, Sheikh Omar Jeng came and told him he was being released. However, before his release, whenever he asked about his release, Sheikh Omar Jeng would tell him it depends on the "two heads" referring to the head of the police Yankuba Sonko and Yahya Jammeh.

Throughout his **detention**, the witness was never charged with an offence. They just kept asking him why he allowed those individuals to burn down the place. The witness said he was never told why he was **detained** but he understood it was in connection with the incident as Yankuba Sonko told him he had been negligent. The Counsel remarked that in essence they were just making mere accusations against him when he was in no position to defend himself and guard the bureau against the attackers who outnumbered him.

Asked if he felt he was fairly treated at that time, the witness responded in the negative. He did not have guns or knives, he worked with his bare hands. Yet, he was accused of not standing up against these men. Asked what eventually led to his release, the witness responded that he thinks that eventually they came to realise that he had nothing to do with the arson attack and he did not know the attackers. He was released alongside his police colleagues Adama Mbye, Lamin Tabally and Ebrima Sonko. At this point, he specified that Kaddijatou Jallow was never taken to the NIA, she was kept at Kanifing Police Station. Asked about Jarrai Badjie, the witness responded that she was left at the NIA as well as Matarr Ceesay.

Alpha Touray was asked if he recalled seeing a man called Abdoulie Gaye⁹¹ and he responded in the negative. Asked if he could recognise all the people who were **detained** with him for certain and the witness listed: one Ceesay, Ebrima Mboob from the Ministry of Justice and Fafa Nyang. Asked if his family knew about his detention at the NIA, the witness responded that his mother did not know.

Regarding the reason for the APRC bureau arson attack, Alpha Touray said he came to know because he googled and when found out about 360,000 voters cards were kept there and they were burnt.

He explained that people from Casamance (Senegal) would cross into Gambia to participate in the elections.

On the state of his health at the time of his release, the witness explained that he was unable to walk properly and would limp. He stated that since his release “*nobody has ever come to my house to ask me or to tell me why I was detained*”. Around March 2017, he got sick and his mother went to the Police Headquarters in Banjul to ask Landing Bojang for his help. Landing Bojang then called the witness who explained he was constantly vomiting and would sometimes release blood when he goes to the toilet. Asked if he suffered these complications prior to being detained, the witness responded that he was very fit and active before his arrest, adding that he never received the medical help he needed.

He told the Commission that sometimes he went to work and sometimes he lay at home. However, one day when he went to work at the Serrekunda Police Station and heard that they were complaining that he did not regularly come to work, Landing Bojang asked that he be sacked. The witness responded “*What about you, during Yahya Jammeh’s time you were all scared and here you are telling them to sack me*”. Landing Bojang recalled who he (the witness) was and instructed for the witness to be taken to the Kanifing Clinic.

The witness was asked if he ever came to hear anything about Toumani Jallow and he responded that he found out, via the Fatu Network, that Toumani Jallow was **killed**. The Counsel responded that they had received evidence that Toumani Jallow was **killed** by the Junglers⁹². The witness responded that he heard this information as well.

On the impact of the detention, the witness told the Commission that he was unable to actively carry out his duties and that his legs hurt, which he attributed to the beatings meted onto him.

The Counsel thanked the witness and handed over to Chairman Sise.

Commissioner Jallow asked the witness if he suspected anything when he arrived at the APRC bureau and was told he would guard post on his own that night. The witness responded that he did not. There were no further questions.

In his closing remarks, Alpha Touray stated that they were all Gambians and if something happens, a thorough investigation should be conducted. He called on everyone to live in peace. He also lamented that during those times, Gambians only thought about themselves and worked to secure their own positions, not helping others. He pleaded for people to help one another so Gambia can move forward.

⁹¹Former Jungler Omar A. Jallow confessed before the TRRC to having participated in the enforced disappearance and extrajudicial killing of Abdoulie Gaye in 2016. See TRRC Digest Edition 6.

⁹²Former Jungler Omar A. Jallow confessed before the TRRC to having participated (with former Junglers Modou Lamin Jarju alias Rambo, Saikouba/Saikou Jarju and Michael Jatta) in the enforced disappearance and extrajudicial killing of Toumani Jallow in 2016. See TRRC Digest Editions 6 and 7.

Persons Mentioned By Witness During Testimony:

Torture

Sheikh Omar Jeng

Arbitrary arrest and detention

Yankuba Sonko, Pateh (full name not given), Yahya Jammeh, Sheikh Omar Jeng

WITNESS NAME: Ebrahima YARBO

TRRC HEARING DATE (S): 3rd March 2020

EVENT (S) DISCUSSED: Unlawful arrest and detention of the witness

POSITION BEFORE THE EVENT (S): Telecommunications engineer

ROLE DURING THE EVENT (S): Telecommunications engineer, victim of unlawful arrest and detention

POSITION AT THE TIME OF TESTIMONY: Telecommunications specialist in the United Kingdom

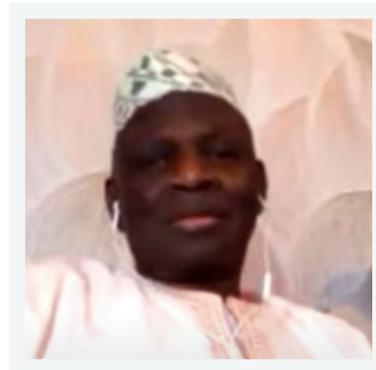
[The testimony was given via Skype]

SUMMARY OF TESTIMONY:

Ebrahima Yarbo described his educational background up to higher education in the late 1970s. He described how he initially wanted to work in veterinary medicine but ultimately studied telecommunications and was employed as a technician in 1979. He trained in the UK throughout the eighties and was one of the first telecommunications engineers in The Gambia. He laughed and recalled that, in the early days, he used to have to charge batteries to keep the systems running in rural villages. After helping to establish the Gambian communications network in the provinces, the witness returned to Banjul in 1997 where he was promoted to senior manager of transmission systems and associated team managers and senior engineers.

The witness said that he was present during the student demonstrations that took place in Banjul in 2000. He testified that he remembered the event very well because he was standing in front of the GAMTEL house during the protests. At the time, the witness was protecting the communications network and asking protestors to leave the GAMTEL house alone because the entire nation needed the communications network. The witness added that he was close to some of the students who were there and they used to have lunch sometimes.

Around April or May of 2000, after the student demonstrations, the witness was contacted by the National Intelligence Agency, NIA, summoning him to their headquarters.



The witness could not say who contacted him from the NIA but when he arrived for the meeting, he found **“all the security operatives there,” including F.R.I. Jammeh, Samba Bah, Daba Marenah, and Abdoulie Kujabi.**

The witness seemed poised to say more names but the Deputy Lead Counsel asked him to pause so that she could ask him some specific questions.

The Deputy Lead Counsel asked the witness at what time he was called to report to the NIA. The witness said that he believed it was after he finished work on a Friday, shortly after Friday prayers. Referring to the NIA officers that the witness had already named, the Deputy Lead Counsel asked the witness if he knew what positions those intelligence officers held at the time of their meeting. The witness replied that it was not only the intelligence outfit that was there but also F.R.I Jammeh, who was the head of the police at the time. Regarding the positions held by the other NIA officers, the witness said that he believed Samba Bah was the head of the NIA and that others were all deputies or some similar rank.

When the witness reported to the NIA, the officers greeted him and told him that they wanted to go with him to switch off the radio station, Citizen FM. The witness told them that it was not part of his job

description and explained that it was not easy to switch off a private FM station. The witness told them that he could not do it and they told him it was fine.

When asked, the witness said that he was not given an explanation for why they wanted him to turn off the station.

He added that he was somewhat scared during the meeting because getting called by the NIA, “was not good news at the time.”

The Deputy Lead Counsel asked if the only reason they called him to the NIA was to turn off a private FM radio station. The witness responded in the affirmative. When asked, he reiterated that the NIA officers did not give him an explanation, possibly due to the fact that the witness told them that he was not able to help them right away. He added that they told him, “*they did not want to spoil anything there.*” The witness said he wondered why they asked him to shut down Citizen FM, since the police and the NIA had their own telecommunications technicians and engineers who could have done it.

Asked if he could think of any reason why they might have chosen him for the job, Ebrahima Yarbo put forward that when a new element [Yahya Jammeh’s administration] is introduced to a society there will be a typology of responses to that new thing. He said that on a spectrum, there would be people who supported the new element and were prepared to die for it and on the other end of things there were people who hated the new thing and would also die to oppose it.

The witness said that he always took the middle ground so he could see both sides of it but noted that a centrist position is never positively viewed by the extremes of opinion on either side. The witness said that he did not hide his opinions as a centrist after the 1994 coup in which Yahya Jammeh seized power. He speculated that perhaps that was the reason why the NIA officers thought he was not on their side. The Deputy Lead Counsel asked if the NIA officers told the witness where they got the instructions to shut down Citizen FM and he responded

in the negative. The witness said he was not a supporter of the coup because a coup was a sort of crime, going against the constitution of The Gambia. The Deputy Lead Counsel asked if he made that position clear to them and the witness responded in the affirmative.

The Deputy Lead Counsel asked the witness to describe what happened when he refused to turn off the radio station. He explained that he believed the NIA officers told Yahya Jammeh about his refusal and told him that the witness was “not part of the revolution.” A month or two after the meeting at the NIA Headquarters, the witness was visited by one Francisco⁹³ (he did not give the last name) who wanted the witness to set him up with a radio frequency for his own communications. The witness had to tell him that he was only in charge of managing the radio on behalf of the Ministry of Communications and he could not just give out a frequency. The witness told Francisco that he would have to apply through the Ministry of Communications to get what he wanted but Francisco never did it. The witness added that Francisco was present when he was **arrested**.

The Deputy Lead Counsel asked the witness if he knew the owner of the radio station that was targeted by the NIA, Citizen FM. The witness responded in the affirmative, saying that the owner’s name was Baboucarr Gaye. When asked, the witness said that they used to work with him and a few other members of Baboucarr Gaye’s family. Upon probing, the witness confirmed that he was aware that Citizen FM was one of the most outspoken radio stations against Yahya Jammeh’s government. The Deputy Lead Counsel asked the witness if it was true that he did not think that passing information to people or making people’s concerns heard was actually opposition. The witness responded in the affirmative and acknowledged that people who were not comfortable with the information he was helping to pass on perceived it as opposition.

The witness stated that he returned to GAMTEL House after the meeting and did not hear from the NIA until the day he was **arrested**. On the day he was **arrested**, NIA officers came to his compound and

⁹³The witness did not give the last name however we believe he was referring to the Italian national Francisco Casio (sometimes reported as Casco) who trained the Junglers. According to former Jungler Omar A. Jallow, he was part of the mafia and brought “young virgin girls” to his business partner, restaurant owner Tony Cartoni (sometimes spelt Catoni). See TRRC Digest Edition 6, page 114.

knocked on his door at three o'clock in the morning. They asked the witness to open the door to which he refused because it was early in the morning and they had not identified themselves. When asked, the witness said there were several officers at his compound and two or three approached his door, using a rope to get to his door, which was on an upper level. The witness said that they told him that it was in his best interest to open the door. In response, the witness called the police and explained the situation. The police told him that they did not have a vehicle but they did send two police officers because he was very close.

When they arrived, the witness explained what happened. After the police arrived, NIA officers came back with a van full of guns and officers. The police said to the mysterious officers with guns that they were all doing the same job and so they should let the police take the witness in and process him at the police station. The witness testified that this decision by the police officers might have saved his life because otherwise he could have been taken and **executed** without leaving any evidence behind.

The Deputy Lead Counsel asked the witness if he knew why he was being taken by the NIA. The witness said they did not give him any explanation for the **arrest**.

When they took him to the police station the NIA signed the paperwork and was handed over to the NIA.

The witness testified that he recognised Francisco and also one Modou Bojang at the headquarters.

Summarising for clarity, the Deputy Lead Counsel asked the witness if it was true that NIA officers knocked on his door at three in the morning with a van waiting for him downstairs with armed officers and then the police came to his rescue, taking him to Police Headquarters to book him before handing him back over to the NIA officers who took him to their headquarters. The witness responded in the affirmative. He said that he arrived at the NIA Headquarters around 4 am.

The Deputy Lead Counsel asked the witness if the man named Francisco was Gambian. The witness responded in the negative: he was Italian. When asked what Francisco's

role was, the witness said that he was involved with the NIA but seeing him there was like a "*bolt out of the blue*," because the witness knew him as the owner of a restaurant called Portobello⁹⁴ in Bakau. The Deputy Lead Counsel asked the witness if Francisco gave him any information to identify himself as an official member with the NIA. The witness responded in the negative. The witness agreed that Francisco rode with them to the NIA Headquarters.

When the witness arrived at the NIA, he was put into a reception area near the front door of the headquarters with one other **detainee** who he did not know for two days. He asked the other detainee why he was there and the man told the witness that he was Alagie Kanteh's driver and he had been arrested when Alagie Kanteh was accused of trying to organise a coup against Yahya Jammeh's government. When asked, the witness said that Alagie Kanteh was part of the group of the officers involved in the coup. He was unsure of Alagie Kanteh's position but he believed that he may have been a "spokesperson" at one time and later became a commissioner or a governor of Kerewan.

The Deputy Lead Counsel asked the witness to continue his story from the time when he discovered that his cellmate was Alagie Kanteh's driver. The witness said that when he learned who the man was, he felt happy because he did not know Alagie Kanteh, although he did know his brother.

He thought that they might release him, but as it turned out, he was only being kept at NIA reception because the infamous Bambadinka prison cell was full. After three days there, they transferred him to the Bambadinka.

The Deputy Lead Counsel asked the witness if he was kept in the reception area of the NIA. The witness responded in the affirmative and added that he was guarded by someone with the surname Mendy (he

⁹⁴According to reports online, the restaurant was also co-owned by Tony Cartoni (sometimes spelt Catoni), an Italian national who lived in The Gambia for 16 years before being deported to the UK on 10th February 2000, accused of paedophilia and indecent behaviour. He was also said to own another restaurant called "Bambadinka".

could not remember his first name). He added that he did not see anyone else who was in charge of the area. Next, the Deputy Lead Counsel asked if his belongings were confiscated at the NIA. The witness said that they took his cellphone, which was the only thing he had with him. When asked, the witness reaffirmed that he was kept at the NIA for three days before being transferred to Bambadinka, a notorious cell at the NIA Headquarters.

The witness said, about Bambadinka, “*Now that place was hell.*” He said that he had to sleep on the floor and that they could not use the toilet at night when most of the prison guards went home. The Deputy Lead Counsel asked the witness if he was not given permission to use the toilet at night. The witness explained that the cell was called Bambadinka (which translates to, “the crocodile’s hole”) not because it was actually a hole but because it was very far away from people. He explained that even if you shouted, the gate manager would never be able to hear you.

