

# **THE GAMBIA GOVERNMENT WHITE PAPER ON THE REPORT OF THE COMMISSION OF INQUIRY INTO THE FINANCIAL ACTIVITIES OF PUBLIC BODIES, ENTERPRISES AND OFFICES AS REGARDS THEIR DEALINGS WITH FORMER PRESIDENT YAHYA A.J.J. JAMMEH AND CONNECTED MATTERS**

## **Introduction**

1. On 22nd July, 1994, the democratic government of President Sir Dawda Kairaba Jawara, was toppled in a military coup d'état by a small group of young lieutenants led by Yahya Abdul Aziz Jamus Junkung Jammeh. The coup makers quickly established the Armed Forces Provisional Ruling Council (AFPRC) consisting at first of Chairman Lt. Yahya Jammeh, Lt. Sanna Sabally, Lt. Edward Singhateh and Lt. Sadibou Hy dara, who were soon after joined by Lt Yankuba Touray and Captain Lamin Kaba Bajo.
2. Following the introduction of the 1997 Constitution of the Republic of The Gambia, Yahya Jammeh retired from The Gambia National Army, transformed himself into a civilian and contested successive presidential elections which he won as candidate for the Alliance for Patriotic Re-orientation and Construction (APRC) party. In a historic election held on 1<sup>st</sup> December, 2016, President Jammeh for the APRC was defeated by the current President, Mr. Adama Barrow, who was supported by a coalition of opposition political parties.
3. A tense and dangerous political stand-off ensued when President Jammeh refused to hand over power to President-elect Adama Barrow, culminating in a threat of the use of force by ECOWAS member States to compel President Jammeh to quit power. He ultimately succumbed and left the Country on 21st January, 2017, following the swearing-in of President-elect Adama Barrow on 19<sup>th</sup> January, 2017, in Dakar, Senegal. To satisfy popular demand, President Barrow was re-sworn

before the Hon. Chief Justice and the Gambian general public at the Independence Stadium in Bakau, The Gambia, on 18th February, 2017.

4. Upon the installation of the Barrow administration, preliminary reports received from, *inter alia*, the Central Bank of The Gambia, Social Security and Housing Finance Corporation (SSHFC), Gambia Ports Authority (GPA), Gambia Telecommunications Company Limited (GAMTEL), National Water and Electricity Company Limited (NAWEC), Assets Management and Recovery Corporation (AMRC), Gambia National Petroleum Corporation (GNPC), and other public institutions and government agencies, indicated that substantial funds were, either directly or indirectly withdrawn, paid out or expended on instructions or directives received from the Office of the President during the tenure in office of former President Jammeh, sometimes for unknown purposes.
5. It was discovered that bank accounts were opened into which funds paid by members of the public and intended for the State were directly controlled and expended by former President Jammeh or on his instructions.
6. It was also discovered that former President Jammeh, during his tenure in office, had accumulated at least 131 known landed properties registered in his name or in companies and foundations in which he has shares or an interest; and that he operated at least 89 private bank accounts directly or through the aforesaid companies or foundations.
7. Based on these preliminary reports, President Barrow deemed it in the public interest to launch an inquiry into the financial and other activities of public bodies, enterprises, and offices as regards their dealings with former President Jammeh, his family members and close associates, his financial and business affairs, and the assets accumulated by them during his tenure in office.

8. Accordingly, in exercise of the powers conferred on him by Section 200 of the Constitution of the Republic of The Gambia 1997, and the Commissions of Inquiry Act Cap 30:01 Vol 5 of the Laws of The Gambia, His Excellency, Adama Barrow, President of the Republic of The Gambia, on 12<sup>th</sup> July, 2017, issued a ***Commission of Inquiry into the financial and other related activities of certain public bodies, enterprises and offices as regards their dealings with former President Jammeh, and the accumulation of assets by him, his family members and close associates, and for connected matters*** through Gazette ***Legal Notice 15 of 2017, ISSN 0796*** with the following membership:-

- i. **SURAHATA B.S. JANNEH – Chairperson**
- ii. **ABIOSSEH GEORGE - Member**
- iii. **BAI MASS SAINÉ - Member**

9. The Commission was assisted by Counsel Amie N.D. Bensouda who was appointed by the Attorney General.

10. The members of the Commission were sworn-in in July 2017, and the terms of reference of the Commission were as follows:-

a) Inquire into and investigate the circumstances surrounding the withdrawal of diverse sums of money from the Central Bank of The Gambia including from the International Gateway Account, Carnegie Mining Project Account, and any other account or fund lodged with the Central Bank and:

- (i) Ascertain whether bank policies were followed in the creation and operation of the accounts and withdrawal of funds therefrom;
- (ii) Ascertain whether the withdrawn sums were properly applied to budgeted and lawful purposes; and

- (iii) Identify institutions, persons and groups of persons directly involved in the payment, withdrawal and application of the said sums.
  
- b) Inquire into and investigate the involvement of the Executive arm of Government under former President Jammeh in the withdrawal and application of funds or resources of public bodies, enterprises and offices or projects including but not limited to SSHFC, GPA, GAMTEL, NAWEC, AMRC, GNPC, and to:
  - i. Ascertain whether applicable policies and procedures were followed;
  - ii. Ascertain whether funds or resources withdrawn or applied were properly applied to budgeted and lawful purposes; and
  - iii. Identify the institutions, persons or groups of persons directly involved in the withdrawal and application of the said funds or resources.
  
- c) Inquire into whether and to what extent the resources meant for the Government or people of The Gambia including grants, donations, and loans were diverted, converted or misappropriated by or under the direction of the former Executive;
  
- d) Investigate the extent to which former President Jammeh was involved in public procurement and whether any losses were caused to government by reason of such involvement;
  
- e) Investigate the existence, nature, extent, and method of acquisition of assets and properties of former President Jammeh, his family members and close associates within the period from 22<sup>nd</sup> July 1994 to 21<sup>st</sup> January 2017, and to investigate whether such assets and properties were acquired lawfully or otherwise;

- f) Investigate the companies, businesses, and bank accounts operated directly or indirectly by former President Jammeh and his close associates or in which he had an interest
- g) Investigate the activities of former President Jammeh and his close associates between the period 22<sup>nd</sup> July 1994 and 21<sup>st</sup> January 2017 and ascertain whether:
  - i. They maintained a standard of living above that which was commensurate to their earnings as public servants or otherwise;
  - ii. They were in control of pecuniary resources or property disproportionate to their past official earnings; and
  - iii. To what extent they were involved in corruption, dishonesty or abuse of office for private benefit.
- h) Investigate any other person or matter that may be reasonably related to the foregoing inquiries, and perform such other functions as may be conferred on the Commission by applicable laws;
- i) Identify whether any person or group of persons committed any offence in relation to any matter inquired into by the Commission;
- j) Recommend ways of improving on the supervision of Government Accounts in a bid to ensuring that irregular withdrawals from the said accounts do not reoccur;
- k) Recommend ways of recovering or restoring any assets, monies or other resources that may have been illegally taken, misappropriated, misapplied or lost; and

- l) Present its findings to the Government making such recommendations as it deems fit in relation to any person or matter, and embodying in its report a full statement of the reasons leading to those findings.

11. The Commission submitted its Report in Nine (9) volumes totaling One Thousand and Six Hundred pages (1,600) to the President on 29 March 2019.

12. The Government has carefully considered the Report and in this White Paper has stated its decisions and accepts (*except as otherwise stated in this White Paper*) the findings and recommendations as they relate to the issues brought out in the Report.

13. In taking the decisions reflected in this White Paper, the Government has not lost sight of the prevailing governance environment created by former President Jammeh at the time. Notwithstanding, in most cases, members of the business community, in their dealings with former President Jammeh, were motivated by sheer greed and opportunism; while those who served in public office were mostly motivated by a combination of fear and self-preservation. The Government has also taken into account the fact that The Gambia is currently going through a fragile political transition to democratic rule after over two decades of authoritarian rule. Consequently, the Government's main objective, as reflected in this White Paper, is the recovery of monies stolen and/or misappropriated from the State by former President Jammeh, his family members and close associates.

14. For the avoidance of doubt, this White Paper does not and neither is it intended to reflect all the findings and recommendations of the Commission. It only contains the key findings and recommendations that the Government wishes to highlight from the Report.

15. But first, the Government wishes to highlight the commendable work of the Commission in general, and the procedure adopted by the Commission in its investigations and public hearings. The transparent manner in which it conducted its proceedings and the extra-ordinary measures it had adopted in order to ensure fairness and adherence to law and due process is highly commendable.

## **FINDINGS**

### **FORMER PRESIDENT YAHYA A.J.J. JAMMEH**

16. Former President Jammeh was the primary subject of the Commission's inquiry. He was born on 25<sup>th</sup> May 1965. He came into power on 22<sup>nd</sup> July 1994 at the age of 29 as a Lieutenant in the Gambia Armed Forces (GAF). His Employment No. was 30050614. He was first married to Madam Tuti Faal (divorced), then Madam Zineb Souma, and lastly Madam Halima Sallah (divorced). He has two children with Madam Zineb Jammeh, namely Mariam and Muhammed Jammeh. His only other known dependent was his mother Aja Asombi Bojang (deceased).

17. He was in power for 22 years 6 months, first as Chairman of the Armed Forces Provisional Ruling Council, 22<sup>nd</sup> July 1994 to January 1997, when he was sworn in as the 2<sup>nd</sup> President of the Republic of The Gambia.

18. According to the records of the Accountant General, in July 1994 when he took over power, his salary was D2,744.20 (two thousand and seven hundred and forty-four Dalasis and twenty bututs) per month.

### *Properties*

19. The Government notes the following key findings of the Commission:-

- i. Former President Jammeh, during his tenure as head of State, acquired **281 (two hundred and eighty-one)** landed properties throughout the country. These include private residential and commercial properties, islands, forest parks, wild life reserves and wetlands. The Commission's ability to investigate 2 properties outside the country (*one in the United States and one in Morocco*) were constrained by several factors including the challenges involved in tracing assets abroad. The Commission also concluded that the properties reviewed in the Report are by no means exhaustive as more properties were being reported to the Commission even as they were writing their Report, and that investigations into the properties of former President Jammeh should continue.
  