When asked about the conditions of his cell, Ebrahima Yarbo said they were very bad. He said he had to sleep on the floor every night and in 21 days they never had the opportunity to bathe. The food was not fit for consumption and on one occasion he was given a sandwich that contained staple pins inside of it. The witness said he advised his colleagues to be cautious when they ate their food. The Deputy Lead Counsel said that the conditions were inhuman and the witness agreed.

The Deputy Lead Counsel asked the witness if he could name his colleagues that he was **detained** with. The witness said that one of them was named Ebrahima Barrow, adding that he was a very close friend of Francisco’s. By then, Omar Darboe and Lalo Jaiteh were moved to prison, speculating that they may have kept him (the witness) at the reception of the NIA at the beginning because those men “liked to separate people who have the same case”.

The Deputy Lead Counsel asked the witness how many people were **arrested** related to “this particular issue.” The witness said that Alagie Kanteh escaped and went to Dakar. Saul Ndow was also mentioned but he did not know him. He knew one Abdoulie Sanyang, a soldier who

they wanted to use against them but he escaped. He repeated the names of Lalo Jaiteh and Omar Darboe as part of those **arrested** as well as Momodou Marenah, Ebrima Barrow and Momodou Dumo Sarjo. The Deputy Lead Counsel asked if they were all at the NIA together. The witness said that “Dumo” came and found him and was at the reception with him and then they were all transferred to Bambadinka.

The Deputy Lead Counsel said that in his witness statement he stated that he was not tortured.

The witness responded in the affirmative, adding that he was not physically tortured but he was psychologically tortured as a result of the abysmal conditions of Bambadinka.

The witness said he believed that he was spared physical **torture** because he told his captors right away that he would tell them whatever they needed to know and speak the truth so they did not need to hurt him. The witness said that someone must have listened because eventually one Sukuta Jammeh, a senior officer at Bambadinka, started taking the witness from his cell in the morning to give him breakfast. The witness said that he was not sure if this gesture of kindness was designed to extract information from him or not but he was very grateful for it.

Continuing, the Deputy Lead Counsel asked the witness if he suffered any other forms of **torture**. The witness said that he experienced mental torture, especially at Mile 2 Prison, adding that within the NIA it was the “same routine torture.” The witness explained that the first day of detention was very psychologically difficult. He said, about the extreme solitude he experienced in confinement, “If you are not man enough you could lose your head, or your honor.” He described how those kinds of conditions could make you lose your dignity.

Ebrahima Yarbo said that he was kept in subhuman conditions without any explanation for 21 days, describing it as the “worst kind of torture because you do not know what your fate is going to be.”

He asserted, “*that kind of anxiety can kill you.*” He said that the fact that there was a brutal regime in The Gambia added to his **mental torture**.

The Deputy Lead Counsel asked if any of his colleagues were tortured. The witness said that he thought one man might have been **tortured** before, but it did not happen in his presence because they were **arrested** at different times. When asked, the witness said that he thought the man lost his tooth because of the **torture**. The witness said he did not think any of the others were tortured and that if you told the guards that you would tell them what they wanted to know it appealed to their sense of reason and they would not use brutal force on you.

During the 21 days he spent at the NIA, his family did not have access to him and he did not have access to legal representation. He was **detained** incommunicado for that time. The Deputy Lead Counsel asked the witness what happened after the 21 days at the NIA. The witness said that on the 22nd day, they were taken to the Kanifing Magistrate’s Court but the case was transferred to a higher court because it was out of the jurisdiction of the magistrate, one Justice Rush. As a result, the witness was remanded at Mile 2 Prison while the case was pending.

When asked, the witness said at the time he still did not know what he was being charged with, nor was he given a charge sheet or provided legal representation. He was placed in cell number 4 of the maximum-security wing of Mile 2 Prison. He said the cell was very small and initially he only had a block of cement to sleep on, no mosquito net, and a chamber pot. Eventually he was brought a mat, mosquito netting, and a dirty blanket. Commenting on the food, the witness said that sometimes it contained

cockroach legs but they ate it because they were not allowed food from the outside for some time after their arrival at Mile 2 Prison. He said they did what they had to in order to survive.

Continuing his testimony, Ebrahima Darboe told the Commission that he was detained incommunicado for three months. During those three months he was not allowed any outside food or toiletries. Also during that time, his family did not know where he was and would not have been able to send him anything anyway. After three months, the Red Cross came, asking about different prisoners, and the witness was able to write a short letter to his family to let them know he was still alive. After that, the witness’ family was able to visit him and bring him provisions, which were passed on to him by sympathetic guards.

After his first three months at Mile 2 Prison, the witness received a charge sheet, which indicated that he was charged with treason and would be taken to court. The witness was given access to a lawyer, Ousman Silva, who was part of a legal team representing all the people charged in the same case as him. He revealed that their judge was Pa Grant at first but when Pa Grant decided the case was “foolish” it was passed to another judge named Ahmed Belgore, a Nigerian. The case lasted for four years and four months before the witness was finally acquitted and discharged from Mile 2 Prison.

The witness explained that he was upset with GAMTEL because he felt that he should have been able to go back to work after he had been cleared of his charges. He wrote to the then managing director about his job, but he (the managing director) received a letter from the Office of the Director of Public Prosecutions, DPP saying that he could not be reinstated to his job because the judge’s decision had been appealed. The witness contacted his lawyer who decided to write back saying that the witness had been acquitted and discharged but the DPP would not allow him to be reinstated until the appeal from the government had been heard. The Deputy Lead Counsel asked the witness what the name of the then DPP was and the

witness said it was Justice Akeem. The witness testified that he was not given a termination letter or an early retirement letter from GAMTEL.

Six months later, he received an anonymous call advising him to leave the country and go home to the UK. The witness said the call frightened him, so he moved to Manchester where he was working and living and had thus been in exile in the UK for twelve years at the time of the testimony.

On the effect that his ordeal had on his family, the witness stated it was very bad and his kids were very young. He added that although his qualifications allowed him to enter the UK easily, it was still a very difficult experience. Despite the difficulty, he was able to naturalise as a British citizen. The witness said that he returned to The Gambia after Yahya Jammeh was gone and asked a friend at GAMTEL to help him seek reinstatement and back pay of his salary but not only was he not reinstated, his friend was suspended or dismissed from his position at GAMTEL. The witness said that when he asked GAMTEL for his back pay, they said they thought he had been dismissed. The witness explained his situation to them but he was not able to get any back pay. The witness said that it was difficult or impossible to be accepted as a foreigner in the UK and it could be difficult to get a job even though he was highly qualified.

The Deputy Lead Counsel handed the witness over to the Chairman who expressed his condolences and gratitude before opening the floor to questions from the other Commissioners.

Commissioner Kinteh asked the witness if there had been any developments in his efforts to be reinstated. The witness said that most recently GAMTEL had offered to reinstate him and then allow him to retire with benefits but they were not offering him any back pay because they believed that he was formally dismissed.

The witness concluded his testimony by saying that when a dictatorship comes the only way to fight it is to join hands. The witness said it was necessary to fight dictatorships whether your weapon was your vote or any other means available.

He stated that the legacy of dictatorship will strip you of your freedom and nothing is more important than freedom. Without freedom there will be no development because when monologue triumphs over dialogue alternatives are suppressed and options are not available because people are afraid of talking.

The witness said that one “brain” cannot run a country and they needed many “brains” to select from.

Ebrahima Yarbo was also glad that the Lead Counsel told the police that they were not the protectors of the government but protectors of The Gambia. He expressed that he felt like civic education was very important and he decried inter-tribal conflict and hate. He noted that he was Mandinka and Wolof and that it was important to know that tribal divisions are ultimately insignificant. He suggested that if they had a universal language in the Gambia it would help them to unite and better understand each other. The witness spoke to the importance of standing up to dictators and doing what is right even under difficult circumstances.

Persons Mentioned By Witness During Testimony:

Attempting to illegally shutdown a private radio station

F.R.I. Jammeh, Samba Bah, Daba Marenah, Abdoulie Kujabi

Arbitrary detention

Sukuta Jammeh, Mendy (first name not given)

Abuse of power

Justice Akeem



Photo: ©Katherine Taylor

Under the Yahya Jammeh regime, civil servants and private individuals were unlawfully arrested and detained (incommunicado) sometimes for prolonged periods. Many were subjected to torture during their detention. Manding Sanneh who was arrested and detained for 76 days holds a photograph showing injuries he sustained.



WITNESS NAME: Mahmoud Babadi SARR

TRRC HEARING DATE (S): 3rd March 2020

EVENT (S) DISCUSSED: The 22nd July 1994 coup; the witness' arbitrary arrest, detention and torture as a part of the 2006 attempted coup; the witness' arbitrary arrest and five-year detention between 2010 and 2014

POSITION BEFORE THE EVENT (S): Commander of the Marine Unit of the Gambian Army, later renamed the Gambian Navy; Director of Admin and Logistics at the Ministry of Defense

ROLE DURING THE EVENT (S): Witness to 22nd July 1994 coup; arbitrarily arrested, tortured, and detained in 2003, 2006 and 2010

POSITION AT THE TIME OF TESTIMONY: Pensioner

SUMMARY OF TESTIMONY:

The witness began his testimony by explaining that he was born in Banjul but moved to Freetown, Sierra Leone when he was seven years old. After sitting exams, he studied seamanship and navigation before getting a job on a fishing trawler. His dream, he said, was to be a captain, and he partook in specialised captains training in Sierra Leone before returning to The Gambia.

While looking for employment, the witness was advised by then Permanent Secretary of the Fishing Department, Mustapha Wadda to apply to the army who were in the process of forming a marine unit and could use his skills. He went for basic training in January 1985 before being transferred to the marine unit, which was being

established by a British officer, by the name of Major Fisher. Within a few years, the witness was promoted to Officer Cadet. At that time the fleet consisted of four vessels, and after the Lady Chilel⁹⁵ sank in 1984 they were allotted the area adjacent to the ferry terminal for a headquarters.

Upon his return from officer candidate school with the US Coast Guard in February 1990, he was made a patrol boat commander. The Nigerian senior officers that were brought in to reform the Gambian military in 1991 were not assigned to the Marine Unit, but nonetheless the British officers left and Major Antouman Saho became the new commander. In May of 1994, the witness returned to the United States for naval amphibious school in Norfolk, Virginia. After a month of training followed by sailing across the Atlantic to Abidjan, Côte d'Ivoire and Dakar, Senegal, their vessel arrived in The Gambia on 21st July 1994.

As he helped guide the American training vessel set into Banjul harbor, the witness told the Commission, he saw Sir Dawda Jawara's plane arriving in the distance. After they arrived at shore, the American Ambassador and Samsudeen Sarr came on board to discuss the exercise that was planned for the next day. The witness went home, but the next morning when he came back to the vessel, a US consulate officer met him on the jetty. According to the witness, the American official told him that Sir Dawda Jawara was on board the American ship because of a problem with soldiers in Yundum. He explained this was for the President's own safety. The witness later testified that also learned that Sir Dawda Jawara's family, as well as the American Ambassador Andrew Winter, were also on the boat.

Mahmoud Babadi Sarr then returned to the Marine Unit where he was joined by Antouman Saho, Assan Sarr and Sarjo Fofana. Joseph Jassey, who was also a member of the marine unit, arrived later and told the witness that he had met with Yahya Jammeh and Edward Singhateh at Denton Bridge and they had tried to persuade him to join then, but he remained uncommitted. He also observed that they were

⁹⁵The Lady Chilel was a ferry service that connected Banjul with communities upriver between 1978 and 1984. Chilel Jawara was the former President Sir Dawda Jawara's wife.

heavily armed and marching towards Banjul. The witness recounted that after a number of RPG-mounted military jeeps and well-equipped soldiers drove through the marine unit, rumours of a coup began to circulate.

He noted that the soldiers in the vehicles were in full combat gear and their badges were turned upside down, which he took to mean they were rebels.

While word trickled in that the coup leaders had taken State House, Samsudeen Sarr, then a staff officer at the Ministry of Defense, came to the Marine Unit to ask for weapons to launch counter measures, but Antouman Saho refused. Later that day, Edward Singhateh also came to the headquarters to meet with Antouman Saho, and while the witness told the commission he was not privy to their discussion, he said he believes Edward Singhateh was informing the commander of the Marine Unit that they had taken over the government.

On the evening of the 22nd of July 1994, the witness continued narrating, around 6 pm, Antouman Saho, Assan Sarr, Sarjo Fofana, and he were asked to go to State House for a meeting. Upon their arrival they met a number of senior officers including Colonel Samsudeen Sarr, Mamat Cham, Basirou Barrow, and a police officer named Alieu Jeng⁹⁶. When they collectively met with Yahya Jammeh and Edward Singhateh, they were told that Yahya Jammeh, Edward Singhateh, Sadibou Hydara and Sanna Sabally had plotted and executed a coup. Yahya Jammeh had wanted Sanna Sabally and Sadibou Hydara to join them for the meeting, but they were busy arranging the guards at State House. Edward Singhateh pointed at Basirou Barrow and told them that he had been a part of the original coup plot, but had withdrawn at the last moment.

According to the witness an argument soon erupted as the junior officers who led the coup told the senior officers that they would not allow the coup to be hijacked. Samsudeen Sarr advised the coup plotters to establish a council, and when Alieu Jeng told them they should write a speech, Yahya Jammeh apparently asked Alieu Jeng to

write the speech. The witness told the Commission that after they got back to the Marine Unit, they heard that the council had been established with Yahya Jammeh as Chairman.

Meanwhile, Mahmoud Babadi Sarr continued, the American ship with Sir Dawda Jawara on board cast off from the Gambia Port Authority and anchored off State House for a day or two. During that time, the American Military Attaché who was based in Dakar, Major McClain, who was in Banjul for the planned exercise, was coordinating between the newly established council and the people on the US Navy Ship. The witness told the Commission he remembered Major McClain – who used the radio at the Marine Unit to communicate with ship - telling the ship on the 23rd that the council wanted them to move off the coast of the residence of the American Ambassador in Fajara. At one point, Edward Singhateh came to the Marine Unit and made it clear that Sir Dawda Jawara's return as President was impossible. After this the witness and Major McClain went out to the ship and collected the American Ambassador and his belongings and brought them back to shore. The witness told the Commission he got the message from the American Ambassador that it was good they were now in control of the army. Later that day the ship set sail for Dakar where Sir Dawda Jawara went into exile.

Counsel Jahateh then asked the witness whether the American vessel could have stopped the coup. Mahmoud Babadi Sarr explained that the ship had amphibious tanks, anti-missile weapons and heavy guns in addition to all the equipment usually carried by US marines into war.

“If they wanted to foil the coup,” he said, “they could have.”