- ii. Former President Jammeh's properties can be placed in seven (7) broad categories:
  - a. *Properties acquired by outright purchase*: These are properties acquired by outright purchase and for which documents of title exist. They were acquired by former President Jammeh for value.
  - b. *Properties seized and/or appropriated from 3<sup>rd</sup> parties*: These are properties which were claimed, seized, appropriated, and acquired by former President Jammeh without paying any financial consideration, and known to be in his possession.
  - c. *Public land grants by the State and District Authorities (TDA)*: These are public lands leased to former President Jammeh by the State directly or by district authorities, with the approval of the Minister responsible for Lands, without payment of any form of consideration and includes free allocations within the TDA.



- d. *Public land grants by the State and District Authorities (General)*: These are public lands leased to former President Jammeh by the State directly or by district authorities, with the approval of the Minister responsible for Lands, without payment of any form of consideration and includes forests, reserves and parks, islands etc.
- e. *Community allocations of land*: These are lands allocated by the communities to former President Jammeh under customary law and not yet leased.
- f. *Land in the process of being leased*: These are properties identified and surveyed for allocation to former President Jammeh or Kanilai Family Farms Ltd (KFF) and in respect of which the leasing process is yet to be completed.
- g. *Properties with pending claims*: Some properties investigated have pending litigation and the Commission did not think it appropriate to make any findings in relation to these. A number of claims were also received from members of the public in respect of some properties. The Commission determined early on that it was not within its mandate to resolve third party claims that are regarded as, substantially, contentious. More time than was available to the Commission was required to deal with such claims. It is the Commission's view that all such 3<sup>rd</sup> party claims must be referred by the claimants to some other forum for resolution.

*Properties acquired by outright purchase*

20. Former President Jammeh acquired 61 properties by outright purchase from their owners as follows:

21 Banjul City

16 Kanifing Municipality

21 West Coast Region

1 North Bank Region

2 Central River Region

The said properties are more particularly identified in Volume 3 of the Report.

21. That some of the said properties were purchased in the name of former President Jammeh, one property was purchased in the name of Kanilai Group International Ltd (KGI), and most of the properties were purchased in the name of KFF; that former President Jammeh owns 99% of the shares in KFF and the other 1% nominal share is in the name of his brother Ansumana Jammeh. Moreover, KFF also owns 79% of the shares in KGI, while the remaining 29% of the shares is held in trust by Zineb Jammeh for her children Mohamed Jammeh and Mariam Jammeh.

22. Most of the properties were purchased with cash payments out of which 27 were purchases arranged by Mr Amadou Samba. While the Commission could not determine the purchase price of some of the properties, the Commission found that fifty-one (51) of the properties were purchased for the total sum of **D195,500,000** (one hundred and ninety-six million, five hundred thousand Dalasis), **£1,150,000** (one million and one hundred and fifty thousand British Pounds Sterling), and **\$150,000** (one hundred and fifty thousand US Dollars).

23. The Commission found that former President Jammeh's legitimate earnings are insufficient to acquire properties worth **D195,500,000** and **£1,150,000** and **\$150,000**. The Commission further found that there is overwhelming evidence that the source of funds for the acquisition of all the above properties, whether acquired in the name of KFF, KGI or former President Jammeh personally, were from his illegal activities and most probably public funds. In the Commission's view, all the properties acquired by purchase vest in former President Jammeh, KFF and KGI as

constructive trustees of the State to the extent of the monies illegally taken from the State. Furthermore, the Commission found that Stamp duty on the purchases was not paid by former President Jammeh or KFF as the purchasers in most of them.

24. The Government accepts these findings in so far as they relate to the properties acquired by outright purchase by former President Jammeh. Accordingly, the Government accepts, in part, the recommendations of the Commission that the said properties, more particularly identified in Volume 3, pages 58 to 63 of the Report, be forfeited to the State and sold. The proceeds of sale shall be applied to the payment of monies for which former President Jammeh, and all companies associated with him and his wife are found to be liable in the Report. The said properties are hereby forfeited to the State.

25. The Government, however, rejects the recommendations of the Commission in respect of Ndebaan Clinic, Central Abattoir, Farato Farms, Kanilai, Santangba-Sanyang, Banjulinding Farms, and Barra Coconut Plantation because the recommendations, contained in pages 61-63, in respect of these properties were not part of the Commission's terms of reference.

*Properties seized and/or appropriated from 3<sup>rd</sup> parties*

26. Former President Jammeh was in possession of 29 properties which were not acquired from the State or any district authority, nor were they acquired by purchase. The said properties are more particularly identified in Volume 3, pages 63-85 of the Report.

27. The Commission found, *inter alia*, that the said properties were claimed, seized, appropriated, and/or acquired by former President Jammeh without paying any financial consideration. The Commission also found that the transfer of ownership

of properties by the AMRC to KFF in the absence of valid consideration were invalid.

28. The Government accepts these findings in so far as they relate to the properties seized and/or appropriated from 3<sup>rd</sup> parties by former President Jammeh. Accordingly, the Government accepts the recommendations of the Commission that the said properties, more particularly identified in Volume 3, pages 85-88 of the Report, be forfeited to the State and sold. The proceeds of sale shall be applied to the payment of monies for which former President Jammeh and all companies associated with him and his wife and Baba K. Jobe, are found to be liable in the Report. The said properties are hereby forfeited to the State.

29. The Government also accepts the recommendation of the Commission that the transfer of ownership of properties by the AMRC to KFF in the absence of valid consideration should be rescinded. The Government hereby orders that the transfers of ownership of properties from AMRC to KFF be rescinded forthwith.

*Public land grants by the State and District Authorities (TDA)*

30. Former President Jammeh acquired several leased lands in the Tourism Development Area (TDA). These are public lands leased to former President Jammeh by the State and local communities with the approval of the Minister responsible for Lands, without payment of any form of consideration. The said lands are more particularly identified in Volume 3, pages 88-108.

31. The Commission found, *inter alia*, that former President Jammeh used his authority and position to acquire these lands, and that he abused his power as President to do so. The Commission further found that local communities who purportedly allocated him land within the TDA could not have validly done so as the lands were already vested in the State for use as TDA since 1970.

32. The Government accepts these findings in so far as they relate to lands in the TDA purportedly granted by the State and local communities to former President Jammeh. Accordingly, the Government accepts the recommendations of the Commission that the leases issued to former President Jammeh be cancelled and/or rescinded, and that the said lands be restored to the State to be applied to the proper planning and development of the areas more particularly identified in Volume 3, pages 109-110 of the Report. It is hereby ordered that the leases of the said lands in the TDA be immediately cancelled and/or rescinded and the lands restored to the State.

*Public land grants by the State and District Authorities (General)*

33. Former President Jammeh also acquired several other lands including forests, lagoons, reserves and parks, islands etc. These are public lands leased to former President Jammeh by the State directly or by district authorities, with the approval of the Minister responsible for Lands, without payment of any form of consideration. The said lands are more particularly identified in Volume 3, pages 110-233 of the Report.

34. The Commission found, *inter alia*, that former President Jammeh was engaged in a land grab and manifestly abused his authority as President to illegally do so. The Commission further found, and was concerned, that a number of properties were gifts by communities to former President Jammeh. Of equal concern was the Commission's finding that there is pressure on land for public spaces and amenities. The Commission found that in view of the relationship that exists between a President and the public, the gratuitous gifts of communal properties were not free from undue influence.

35. The Government accepts these findings in so far as they relate to lands purportedly granted by the State and local authorities and communities to former President Jammeh. Accordingly, the Government accepts the recommendations of the

Commission that the leases issued to former President Jammeh be cancelled and/or rescinded, and that the said lands, more particularly identified in Volume 3, pages 110-233 of the Report, be restored to the State for public use. It is hereby ordered that the leases of the said lands be immediately cancelled and/or rescinded and the lands restored to the State for public use.

*Community allocations of land*

36. Former President Jammeh acquired large areas of land in respect of which he appeared to hold title only by customary allocations from communities. The said lands fall under the category of lands that former President Jammeh received as gratuitous gifts. They are lands allocated by the communities to former President Jammeh under customary law and not yet leased. The Commission did not find any records at the Department of Lands and Surveys for the leasing of the said properties. The said lands are more particularly identified in Volume 3, pages 234-240, of the Report.

37. The Commission found, *inter alia*, that former President Jammeh was engaged in a land grab and abused his authority as President to do so. The Commission further found that it would be unconscionable and contrary to public policy if former President Jammeh were allowed to keep gifts of community lands needed for the livelihoods and development of entire communities.

38. The Government accepts these findings in so far as they relate to lands allocated by local communities to former President Jammeh. Accordingly, the Government accepts the recommendations of the Commission that the said lands be confiscated by the State and properly planned to serve the most urgent public needs of local communities. The said lands are hereby confiscated.

*Land in the process of being leased*

39. Former President Jammeh was in the process of leasing an additional thirty (30) lands all over the country, and a survey of most of the said lands had been completed. There is no record of how former President Jammeh acquired the said properties or why he was leasing them in his name. These were properties identified and surveyed for allocation to former President Jammeh or Kanilai Family Farms Ltd (KFF) and in respect of which the leasing process was yet to be completed. The said lands are more particularly identified in Volume 3, pages 240-269, of the Report.

40. The Commission was of the view that this was a further attempt by former President Jammeh to illegally appropriate more land.

41. The Government accepts these findings in so far as they relate to lands that were in the process of being leased to former President Jammeh or any member of his family. Accordingly, the Government accepts the recommendations of the Commission that all processes commenced for the allocation and leasing of land to former President Jammeh should be discontinued, and that all files at the Department of Lands and Surveys or local government offices and survey plans should be cancelled. The Government hereby orders that all processes commenced for the allocation and leasing of land to former President Jammeh should be discontinued.

*Properties with pending claims*

42. Former President Jammeh was in possession of several properties which are the subject of pending 3<sup>rd</sup> party claims. Some properties investigated have pending litigation and the Commission did not think it appropriate to make any findings in relation to these. A number of claims were also received from members of the public in respect of some properties. The Commission determined early on that it was not within its mandate to resolve 3<sup>rd</sup> party claims that are regarded as, substantially, contentious. More time than was available to the Commission was required to deal

with such claims. It is the Commission's view that all such 3<sup>rd</sup> party claims must be referred by the claimants to some other forum for resolution. The said properties are more particularly identified in Volume 3, pages 270-288, of the Report.