Returning to solid ground, the witness explained that Antouman Saho was made Mayor of Banjul and the witness, as the most senior man in the unit, became the commander. For the next few years, the witness remained the Commander of the Gambia Navy

⁹⁶For Mamat Cham's testimony see TRRC Digest Edition 1 pages 15-16.

(renamed in 1997) and partook in a series of trainings in Nigeria and served in peacekeeping missions in Sierra Leone.

The Counsel later asked the witness how he became the director of admin and logistics. He replied that in 2003 cement on a cargo ship from Europe to Gambia was ruined while in transit on the high seas⁹⁷. The case was taken to court and the judge ordered that guards from the navy be put on the ship while the case was adjudicated. One weekend evening there was an unrelated emergency and the duty officer that day, Momodou Singhateh, reduced the number of guards on the boat to one person so the others could respond. That night the sailors on the merchant vessel locked the guard, last name Faye, in one of the cabins and sailed to Freetown, Sierra Leone.

When the witness found out what happened, he continued, he told then Army Commander, Baboucarr Jatta⁹⁸, who instructed him to **detain** Duty Officer Momodou Singhateh and inform the military police to get him and take him to Mile 2 Prison. The witness remembered Baboucarr Jatta saying he would call the President and explain the situation. The witness confirmed he does not know what was said during the call, but revealed that at the time it was known that Yahya Jammeh only listened to the army commander or the chief of staff. That evening the then Deputy Chief of Staff Colonel Badjie⁹⁹ came to his house and said there were instructions from Oga for him to be taken to Mile 2 Prison. When he protested, Colonel Badjie reminded him it was an order from then President Yahya Jammeh.

On that occasion, the witness spent three weeks in Mile 2 Prison.

While he was **detained**, a board was constituted to investigate what happened and they came up with a series of recommendations, but before they were issued he was already moved out of the navy. He told the Commission he was used as a scapegoat, *“in those days, in our dictatorship, number two wants to become number one.”* He explained that to survive the bureaucratic infighting, people needed to have a *“godfather,”* which he described as someone willing to speak on your behalf to secure promotions or avoid blame. When the witness said he did

not have a godfather, the Counsel remarked that he was an orphan, causing him to chuckle in agreement.

The Counsel then asked how the President was giving orders to **detain** the witness without involving the courts.

“In those days, Jammeh was the one running the show” he replied.

He elaborated that because it was known that the former President only listened to the Chief of Staff, people would use well-placed rumours or accusations to damage other officers. When the Counsel asked if this is what happened to him, he waffled, saying that when someone only listens to one person it is difficult. The witness explained that normally the punishment should have been applied after the board of inquiry has completed their investigation and submitted their recommendations. He confirmed that in his case, he was **detained** before the board inquiry even met.

After being released from Mile 2 Prison after 21 days, he was posted to the Ministry of Defence as a staff officer, which according to the witness *“it’s like they are telling you to go into a freezer because there is no job there, you just go and sit.”* In order to make the best use of his time, the witness enrolled in a law programme. After some time at the Ministry of Defence, he was appointed as director of operations and training, but when Peter Singhateh returned, the witness was moved to director of admin and logistics.

Continuing his narration, the witness explained that he also served in the African Union Mission in Sudan in 2004 and 2005. When he returned to The Gambia in December 2005, he went to headquarters to report to the newly appointed Chief of Defence Staff, CDS, Ndure Cham. While the CDS’s orderly served them coffee, the witness testified, Ndure Cham pointed to a picture of Yahya Jammeh on the wall, and told him *“we have decided to remove him.”*

The witness told the Commission he was shocked by CDS Ndure Cham’s statement and kept quiet. At the time, he said, he chalked it up to Ndure

⁹⁷A group assumed to be based in Lebanon that was offering bargain freight rates, then reflagging and renaming the ships at sea and selling the cargo at a different port was using the ship, known at the time as the Ciuta. The ship that arrived in Banjul had picked up cement ostensibly with Conakry, Guinea as its destination. See American Shipper – Rogue vessel escapes Gambian control

⁹⁸Baboucarr Jatta testified before the TRRC about his role in the 1994 coup and the November 1994 massacre. See TRRC Digest Edition 4 pages 51-55.

⁹⁹Possibly referring to Lt. Col Momodou Badjie appointed National Security Adviser under the government of Adama Barrow in 2017.

Cham's joking nature. However, he also affirmed that he understood how serious the then CDS's comment was, and explained to the Commission that he knew the comment was treasonous, but "*in those days you can put yourself in trouble by reporting or not reporting. It was a catch 22 statement.*"

In January of 2006, when he returned from his two-month leave, he was appointed director of admin and logistics and thus had unfettered access to the CDS's office. One evening when he entered Ndure Cham's office, he (Ndure Cham) looked up at Yahya Jammeh's picture, and according to the witness, said "*if I have the chance, I'll kick him,*" implying, in the witness' mind, that he wanted to get rid of the President."

In retrospect, Mahmoud Babadi Sarr testified, he believed that Ndure Cham might have been sounding out his opinion to see how he would react. He added that while he was not in town at the time, he heard the Yahya Jammeh had done the same before launching the 22nd July 1994 coup. However, at the time he did not believe Ndure Cham was being serious because the structure of the armed forces did not lend itself to success for the CDS. That was the last statement the witness heard Ndure Cham make about Yahya Jammeh directly.

The witness then recounted how on the evening of the 22nd of March 2006, as he finished work he went by Ndure Cham's office to get permission to go home. When he entered the room the CDS, who was meeting with Bunja Darboe¹⁰⁰ and the then Finance Officer Baldeh (no first name given), immediately stopped talking. When the witness asked for permission to fall out, the CDS informed him that he would be gone the next day. In response to questioning from the Counsel, the witness said he did not think he interrupted plotting for a coup because he did not think Baldeh would be involved, and that three people meeting did not constitute a coup plot. He added that while he admired Ndure Cham's work ethic and they shared a building, they were not personally close.

That evening, he continued, he got a call around 8 pm from then Permanent Secretary at the Ministry of Defense Joseph Jassey, who explained that he had received a call from the Vice-President asking about some troop movements she observed in town. The

witness was unaware of any on-going trainings, so he drove to Senegambia from Fajara, but did not witness any troop movements and reported back to Joseph Jassey before heading home.

Later that evening, around 2 am or 3 am, the witness' wife's niece woke up and switched on the light because she had sensed movements. A team of men had already entered the compound, and broke one of the window-panes and shouted into the house to come up.

When the witness woke up, he testified, men who were pointing guns at him greeted him, saying he was under arrest.

When asked to identify the arresting team, he attested that at the time he did not know any of them, but after watching Ismaila Jammeh's testimony before the TRRC¹⁰¹ he recognised his voice and gait. The witness was taken out to a waiting vehicle where Sulayman Jobe, Tumbul Tamba, and four other people began verbally harassing him. Meanwhile Ismaila Jammeh demanded that his wife turn over his phone, the latest Nokia that he had purchased in Dubai. He confirmed that he was **arrested** in the presence of his wife, his two children, and his wife's niece and nephew.

The arresting team then went and picked up Alpha Bah – who was among those the regime later claimed tried to escape - before taking the two men to Mile 2 Prison. At the prison he was processed and his personal belongings, including his wedding ring, were seized. He told the Commission his phone and ring were never returned. He was then taken to the security wing where he met Musa Savage of the State Guard, the then Director of the National Intelligence Agency, NIA, Daba Marenah, Pierre Mendy, Alieu Ceesay, Alieu Singhateh, Sowe (a civilian,) Alieu Jobe, Tamsir Jassey, Yahya Darboe, and Bunja Darboe. The witness asserted he was not told why he had been **arrested** and **detained**.

¹⁰⁰See TRRC Digest Edition 4 pages 46 – 52.

¹⁰¹Ismaila Jammeh was a former Jungler who confessed to numerous crimes including forced disappearance and extrajudicial killings. He testified before the TRRC in August 2019. See TRRC Digest Edition 7 pages 16 – 29.

The next day the witness and the other detainees were listening to the radio when they heard a news report that an attempted coup had been foiled. They assumed that this was the reason they were in Mile 2 Prison.

The prison authorities, he continued, did not know the news would be broadcast on the radio and quickly switched it off – “after that announcement they turned everything off and we were in a news blackout.”

A few days later, the witness testified, he was taken, alone, to the NIA for interrogation. He was brought to a room set up like a conference and asked to sit down. In the room were then Deputy Director of the NIA Momodou Hydera, then acting CDS Lang Tombong Tamba, Baba Saho of the NIA, Demba Sowe from the serious crime unit, as well as Alagie Martin, Musa Jammeh, Tumbul Tamba, Ismaila Jammeh and Modou Jarju. He testified that he did not know that some of these men were Junglers at the time, but that in retrospect he believes in was during this operation that they started wearing the “*black black*.”

The panel was headed by then Deputy Director Momodou Hydera. According to Mahmoud Babadi Sarr, Lang Tombong Tamba told him that it was known he was not involved in the coup attempt, but that he might have been informed. The witness told them about the previous incident when Ndure Cham had told him that he wanted to “kick” Jammeh. Then, either Musa Jammeh or Tumbul Tamba interjected asking how he did not know what that meant. When the witness replied that he was not in Ndure Cham’s mind, Ismaila Jammeh **struck** him on the head with a rubber truncheon and Momodou Hydera told him that if he refused to talk, he would be brought back “*at a time that will be very inconvenient for you.*”

This was the moment, the witness testified, that he became aware there was a special squad for torturing people.

He understood the deputy director’s threat to mean either they would ratchet up the **torture**, or deprive him of sleep. Eventually, he was taken back to Mile 2 Prison. However, a few days later they, he later clarified he was referring to the Junglers including Ismaila Jammeh, came back to Mile 2 Prison and escorted him back to the NIA Headquarters. During transit he was handcuffed, **hit** on the bridge of his nose repeatedly with a truncheon until blood began to flow, and accused of wanting to overthrow the government.

When they arrived at the NIA, he was taken upstairs into a room where Musa Jammeh told him to read a statement, which was recorded, and then sign a document. He was then taken back to Mile 2 Prison, where he waited until soldiers arrived a few days later with a list of names, including his, of people to be released. The witness clarified that he was **detained** on this occasion for a total of 11 days. After his name was announced, he was taken to the NIA with a group of other men. They were told by then Director Harry Sambou that they had conducted their investigation and found that they were not involved in the 22nd March 2006 attempted coup. They were told after their release they should report back to the Military Headquarters.

The witness told the Commission he went back to work as if nothing had happened. However, two weeks later, on the 19th of April, he received a letter informing him of his compulsory retirement.

The next day, he received another letter, nullifying his retirement and instead dismissing him altogether from the Gambia National Army.

Mahmoud Babadi Sarr then produced the two letters for the Commission, and pointed out that as justification, Joseph Jassey, who had signed the letters, quoted a section of the terms and conditions for his position that had no relevance to his forced retirement or dismissal. He confirmed that being dismissed, as opposed to retired, meant that he

received no benefits and in effect was dishonourably discharged. He added that a National Order, recognising his discipline and professionalism, which was supposed to be conferred to him, was also cancelled.

In a certain sense, the witness said, he was happy to receive the letters. He explained to the Commission that in a military setting, having junior promoted over you – such as Peter Singhateh becoming Deputy CDS - is inappropriate. *“When a junior is promoted over a senior you move the senior,”* he elucidated. *“You don’t allow the senior to work under the junior, so I was happy.”*

Following his dismissal, he managed foreign travellers as an agent. However, he narrated, on the 13th of March 2010 two NIA agents arrived at his house in Kerr Serign and ordered him to come with them to “clarify certain grey areas.” He testified that he had no idea what it could have been about, but nonetheless went with the two men to the NIA Headquarters, where he was subsequently **detained** for four days. On his third day of detention, they brought him before another panel, this time headed by Sukuta Jammeh from the NIA.

After reading from a sheet of paper, Sukuta Jammeh apparently told the witness that Ndure Cham had told them that during the planning of the coup, they had a specific charity they wanted to take out and dump at sea with a patrol boat. The witness told the Commission he immediately countered by reminding the panel that he had not been in the navy in 2006, having been moved to Defense Headquarters in 2004. The questioning ended and he was told to write a statement, which he did, but he did not sign it. The next day, a Wednesday, he was transferred to Mile 2 Prison for the third time in his life.

Responding to the Counsel’s request for context for this ordeal with the NIA, the witness reminded the Commissioners that in February and March of 2010 there was another wave of **arrests** ostensibly connected to the Ndure Cham coup attempt. Lang Tombong Tamba and some of his officers were among those **arrested**. Mahmoud Babadi Sarr mentioned that he gleaned this information from other prisoners at Mile 2 Prison, a number of whom were implicated and were called back to the NIA for further questioning during their detention.

The witness hypothesized that perhaps **someone in leadership wanted to implicate someone they did not have evidence against.**

Continuing on this train of thought, he noted that Momodou Alieu Bah, who had been convicted as a plotter of the 2006 coup, was released soon thereafter. He alleged that Momodou Alieu Bah essentially succumbed to the temptation to name whichever names they wanted him to in order to gain his freedoms. *“If you call their names,”* he summarised the offer he believed Momodu Alieu Bah received, *“we will arrest them and set you free.”*

At Mile 2 Prison, the witness was detained alongside Sarjo Fofana, Bunja Alieu Jobe, Tamsir Jassey, Yahya Darboe, Pierre Mendy, Wassa Camara, Faring Sanyang and a marabout the witness remembered as having the surname Fatty. When he arrived at Mile 2 Prison these men, who had been **arrested** for the attempted 2006 coup, came to his cell to ask what happened. He told them he was completely in the dark.

On Saturday evening at 11 pm Mahmoud Babadi Sarr narrated, prison wardens came to his cell and told him he was wanted outside. Remembering how his colleagues were treated during the 2006 investigation, he “doubled up,” which he explained as wearing multiple layers of clothing (having experienced detention previously he had asked that his family be allowed to deliver spare changes of clothes while he was detained at the NIA) to provide a small degree of protection in case he was tortured. When asked to elaborate on how he saw people treated in 2006, he added that in addition to bruises and swollen faces on many people, he specifically remembered that Wasa Camara had been seriously **tortured**, as well as Alpha Bah and Aboulie Kujabi. He added that he saw Junglers put a plastic bag over Abdoulie Conteh’s head at the NIA headquarters and then **smash** his head into the wall. He also said he saw Fata Jaw asked a question, and then given a serious **slap** that caused blood to ooze from his mouth. He did not recall the names of the Junglers implicated in these abuses.

Returning to his ordeal in 2010, he told the Commission he and Sarjo Fofana were driven to the NIA where he was ushered into a dark room and told to sit on the floor. As his eyes adjusted to the darkness he said he recognised Momodou Jarju, alais Rambo, from his posture. Three men directed by Momodou Jarju then began **flogging** the witness from behind with a whip that had a short object at the end. He said he screamed as if he was receiving the full impact but in fact the multiple layers were helping somewhat.