43. The Government accepts the findings in so far as they relate to properties that were in the possession of former President Jammeh but which are the subject of pending 3<sup>rd</sup> party claims. Accordingly, the Government accepts the recommendation of the Commission that the said 3<sup>rd</sup> party claims be referred for resolution by another forum.

44. Consequently, the Government has now established an Inter-Ministerial Taskforce at both the Ministerial and technical levels to handle all such 3<sup>rd</sup> party claims. The Ministerial Taskforce comprises the Attorney General & Minister of Justice, the Minister of Local Government and Lands, the Minister of Tourism and Culture, and the Minister of Agriculture. The technical Taskforce, which acts as the advisory body to the Ministerial task force, comprises the Solicitor General and the Permanent Secretaries at the Ministries of Local Government and Lands, Tourism and Culture, Agriculture, and Finance. In determining these 3<sup>rd</sup> party claims, the Government Taskforce shall have regard to the Commission's other recommendations contained in Volume 3, pages 287-288, of the Report regarding resolution of these claims.

#### *Accounts*

45. The Government notes the following key findings of the Commission:

- i. Former President Jammeh, during his tenure as head of State between July 1994 and January 2017, directly or indirectly, operated over one



hundred bank accounts in The Gambia. Some of these accounts are more particularly identified in Volume 2 of the Commission's Report;

- ii. Disproportionate amounts of resources were wasted, misappropriated and diverted during the 22 years of former President Jammeh's Government. The meager resources at the disposal of the country were managed at his whim and caprices without regard to the structures and processes in place to ensure coherence and accountability, as can be seen from the transfer to the Office of the President (OP) of the management of key institutions, the appropriation of State Owned Enterprise revenue, for instance, in the case of the International Gateway or the GNPC accounts, the failure to comply with procurement rules, and the creation of OP controlled bank accounts for the diversion of resources to them;
- iii. He also set up private companies that operated without complying with the law and engaged in criminal activity;
- iv. That Government procurement under former President Jammeh was generally characterized by none compliance with public procurement rules, and that former President Jammeh did not consider himself subject to the procurement laws and rules. That former President Jammeh, from his actions, reserved the right to appropriate funds from wherever they were available to him, for procurement of goods and services and made no distinctions as to whether the project was for his personal benefit or for public purposes;
- v. At least **D1,065,012,512** (one billion and sixty-five million, and twelve thousand Dalasis); **\$304, 718, 071** (three hundred and four million, and seven hundred and eighteen thousand and seventy-one Dollars);

**29, 475, 269 Euros** (twenty-nine million, and four hundred and seventy-five thousand, and two hundred and sixty-nine Euros); and **GBP2,250,000** (two million, and two hundred and fifty thousand Pounds Sterling), have been directly wasted, misappropriated or diverted by former President Jammeh;

- vi. At least **D3,330,046.60** (three million, and three hundred and thirty thousand, and forty-six Dalasis); **\$1,858,367** (one million, and eight hundred and fifty-eight thousand, and three hundred and sixty-seven Dollars); and **GBP6,618.41** (six thousand, and six hundred and eighteen Pounds Sterling), mostly in cash, was improperly authorized and directly transferred for use by Zineb Jammeh from various accounts including the Operation Save the Children Foundation. The Commission found that nearly all the funds of the Foundation were wasted on events which from appearance were intended to boost the profile of Zineb Jammeh rather than help Gambian Children. Out of all the money raised, only two payments from the bank accounts reviewed were made for the benefit of Gambian children; and
  
- vii. Former President Jammeh's financial dealings and/or activities were at all stages facilitated, assisted or even guided by a number of people. The Commission has identified seventeen persons (17) as close associates of former President Jammeh based on the evidence before it. These include military officers who left with him into exile, private individuals and companies that had business dealings with him either directly or indirectly through companies in which former President Jammeh had an interest. However, apart from persons who fall in the said category, there are others who worked with former President Jammeh by virtue of the offices they held, many of whom were also involved in his financial dealings and/or activities.

46. The Commission's entire findings and the full extent of former President Jammeh's liabilities and culpability are contained in the full Report, particularly in Volumes 1 & 2 in respect of the Accounts, Volume 3 in respect of lands, Volume 4 in respect of Companies and Charities, Volume 5 in respect of Loans, Grants and Donations, Volume 6 in respect of State Owned Enterprises, Volume 7 in respect of Procurement, and Volume 9 in respect of his and Zineb Jammeh's individual responsibility for civil and criminal wrongs. Suffice it to say that the Commission's Report revealed an unprecedented level of corruption and abuse of power and authority by former President Jammeh, his wife, family members and close associates with his full support.

47. The Commission underscored that the damage former President Jammeh has caused to Government institutions, public resources and State Owned Enterprises is of such serious nature that the Government ought to introduce a motion before the National Assembly for charges to be brought against former President Jammeh for theft, economic crimes and corruption.

48. The Government accepts the findings of the Commission in so far as they relate to former President Jammeh and his wife Zineb Jammeh. Accordingly, the Government accepts the recommendations of the Commission that former President Jammeh's properties including his assets in and outside The Gambia, companies, shares and other acquisitions be forfeited to the State or confiscated by the State and sold. The proceeds of sale shall be applied to the payment of monies for which former President Jammeh and his wife, and all companies associated with them, are found to be liable in the Report. The said properties are hereby forfeited to the State.

49. The Government also accepts the Commission's recommendation that criminal proceedings be instituted against former President Jammeh for theft, economic

crimes and corruption. Consequently, the Government has also decided that former President Jammeh is not fit to hold public office and should be banned, and former President Jammeh is hereby banned, from holding public office for the remainder of his life.

### GENERAL SULAYMAN BADJIE

50. General Sulayman Badjie (also known as Saul Badjie) according to his National I.D. Card No: 3082575 was born on the 8<sup>th</sup> August 1969 in Bwiam. The Commission was informed that he was born Karafa Bojang. General Badjie was the Commander of the Republican National Guard (RNG) under former President Jammeh. He featured extensively in the Commission's investigations and was declared a close associate of former President Jammeh by the Commission on 13<sup>th</sup> October, 2017.

51. The Commission found, *inter alia*, that between September 2015 and January 2017 alone, Saul Badjie purportedly acting for former President Jammeh issued written instructions or instructions by text messages to the Governor of the CBG or his deputies for the withdrawal of millions of US Dollars from the Central Bank of The Gambia. The monies were received in cash by soldiers of the Gambia Armed Forces from the Governor of the Central Bank and loaded in vehicles from the Central Bank Loading Bay.

52. The Commission found that Saul Badjie was responsible for misappropriating or diverting monies in the total sums of **\$23,645,342**, **€300,000**, and **D14,606,000** arising from the following:

- i. Illegal withdrawals from Central Bank of The Gambia either directly or through soldiers under his command the

sums of **\$15,785,601, €300,000, D9,606,000**, for which he is accountable;

- ii. Monies received from Westwood Gambia Limited for the illegal export of timber on behalf of former President Jammeh in collusion with Niklaeh and Dracos Buzaianu (Rumanian citizens) through Kanilai Family Farms Ltd and BP Investment Group FZE on equal shares of 50%- **\$7,810,115** for which he is jointly and severally accountable with former President Jammeh; and
- iii. Monies received from Alhamdullillah Petroleum and Minerals Company Ltd. (APAM)- an illegal company- **D5,000,000** and **\$49,626** (£33000) for which he is accountable.

53. The Government accepts the findings of the Commission in so far as they relate to General Sulayman Badjie. In particular, the Commission found that even though Saul Badjie's gross emoluments earned in service from 22 July 1994 to January 2017 was **D2, 713, 640**, he has during the same period acquired at least 8 properties in prime land areas of the country including huge buildings at Bijilo and Brufut Heights. Accordingly, the Government accepts the recommendations of the Commission that the said monies be recovered from Saul Badjie through the forfeiture to the State, and sale, of all his properties more particularly identified in Volume 3, pages 290-300, of the Report. The said properties are hereby forfeited to the State.

54. The Government takes note of the Commission's recommendation that Saul Badjie's mother should not be evicted from the part of his property located in Sukuta where

his mother lives. The Government also takes note of the Commission's observations that from all indications, Saul Badjie owns other properties that have not yet been discovered, and the Commission's additional recommendation that investigations into his assets should continue.

55. Based on a totality of the Commission's findings, the Government noted that General Sulayman Badjie was perhaps the most active and trusted associate of former President Jammeh. He played a central role in the cash withdrawals from the Central Bank of The Gambia, and accompanied former President Jammeh into exile. Consequently, the Government has decided that General Sulayman Badjie is not fit to hold public office and should be banned, and General Sulayman Badjie is hereby banned, from holding public office for the remainder of his life. Criminal proceedings for theft, corruption and economic crimes will also be instituted against him.

#### **H.E. ISATOU NJIE SAIDY**

56. Dr. Isatou Njie-Saidy was the Vice President of The Gambia between April 1997 and January 2017, and the longest serving member of former President Jammeh's Cabinet. Before her appointment as Vice President of the Republic, she was the Minister of Health, Social Welfare and Women's Affairs under former President Jammeh from July 1996 to April 1997. In March 2002, the portfolio of Health and Social Welfare was moved and she remained the Vice President and Minister of Women's Affairs.

57. She was Chairperson and Vice Chairperson of Dr. Alhajie Yahya Jammeh Foundation for Peace (JFP) and Operation Save the Children Foundation (OSCF), respectively. These were foundations established by former President Jammeh and

his wife, Zineb Jammeh, respectively. By virtue of these 2 positions, Dr. Isatou Njie-Saidy became involved in the financial dealings of former President Jammeh and his wife, Zineb Jammeh.

58. The Commission found, *inter alia*, that Dr Njie-Saidy was Vice Chairperson and co-signatory to the OSCF's accounts. There was no evidence that this Foundation was legally registered.

59. In the Commission's estimation, from a total of **D31,162,636.2** and **\$506,865.6** paid into its bank accounts, only **D4,958,220** was spent on the objects of the Foundation. The Commission found that nearly all the funds of the Foundation were wasted on events which were intended to boost the profile of Zineb Jammeh rather than help Gambian Children. Dr. Njie-Saidy and Zineb Jammeh authorised all payments, sometimes jointly. The Commission was of the view that Dr Njie-Saidy ought to be accountable for what she authorized and misused in breach of trust. The Commission found Dr. Njie-Saidy liable for unjustified payments in the sum of **D11,726.90** and **\$3,847.80**.

60. The Commission also found that Dr Njie-Saidy, as Chairperson of JFP, was also a signatory to JFP accounts at Guaranty Trust Bank and Trust Bank Limited. She appointed members to the Board of the Foundation, remained Chairperson throughout, and had played an active role. The Foundation's Board meetings were not periodic but need based, and were held in her office and reports were sent directly to her. The Foundation received financial support, including grants from Taiwan.

61. The Commission found that the management of JFP funds was bifurcated to mask its real purpose, allowing former President Jammeh control of the real funds while the Board and management provided the legitimacy he needed. JFP was therefore a smokescreen/front used by former President Jammeh to raise funds for his personal

benefit. Dr. Isatou Njie Saidu as Chairperson and member of the JFP Board and signatory to the accounts was in breach of trust and therefore accountable for its funds.

62. The Government takes note of the Commission's statement that Dr. Njie-Saidu claims to have acquired twenty-two (22) properties in the Greater Banjul Area even though her monthly salary as Vice President between 1998 and 2017 was between **D47,000** and **D60,850** per month. Three (3) of her properties were allocated to her by Government. The said properties are more particularly identified in Volume 9, pages 97-100, of the Report.

63. The Government accepts the findings of the Commission that Dr Isatou Njie-Saidu is liable for the sums of **D11, 726.90** and **\$3,847.80**.

64. The Government takes note of the Commission's observation that Dr Isatou Njie-Saidu is unfit to serve in similar positions. As the longest serving member of former President Jammeh's Cabinet, and given her position as Vice President of the Republic, Dr Isatou Njie-Saidu's conduct fell far short of the standards expected of an occupier of the Office of Vice President of the Republic. Consequently, Dr Isatou Njie-Saidu is hereby banned from holding public office for five (5) years from the date of publication of this White Paper.

65. Two (2) out of the three (3) properties allocated to Dr Njie-Saidu should be forfeited to the State as Government land policy dictates that every Gambian is entitled to only one free allocation. The two more recent allocations of the properties at Brufut Height Annex allocated on 2<sup>nd</sup> February 2015 (Plot No. 9A), and Batokunku Layout allocated on 29<sup>th</sup> September 2015, are hereby forfeited to the State.



## AMADOU SAMBA

66. Mr Amadou Samba is a Gambian national and a prominent business man and lawyer. He was identified as a close associate of former President Jammeh by the Commission on 13<sup>th</sup> October, 2017.

67. The Commission found, *inter alia*, that:

- Mr. Samba was involved with former President Jammeh from the beginning of his regime in 1994 to the end in 2016;
- he was involved in business dealings with the Government of former President Jammeh from 1995 in his own right through his construction companies during the transition period;
- he was also trusted by former President Jammeh and was involved in former President Jammeh's projects including being Chairman of the Board of Kairaba Beach Hotel before and after it was seized by the latter from Baba Jobe;
- when former President Jammeh built Sindola Hotel, he was involved in the operation of Sindola and was a signatory to the accounts;
- he acted as agent of former President Jammeh in the negotiations for, and acquisition of, properties in Banjul and Kanifing Municipalities, including the Observer Newspaper, and acted as solicitor in some of the transactions;
- he carried out construction works for former President Jammeh at Kanilai and Dobong and represented him in the contracts for the

construction of the Kanilai Conference Centre and Recording Studio;  
and

- assisted former President Jammeh in the acquisition of goods, e.g. the acquisition of refrigerated trucks for Dr. Alhajie Yahya AJJ Jammeh Foundation, which he said was for the Gambia Muslim Butchers, one of former President Jammeh's businesses.

68. The Commission also found that Mr Samba's companies enjoyed a most favoured status, having enjoyed many contracts without going through procurement rules and being offered, for instance, the exclusive right through Euro Africa Group Limited (EAGL), a company owned by Mr Samba and other close associates of former President Jammeh, to import all the country's petroleum needs from 2004 to 2017, the exclusive right to build a fuel depot, and to supply HFO to NAWEC.

69. For example, during the political transition following the military coup d'etat between 1994 and 1997, Mr Samba, through his Gamsen Construction Company, was involved in a number of construction projects funded from a \$35million loan from Exim Bank of Taiwan and built the Airport Terminal, Arch 22, and Bwiam Hospital. He was also awarded the contracts to build the new Supreme Court building, and the Serrekunda Hospital. The only contract Mr Samba tendered for was the Serrekunda hospital. Other Government projects of Gamsen Company include the Tujereng School Project, and the Statehouse Fence. Procurement rules were not followed in the award of these contracts.

70. The Commission further found that former President Jammeh's companies, KFF, KGI, and many other businesses operated by him, were housed at Standard Chartered House on Kairaba Avenue rent free for many years. The Commission observed that even though Mr Ansumana Jammeh, a brother to former President Jammeh, believed that the said building belonged to former President Jammeh, Mr

Samba produced title deeds for the property in the name of his company Alfron Gambia Ltd, which showed that the land was leased to the company in 2001.

71. The Commission found that Mr Samba also established business relationships with other close associates of former President Jammeh especially Mr Muhamed Bazzi. Mr Samba and Mr Bazzi jointly set up companies including EAGL, Gampetroleum, Royal Atlantic Residence, Gamveg Oil Company Ltd, Comium Gambia Ltd etc.

72. The Commission found that in view of Mr Samba's role in the acquisition of the Observer Newspaper, Mr Samba and former President Jammeh are jointly and severally liable for the restitution of the sum of **\$268,000** being money stolen by former President Jammeh from the Central Bank of The Gambia which was used to purchase the Observer Newspaper.

73. The Commission also found that Mr. Samba acted as an agent for former President Jammeh and/or KFF in the acquisition of a water tank for Kanilai from a SSHFC loan. Having been the Chairman of the SSHFC Board, Mr Samba knew that such a transaction was unlawful because SSHFC funds cannot be withdrawn and applied to purchase a water tank for former President Jammeh or his company.

74. The Commission also found that in 2003 while Mr Samba was Chairman of the Ocean Bay Hotel Board, a contract was awarded to Emporium a company represented by Ms Feryale Diab Ghanim, a close associate of former President Jammeh, for the renovation of Ocean Bay Hotel. The Commission considered the award of a contract of **\$6.5**million highly suspicious having regard to the manner in which Emporium came into the scene: not having been invited by SSHFC to submit a bid; not having had any track record; incorporated only after it had won the bid; the meeting between Samba, Ms Diab and the consultant at Mr Samba's Gamwater Offices after the award of the bid; the friendship between Miss Diab and Mr

Amadou, etc. The Commission found that fair competitive practices may not have been followed in the award of the contract to Emporium.

75. The Commission found that given Mr Samba's position as a director in Gamveg Oil Company, EAGL, and Gam Petroleum, Mr Samba is liable for the following sums of money arising from the following transactions:

- i. **\$134,000** for the acquisition of the Daily Observer Newspaper
- ii. **\$350,000** being his part for the sale of Gamveg Oil Company to KGI illegally paid from the CBG;
- iii. **D4,689,046.48** being his part in the arrears of rent for sheds owed by Gam Petroleum to GPA;
- iv. **D7,680,696** being his part for the conversion by Gampetroleum of the Barajally Ferry;
- v. **10%**, which is the equivalent of his shares before the SOEs purchased it in 2008, of the full amount to be paid as compensation to the people of Mandinari in accordance with the Environmental Impact Assessment report commissioned by Gam Petroleum as set out in the allocation letter of 7 December 2004, ie, **D588,963**;
- vi. **EUR84,000** being Capital Gains Tax on the sale of his shares in Gam Petroleum to the SOEs; and
- vii. **EUR240,000** being overpayment for Gam Petroleum shares sold to the SOEs.

76. The Government accepts these findings in so far as they relate to Mr Amadou Samba. Accordingly, the Government accepts the recommendations of the Commission that Mr Samba should pay back to the State, and Mr Amadou Samba is hereby ordered to pay back to the State, the said sums within 30 days of the publication of this White Paper failing which Mr Samba's properties shall be forfeited to the State and sold. The proceeds of sale shall be applied to the payment of monies for which Mr Samba, and all companies associated with him, are found to be liable in the Report, in addition to criminal proceedings to be initiated against him.

77. The Government also accepts the Commission's recommendations that the large parcel of land along the Bertil Harding Highway in the TDA allocated by Government to Royal Atlantic Residence Ltd be re-entered and sold to set off against the liabilities of Mr Amadou Samba and Mr Mohamed Bazzi, and to negotiate with the Islamic Corporation for Development, a subsidiary of the Islamic Development Bank, a *portion* of their investment that could be refunded on equitable grounds in the continued mutual interest of the IDB and The Gambia.

78. The Government takes note of the Commission's finding that Mr Samba's companies enjoyed a most favoured status, having enjoyed many contracts without going through procurement rules. The Government takes particular note of the Commission's observations that "*procurement rules are clear and not only meant for Government and public officers but for contractors as well. It should be in the interest of all to ensure that these rules are given effect, otherwise our entire governance system would be undermined and, ultimately, it is the ordinary citizen that pays, in the price of goods, works and services*".

79. The Government, however, is of the view that the primary responsibility for compliance with procurement rules rests with the State. Therefore, the State's

failure to adhere to procurement rules cannot be visited on 3<sup>rd</sup> parties. It is regrettable that State institutions failed to carry out their constitutional and statutory responsibilities to effectively implement safeguards against abuses which allowed businessmen like Mr Samba to unfairly take advantage of their close association with former President Jammeh and benefitted from contracts to the exclusion of others. This opportunism by Mr Samba must not, however, be equated with civil or criminal liability on his part. The State must take full responsibility for this institutional failure.