However, “maybe by instinct they realised that they were not working hard enough,” and the three men took off some of his layers and began whipping his bare back. According to the witness Sarjo Fofana also received the same treatment.

Mahmoud Babadi Sarr then brought out the jacket, made of a material similar to jeans, he had been wearing that day to show the Commissioners how it had been ripped by the whipping. The Counsel asked if they could have the clothing as evidence, to which he replied in the affirmative, saying, “*after prison I never put it on.*”

He told the Commission that after his **torture**, he was taken back to Mile 2 Prison.

His injuries were serious, so the next day a medic came to visit but because he could not visit a hospital to avoid the public knowing what happened to him, he was left at Mile 2 Prison to heal.

All he was given were painkillers. A month later Sarjo Fofana was called to the NIA to give his statement. When Sarjo Fofana shared his statement with the witness,

he deduced that it had been Bunja Darboe who told the NIA that Ndure Cham had told him that the witness was supposed to take the charity to sea. After his interrogation where he pointed out the discrepancies in their timeline, the story was changed to instead implicate Sarjo Fofana. Soon after giving his statement, Sarjo Fofana was charged with participating in the coup. The witness, meanwhile, was left to languish in Mile 2 Prison for five years, four months and two weeks.

In 2014, he continued, he was invited to the NIA to meet with then Director Louis Gomez. After five years he was finally told that they had conducted their investigation and determined he was innocent. Louis Gomez confided in the witness that only Yahya Jammeh could give the instructions for someone to be released and that they had written to the President to ask for his release, but had not received a response. The witness then confirmed that Yahya Jammeh must have known about his detention because his uncle had written to State House and received a response which accused the witness of participating in the 2006 attempted coup. Louis Gomez added that they did not want to push the matter because Yahya Jammeh might believe they had a special interest in the witness. Louis Gomez also revealed that the witness was joined in this particular predicament by Wally Nyang and Antouman Saho.

The then director of the NIA also told the witness that the other men had hired lawyers to file habeas corpus claims, after which they were released. According to the witness, Louis Gomez encouraged him to pursue a similar strategy. After further consideration back at Mile 2 Prison, Mahmoud Babadi Sarr decided not to hire a lawyer and file a case because he was concerned that Yahya Jammeh would take counter measures in response.

The witness told the Commission he was eventually released sometime in July 2010 when his name was included on a list of people who had received a pardon directly from the President.

When the Counsel pointed out that he could not receive a pardon because he had never been charged, the witness agreed.

He described how when he was released he was interviewed by Gambia Radio and Television Services, GRTS and he told them the same thing, that he was never charged nor convicted and instead spent five years languishing in **detention**.

After his release, the witness decided to stay in the country despite many of his colleagues urging him to go into exile. After the 2016 elections and the impasse, he heard an announcement on the radio anyone who felt they were unlawfully dismissed from the service could appeal to a board to have their case examined. His first petition resulted in a letter saying his **detention** and dismissal were not related to the executive branch so he would have to channel his complaint through the ombudsman. After waiting for months for a reply from the ombudsman he got a call from the State Intelligence Service, SIS¹⁰², who interviewed him about his arrest.

After the SIS confirmed that his **arrest** was part of an executive action, he was invited back to Defence Headquarters, where he told them he did not think it would be ethical to put on the uniform again considering that he would be working under the people he trained. Instead, he asked to be retired so he could access his benefits. He was reinstated, backdated to the day he was dismissed and given his retirement package and gratuity, but not back-pay. He added that while watching the TRRC proceedings last year he was surprised to learn another pardoned soldier had received his back-pay. He concluded that he would write another petition and has not yet, at the time of the testimony, received a response.

The Counsel then turned the questioning over to the Commissioners. In response to a question from Commissioner Kah, the witness said that thankfully he had not suffered any serious health complications as a result of his **arrests, detention and torture**.

In his final remarks the witness thanked the Commissioners and their protocols. He said The Gambia has gone through a lot, but that it has all been destined by God. He criticised some of his fellow citizens for lacking faith and engaging in snitching or backstabbing of comrades and fellow human beings. He pointed out that while the Junglers claimed before the TRRC that they did not know that what they were doing was illegal, he stated they had made those claims to protect themselves. He added that he knows that they must have participated in the basic training left by the British that any illegal action performed must have a justification.

“They knew it. Some of the things that they were doing was deliberate because in Yahya Jammeh’s time, professionalism doesn’t matter. What matter was if you can do Yahya Jammeh’s bidding, you are fine, you will get promoted”, he said.

He described a culture of sycophancy to Yahya Jammeh and the subsequent lowering of standards in the military, adding that people who were not even qualified to become officers, became officers.

He also commented that the former President had decimated what had once been, in his understanding, one of the best civil services in Africa. He summed up the attitude of many people in the service and government as *“if I don’t blow Jammeh’s horn, my bread will not be buttered.”* He also called out religious leaders for being greedy. He encouraged Gambians to have more faith and put their trust in God. He said that he holds no grudges against Yahya Jammeh or those who **tortured** him because as far as he sees it, God destined it.

¹⁰²The SIS is the renamed NIA.

Persons Mentioned by Witness During Testimony:

Arbitrary arrest and detention (of Mahmoud Babadi Sarr in 2003)

Colonel Badjie, Yahya Jammeh

Arbitrary arrest (of Mahmoud Babadi Sarr in 2006)

Ismaila Jammeh, Tumbul Tamba, Sulayman Jobe

Torture (of Mahmoud Babadi Sarr in 2006)

Ismaila Jammeh

Arbitrary dismissal (2006)

Joseph Jassey

Torture (of Mahmoud Babadi Sarr and Sarjo Fofana in 2010)

Momodou Jarju (alias Rambo)

Arbitrary detention (of Mahmoud Babadi Sarr 2010-2014)

Sukuta Jammeh, Louis Gomez, Yahya Jammeh

After the witness' closing remarks, **Chairman Sise** remarked that while he agreed that Gambians should believe in the power of God, **they must also stand up for truth and justice.**

WITNESS NAME: Veronic CARAYOL

TRRC HEARING DATE (S): 4th March 2020

EVENT (S) DISCUSSED: Defamation, arrest and detention of the witness

POSITION BEFORE THE EVENT (S): Deputy Commissioner of Enforcement at the Department of Customs and Excise

ROLE DURING THE EVENT (S): Arrested and detained

POSITION AT THE TIME OF TESTIMONY: Unemployed

SUMMARY OF TESTIMONY:

The hearing began with the Lead Counsel explaining to Veronic Carayol, the witness, that he was aware that she had many stories to tell about the injustices she experienced but in the interest of time her testimony would have to be limited to the scope and mandate of the TRRC. The Lead Counsel encouraged the witness to seek out legal counsel and support for herself and her family in order to find justice. The Lead Counsel explained that her testimony would be limited to the **arrests** she had been subjected to in the past. The witness said that she understood.

Veronic Carayol told the Commission she was born in April 1963. She attended primary through senior secondary school in Banjul and continued her education in Senegal. After completing her studies in 1984, she took a job at the then Customs and Excise Department. She worked there until 1996 when she was first **arrested** and taken before Justice Patricia MaCauley or Justice Robin Coker (the witness could not remember which one). The witness stated that the first **arrest** was for the “land issue” and lasted for 48 months. She was exonerated, then reinstated in her position with full salary and continued her work up to September 2014.

The witness began to describe an inflammatory article that was written about her around that time but the Lead Counsel asked her to describe her career progression in customs first. The witness said that she joined the customs department in 1984 when it was looking to build capacity and train future leaders within the department. As a result, the witness and her young colleagues were trained for management positions and she rose through the ranks.



The Lead Counsel stated that once she was reinstated after the Commission of Inquiry, she continued to rise in the customs department. The witness agreed, with the highest rank that she achieved being deputy commissioner of enforcement, which in the hierarchy of the then Customs and Excise Department, was second or third in command of the entire department. She noted that it was also the last position that she obtained and in which she remained for 7-10 years.

Upon probing, the witness explained that as a deputy commissioner of enforcement, she was charged with providing oversight within the customs departments, give other customs employees critical feedback on their work and ensure that policies and procedures were implemented correctly.

During the time that she was the deputy commissioner of enforcement, the witness was under Yankuba Darboe, who at the time of testimony was the commissioner general of the Gambia Revenue Authority, GRA also formerly known as the Customs and Excise Department.

Veronic Carayol told the Commission she left the civil service around 29th September 2014 and when asked for the reason for her departure, she began to cry.

After regaining her composure, she confirmed she was arrested in 2014.

The Lead Counsel asked the witness to describe what led up to her **arrest** to the best of her knowledge. The witness testified that Yankuba Darboe had

instructed her through a memo to write a list of all the “unpaid”. She added that Yankuba Darboe was brought from “underneath” and at this point the Lead Counsel interrupted and asked what she meant by that. The witness clarified that she had been Yankuba Darboe’s senior but during Yahya Jammeh’s time, anything could happen and he was promoted to the position of deputy commissioner general and head of customs.

The Lead Counsel asked if her opinion was that that promotion should not have occurred. The witness responded that if she had been consulted before the position was filled, she would have recommended someone else for it. The Lead Counsel asked if it was true that she had an A-level certificate at the time of Yankuba Darboe’s promotion and the witness concurred. When asked if Yankuba Darboe had the same degree of education at the time of his appointment, the witness testified that she did not think he did but the Lead Counsel interjected that he could testify to the fact that Yankuba Darboe had an A-level certificate and also a Master’s of Business Administration, MBA when he was promoted.

Continuing, the Lead Counsel asked the witness if she would agree that, having an MBA from England, Yankuba Darboe would have been one of the most qualified people in the service. The witness said that to her knowledge that was not true, adding that Ma Lamin Sanyang Tunji who had studied abroad at a customs university and was for a while Yankuba Darboe’s senior was also highly qualified. The witness expressed that it would have been better if Ma Lamin Sanyang Tunji had mentored Yankuba Darboe first. She further argued that it was necessary for people to go through certain avenues within the department before taking over certain positions.

The Lead Counsel asked if she agreed that Yankuba Darboe had spent his entire career in customs. The witness responded in the affirmative. The Lead Counsel added that he entered the service as soon as he graduated school and had worked in customs through the time of the testimony. He asked if that would not make him one of the most qualified people in the country to work in that position. The witness said, that it was possible. The Lead Counsel asked the witness if it was correct to say that because of his MBA from England, Yankuba Darboe

was also one of the most educated civil servants in the department. The witness responded in the affirmative.

Continuing, the Lead Counsel said that therefore he would be one of the most experienced and qualified customs officers available for a leadership position. The witness responded in the affirmative. Upon probing, the witness agreed that her argument was then not that Yankuba Darboe was unqualified, but that he was given the position of senior authority too soon and should have apprenticed with someone more experienced first. The Lead Counsel then asked her if she would agree that whether or not he was hired too soon, Yankuba Darboe would still have been highly qualified for the position. She agreed. Finally, the Lead Counsel said that it was the prerogative and right of the President of The Gambia to appoint whomever he wanted to that position and the witness concurred.

Moving on to the events leading to her **arrest**, Veronic Carayol said that she heard from a friend in the UK about an article published by Kibaaro newspaper, which contained her full name, and attacked her “*personality and identity*” with false allegations against her. She remarked that though she tried to ignore it, she was upset, adding that she could not understand why someone would have written a defamatory article about her.

The Lead Counsel asked the witness if she read the article and if she would recognise it again and she responded in the affirmative. She was handed a document, which she identified as the article written about her. The title read: “*Deputy Commissioner Customs Department Exposed*”. The article accused her of harassing and blackmailing businessmen and their agents, claimed she was disloyal to Yahya Jammeh, that everyone within her department was afraid of her, and that she should not be in the department.

Veronic Carayol explained that after she was informed about the article, she went to Yankuba Darboe’s office and asked him about it. She told him that she dared not say anything about who wrote it because of

Yahya Jammeh's regime but one day she would find out who wrote the article and take legal action against them. The Lead Counsel asked her if she knew who wrote the article at the time of the conversation. The witness stated that she highly suspected Yankuba Darboe because prior to the article he had instructed her to write a memo of all the "unpaid." The witness said she agreed to undertake the task but pointed out that she was not the one "sitting in that chair," it was MC Jallow who was supposed to collect the money. She told him that it would be a heavy burden for her to collect the money but she would do her best.

The Lead Counsel asked if it was within Yankuba Darboe's responsibilities to instruct her to write that memo. The witness responded in the affirmative, as he was the head of the department and her immediate line manager. She also confirmed that it was within the scope of customs work for that type of memo to be written and he had directed it to the proper unit, the enforcement unit. The Lead Counsel asked the witness if, in her estimation, he acted properly. The witness responded in the affirmative.

Then the Lead Counsel asked her why, if Yankuba Darboe had behaved within his responsibilities, she now suspected that he wrote the article attacking her. She explained that two or three days before Yankuba Darboe took a trip to Dakar, she told him that she had given the memo to Abdou Jallow who had occupied the seat before and he had signed it. She told Yankuba Darboe, *"it's a department and we should all shoulder it. Some have moved in other departments but the responsibility is still the custom's responsibility so Abdou has signed. Let us collectively collect these moneys."*

The witness then confirmed she wrote the memo but it was signed by the late Abdou Jallow who at the time was acting as the commissioner of customs because by then Yankuba Darboe was traveling in Senegal and Abdou Jallow was overseeing the department in his absence.

Digging deeper, the Lead Counsel asked the witness if there was anything wrong with the memo aside from the fact that it might upset people within the department. The witness explained that when she saw the memo, she knew that the department had not been audited for a very long time. She added that when she saw the memo

regarding the unpaid, she thought *"what a burden"* because it would be difficult to collect all the money and the late Abdou Jallow had not kept any computer records. Furthermore, the customs agents who were involved had been working but were slipping. As a result of all of that, she knew that the memo about the unpaid would have a negative impact on Yankuba Darboe and the department.

The Lead Counsel asked the witness if Yankuba Darboe had been aware that the memo could come around to get him in trouble. The witness responded, *"well, a new broom sweeps well,"* so she told Yankuba Darboe, *"no problem, sir."* The Lead Counsel asked the witness if the memo would have come back against Yankuba Darboe because he was the head of customs. She said that was correct. Continuing, the Lead Counsel asked the witness why Yankuba Darboe would then write something to **attack** her, further asking what the basis of her suspicion was that Yankuba Darboe had written the letter and not someone else. The witness said that she was able to recognise his style of speech and prose in the article. The Lead Counsel asked the witness when she recognised that. She said that when she was incarcerated at the NIA, somebody woke her in the middle of the night and said to her *"that person, what they wrote in newspaper and what they wrote in our evidence are all the same. It is like a copy and paste."*

Veronic Carayol stated that was her basis for arriving at the conclusion that Yankuba Darboe defamed her. The Lead Counsel then asked her if she had the opportunity to compare the two documents herself. She responded in the affirmative and said that someone at the NIA gave it to her and told her not to tell anyone. The Lead Counsel asked if she compared the two documents and the witness responded in the affirmative. He asked her if they were word for word or similar. The witness said the, *"The T and the I were exactly cut and pasted"*.

The Lead Counsel wondered how it was possible and asked the witness if she was suggesting that when Mr. Darboe wrote his statement at the NIA, he had a draft of the Kibaaro article and copied it. The witness responded in the negative. The Lead

Counsel stated that what he was trying to drive at was that the statement attributed to Yankuba Darboe was virtually the same as the Kibaaro Newspaper article. The witness agreed. Going on, the Lead Counsel asked the witness if she thought that it would have been stupid for Yankuba Darboe to do that as it would have exposed him significantly. The witness said that is exactly what he did. Furthermore, the Lead Counsel stated that in their confrontation about the newspaper article, the witness told Yankuba Darboe that she would pursue legal action against the author of the article if she discovered their identity. The witness responded in the affirmative.

The Lead Counsel asked the witness when she was **arrested** subsequent to that and she responded that she was **arrested** when she went to Yahya Jammeh's farm in Kanilai. She highlighted she could not farm but since she was the deputy commissioner of enforcement, it was within her purview. Clearly shocked, the Lead Counsel asked her if it was really within the purview of her job to go farm at Kanilai. The witness said that she coordinated meals for the customs officers who were working at the farm. Unsatisfied with the witness' responses, the Lead Counsel and the witness had a lengthy back and forth about why customs officials would be on Yahya Jammeh's farm in Kanilai.

Ultimately, the witness admitted that she was forced to go "like any other person" and that for the past seven or eight years they had been going to Kanilai to farm and that many of the customs agents, including the witness had no idea how to farm.

The Lead Counsel asked the witness to describe how exactly she was **forced** to be there. The witness said that she did not go to the farm in Kanilai until she was appointed deputy commissioner of enforcement and she became in charge of coordinating the farming activities, which made her feel obligated to go and oversee them. The Lead Counsel asked if it was part of her official responsibilities to **forcibly** corral farmers for Yahya Jammeh and she said, "they would send you a memo."

When she got a memo to disseminate, she told one Ansumana Trawally, that she was going to rewrite the memo to be sent out about the Kanilai farm work to ask people that wanted to be there to come to Kanilai so she did not have to force anyone to go. In the memo, the witness said that she was looking for volunteers for the work party and if they did not get enough volunteers, she would have to delegate people to do it. The Lead Counsel stated she was not forced. The witness said she was not forced to go to the Kanilai farm but she felt obligated to be there because she had been put in charge of organising things.

The Lead Counsel then asked the witness if it was not the case that senior civil servants went to Kanilai in order to demonstrate their loyalty to Yahya Jammeh and though they could not cut grass in their homes, they were actually all eager to go and farm in Kanilai. The witness shook her head and said, "Not all civil servants sir, not all". The Lead Counsel asked her to estimate how many people wanted to go. She said that many of them wanted to be there and some officials even requested to be sent to the farm. She added that when she had to organise the farm days, she would always nominate people who wanted to go before she delegated anyone else. Upon probing, she admitted that some people were **forced**. She also agreed that though she felt like she had been forced to go, others were willing to be at Kanilai.

Venoric Carayol stated that before she went to Kanilai, she told a friend that she suspected that she would be **arrested** there because of the article. The Lead Counsel asked her what the situation was at the time in regards to articles of that nature.

The witness said that articles like that were to get Yahya Jammeh's attention and asserted that Kibaaro Newspaper knew that article would make Yahya Jammeh come after her.

The witness cited a part of the article that said that she was not loyal to Yahya Jammeh's government but that she was loyal to a jailed, former army chief named Lang Tombong Tambang.

Asked if the customs officers actually farmed in Kanilai, the witness testified that they did not really farm and added that she had to pay for a room at Sindola, which at the time was owned by Yahya Jammeh. Clarifying, the Lead Counsel asked the witness if she was telling him that she was **forced** to go to his farm, had to pay to stay in Yahya Jammeh's own hotel, and worked for him for free. The witness said, "*that is what I did.*" The Lead Counsel laughed and asked her how many officers she went with from customs. The witness replied that there were around 50 officers. When pressed, the witness testified that those who went to farm for Yahya Jammeh mostly slept in an outside community space used for wrestling and dancing events. The witness rented a room for herself and some others so that she did not have to sleep outside at the farm. The witness testified that she went to Kanilai three times, each time she went it was to farm for Yahya Jammeh. The witness however, never actually did any farm work.

Moving on, the witness testified that she was **arrested** on the 1st or the 2nd of September after she had just returned from a trip to Kanilai. She thought she would be **arrested** in Kanilai but she was **arrested** by the NIA almost immediately after she got home from Yahya Jammeh's farm. Suspecting that her **arrest** was imminent, the witness packed a "go bag" when she got home for the event of her **detention**. Continuing, she said an NIA agent contacted her soon after with a Q-Cell number whose name was "Darboe." When she asked who it was as she did not recognise the number, he told her to come downstairs, as they were here to "pick her up". She went to her gate, she saw a wine-coloured, tinted vehicle and told the NIA agent she just needed to get her bag because she was a lady and needed to have certain things as she suspected that she would be there for long stay. She highlighted that when she asked the NIA agent if she could get her bag, he denied the request because he thought that she would escape. She was then transported to the NIA.

The Lead Counsel asked the witness why she thought that she would be gone a long time. The witness replied that a week or so before her **detention**, somebody had told her that she (the witness) had been **arrested** before but if it happened again, it would not be easy. The Lead Counsel asked if the article published made any allegations of criminal misconduct. The witness appeared to be offended and said, "None whatsoever." The Lead Counsel said that, nonetheless the witness thought at the time that she would be **arrested**.

The witness agreed, adding that she thought she would be arrested because Yahya Jammeh was so erratic.

When asked what she meant by that, the witness said that her maternal grandfather had brought them up, referring to the Jolas - Kukoi and his elder brother Peter Lamin Sanyang, Benedict Jammeh and David Colley. However when Yahya Jammeh came to power, he **arrested** her in 1996 or 1998 and came after her family's assets. The Lead Counsel stated that he was aware that in 1998 there had been a Commission of Inquiry in regards to those assets. He asked if that was the Commission of Inquiry that she participated in. The witness responded in the affirmative and agreed with the Lead Counsel that the Commission of Inquiry had exonerated her and she was reinstated to her post. The witness also agreed that she was paid all the salaries that she was due and that aside from the anguish she experienced the government owed her nothing.

Going back to her later **arrest**, the witness said she was taken without her bag or any supplies. Once at the NIA Headquarters, she was booked and her phone was confiscated. She said they told her to wait in the open hall and spent the night there.

They did not tell her the reason for her arrest, nor did they give her access to a lawyer and her family.

The Lead Counsel asked if she was given a mattress and the witness said that Momodou Sabally, the then Secretary General who had also been **arrested** suggested she take a private room for herself.

Aside from herself and Momodou Sabally, the witness said there were five prison wardens there, a police officer named “Jatta”, an Alkalo’s son who the witness could not name and a footballer. The witness said she was the only female there and she was not segregated during the day but she was given her own room to sleep in courtesy of her fellow detainees.

The witness said that at the time, she was grateful for the generosity and help but she had mixed feelings about it because she was still **detained**. Continuing, she explained that the following day she was taken to be questioned. At the investigation unit, she met the late Deputy Director of the NIA Louis Gomez and Kebba Secka who had escorted her there. She was questioned on the newspaper article and she gave them a statement. The Lead Counsel asked if they did anything to the witness while she was being interrogated. She said that they pulled out a small metal device, which she believed was a recording device and she asked them not to record her. The Lead Counsel asked the witness if anything else happened during the interrogation that caused her offense. The witness began speaking but she broke down crying while trying to tell her story. The Commission then called for the morning break early to give her some time to compose herself.

After the break, Veronic Carayol told the Commission that after she gave her statement, Kebba Secka took her back to the detention room and told her that if she were needed, they would come back for her. The Lead Counsel asked her if she faced the investigators again to which the witness responded that she faced them many times, they even woke her in her sleep. During that period her investigators were Kebba Secka, Gura Njie and two others who she could identify by their features but not by their names. According to the witness, she also had to face a panel of investigators but could only remember Kebba Secka and Gura Njie. The Lead Counsel asked her if they told her what she was investigated for. The witness said that they told her they had downloaded something on the

Internet and they wanted her to shed light on it. The witness told them not to waste her time, they should ask the person who wrote the article on Kibaaro newspaper if they wanted to find out about it.

The witness was subsequently charged with four or five offences. She could not remember the exact charges but they included abuse of office, giving false information to a civil servant, and something about a vehicle. The Lead Counsel asked her if she recalled a letter of opinion written by a staff of the Ministry of Justice about her case. The witness responded in the affirmative. The Lead Counsel asked her to examine a document dated 14th October and written by a “Mr. M. Jobe” from the Attorney General’s chambers.

When the witness took a look at the document, she said, *“that’s the very one.”* The Lead counsel explained that in the document she would find her charges spelled out in the headings. The witness read out the charges: abuse of office, giving false information to a public servant, unlawful publication, and corrupt practices. When asked, the witness told the Commission that she eventually appeared in front of Fatou Dabo of the Banjul Magistrate’s Court on the 28th or 29th day after her **detention**. Returning to her charges, the Lead Counsel asked the witness if she would agree that the charges had nothing to do with the article that was written about her. The witness responded in the affirmative. The Lead Counsel then said, *“the facts are so completely different.”* The witness concurred. The Lead Counsel said that it therefore meant that what she was being investigated for was totally different than what was in the article. The witness said, *“totally different.”*

The Lead Counsel then took her back to her earlier assertion that the statement that Yankuba Darboe gave was identical to the article. The Lead Counsel said, if that was the case, the statement by Yankuba Darboe could not have been the basis for the charges against her. The witness thought about it for a moment and said, *“Well, in a way yes.”* Continuing, the Lead Counsel asked her what happened with the prosecution. The witness said that when the

prosecution took her to court, after nine months or so, when they were about to give judgement, “*Kebba Secka appeared in the scene again,*” and “*the magistrate, Fatou, said the case was adjourned till two weeks.*” She added that she had to go back home and come back on the date prescribed.

Asked what the verdict was, the witness stated that she was found guilty of all four charges. The Lead Counsel then directed her to a document that she gave him earlier which was an opinion written to the Minister of Justice that there should be some form of disciplinary action against her but not prosecution because the charges were not necessarily directly supported by the evidence. The witness said that was correct. She also agreed that the contents of the letter amounted to the opinion of a lawyer in the Ministry of Justice directed to the Director of Public Prosecution, DPP with recommendations.

The Lead Counsel asked her if she would also agree with him that regardless of the merits of the opinion some other lawyer could arrive at a different opinion. The witness said that could be so. The Lead Counsel continued by saying that, therefore, the opinion sent to the DPP was not necessarily the correct statement of law and it was up to the DPP to accept that recommendation or to reject it. The witness concurred. The Lead Counsel said if the recommendation was accepted, perhaps the Attorney General should have entered a “*Nolle Prosequi*” or an application to stop proceedings against the witness. The witness agreed to the previous statements by the Lead Counsel and also agreed that the “*Nolle Prosequi*” was not filed.

Veronic Carayol testified that she was convicted in 2014. She was fined 90,000 dalasi and in lieu of which she could serve time in prison if she preferred.

However, she eventually appealed the decision at the Appeals Court and they acquitted and discharged her. She added that she also applied for reimbursement of her 90,000 dalasi fine, which was granted.

The witness then explained that she lost her job before going to court, adding that when the NIA released her after 28 or 29 days, she went to court, was bailed but was neither told to go back to the office or stay home. She felt that, as a civil servant, and having no correspondence telling her what to do, she would go back to the office. She went to her office, signed the register and waited outside so that she would not make anyone think that she was trying to take anything or cause any trouble. She said her plan was to wait for the authorities to come to her and then tell them that she had come to report to work.

Next, the witness said that the NIA came back for her after she attempted to report to work. They **arrested** her again and locked her back in the same room as on her previous **detention** for three or four days until they brought her dismissal letter. The Lead Counsel said she was subsequently dismissed; she went through the legal battle, was initially convicted and was later acquitted and discharged by the appeals court, and the fine she paid was reimbursed. The witness said that was what happened. The Lead Counsel asked her when she was reimbursed for the fine. The witness said it was when the coalition won the election in January 2017 after a public announcement that anyone who felt they had been illegally dismissed or terminated from their job should write to the Personnel Management Office, PMO so she did.

The Lead Counsel said that what he wanted to really know was if the date in which the courts finally disposed of her case was during Yahya Jammeh’s administration or after the election of the new government. The witness said it was in the era of the new government that she appealed her case and was acquitted and discharged. She explained that following that she asked to go back to the service. She wrote to the PMO after the public announcement, a panel was set up which included the PMO, the inspector general of police and others and they concurred that she should be reinstated. She was given a reinstatement letter, which she took to work but was not able to return to her position because there was no vacancy at that level at the time.

When asked what happened next, the witness said that a month or so later, she got an order letter from the deputy director stating that she would receive her dues in the sum of “6,000” but did not include her service from 1984 on. She wrote a letter explaining her grievances but never received a reply. The Lead Counsel asked the witness if she was aware that there was a 14-day window to accept or respond to the order letter and the witness said that she responded within the 14-day period. The Lead Counsel told the witness that that matter was out of the jurisdiction of the TRRC because it was an employment issue but he encouraged the witness to follow up on it. The witness then confirmed she was unemployed.

Returning to her **detention**, Venoric Carayol described it as not pleasant. She said that she slept on the floor for 28 days, her family did not know where she was and she was just given 25 dalasi a day to buy food. She added that the women she found in detention were hostile towards her. She testified that she had packed her menstrual supplies in her bag when she suspected she would be **arrested** by the NIA but they would not let her take them.

When she had her period in detention, she asked a woman for help but they would not listen to her and she had to tear off a piece of her dress to “ease herself.”

She said she stayed like that, adding that she told “their boss” that she knew it would be hard in **detention** but they should have allowed her to come with her basic necessities.

She said that after three or four days she concocted a plan to get home and get her supplies. The witness’ unclear narration put forward that she told Kebba (Secka), “*you have parked the office vehicle here, let me go home and get my duplicate*”¹⁰³. Without clarifying what she meant by “duplicate”, she continued that there was no duplicate but she needed to get home to take care of herself. When she went home, she immediately went to the bathroom to get her supplies.