### **TAREK K. MUSA**

80. Mr Tarek K. Musa is a majority shareholder, director, and Chairman of TK Motors Ltd, a company registered in The Gambia. He is also the owner of TK Xport, a company based in Dubai. He has shares in other companies including Comium Ltd. Mr. Tarek Musa had a relationship with former President Jammeh and had direct access to him. He also had a relationship with Zineb Jammeh and sourced for supplies for her office as well as the Save the Children Foundation operated from her office. Mr Tarek Musa was declared a close associate of former President Jammeh on 5<sup>th</sup> June 2018.

81. The Commission found, *inter alia*, that Mr Tarek Musa introduced Mr. Mohamed Bazzi of Global Trading Group NV (GTG) into the Gambian market in 2000. The Commission found that Mr Tarek Musa also introduced Mr. Mohamed Bazzi to Mr. Amadou Samba but could not establish whether it was he or Mr Amadou Samba who introduced Mr Mohamed Bazzi to former President Jammeh.

82. The Commission found that TK Motors enjoyed a favoured status with former President Jammeh and his Government. While no specific evidence of bribery was found, the Commission was of the view that under the circumstances, TK Motors

could not have obtained and maintained the level of patronage it enjoyed for almost two decades without providing incentives to former President Jammeh. For instance, **\$1,746,725** was paid to TK Motors for the purchase of vehicles from the overdraft of **\$28.5million** illegally granted in the CBG 3M Account from 2000-2001 without compliance with procurement rules. Furthermore, **D431,502,702** was paid to TK Motors by Government/OP for the purchase of vehicles from 2009 – 2016 without compliance with any procurement rules and mostly on credit that was not based on any contractual or other legal basis.

83. The Commission also established that the sums of **D25,444,897.70** and **D13,322,500.00** were overpaid by Government to TK Motors for the supply of vehicles in the year 2010 and 2012 respectively.

84. The Commission found that TK Xport was given a contract to supply gold coins to former President Jammeh and the sum of \$129,375 was illegally made from a GNPC Dollar Account at GT Bank. The Commission found that these funds were stolen from GNPC by former President Jammeh and that Mr Tarek Musa must be deemed to have been aware that GNPC had no connections to or need for gold coins.

85. The Commission also found that on 26<sup>th</sup> June 2015, **\$3,642,000** was transferred from the Mobicell Blue Ocean Co. Ltd account at GT Bank to a TK Xport account. The transaction document states that the transfer was for VISION 2016 farm equipment. This transaction was signed by Mr. Bala Jassej as sole signatory. The Commission has elsewhere in the Report found that these monies were provided as a bribe to former President Jammeh by MGI Telecom AG, Mobicell Blue Ocean Co. Ltd. The Commission therefore concluded that Mr. Tarek Musa could not have failed to realize that the source of the finance was from a private company in business with GAMTEL.

86. The Government accepts, in part, the findings of the Commission in so far as they relate to Mr Tarek K. Musa. In particular, the Government accepts the Commission's finding that TK Motors could not have obtained and maintained the level of patronage it enjoyed for almost two decades without providing incentives to former President Jammeh. The Government also accepts the findings that TK Motors was overpaid by **D25,444,897.70** and **D13,322,500.00** for the supply of vehicles in the year 2010 and 2012 respectively.

87. For reasons given below, the Government rejects the Commission's finding of liability against Mr Tarek Musa in respect of non-compliance with procurement rules notwithstanding the Commission's observations that "*procurement rules are clear and not only meant for Government and public officers but for contractors as well. It should be in the interest of all to ensure that these rules are given effect, otherwise our entire governance system would be undermined and, ultimately, it is the ordinary citizen that pays, in the price of goods, works and services*".

88. The Government is of the view that the primary responsibility for compliance with procurement rules rests with the State. Therefore, the State's failure to adhere to procurement rules cannot be visited on 3<sup>rd</sup> parties. It is regrettable that State institutions failed to carry out their constitutional and statutory responsibilities to effectively implement safeguards against abuses which allowed businessmen like Mr Tarek Musa to unfairly take advantage of their close association with former President Jammeh and benefitted from contracts to the exclusion of others. This opportunism by Mr Tarek Musa must not, however, be equated with civil or criminal liability on his part. The State must take full responsibility for this institutional failure.

89. Consequently, the Commission has not established any wrongdoing on the part of Mr Tarek Musa regarding non-compliance with procurement rules, and the Government therefore rejects the recommendation of the Commission that TK



Motors Ltd and TK Xport Ltd be banned from participating in any Government procurement for a period of 5 years. The Government also rejects a similar recommendation against Competence Company Ltd for the same reasons.

90. Furthermore, while businessmen are under a duty to exercise due diligence in their commercial dealings, they cannot, however, be expected to inquire into complex government financial procedures and processes in order to determine the legality or otherwise of payments made by Government to them for the supply of goods or services. Moreover, it will be unreasonable to expect those engaged in commercial transactions with Government to reject payments or unilaterally choose from which Government accounts they wish to be paid. They simply have no power over that. In this regard, the entire premise of the Commission's findings against Mr Tarek Musa is based on his presumed or constructive knowledge about the source of the payments made to him. In the absence of other evidence, the Government cannot, and will not, take any action against Mr Tarek Musa on the basis of these presumptions alone.

91. However, the Government accepts the recommendation of the Commission that Mr Tarek Musa should pay back to the State, and Mr Tarek Musa is hereby ordered to pay to the State, the sums of **D25,444,897.70** and **D13,322,500.00** within 30 days of the publication of this White Paper failing which Mr Tarek Musa's properties shall be forfeited to the State and sold. The proceeds of sale shall be applied to the payment of monies for which Mr Tarek Musa, and all companies associated with him, are found to be liable in the Report, in addition to criminal proceedings to be initiated against him.

92. Furthermore, the Government has decided that no goods or services should be procured from TK Motors Ltd or TK Xport Ltd by Government until they refund to the State the overpaid sums of **D25,444,897.70** and **D13,322,500.00** for the supply of vehicles in the year 2010 and 2012 respectively.

## MOHAMED BAZZI

93. Mr. Mohamed Ibrahim Bazzi is of Lebanese origin. He also held a Gambian Diplomatic Passport No. D0000129 due to his position as Consul General of The Gambia in Lebanon. Mr Bazzi came to The Gambia sometime end of 2000 into early 2001. He was invited to The Gambia by Mr. Tarek Musa because he was in the electricity power business. He was declared a close associate of former President Jammeh on 13<sup>th</sup> October, 2017.
94. The Commission found, *inter alia*, that Mr Bazzi was involved in extensive business dealings both with former President Jammeh through their companies, and with the Government of The Gambia with the full support of former President Jammeh. Mr Bazzi's main foreign partner was Mr. Fadi Mazegi, while his main local partner was Mr. Amadou Samba. Mr Bazzi and Mr Amadou Samba were introduced around the same time Bazzi met former President Jammeh. Some of Mr Bazzi's family members were also involved in the operation of his companies in The Gambia.
95. The Commission found that Mr Bazzi is known to have interests in at least fifteen (15) companies which either directly or indirectly had business dealings with the Government and former President Jammeh including Euro Africa Group Limited (EAGL), Global Trading Group NV (GTG), Gam Petroleum Company Limited, Gamveg Oil Company Limited, Gambia Milling Corporation Limited (GMC), Gambia-African Mining International Company Limited (GAMICO), Royal Atlantic Residence etc. Mr Bazzi's first business in The Gambia and dealings with former President Jammeh, Mr Amadou Samba and Mr Baba Jobe (deceased) was through GTG in respect of supply of Generators, rehabilitation of the Distribution Network, and supply of Heavy Fuel Oil (HFO) to NAWEC.
96. The full extent of the Commission's findings regarding Mr Bazzi is contained in the Report particularly in Volume 9, pages 127-142. These include findings that Mr

Bazzi's companies were awarded exclusive contracts by NAWEC using funds illegally withdrawn from the Central Bank of The Gambia and SSHFC under the directives of former President Jammeh. For instance, GTG was single sourced for the supply of 3 generators in 2001 on the directive of former President Jammeh even though same was fully financed by the Exim Bank of Taiwan in the total sum of **\$15,686,000**. The Export-Import Bank of Taiwan provided \$5million which was made available to GTG through the Central Bank (CBG). GTG was paid a further **\$10.9million** by the CBG to pre-finance the purchase of the generators. In 2002, Exim Bank of China provided a loan of **\$25,542,000** to partly pay off GTG the pre-financed sum of over **\$10million**.

97. The Commission found that a reconciliation of the loan amount, the contract sums and the money advanced from CBG show that GTG received **\$16,658,700** in 2001 instead of the agreed **\$15,686,000**. This was **\$972,700** more than the price agreed for the generators. GTG was overpaid by **\$972,700** and did not account for this sum.

98. Furthermore, the Commission found that from July 2002 to May 2015, GTG under directives from former President Jammeh, was awarded the exclusive rights to supply heavy fuel oil to NAWEC at a margin of PLATS +17%. The Commission found that 3% was for the construction of a storage tank facility in Banjul for the sum of **\$2million** which was never built. The Agreements were renewed on two occasions with different managing directors of NAWEC but the directors of GTG Mohamed Bazzi and Fadi Mazegi never informed them of the 3% mark-up, although at the time of the first renewal they were in charge of NAWEC under a management contract between NAWEC and Global Managements Systems. GTG maintained the 17% mark-up until the exclusivity ended and also used the same rate for fuel supplied under the IPP thus inflating the prices. The 3% difference charged by EAGL from October 2002 to July 2013 under the Fuel Supply Agreements between GTG and NAWEC amounted to **\$3,886,981.53**.

99. The Commission also found that EAGL took over the exclusive contract awarded by the Government under the executive directive of former President Jammeh to supply all the country's petroleum needs from Euro African Oil Company Ltd. Fadi Mazegi was authorized by Mohamed Bazzi on GTG letterhead to become signatory to the two companies' accounts in 2004. The Contracts were extended in 2006, and 2010. The Commission found that both EAGL and GTG respectively had 100% control of the supply of petroleum products/HFO and were therefore monopolies under Gambian law. These two companies were also engaged in conduct that prevented, restricted or distorted competition contrary to the Competition Act. The Commission further found that the basis for the sole agency status awarded to EAGL and GTG was a direct violation of the Government procurement rules, as it created a favoured status founded on the personal relationship between the directors of EAGL and former President Jammeh, which is shown to have been sustained by, and through, direct bribery and other corrupt practices.

100. For example, the Commission found that EAGL transferred the sum of **\$2,550,000** into a Trust Bank Limited (TBL) account controlled by former President Jammeh as follows:

- \$1,000,000 – 6th March 2013;
- \$500,000 on 28th March, 2013;
- \$500,000 on the 8th May 2013;
- \$250,000 on 31st July 2013; and
- \$300,000 on the 19th November 2013,

101. Regarding the above payments, the Commission noted that on 6<sup>th</sup> March 2013, the Secretary General, Dr Njogou Bah, issued a letter on the handing over of the IPP and settlement of liabilities due to EAGL. The Commission also noted that on 7<sup>th</sup> May 2013, former President Jammeh had written to Mr Bazzi threatening to terminate the exclusive contracts and instituting criminal investigations against

him. Based on these, the Commission concluded that the payments were from EAGL for the personal benefit of former President Jammeh and therefore a bribe. The Government takes note of the Commission's observation that Mr Fadi Mazegi or Mr Amadou Samba were not aware of these payments as incentives demanded by former President Jammeh.

102. The Commission also found that in addition to the **\$2,550,000** paid into the said TBL account, EAGL illegally paid or facilitated the payment into former President Jammeh's personal salary account over a period of 18 months the total sum of **D240,280,000**. The Commission concluded that there was probable cause for holding that these payments were illegal and intended to bribe former President Jammeh.

103. The Government accepts the Commission's findings in so far as they relate to Mr Mohamed Bazzi. Accordingly, the Government accepts the recommendations of the Commission that Mr Mohamed Bazzi's properties including his assets, companies, shares and other acquisitions be forfeited to the State or confiscated by the State and sold. The proceeds of sale shall be applied to the payment of monies for which Mr Mohamed Bazzi, and all companies associated with him, are found to be liable in the Report. The said properties are hereby forfeited to the State.

104. The Government also accepts the Commission's recommendations that the large parcel of land along the Bertil Harding Highway in the TDA allocated by Government to Royal Atlantic Residence Ltd be re-entered and sold, and to negotiate with the Islamic Corporation for Development, a subsidiary of the Islamic Development Bank, a *portion* of their investment that could be refunded on equitable grounds in the continued mutual interest of the IDB and The Gambia.

105. The Government takes note of the Commission's recommendation that former President Jammeh, or alternatively, Mr Mohamed Bazzi and others are jointly and

severally liable for bribes paid to former President Jammeh. The Government is of the considered view that while former President Jammeh, Mr Mohamed Bazzi, and others are criminally liable for these acts of bribery, the said bribes should be recovered from the assets of former President Jammeh because it would amount to double-jeopardy to ask Mr Mohamed Bazzi and others to pay the same monies that they have already paid out to former President Jammeh, even as a bribe.

106. The Government takes particular note of the Commission's observations that Mr Mohamed Bazzi, among others, was a non-citizen and non-resident of The Gambia who was painfully exploitative and contributed nothing or very little to the economy or welfare of The Gambia. He had no respect for Gambians or Gambian institutions. In his quest for wealth, he focused only on profits mostly unlawfully obtained through bribes and other illegitimate means including collusion with former President Jammeh. He greatly contributed to the near ruin of The Gambia.

107. Consequently, the Government accepts the Commission's recommendation that Mr Mohamed Bazzi be declared *persona non grata*, and Mr Mohamed Bazzi is hereby declared *persona non grata* by the Government of The Gambia and specifically banned from entering Gambian territorial jurisdiction. This recommendation is particularly reinforced by the fact that Mr Bazzi was, on 17<sup>th</sup> May 2018, designated a Specially Designated Global Terrorist by the U.S. Department of the Treasury pursuant to Executive Order (E.O.) 13224. The U.S. Treasury also designated five of Mr Bazzi's companies on the same date including Global Trading Group N.V. and Euro African Group Ltd both registered in The Gambia.

108. The Government also accepts the Commission's recommendation that the following companies associated with Mr Mohamed Bazzi should be permanently banned, and they are hereby permanently banned, from participating in any Government procurement:

- Euro African Group Ltd
- Global Trading Group NV
- Global Power Systems
- Multi Shipping Company Ltd.
- GAMICO
- Gammobile
- Gamveg
- Royal Residence
- GEG
- Votrag
- Las Services
- GMS
- Ibrahim Bazzi and Sons
- Gamilo
- Gamcon
- SPL
- WARD
- Africard
- Royal Atlantic Residence

109. All existing contracts of Government with any of the said companies shall be reviewed forthwith and immediately cancelled where appropriate, and all shares belonging to Mr Mohamed Bazzi in these companies are hereby forfeited to the State.

## FADI MAZEGI

110. Mr. Fadi George Mazegi is a British national of Lebanese origin and a close friend and business partner of Mr. Mohamed Bazzi. He was the Executive Director of EAGL but held no shares. He was involved in all of Mr. Bazzi's extensive business dealings in The Gambia through their companies. He was declared a close associate of former President Jammeh on 13<sup>th</sup> October, 2017.
111. The Commission found, *inter alia*, that Mr Mazegi is known to have interests in at least fifteen (15) companies which either directly or indirectly had business dealings with the Government and former President Jammeh including Euro Africa Group Limited (EAGL), Global Trading Group NV (GTG), Gampetroleum Company Limited, Gamveg Oil Company Limited, Gambia Milling Corporation Limited (GMC), Gambia-African Mining International Company Limited (GAMICO), PetroGas Company Ltd etc.
112. The Commission found that as shareholder and director of the relevant companies, all the findings in respect of Mr Mohamed Bazzi also apply to Mr Mazegi except where excluded or as to the extent of his liability. The full extent of the Commission's findings regarding Mr Mazegi's liabilities and culpability is contained in the Report particularly in Volume 9, pages 143-158.
113. For example, the Commission found that GTG was single sourced for the supply of 3 generators in 2001 on the directive of former President Jammeh even though same was fully financed by the Exim Bank of Taiwan in the total sum of **\$15,686,000**. The Export-Import Bank of Taiwan provided \$5million which was made available to GTG through the Central Bank (CBG). GTG was paid a further **\$10.9million** by the CBG to pre-finance the purchase of the generators. In 2002, Exim Bank of China provided a loan of **\$25,542,000** to partly pay off GTG the pre-financed sum of over **\$10million**.



114. The Commission found that a reconciliation of the loan amount, the contract sums and the money advanced from CBG show that GTG received **\$16,658,700** in 2001 instead of the agreed **\$15,686,000**. This was **\$972,700** more than the price agreed for the generators. GTG was overpaid by **\$972,700** and did not account for this sum.
115. Accordingly, the Commission found that Mr Mazegi was liable for the amount equivalent to his shares in GTG, ie, 25%=**\$243,175**.
116. Another example is the Commission's finding that from July 2002 to May 2015, GTG under directives from former President Jammeh, was awarded the exclusive rights to supply heavy fuel oil to NAWEC at a margin of PLATS +17%. The Commission found that 3% was for the construction of a storage tank facility in Banjul for the sum of **\$2million** which was never built. The Agreements were renewed on two occasions with different managing directors of NAWEC but the directors of GTG Mohamed Bazzi and Fadi Mazegi never informed them of the 3% mark-up, although at the time of the first renewal they were in charge of NAWEC under a management contract between NAWEC and Global Managements Systems. GTG maintained the 17% mark-up until the exclusivity ended and also used the same rate for fuel supplied under the IPP thus inflating the prices. The 3% difference charged by EAGL from October 2002 to July 2013 under the Fuel Supply Agreements between GTG and NAWEC amounted to **\$3,886,981.53**.
117. Accordingly, the Commission found that Mr Mazegi was liable for the amount equivalent to his shares in GTG, ie, 25%=**\$971,745**.
118. Mr Mazegi is also found jointly and severally liable with former President Jammeh and Mr Mohamed Bazzi for the SSHFC funded generators, the TOTAL International Strategic Stock (TOTSAs), GAMICO's corporate tax liabilities, and payments related to Gambia Milling Company.

119. The Government accepts the Commission's findings in so far as they relate to Mr Fadi Mazegi. Accordingly, the Government accepts, in part, the recommendations of the Commission. In particular, the Government accepts the recommendations of the Commission that Mr Fadi Mazegi should pay back to the State, and Mr Fadi Mazegi is hereby ordered to pay back to the State, the said sums within 30 days of the publication of this White Paper failing which Mr Mazegi's properties shall be forfeited to the State and sold. The proceeds of sale shall be applied to the payment of monies for which Mr Mazegi, and all companies associated with him, are found to be liable in the Report, in addition to criminal proceedings to be initiated against him.

120. The Government takes note of the Commission's recommendation that former President Jammeh, or alternatively, Mr Fadi Mazegi and others are jointly and severally liable for bribes paid to former President Jammeh. The Government is of the considered view that while former President Jammeh, Mr Fadi Mazegi, and others are criminally liable for these acts of bribery, the said bribes should be recovered from the assets of former President Jammeh because it would amount to double-jeopardy to ask Mr Fadi Mazegi and others to pay the same monies that they have already paid out to former President Jammeh, even as a bribe.

121. The Government accepts the Commission's recommendations that the companies jointly owned by Mr Mazegi and Mr Bazzi be permanently banned, and they are hereby permanently banned, from participating in any Government procurement.

122. The Government has also decided that Mr Fadi Mazegi is banned from participating in any Government procurement for five (5) years from date of publication of this White Paper.

123. The Government, however, rejects the Commission's recommendation that Mr Fadi Mazegi be declared *persona non grata*. In making this decision, the Government has considered that sanctions against individuals must reflect the extent of individual culpability, and has taken into account several factors including that the Commission did not make any findings of direct dealings between former President Jammeh and Mr Mazegi; the Commission found that Mr Mazegi was not aware of the payments of **\$2,550,000** as bribery by Mr Bazzi to former President Jammeh, although the Commission found that by virtue of his position at the time he ought to have known about the illegal payments by Mr Bazzi to former President Jammeh of the sum of **D240,280,000** over an 18 month period; Mr Mazegi has invested in The Gambia and currently operates companies which enabled hundreds of Gambians gainfully employed; Mr Mazegi is one of very few individuals who has demonstrated a willingness to enter into a negotiated settlement of his liabilities as established by the Commission; and that he is not designated a Specially Designated Global Terrorist by the U.S. Department of the Treasury.