The Lead Counsel asked the witness if she was able to take her bag into the NIA with her at that time. The witness said no, she did not take her bag but was able to smuggle the things she needed into the detention center. She said that at another time she needed medicine and she asked the NIA medic, whose name she thought was Sanyang, if it was safe for her to ask her auntie at the Medical Research Center, MRC. The witness stated that she had troubles with her left breast, left kidney and left ovaries. She said she doubted the NIA had medicine for her.

The medic told her he thought her problem was beyond his expertise but he examined her feet, saw that they were swollen, and provided some medicine, which the witness thought might be penicillin. The witness said he gave her the wrong medicine and so they allowed her to get in touch with her auntie. The witness was worried about how many hands the medicine would pass through before it reached her and what might happen to it in that time. She then asked the NIA staff, one Ceesay when she might be released, because she had done nothing wrong, and her condition was “not for the NIA Headquarters,” she asked if she could be bailed like the Attorney General’s chambers had suggested. The NIA officer suggested that they were not responsible for her **detention**.

The Lead Counsel asked the witness who was responsible for her **detention** and in a convoluted manner, the witness replied that when she later heard Louis Gomez was in Mile 2 Prison, she went to visit him and appealed to the fact that he had been nice to her whilst at the NIA and they were both Christians. Louis Gomez told her to check her file, adding that they had taken it away from him when they knew they did not have anything to hold her there. Her case was above him. She finished by stating that she did not know who was responsible for her **detention**. When asked what happened to Louis Gomez, the witness said that three or four days after her visit, he died at Mile 2 Prison.

¹⁰³At no point in time did the witness clarify what a duplicate was.

A discussion then ensued as to how Christian beliefs were in conflict with what was being done at the NIA. The witness explained that as Christians you were taught to love your neighbour as yourself and if you love somebody you do not maltreat them.

But at the NIA, when lights were turned off, NIA agents would take people away.

The witness said that one night she saw from her a room a vehicle come with black-black and hoodies, meaning that the occupant of the vehicle had a “hoody” and was wearing black so you could not identify them. The witness continued in between tears that the individual came and said her “*grandfather was one of those ones*”. She did not provide any further explanation as to what exactly she meant by that but stated that he ordered her to go into one of the offices and lock herself from inside. The following morning, when she came back out into the hall, she was told, “*who they picked that night and what they did to him*”, and that continued up to one week. When asked, the witness said the person appeared injured because of a **beating**.

The Lead Counsel asked the witness if anyone else was **beaten**. After a convoluted monologue, the witness stated that other people were **beaten** as well. When asked, the witness agreed that the **beatings** were routine but she was not physically beaten. She said that one night she went to sleep in her room and found three people inside of it.

She told them to leave because the room was for her and told them “*you would not rape anybody here. You would not torture anybody here*”.

The witness said that she told their boss about it and said if anything happened to her, “*it’s you together with them*”. The witness said that those men were there to guard her, not sleep in the same room as her. She then described how she had many fleabites on her body. The Lead Counsel asked the witness who those three men

were. Once again, in a convoluted manner, she said that two of them were twins named Adama and Awa Fatty, together with one Aja, one Ceesay and the third man she could not remember¹⁰⁴. When asked what they were doing there, the witness said that they attended the register of the NIA. She knew their names because she heard them talking to one another and saying their names.

The Lead Counsel asked her if anything else happened when she was in custody and the witness responded in the negative. The Lead Counsel said that her complaint for her victimisation was that she was **detained** at the NIA for 28 or 29 days without having a trial. When asked, the witness testified that she was not given the opportunity to consult a lawyer. The witness testified that before she went to Kanilai, she told a friend to contact a lawyer to come bail her out if she was held for 72 hours without appearing before a court. The witness said that she told her friend, “*nobody has challenged Yahya but I will*.” The lawyer, Awa Ceesay Sabally, tried to contact her several times but was unsuccessful. The witness was also not allowed to contact her family for at least two weeks until Louis Gomez gave permission. The Lead Counsel asked the witness if it was true that she was not provided with any sanitary facilities when she needed them. The witness responded in the affirmative.

The Lead Counsel went on to ask her how she felt about being **unlawfully detained** in those conditions. The witness said it felt very uncomfortable because she was not given the basic necessities and the NIA agents would not even allow her to purchase basic necessities with her own money.

The Lead Counsel then submitted several documents as evidence including the newspaper article, the letter of opinion written on behalf of the witness, and several letters from her pursuit of reinstatement. The Lead Counsel passed the witness on to the Commissioners for further questions.

Chairman Sise asked the witness if they were paid per diems to work on Yahya Jammeh’s Kanilai farm. The witness testified that they were not. She agreed

¹⁰⁴From the witness’ response, it seems like she is indicating that the three men were Adama Fatty, one Ceesay (first name not given) and a third man whose name she cannot remember. Awa and Aja usually refer to girls and women.

that money she spent on her trip to the farm in Kanilai went to Yahya Jammeh's bank account. She said she paid to sleep in Yahya Jammeh's hotel because it was the safest place to sleep at the Kanilai farm.

Imam Jallow asked the witness about the debts she was supposed to collect. The witness said those fees were supposed to be collected as part of customs duties. The items had documents that showed what customs fees were owed but no one at the department was in charge of contacting those people and collecting the money. As a result, the debts were neglected for many years. The witness testified that it put it in her a difficult position to try to collect the outside debts long after the debts were originally owed but she did her best.

Commission Bishop Odico asked the witness about the memo written to her to collect the outstanding debts. He asked her if she meant to say that they should have been collected before she got to that office. The witness testified that that was true. That was why she asked the memo to be signed by the late Abdou Jallow who held the chair before her and should have collected the debts.

When asked if she had any concluding remarks, the witness declined the opportunity to speak further.

Persons Mentioned By Witness During Testimony:

Forced labour

Yahya Jammeh

Arbitrary arrest and detention

Darboe (first name not given), Louis Gomez, Kebba Secka, Adama Fatty, one Ceesay (first name not given).



WITNESS NAME: Ensa KEITA

TRRC HEARING DATE (S): 5th March 2020

EVENT (S) DISCUSSED: Wage theft by Aziz Tamba and Yahya Jammeh; arbitrary arrest and detention, torture and sexual assault of the witness, his escape and return to The Gambia; arbitrary detention and extrajudicial killing of Kajali Jammeh, Yama Colley, Bai Dam, Sheikh Faal, suspected cattle rustlers, two unnamed men, and Pa Ous Jeng

POSITION BEFORE THE EVENT (S): Sand and gravel contractor

ROLE DURING THE EVENT (S): Arrested, detained and tortured by the Junglers in Kanilai

POSITION AT THE TIME OF TESTIMONY: Not given

[Testimony contains graphic violence]

SUMMARY OF TESTIMONY:

Ensa Keita began his testimony by detailing how he left school in grade four and dabbled in farming, masonry, driving, and petty sales. In 2005, he began working with sand and gravel. He said he was given contracts by a man named Tumbul Ceesay, who himself was working for Amadou Samba, although the witness had no contact with the latter. He explained that he went to the quarries with the labourers and kept time and made sure everyone came for work. Foreshadowing slightly, he described how, when Tumbul Ceesay fell ill and was rushed to the hospital, he followed him to the hospital to speak with him before he passed to ensure that the labourers were paid.

After Tumbul Ceesay passed away, the witness travelled to Bwiam to look for work. He soon realised he could make more money securing his own contract in Kanilai than working as a labourer. The witness and his friend Sidat Diallo (from Bignona, Senegal) went to Kanilai and paid a visit to Jalamang Jammeh. Jalamang Jammeh told them that “*the elder*” - by which he meant his brother, the President (Yahya Jammeh) - was going to fix his house, and that their neighbour Aziz Tamba had been put in charge of the project.

Ensa Keita told the Commission that a few days later, he met with Aziz Tamba and expressed interest in providing gravel and sand. Aziz Tamba apparently asked the witness how he would transport the sand and gravel, to which the witness responded he had an idea. Ensa Keita then returned to Bwiam to negotiate with Amadou Samba’s labourers to sneak the truck and excavator out of their work site for the sand and gravel. At this point, the Lead Counsel clarified that neither the witness, nor those with access to the equipment, told the actual owner of the equipment they were using the truck and excavator. He added that they even met together to discuss how to use the equipment without Amadou Samba knowing. The Lead Counsel called it stealing. The witness described, again in detail, how he provided more opportunities for graft knowing it was going to happen anyways and not wanting to fall short on the project. When the Lead Counsel asked why he was providing more opportunities to steal, the witness responded, “*so they too would have something to eat.*”

Continuing his testimony, the witness stated that as they excavated and transported the gravel and sand to Kanilai, Aziz Tamba would show up with meat, bread and attaya. The witness was becoming concerned because Aziz Tamba had not paid them the full amount they had originally agreed to. He added that after the work was completed, he went with Sidat Diallo to ask Aziz Tamba for their money, which he testified was between 125,000 and 135,000 dalasi¹⁰⁵. Aziz Tamba would respond that Yahya Jammeh was busy and would pay later. He said they chased the money for around one year (from 2005 to 2006).

¹⁰⁵Between \$4,250 and \$4,580 US according to 2005 exchange rates.

Ensa Keita testified that although Aziz Tamba was clearly avoiding him, he was able to confront him once outside Buba's shop in Bwiam. "*The greetings were short,*" then he demanded his money and accused Aziz Tamba of putting off paying them. Aziz Tamba replied that the "Elder" – a reference to then President Yahya Jammeh - would pay when the entire project was completed, to which the witness retorted that he had to pay the labourers under him who had completed their work. Apparently, Aziz Tamba said that he would discuss the issue when he was back in Banjul with Yahya Jammeh.

The situation escalated when the witness demanded his money again, saying "*no one is above the law,*" to which Aziz Tamba replied "*we'll see about that.*" Ndongo Mboob¹⁰⁶, who was also present, prevented the witness from striking the first blow, and advised him to leave the money issue alone. "*The way this is developing,*" the witness testified he said, "*you won't be lucky tomorrow with it.*" Then the witness nearly started arguing with Ndongo Mboob but Buba Sanneh intervened. Amid the commotion, Aziz Tamba slipped away, further angering the witness.

The witness narrated that he got another job in construction but continued to visit Kanilai on the weekends and days off to look for Aziz Tamba. In his discussions with Jalamang Jammeh, Yahya Jammeh's brothers revealed that Aziz Tamba was their nephew and was very close with Yahya Jammeh. According to the witness, Jalamang Jammeh divulged that Aziz Tamba had spread rumours among their relatives that Jalamang Jammeh sided with the Mandinka, which had brought further discord between Jalamang Jammeh and his family. He advised the witness to visit Pa Jammeh, the then Alkalo¹⁰⁷ of Kanilai.

The witness recalled that on his next trip to Kanilai, he was at Jalamang Jammeh's compound when he saw Aziz Tamba drive past. He ran out onto the road and followed the car, which disappeared into Yahya Jammeh's compound. When the witness tried to follow him into the compound, a soldier named Sergeant Yahya Baldeh stopped him and told him he should wait for Aziz Tamba. He waited at the gate drinking attaya with another soldier. When they discussed the witness' issue, they told him

his issue was far above their pay grade and that they could not allow him into the compound. The witness then stated that Aziz Tamba mixed his vernacular with French as opposed to English and was actually from Casamance in Senegal.

Continuing his testimony, he stated that when Aziz Tamba finally left the compound, he (the witness) stopped him on the road and again demanded his payment. Aziz Tamba apparently feigned ignorance, and asked the witness if he had a signed contract, knowing full well that their agreement had been oral. The witness said he grew angry and threatened both Aziz Tamba and his driver, before explaining that the men under him were still waiting to be paid. Aziz Tamba gave the witness 2,000 dalasi. The witness took the money, and then asked about the remaining portion. Aziz Tamba responded that when Yahya Jammeh paid him, he would call the witness to pick up the rest.

Ensa Keita narrated how he returned to Jalamang Jammeh's compound, and then went to visit Alkalo Pa Jammeh. However, the Alkalo was of little assistance as he was also on poor terms with Yahya Jammeh and held no influence in his decision-making. The imam also heard the witness out, but said that he was restricted to the mosque. The witness said that he even brought the issue to another one of Jalamang Jammeh's family members, a man named Landing (the witness did not provide a last name), who he identified as a teacher. Landing told him that he could not involve himself in the issue, "*Aziz's voice goes further than mine and he could block me.*"

The witness narrated a final confrontation between himself and Aziz Tamba in which Aziz Tamba told him directly that Yahya Jammeh would not pay him. The witness then accused Aziz Tamba of stealing his money, pointing out that Yahya Jammeh gave millions of dalasi to people and that he was owed less than 200,000 dalasi. The witness said he was then thrown in a cell for a few hours before a friend of his let him out. After being released he still went back to confront Aziz Tamba, who told him that he would speak with Yahya Jammeh and call the witness when he had his money.

¹⁰⁶According to testimonies before the TRRC, Ndongo Mboob was later extrajudicially killed by members of the Junglers in 2006. See TRRC Digest Edition 6, page 99.

¹⁰⁷Village leader.

The witness said that one day, around 7 pm in the evening, he got a call from Aziz Tamba saying that he should come to Kanilai the next day to collect his money. Aziz Tamba even said he could meet with the President face to face to discuss the issue. The witness got to Kanilai the next morning around 10 am. After a few hours, a tall hefty man came asking for Ensa Keita. The witness followed the man to a gate, after which the man pushed him ahead and walked behind him. They walked past some armoured cars to a house nearby. A boy named Badjie (no first name provided) came out with a key. The man, who he later learned was Musa Jammeh (alias Maliamoogoo) led him into the building and then into another smaller room. Musa Jammeh then left him in the room and closed the door.

The witness soon began speaking with Badjie, who revealed that all he knew is that Musa Jammeh had asked him to **lock** him up. The witness said he had no business with Musa Jammeh, and that his issue was with Aziz Tamba who owed him money. Badjie kept quiet for what the witness described as a long time before telling him that he faced a big problem.

Ensa Keita testified that he sat in the room all day without food or water until Musa Jammeh returned around 11 pm or midnight with another man he identified as Jafa Jafa.

Musa Jammeh came to the door, unlocked it, pulled the witness towards him, then struck a blow.

He testified that when they released him, he was dizzy and had to lean on the wall. Musa Jammeh then accused the witness of being a rebel with the *Mouvement des Forces Démocratiques de Casamance*, MFDC¹⁰⁸ and being involved in weapons smuggling. When the witness said he was not a rebel, Musa Jammeh **struck** him again, and told him that nothing had happened to him yet. He said he would only have peace if he accepted he was a rebel. Otherwise, “*the crocodiles will eat you.*”

The witness continued to deny knowledge about the rebels and insisted his problems were with Aziz Tamba, which only resulted in more blows to his body until finally Musa Jammeh locked him back in the cell and left. When

Badjie came by the cell the next afternoon, the witness told him he was hungry and thirsty. Badjie apparently replied that there was no food at the present, but that he could help the witness with water. However, he told the witness he had to hide the water because Musa Jammeh had instructed him not to provide him with anything. He brought the water, and a few hours later a small bowl of food also arrived.

Ensa Keita recalled that in another conversation with Badjie, the young man counseled him not to mention Aziz Tamba’s name. He said that Musa Jammeh had shown him a document that alleged that the witness was smuggling AK-47 rifles from The Gambia into Casamance.

Badjie told him that if he kept mentioning Aziz Tamba, his life expectancy would plummet from five to two days.

On the fifth day of his **detention**, Ensa Keita continued, he was taken to the sitting room late at night. He later added that whenever he heard people coming at night he grew afraid it was Musa Jammeh, who “*takes me out and beats me to his satisfaction and locks me up again.*” Instead, another man dressed in a military uniform burst into the room with someone in tow. Badjie saluted the soldier, who the witness later came to know as Sanna Manjang, who snapped at Badjie to “*fucking pack this man.*”

The new prisoner identified himself as Kajali¹⁰⁹ Jammeh. According to the witness’ memory of their conversation, Kajali Jammeh said he was an MFDC rebel who had come to sell cannabis to buy food to take back to the forest. He had buried the cannabis and his gun before arriving in town, where he had the misfortune of trying to sell Sanna Manjang marijuana. Sanna Manjang pretended he wanted to buy the drugs, and followed him into the forest. A scuffle ensued when Sanna Manjang tried to arrest Kajali Jammeh, but he was able to subdue him with the help of onlookers.

¹⁰⁸The MFDC was a separatist movement in the Casamance region of Senegal established in 1982. It still formally exists, but is no longer the movement it once was.

¹⁰⁹Also reported in the media as Kajally.

Ensa Keita testified he was **tortured** again that night. He testified that Musa Jammeh continually **beat him**, demanding he say he was a Casamance rebel involved in gun running. After the witness refused, his mouth was taped shut. Jafa Jafa and Musa Jammeh then tied up the witness.

“My legs would be stretched and I’d bend down. The rope used to tie my legs, that’s the same rope they brought about my neck.” The witness was then **beaten with a black pipe**. *“I would try to shout but no one could hear me.”*

After the **torture** was over, Badjie came to remove the tape on his mouth and give the witness some food. Ensa Keita described Badjie as sympathetic, but afraid.

Ensa Keita told the Commission that when he heard the sound of a car engine on his 12th night of **detention**, he stood up in his cell. Outside he listened as Sanna Manjang called Badjie, asking for Musa Jammeh’s whereabouts. Badjie apparently said that Musa Jammeh had already left for State House. Sanna Manjang then barked at Badjie to bring Kajali Jammeh out of his cell. As they walked out of the cell, Badjie told a fearful Kajali Jammeh he did not know what was happening. When they reached Sanna Manjang, he (Sanna Manjang) taunted Kajali Jammeh, saying that on the day of his **arrest** Kajali Jammeh had thrown some blows, but now *“you are under my control. I will **kill** you, **chop off** your head and take it inside, and give your body to the crocodiles.”*

After a moment of silence at the Commission, the witness added, *“that is what he did.”*

When the Lead Counsel then asked what he understood by Sanna Manjang’s comment that he would take Kajali Jammeh’s **severed** head *“inside,”* the witness fired back that Kajali Jammeh’s head was not the only one taken inside. He added that that night he questioned why God had brought him into the world, although the clarified that he was not himself in that moment.

According to the witness, Kajali Jammeh and Sanna Manjang were standing face to face. Sulayman Sambou, who the witness said was often with Sanna Manjang, was also in the room. Sanna Manjang accused Kajali Jammeh of being an armed criminal, to which Kajali Jammeh responded that he was a rebel with the MFDC, but they were not criminals, and that all he was doing was trying to make money to buy food. Sanna Manjang said he was lying and that his time had come to end. Unlike when he had tried to **arrest** Kajali Jammeh, Sanna Manjang continued, this time he could not fight back. The witness later added that Kajali Jammeh then told Sanna Manjang that they would meet in the next world, which angered Sanna Manjang to the point that he started cursing Kajali Jammeh’s mother.

The witness said he was standing at his door and listening to everything. Badjie also had turned his chair to face the confrontation. He said that, even as he saw it coming, he did not believe it was happening. This moment, he divulged has caused him many nightmares. *“At that instant I could not recognise anything because I was so terrified. From the day I was born I never saw anything like this.”*

Ensa Keita told the Commission that Sanna Manjang murdered Kajali Jammeh by decapitating him with a sword while he stared at his face.

As the blade cut through his neck, *“the blood sputtered out as if you killed a cow. The tongue was wiggling in the mouth as if he was trying to mumble something.”*

The Lead Counsel then had the witness get up out of the witness chair and to the center of the Commission hall to re-enact Kajali Jammeh’s final moments. Ensa Keita continued his testimony standing up and showing how Sanna Manjang put his foot on Kajali Jammeh’s lifeless head and told Sulayman Sambou to bring the bag. Sanna Manjang picked Kajali Jammeh’s head up by his nostrils and put it in the bag, saying, *“everything will be clear now.”*

Badjie then began to clean the blood from the floor but Sanna Manjang told him to stop. He then dragged Kajali Jammeh's body onto a cement slab and told Badjie that the body would be fed to the crocodiles. While Sulayman Sambou held the corpse, Sanna Manjang **hacked** the body into pieces, which were stuffed into a large jute sack. Afterwards the two men left the room with the sack. When they returned without the jute bag they told Badjie that he could now clean up. When they asked Badjie what brought the witness to the detention facility, he told them "he's Musa's guest." The witness later testified that Yahya Jammeh was in Kanilai that day and the next morning was seen taking a tour of the lions.

The Commission then took a break for lunch, and the Lead Counsel said that Counsel Singhateh had wanted to pass on that viewer discretion should be advised as the testimony contained graphic violence.

After the break the Lead Counsel asked the witness what happened with the head of Kajali Jammeh. Ensa Keita responded that he did not know precisely, but that Badjie later told him that they were taken inside Yahya Jammeh's house. "The elder," meaning the former President, "has need for them." Once he heard this, he did not ask any more questions, partly out of concern that his head would also end up in Yahya Jammeh's residency.

Two or three days later, the witness continued, at around 9 pm Musa Jammeh and Jafa Jafa carried a woman into the room and left her there. The woman, who the witness identified as Yama Colley, was crying, terrified that she would never see her family again and that she would die.

The witness later added that he saw blood coming from between her legs, and believed that she had been raped.

While Musa Jammeh was taking a phone call outside, Yama Colley started to tell the witness how Musa Jammeh had told her that there was work for her in Kanilai. However, her story was interrupted when Musa Jammeh returned. When he asked the witness what he was asking Yama Colley, the witness responded that when a stranger comes to your house you ask their business, and because he had been in the cell for 20 days, it was now his house.

The witness said that Yama Colley was taken from the room and Musa Jammeh picked up him by his shirt and **beat** him to the ground. Ensa Keita told the Commission that he lost count of the number of blows he endured. When the witness called out for God, Musa Jammeh asked where God was in that moment before continuing to assail him.

Once again, the Lead Counsel asked the witness to demonstrate the **torture**.

Ensa Keita got up and showed how Musa Jammeh forced him to bend his knees while he stamped his back, pinning him to the floor.

The witness testified that this caused intense pain. As Musa Jammeh continued stamping on his back, he kept asking the witness if he was a rebel or not. The witness said he responded by saying "Musa, if you're going to **kill** me, kill me, but you cannot force me to say 'I'm a rebel.'"

Musa Jammeh threatened he would damage him twice and take him into the next world. He told the witness he would never have children again, and removed the witness' trousers¹¹⁰. Musa Jammeh then left the room to take another call, which the witness said was in Jola and beyond his comprehension. When Musa Jammeh returned he told Jafa Jafa that he had been ordered not to use knives to **kill** Yama Colley and instead had been told to strangle her, then decapitate her and take her head inside¹¹¹.

When asked to describe Yama Colley, the witness pointed at a woman in the audience saying she resembled her but was fairer in complexion, with braids, a wart on her cheek, and a smattering of facial hair.

When the Lead Counsel asked if Musa Jammeh said anything about why that particular mode of killing was chosen, the witness said that Badjie told him that Yahya Jammeh regularly used people as human sacrifice. When the witness asked if he was on the sacrificial alter, Badjie said this was up to Musa Jammeh.

¹¹⁰The witness did not say anything more about this at this point but later described sexual violence but did not give a specific time.

¹¹¹It was unclear if "inside" was a euphemism for being taken to Yahya Jammeh.

The witness testified that he heard Musa Jammeh tell Badjie that he would be paid the next day because Yama Colley had a beard. Then, while looking at the witness, he told Badjie “*here is more food for the crocodiles.*”

He added that the next day, he saw Musa Jammeh strangle Yama Colley to death.

Musa Jammeh then called Sanna Manjang whom came and cut the body into pieces and fed it – except the head – to the crocodiles. Then Sanna Manjang and Musa Jammeh put her head in a plastic bag and took it into the compound. He later added that Badjie explicitly told him that Yama Colley was sacrificed.

Ensa Keita told the Commission that he saw this same horrific scene play out with a few more people. Two Senegalese men, Bai Dam and Sheikh Fall were brought in one night and whisked out the next morning. The witness said he never saw any corpses, but he did see Sanna Manjang, Sulayman Sambou and a few others washing up at a spigot outside.

He revealed that Badjie later told him “*anyone who went out with these people at night, they **killed** them.*” When the witness asked what they had done, Badjie responded that he should ask Sanna Manjang. Badjie added that whenever Sanna Manjang drank, “*he has no mercy for any human beings.*” He said that even Musa Jammeh, a relative of Yahya Jammeh, was afraid of Sanna Manjang.

“For Sanna” he said, “killing a human is as easy as drinking a cup of water”.

On another occasion a jeep with the back covered in tarp pulled up outside the facility. When the tarp was stripped back he saw three people he later learned were accused of cattle rustling. One of the men had long hair, the other had six fingers on one hand, and the third was darker in complexion and appeared to be more muscular. This third man was the first they brought out of the jeep. According to the witness, “*he was grabbed and thrown out of the vehicle like firewood.*” While the man was on the ground Sulayman Sambou stomped on his mouth, breaking his teeth.

When the men were out of the vehicle Sanna Manjang sat down, rolled a joint of marijuana and brought out a few bottles of beer. After smoking the joint and drinking some beer, he looked at the time and told Sulayman Sambou that as it was nearing 3 am, he should call the people to bring the car. When the jeep came, the man with long hair resisted their efforts to put him in the car. Sanna Manjang, Sulayman Sambou, and three other soldiers eventually threw him and the other two in the back of the car. When the soldiers returned they went straight to the pump outside and washed themselves. He never saw the three suspected cattle rustlers again.

The witness told the Commission that there was one more person who he saw during his **detention**. The witness tried to initiate a conversation with him, but he remained silent, even when the witness undressed himself to show the man evidence of his **torture**. He later added that the man had suffered serious wounds to his cheeks, forehead, and ear and was covered in blood. The second night, a Senegalese man from Kaolack who was some kind of accomplice to the silent man was also brought in. He told the witness he had fled and had been caught in Essau. Sanna Manjang and the others soon took these two men away.

When the Lead Counsel asked about torture of a sexual nature, the witness responded that Musa Jammeh had held his testes and pressed hard until the witness went unconscious.

Since then, the witness said, one of his testicles has been permanently damaged and is still in pain. He added that Musa Jammeh would have castrated him if it were not for a tall female soldier named Sarjo. Sarjo, who travelled with then President Yahya Jammeh, apparently saw the witness in such a dire state, and begged Musa to forgive him. While he was spared **castration**, “*I was already destroyed and not myself.*”

Ensa Keita then described some of the other ways he was **tortured** beyond being **tied up**, **beaten**, and subjected to **sexual violence**. He said sometimes Musa Jammeh would set nylon on fire over his legs and thighs and the embers would fall onto his bare skin. The witness offered to take off his trousers to show the Commission, but the Lead Counsel ordered him to keep his pants on. He added that during this **torture**, Musa Jammeh told him that if he accepted he was rebel they would release him. When he mentioned Aziz Tamba, he was **beaten** further.

In response to prompting from the Lead Counsel, the witness said that another Senegalese man by the name of Pa Ous Jeng was captured in Barra and taken to the bush, after which the witness saw Sanna Manjang, Sulayman Sambou, and one other soldier washing their hands at the outside pump. On that occasion he explicitly saw that Sanna Manjang's trousers were soaked in blood.

Ensa Keita narrated yet another bout of **torture** he endured. Musa Jammeh again began by asking him about weapons smuggling in the Casamance, to which the witness replied that he knew nothing.

Musa Jammeh then went to get a shirt and a T-shirt, telling the witness “you will now speak the truth,” to which he responded “just kill me, I’ve already suffered.”

Musa Jammeh then tied his hands behind his back and put them through the back of his legs. He then put him on a chair and made a loop over his neck, pulling his head backward. He was then tied to the table with the same rope that was around his neck. As the witness narrated the next part of his testimony, he began crying softly. The Lead Counsel then said they would give the witness a few moments to collect himself, and issued another viewer discretion warning.

After a few minutes the witness described how while he was bound to the table, Sanna Manjang stood in front of him and **hit** him in the mouth, **destroying** his teeth. He said he promptly fainted from the pain. He

was unconscious for nearly the whole day. As he continued his testimony, his voice became notably deeper.

He was stirred back to consciousness by Musa Jammeh cursing his mother and saying he would **kill** him. The witness said he responded that he had never had any problems with Musa Jammeh, that Musa Jammeh was just acting in someone else's interests, and that he was putting Allah between him and Musa Jammeh. Musa Jammeh responded by **beating** him with a pipe. Badjie and the others watching were too scared to stop him. After a while Musa Jammeh stopped the **beating** and left the room. “*He had no mercy for me,*” the witness declared.

After that day of **torture**, someone came and gave the witness tablets for the pain he was experiencing. The tablets did reduce the pain, he said, but also made his spinal cord burn. When the witness complained to Musa Jammeh, he just continued his threats to **kill** the witness.

After one month and twenty days of **detention**, Musa Jammeh came to his cell around midnight, and instructed him to get up and remove his shirt. He then led him outside to a small “traditional structure” built by Yahya Jammeh. Musa Jammeh pointed out a fire in the distance and told him to go there. The witness advanced with trepidation, believing that he too would be **murdered** and his body **mutilated**. He recalled that as he was approaching, the sound of a cutlass falling on the cement made him jump.