#### **NICOLAI BUZIAINU & DRACOS BUZIAINU**

124. Mr. Nicolai Buzianu and Mr Dracos Andre Buzianu are Romanian Businessmen. Nicolai is said to be the uncle of Dracos. Former President Jammeh appointed Mr. Nicolai Buzianu ambassador at large, and Gambia's Ambassador to the United Arab Emirates. They were both declared close associates of former President Jammeh on 16<sup>th</sup> April, 2018.

125. The Buzianus were business partners of former President Jammeh, and with him, invested in the following companies:

- BPI Tourism and Services Ltd. (BPI)
- Westwood Gambia Limited (Westwood)

- Westport Logistics Limited (Westport)
- Mineral Company of the Gambia Limited

126. The Commission found, *inter alia*, that by executive directive and/or influence of former President Jammeh, two hotels located at Cape Point and belonging to SSHFC, Ocean Bay Hotel and Sun Beach Hotel, were respectively leased to BPI. The terms of both leases were heavily influenced by former President Jammeh, not competitive, and due process was not followed. The negotiating teams on behalf of SSHFC felt constrained in each case to accept the terms offered by BPI because of perceived influence by former President Jammeh. BPI borrowed **\$5million** from Westwood by a loan agreement dated July 2014 for Ocean bay Hotel, and **\$2million** for Sun Beach Hotel. These monies were never paid.

127. The Commission found that BP Investment Group FZE and Kanilai Family Farms Limited owned Westwood with equal shares of 50%. Mr. Gabriel Acaram Naklaeh signed on behalf of BP Investment Group and Gen. Sulayman Badjie signed on behalf of Kanilai Family Farms. The Commission further found that Westwood, from June 2014, had exclusive control over timber exportation granted by the authorization of former President Jammeh. This was followed by a further authorization from Department of Forestry. All exports had to go through the said company at an extortionate and imposed fee of \$3000 per container which the members of the Timber Association were compelled to pay. In this way, Westwood controlled the timber business throughout the country. The total benefit derived by Government including Customs charges and Forestry fees was **D16,700** per container, i.e. less than **\$400** per container. A total number of **15,106** containers were exported from the country by Westwood between 2014 and 2017 (according to GPA records) at **\$3000** for the total value of **\$45,318,000** illegally earned by Westwood from the export of timber. **\$7,810,115** was received by General Sulayman Badjie as dividend on behalf of Kanilai Family Farms i.e. former President

Jammeh. BP Investment Group FZE drew down **\$4,939,040** as dividend. No withholding tax on dividend at 15% was paid.

128. The Commission found that Westport, a sister company to Westwood with the same shareholding structure - 50% BPI Group and 50% KFF- was incorporated in April 2014. Westport was granted the concession agreement to scan all the containers at the ports. Westwood financed a mobile cargo scanner installed at the airport with the loan of **EUR2.6**million and a further **D20,288,000**. Furthermore, the Commission also found that another company, Mineral Company of The Gambia (MCG), was incorporated in 2013. The two shareholders are a company registered in Dubai called Amira Overseas Free Zone Establishment for 50%, and the remaining 50% was split between APAM Limited and Kanilai Family Farms Limited together. The Commission has already found elsewhere in its Report that APAM was neither incorporated or nor registered and was in effect an illegal company in The Gambia. Mr. Nicolai Buzaianu signed on behalf of Amira Overseas, and Mrs. Fatou B. Jammeh signed on behalf of APAM and KFF. MCG bought gold refining equipment from Italiapianti Orapispa which was installed at Banjul International airport but was never operated.

129. The Commission found that the activities of former President Jammeh and the Buziainus had a devastating effect on our environment. Former President Jammeh, for his personal gain, created a demand for timber which led to accelerated deforestation as civilians cut down trees indiscriminately to feed the demand. This also undermined the role and ability of the Forestry Department to regulate the timber business, and the laws designed to protect our forest resources. Former President Jammeh, to facilitate his deforestation scheme, embarked upon the annexation of the country's forest resources. This activity will take the country many years to recover from.

130. The Commission found that Westwood and all related companies- Westport Logistics Limited, BPI Tourism and Services Ltd., Mineral Company Ltd, were incorporated for the sole purpose of engaging in further illegal activity to exploit the people of The Gambia for the sole benefit of former President Jammeh and his close associates Nicolai Buzaianu, Dracos Buzaianu, Acaram Naklaeh, and General Sulayman Badjie. Furthermore, Westwood avoided paying taxes. The Withholding Tax on the dividend payment of **\$12,749,155** alone would have been about **\$1,912,000**. Other taxes owed to Gambia Revenue Authority are in excess of **D250,000,000** for the period of the monopoly.

131. The Government accepts the findings of the Commission in so far as they relate to Mr. Nicolai Buziainu and Mr Dracos Buziainu. Accordingly, the Government accepts the recommendations of the Commission that Mr. Nicolai Buziainu and Mr Dracos Buziainu should pay back to the State the sum of **\$45,318,000**. Consequently, all properties including assets, companies, shares and other acquisitions of Mr. Nicolai Buziainu and Mr Dracos Buziainu are hereby forfeited to the State for sale. The proceeds of sale shall be applied to the payment of monies for which Mr. Nicolai Buziainu and Mr Dracos Buziainu, and all companies associated with them, are found to be liable in the Report.

132. Moreover, the Government has also decided that the lease of the two hotels, Ocean Bay and Sun Beach, by SSHFC to BPI be immediately cancelled. SSHFC is hereby ordered to henceforth takeover the management of the two hotels as it sees fit.

133. The following companies, associated with Mr. Nicolai Buziainu and Mr Dracos Buziainu and former President Jammeh, are hereby permanently banned from conducting business in The Gambia:

- BPI Tourism and Services Ltd. (BPI)
- Westwood Gambia Limited (Westwood)

- Westport Logistics Limited (Westport)
- Mineral Company of the Gambia Limited

134. Furthermore, Mr. Nicolai Buziainu and Mr Dracos Buziainu are hereby declared *persona non grata* and specifically banned from Gambian territorial jurisdiction.

### **ILLIJA REYMOND & MARTIN KELLER**

135. Illija Reymond and Martin Keller are the Managing Partners of MGI Telecom AG (MGI), a company incorporated under the laws of Switzerland and having its registered office at Hardstrasse 35, CH-8005 Zurich, Switzerland. MGI was the *exclusive* international gateway manager from May 2014 to 2017 when their contract was terminated. MGI did not have a presence in The Gambia and the day to day monitoring and technical management of the Gateway was carried out by Mobicel Blue Ocean Wireless Ltd, a company owned by Mr Bala Jassey and his wife. Mr Ilija Reymond, Mr Martin Keller, Mr Bala Jassey and Mr Baboucarr Sanyang were declared close associates of former President Jammeh on 16<sup>th</sup> April, 2018.

136. The Commission found, *inter alia*, that Mr Reymond and Mr Keller sought the gateway management contract from former President Jammeh. Two meetings were *held* in Kanilai to lobby for the contract. The first meeting was during Mr Njogu Bah's tenure as Secretary General. That meeting did not lead to the award of the contract. Former President Jammeh asked for an incentive of \$10million which was relayed through Mr Baboucarr Sanyang in order to terminate the contract with Tell Inc, the gateway managers at the time, in favour of MGI who were willing to offer \$2million. However, former President Jammeh wanted more. A subsequent meeting was arranged in Kanilai in 2014. During this period, Mr Momodou Sabally

was the Secretary General. The meeting was attended by Mr Baboucarr Sanyang, General Sulayman Badjie and Mr Bala Jassey. It was agreed at that meeting that MGI would be the new gateway managers.

137. The Commission found that partly because of their reluctance and refusal to appear before the Commission, there is a strong indication that Mr Ilija Reymond and Mr Martin Keller did not carry out business in the Gambia in a transparent and honest manner. They had direct business dealings with former President Jammeh instead of dealing with the technical Ministry responsible for telecommunications in the country.

138. The Commission found that MGI submitted a report to an ICT Taskforce established by Government in 2017 and chaired by Mr Bakary Njie, a former Managing Director of GAMTEL. The Report indicated that a total revenue of **\$122,578,919** from international traffic for the period 1<sup>st</sup> May 2014 to 31<sup>st</sup> March 2017 was made. MGI claimed a total of **\$52,837,514** for operational and management expenses for the same period. A profit of **\$69,741,405** was declared for the period. The Commission found that The Government of The Gambia had no way of determining how much revenue was generated from the International Gateway during MGI's tenure as Gateway managers. The Taskforce's Report exposes discrepancies between the records provided by MGI with that of local operators such as Africell and QCell.

139. Moreover, the Commission took note of MGI's claim that they spent **\$26,008,219** on projects for the benefit of GAMTEL and GAMCEL but that a breakdown of the money spent on the projects was not provided. In this regard, the Commission found that the projects were not carried out in a transparent manner nor were they implemented in accordance with Public Procurement Rules. A case in point is the GAMCEL Billing System. MGI took ownership of the procurement process and awarded the contract to a bidder of their choice and blatantly failed to



take into consideration the preference of GAMTEL and GAMCEL. The Billing System that could have been acquired for **\$8.2million** was eventually acquired for **\$11.7million**. No plausible explanation was provided. Furthermore, the amount quoted by the contractor, Redknee, during the tender process was **\$10.9million** not **\$11.7million**.

140. When MGI's contract was terminated by the Gambia Government, GAMCEL could no longer have access to the system. Redknee, the company that built the system informed GAMCEL that the system belonged to MGI. However, MGI reported that the funds used to finance the procurement of the Billing System were deducted from the funds realized from the International Gateway. The report was submitted prior to the termination of MGI's contract. Therefore, MGI ought to have passed property to GAMCEL. The Commission found that they failed to do so, and that the **\$11.7million** should be refunded to the Gambia Government.