He further stated that when a man appeared before him, he wanted to turn around but the man told him to come closer. As he approached, the man, who was not tall but appeared tough, bent down and picked up the cutlass. After confirming he was Ensa Keita, the man asked what his problem was with Musa Jammeh. When the witness responded that his issue had always been with Aziz Tamba, the man revealed that Musa Jammeh had given him the order to **kill** him.

After hearing about the witness' issues with Aziz Tamba and seeing that his head was swollen, his teeth broken, and his legs destroyed, the man with the cutlass identified himself as Kawsu Camara (alias Bombardier). Kawsu Camara told him that he felt sympathy and kinship with the witness and as a result would not **kill** him. However, he said, he had received military orders and asked what the witness would do if he allowed him to go free. The witness responded that he would leave the country and never come back as long as Yahya Jammeh was in power.

The witness explained that Kawsu Camara left him for a few moments, then came back and brought him to a fence. He told the witness to climb over the fence, but in his weakened state, this was impossible, so Kawsu Camara essentially threw him over the fence, which caused further bruising. After a hard landing, Kawsu Camara came around through the checkpoint and gave the witness a military cap and an insignia. The witness walked behind Kawsu Camara through the facility until they reached the last checkpoint, after which Kawsu Camara returned into the secured area.

Outside the last checkpoint, he recalled that he met an elderly Jola woman on the road who made sure the path through Kanilai was free of security services, and pointed out the road to a village called Kantimba near Kanilai but on the Senegalese side of the border. In Kantimba, a colleague of the witness helped put him on a donkey cart to move further away from the border.

Ensa Keita further narrated that in his new location, he solicited the assistance of a marabout, who after hearing his ordeals, went into the forest and returned with a bevy of herbs.

After consuming a tea made from the plants brought by the marabout, the witness said he urinated and vomited blood until his situation ameliorated.

Through a contact in Bwiam he was also able to secure western medicine, which helped his health improve. Once he was able to walk without assistance, he left.

The witness further stated that he returned to The Gambia but was afraid of the Kombo area, so instead resided in N'yofelleh. He lived there for three years, never venturing into Serrekunda and avoiding people in uniform. When his niece came to visit, she asked about his teeth and he told her he had had an automobile accident. He added that he was taken to the Ahmadiyyah hospital and they helped him receive some surgery.

He continued that after his ordeal he stopped trying to collect the money he was owed. A friend named Abdou Traore advised the witness to go visit Halifa Sallah¹¹² and tell him his story. At his office he met with Sam Sarr, who transcribed his statement, put it in an envelope and told the witness to take it to State House. He said he did as was instructed and delivered his statement at the main gate of State House. He learned that Yahya Jammeh was in Morocco with his wife, but that if they needed him, they would call him. When the soldier said his name was Tumbul Tamba, the witness was shaken, believing that he could be a relative of Aziz Tamba.

He told the Commission that the following evening around 6 pm, he got a call from a private number. After confirming he was Ensa Keita, the voice on the phone said that Yahya Jammeh had left his money, 135,000 dalasi, for him to pick up. However, after the call, the witness confided in his wife that he was worried it might be a trap.

He went to an old marabout in his compound named Amadou Diallo who was from Burkina Faso but had been in The Gambia since 1981. For 2 dalasi Amadou Diallo manipulated and read the sand. He then told the witness that there was a problem between him and Yahya Jammeh. The witness said that he hinted that he would never collect his money. He then said that someone would call the witness, and that if he answered them in the affirmative, he would not return.

Ensa Keita recalled that that evening, he went to see his wife again. On the way, he received another phone call from a mysterious number, asking where

¹¹²Halifa Sallah has been the leader of the opposition party, the People's Democratic Organisation for Independence and Socialism, PDOIS, since its founding in 1982.

he was and repeating that they had his money. He turned around and went back to the marabout Amadou Diallo for further divination. The marabout repeated his previous statement: *“I saw you going, but your coming back was in darkness.”*

He said that his phone rang again and he told the people on the other end he was preparing to depart. He went to speak with his wife, who had also sought divination that afternoon. He then came to the realisation that this money had already nearly cost him his life, and that as he saw it, Allah had helped him escape, but now the money issue was going to destroy his life again.

He stated that when they called for a fourth time, he told them that he was leaving the money because he believed they had set a trap for him. The voice on the other end denied there was any trap. When the witness asked the man his name, he said Tumbul Tamba, and in response to the witness’ questions, revealed that his father and Aziz Tamba’s father were related. The witness again told him he was leaving the money issue to Allah. In response Tumbul Tamba grew angry, saying that the witness wanted to trouble his brother, and that no matter where he was in The Gambia, he would catch him.

The witness testified that he told Tumbul Tamba that he was lying one last time, hung up the phone, took out the Sim card, and broke it into pieces. In that moment, he said, *“my mind was still not stable. I thought I’d die at any moment.”* He sold the land in N’yofelleh, against his wife’s wishes, for 100,000 dalasi. When he found a buyer and they went to the Alkalo to sign the documents, the Alkalo asked why he was selling his residence. The witness said he responded that however busy a small bird is, they will still run from an elephant.

“There is something over my head you people don’t know because I can’t tell anyone. I can’t trust anyone again in this country.”

He further testified that with the money from his land, he bought rice and oil and gave a sizable portion to his family. He told his wife he was leaving. He had told her

what he had endured but even she did not believe him. When he told her he was leaving, she still did not think that he would actually leave.

From Banjul he took a small pirogue¹¹³ across the mouth of the Gambia river to Barra and then a taxi to the border at Karang. At the border, the Gambian immigration officers began asking questions. He told them he needed to use the bathroom, leaving his bag with his meager belongings with them. Instead of using the bathroom, he escaped across the border, *“I left my bag with them and found my way and went. I did not trust them because they could **arrest** me and take me back to Kombo.”*

He recalled that after a few days in the city of Kaolack in Senegal, he bought a ticket for Bamako, Mali. After a week in Mali he saw one of Yahya Jammeh’s people who had come to buy sheep. When they greeted and the man told him he was from The Gambia, *“I became so terrified, I smelled my own blood.”* After that interaction he went to the garage and bought another ticket for Ouagadougou, Burkina Faso.

He told the Commission that he did not know anyone in Ouagadougou, but that he spoke a little Bambara and was able to get some food to eat. He asked someone in the garage how far Niger was, and they told him not far. The next day he got on another bus to Niamey, Niger. The Lead Counsel asked him why he fled so far, the witness responded that he was suspicious of neighbouring countries and was afraid that the men Yahya Jammeh sent to buy animals would **kidnap** him and take him to The Gambia.

After three months in Niamey, he travelled north to Agadez.¹¹⁴ When he met other Gambians in Agadez he told them that he had been a soldier but that he was migrating to Europe.¹¹⁵ He made friends with a Tuareg named Bula, who told him that many of the Tuareg were from Azawad and were coming from Libya to Chad, Niger, and Mali.¹¹⁶ The witness asked his friend Bula to connect him with these men.

When the Lead Counsel asked why he wanted to be connected with the Tuareg rebels, he responded that he wanted to return to The Gambia and exact

¹¹³Small boat.

¹¹⁴The Lead Counsel assumed this was in Morocco. In fact, Agadez is a centuries-old city in northern Niger that serves as a hub for licit and illicit cross-Saharan trade and migration.

¹¹⁵At this time Agadez was a central transfer point for West Africans, many of whom were Gambian, trying to get to Europe and make money to support their families at home.

¹¹⁶In early 2012 Tuareg rebels took over northern Mali and unilaterally declared the independence of the state of Azawad. See Al Jazeera article, [Tuaregs claim ‘independence’ from Mali](#)

revenge for the **torture** he endured. After connecting with the rebels, he told them that he would not travel to other countries to **kill** people, but that he wanted to train and work with them until he had the weapons and knowledge to return to The Gambia and **kill** Musa Jammeh and his family. The rebels apparently accepted, and he was sent on various missions to get supplies and travel into the Sahara Desert to train with them.

In the training camps, he told the Commission, he learned how a gun is made and how bombs are assembled. He said he was not afraid of the men he was training with and that they were working together.

However, when they told him to go to Libya and cause destruction there, he refused, saying that Musa Jammeh was his sole focus.

He stated that one day an Arab woman (he later identified her as Salama) from the university came to his house on a motorcycle. He recognised her as someone who observed him every day when he passed back and forth. The Arab woman came into his house and told him she wanted to marry him. Initially he was reluctant, telling her that marriage is not what brought him to Niger and that he had no resources with which to marry her. She responded that if he did not marry her, she would commit suicide. He pointed out that they did not even know each other, which apparently did not dissuade her, and she continued to insist they get married.

He continued that she told him that the path he was on in Niger was not a good one. This initially angered him, but she maintained that the people he was associating with were not good people and that “*they destroy people’s minds.*” She said she wanted to take him from them and pleaded with him to do it for Allah. This made the witness reconsider and he finally asked the woman how marriages were conducted in Niger.

Salama took the witness to her father, who forbade the marriage on racial grounds. The witness said that he then imitated Salama’s higher voice telling her father that if he did not agree, she would **kill** herself. This gave her father pause. While her family was discussing the issue, the

witness sought the counsel of the other Gambians in Agadez. It turned out that Salama had already visited his Gambians friends, also telling them that she would kill herself unless the witness agreed to marry her. He told his friends he had no money or resources to secure the marriage. His Gambian friends, surprised at the novelty of an Arab woman demanding to marry a Black man, said they would collect funds amongst themselves for the marriage to take place.

The witness told the Commission that they got married in 2013 and are still married today with one child. When the Lead Counsel asked how he was able to father a child after the **torture** he endured, the witness responded that he can still “*perform my manhood,*” albeit infrequently, which sometimes causes quarrels with his wife.

Continuing his testimony, he recalled that before the 2016 Gambian election, he had contacted people back in The Gambia, who told him that this election would be different. The witness did not believe it until election night. He told the Commission he was watching the television when suddenly he heard cries of celebration as Gambians in Agadez learned that Yahya Jammeh had lost the election.

The witness, believing that Musa Jammeh was still alive, made plans to return to The Gambia. He crossed back into the country on 18th February 2017 and immediately began investigating Musa Jammeh. He quickly learned that he had passed away, but this did not dissuade him from planning to **murder** his remaining family. When later asked how he planned to carry out the **killings**, he testified that he intended to drive a car strapped with explosives into their compound.

He said that however, while he was plotting his revenge, his friend leaned on him to desist. When he learned about the Truth, Reconciliation, and Reparations Commission he decided to abandon his reprisal. However, he said he was still nervous about testifying about training in the camp in Niger, insisting that he is not a terrorist and that it was anger that compelled him to pursue that route. When

asked by the Lead Counsel, the witness said that he has forgiven Musa Jammeh and his family and no longer seeks revenge but that the pain is still in his heart and he cannot forget what happened.

The Lead Counsel then turned the questioning over to the Commissioners. Chairman Sise expressed his shock at the witness' ordeal and said they were all praying for him to continue his recovery.

Commissioner Kinteh also expressed his sympathy before asking about the **detainee** the witness saw who refused to speak. The witness clarified that he believed he refused to speak because of the pain he was suffering. He also elucidated that the three cattle rustlers were from the region of Kolda in Senegal. Lastly, the witness told him that since coming back to The Gambia, he has not had a place to reside and that the stress of finding housing has caused him to lose sleep.

Commissioner Samba then clarified that the witness was involved in stealing from Amadou Samba. The witness said that in some ways he was not as responsible as the people in the company who were actively working under Amadou Samba.

When Commission Kah asked whether the witness was ever able to pay his colleagues, he responded by saying that if his colleagues were watching his testimony right now, it would shock them to learn that he had not passed away. He added that if he had the money, he would distribute it, but that he was forced to let the issue go and had not seen them in a long time.

Imam Sey thanked the witness for forgiving Musa Jammeh and his family despite all the hardship he endured. He clarified that the witness never saw Aziz Tamba during his **detention**. The witness also revealed that he does not believe that Musa Jammeh was aware Kawsu Camara had released him.

In his closing remarks, Ensa Keita thanked Allah for not killing him yet. He also thanked the Commissioners for listening to his story, and said that he was happy to narrate it. He thanked Allah for giving him the soundness of mind and body to be able to repeat what happened to him over ten years ago. He again thanked the Commissioners for establishing truth and justice.

He told the Commission that he is still in ill health, that his fingers are broken, and his back and waist still suffer serious pain.

He said he cannot even lift a bag of rice, and that his youth has been destroyed. After asking for health care assistance, he asked God to preserve peace in The Gambia.

Persons Mentioned By Witness During Testimony:

Wage theft

Aziz Tamba

Arbitrary detention (of Ensa Keita, Kajali Jammeh, Yama Colley, Bai Dam, Sheikh Faal, suspected cattle rustlers, "silent" man, Senegalese man, and Pa Ous Jeng)

Badjie

Arbitrary arrest and detention (of Ensa Keita)

Musa Jammeh (alias Maliamoogoo)

Torture (of Ensa Keita)

Musa Jammeh (alias Maliamoogoo), Jafa Jaffa, Sanna Manjang

Extrajudicial killing and desecration of remains (of Kajali Jammeh)

Sanna Manjang, Sulayman Sambou

Arbitrary detention/kidnapping (of Yama Colley)

Musa Jammeh (alias Maliamoogoo), Jafa Jafa

Extrajudicial killing and desecration of human remains (of Yama Colley)

Musa Jammeh (alias Maliamoogoo)

Unlawful disposal and desecration of remains (of Yama Colley)

Sanna Manjang

Arbitrary detention and extrajudicial killing (of Bai Dam and Sheikh Faal)

Sanna Manjang, Musa Jammeh (alias Maliamoogoo)

Torture (one of the suspected cattle rustlers)

Sulayman Sambou

Arbitrary detention and extrajudicial killing (of three suspected cattle rustlers)

Sanna Manjang, Sulayman Sambou

Arbitrary detention and extrajudicial killing (of “silent” man and Senegalese man)

Sanna Manjang

Sexual assault (of Ensa Keita)

Musa Jammeh (alias Maliamoogoo)

Arbitrary detention and extrajudicial killing (of Pa Ous Jeng)

Sanna Manjang, Sulayman Sambou

When the Lead Counsel asked if **Musa Jammeh** said anything about why that particular mode of **killing** was chosen, the witness said that **Badjie** told him that **Yahya Jammeh regularly used people as human sacrifice.**

Rosa Luxemburg Stiftung



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Ambassade de Suisse au Sénégal

About ANEKED

Led by women African human rights activists, the African Network against Extrajudicial Killings and Enforced Disappearances (ANEKED) campaigns against forced disappearances and summary executions. ANEKED combines the power of technology, innovation, traditional media and legal expertise to make issues related to enforced disappearances and extrajudicial killings much more visible, advocating for justice for victims and their families.

www.aneked.org

📱 @theANEKED

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.

www.thepoint.gm

📘 @ThePointNewspaper

#NeverAgain

Designer- Alexis Stern