141. The Commission also found that former President Jammeh requested a bribe from MGI, and that a bribe was paid to former President Jammeh to award the International gateway management contract to MGI. The Commission found that on 25<sup>th</sup> June 2015, **\$3,642,000** was transferred from Mobicell Blue's bank account at GTB to TK Xport in Dubai for the purchase of Vision 2016 Farm Equipment. The Commission found that the sum of **\$3,642,000** paid from Mobicell Blue's account to TK Xport for Vision 2016 farming equipment based on requests from former President Jammeh's Orderly and Chief of Protocol was a bribe to former President Jammeh.

142. The Commission further found that neither MGI nor Mr Illija Reymond nor Mr Martin Keller have accounted for the funds of **\$26.8million** alleged to have been committed to GAMTEL & GAMCEL projects except for the **\$11.7million** they claimed to have paid for the GAMCEL Billing system. MGI stated the sum of **\$52,837,514** as expenses incurred from the total Gateway revenue of **\$122,578,919**.

Neither GAMTEL nor Government has records of these expenses. MGI Telecom is therefore liable to account for these funds. They are jointly and severally liable for at least **\$52,837,514**. The Commission was of the view that MGI's actions were fraudulent because they did not disclose to GAMCEL that the funds were from the Gateway revenues. As a result, GAMCEL believed that the funds for the Gamcel Billing System were a grant from MGI.

143. The Commission found that MGI/Mr Illija Reymond, Mr Martin Keller together with Mr Baboucarr Sanyang, General Sulayman Badjie, and Mr Bala Jassej directly or indirectly influenced the award of the International Gateway management contract to MGI Telecoms, and that Mr Baboucarr Sanyang contravened the GPPA Act by subcontracting contracts, paid for from International Gateway revenues, to Mobicell Blue Ocean Wireless.

144. The Government accepts the findings of the Commission in so far as they relate to MGI Telecoms AG. Accordingly, the Government accepts the recommendations of the Commission that Mr Illija Reymond, Mr Martin Keller and former President Jammeh are jointly and severally liable for the sum of **\$52,837,514**.

145. The Government hereby orders Mr Illija Reymond and Mr Martin Keller to pay the said sums within 30 days of the publication of this White Paper failing which their properties shall be forfeited to the State and sold. The proceeds of sale shall be applied to the payment of monies for which Mr Illija Reymond and Mr Martin Keller, and all companies associated with them, are found to be liable in the Report, in addition to criminal proceedings to be initiated against them. Furthermore, Government will institute civil proceedings in the courts of Switzerland for the recovery of these sums from MGI as well as make a formal complaint to Swiss authorities for MGI's fraudulent conduct.

146. The Government accepts the finding of the Commission that Mr Baboucarr Sanyang is responsible for contravening the GPPA Act by subcontracting contracts, paid for from International Gateway revenues, to Mobicell Blue Ocean Wireless. The Government also accepts the Commission's finding that Mr Baboucarr Sanyang, during his tenure as Managing Director, took several unilateral decisions without involving the GAMTEL Board or seeking approval from the Board.

147. Accordingly, the Government accepts the recommendations of the Commission that Mr. Baboucarr Sanyang should not serve in any public office or be appointed as director for any State Owned Enterprises for at least ten (10) years. Mr. Baboucarr Sanyang is hereby banned from serving in any public office or being appointed as director for any State Owned Enterprise for fifteen (15) years from the date of publication of this White Paper.

148. Recalling the Commission's recommendation elsewhere in its Report, the Government accepts that former President Jammeh, or alternatively, Mr Bala Jasse and others are jointly and severally liable for bribes paid to former President Jammeh. The Government is of the considered view that while former President Jammeh, Mr Bala Jasse, MGI and others are criminally liable for these acts of bribery, the said bribes should be recovered from the assets of former President Jammeh because it would amount to double-jeopardy to ask Mr Bala Jasse and others to pay the same monies that they have already paid out to former President Jammeh, even as a bribe.

149. The Government has decided that because Mr Bala Jasse facilitated the bribe to former President Jammeh of the sum of **\$3,642,000**, Mr Bala Jasse should be banned, and Mr Bala Jasse is hereby banned, from participating in any Government procurement for fifteen (15) years from the date of publication of this White Paper.

## ALI YOUSSEF SHARARA

150. Ali Youssef Sharara is a Lebanese national who was introduced to The Gambia and to former President Jammeh by Mohamed Bazzi. He was declared a close associate of former President Jammeh.
151. The Commission found, inter alia, that Mr Ali Sharara was the main owner of SPECTRUM and that former President Jammeh directed the Government of The Gambia to sell 50% of GAMTEL/GAMCEL. SPECTRUM was given full management and operation of the company thereafter. SPECTRUM bought the shares of GAMTEL/GAMCEL before their valuation was completed and paid the sum of **\$32.4**million for 50% of the shares of both companies instead of the stated sale price of **\$35**million. The valuation of each company came back as between **\$77.5**million and **\$85.4**million for 50% GAMTEL shares, and between **\$69.4**million and **\$75.7**million for 50% GAMCEL shares, making SPECTRUM's payment significantly less than the market value at the time.
152. The Commission further found that SPECTRUM managed GAMTEL and GAMCEL for 15 months (from August 2007 to November 2008) when former President Jammeh terminated its Management Agreement and directed the Government to re-purchase the GAMTEL/GAMCEL shares. Government bought back the 50% shares for **\$35**million. However, due to former President Jammeh misappropriating the funds meant for repayment, only **\$5**million could be returned to SPECTRUM out of the agreed **\$35**million.
153. The Commission found that about two years after the SPECTRUM management contract was terminated, Ali Sharara returned as Tell International Inc. to once again manage the International Gateway. TELL unilaterally deducted **\$2**million from the proceeds of the Gateway from May 2011 to April 2012 during

their tenure as gateway managers, making a total of **\$24**million in addition to their gateway fees. The Commission found that the said deductions were not based on any provision of the contract and were therefore illegal.

154. The Commission also found that between June 2011 and January 2013, TELL/Mr Sharara paid bribes to former President Jammeh to his Trust Bank account in the amounts of **D240,280,000**, and **\$2,550,000** to the JFP account, as well as luxury cars such as Range Rovers as incentive to keep the Gateway contract.

155. The Government accepts the findings of the Commission in so far as they relate to Mr Ali Youssef Sharara.

156. Recalling the Commission's recommendation elsewhere in its Report, the Government accepts that former President Jammeh, or alternatively, Mr Ali Youssef Sharara and others are jointly and severally liable for bribes paid to former President Jammeh. The Government is of the considered view that while former President Jammeh, Mr Ali Youssef Sharara and others are criminally liable for these acts of bribery, the said bribes should be recovered from the assets of former President Jammeh because it would amount to double-jeopardy to ask Mr Ali Youssef Sharara and others to pay the same monies that they have already paid out to former President Jammeh, even as a bribe.

157. The Government takes particular note of the Commission's observations that Mr Ali Youssef Sharara, among others, was a non-citizen and non-resident of The Gambia who was painfully exploitative and contributed nothing or very little to the economy or welfare of The Gambia. He had no respect for Gambians or Gambian institutions. In his quest for wealth, he focused only on profits mostly unlawfully obtained through bribes and other illegitimate means including collusion with former President Jammeh. He greatly contributed to the near ruin of The Gambia.

158. Consequently, the Government accepts the Commission's recommendation that Mr Ali Youssef Sharara be declared *persona non grata*, and Mr Ali Youssef Sharara is hereby declared *persona non grata* by the Government of The Gambia and specifically banned from entering Gambian territorial jurisdiction. This recommendation is particularly reinforced by the fact that Mr Sharara was, on 17<sup>th</sup> May 2018, designated a Specially Designated Global Terrorist by the U.S. Department of the Treasury pursuant to Executive Order (E.O.) 13224.

### ANSUMANA JAMMEH

159. Mr. Ansumana Jammeh is the younger brother of former President Jammeh. He was the Executive Director of Jammeh Foundation for Peace from 2006 to 2008. From 2008 to 2014, he was the Gambian Ambassador to Qatar. He was Managing Director of Alhamdulillah Petroleum Company (APAM) Sand Mining Business in Kartong and Brufut, from July 2015 to November 2015. He was involved in former President Jammeh's business dealings.

160. The Commission found, *inter alia*, that Mr Ansumana Jammeh introduced Qatari businessmen Soaud Ghandour and Rashid Ghandour the owners of Conapro and shareholders in GFFI. In May 2016, he was prosecuted for, and he pleaded guilty to abuse of office, official corruption, conspiracy and economic crimes. A fine of **D24,647,028** was imposed on him. In addition, Mr Ansumana Jammeh's properties located at Bijilo bearing Serial Registration no. K579/2009, and at old Yundum bearing Serial Registration no.K336/2010 and his vehicle worth **D1,000,000** were forfeited to the State. However, the Commission found that this Judgement has not been executed.

161. The Government accepts the findings in so far as they relate to Mr Ansumana Jammeh. Accordingly, the Government accepts the recommendations of the Commission that the Judgment against Mr Ansumana Jammeh be executed forthwith by the Sheriff of the High Court in accordance with the law. The Government also accepts the recommendation of the Commission that the sum of **D600,000** paid to KGI by Mr Ansumana Jammeh from APAM funds should be recovered at first instance from KGI and failing which it should be recovered from Ansumana Jammeh's assets.

### WORREH NJIE CEESAY

162. Mrs. Woreh Njie Ceesay was a business partner of former President Jammeh. She was appointed Managing Director of Kanilai Group International (KGI) on 14<sup>th</sup> March 2014 until her resignation on 12<sup>th</sup> June, 2018. She was also Managing Director of APAM from October 2016 to March 2017.

163. The Commission found that she was signatory to over 29 bank accounts all linked to former President Jammeh.

164. The Commission found, *inter alia*, that Ms Worreh Njie knowingly assisted former President Jammeh in the theft of public funds. For instance, the main source of financing for the KGI Company was through the sale of the Japanese rice and fertilizer from 2007 to 2014. The Commission found that as Managing Director of KGI, Ms Worreh Njie received several presidential directives from General Saul Badgie for the payment of monies to former President Jammeh. According to KGI's 2017 audit report, withdrawals made at the request of former President Jammeh totalled **D57, 592,000** from 2014 to 2016. The requests were honored by withdrawing monies from the Japanese rice accounts, although there are substantial debts owed to the Ministry of Agriculture and the Japanese

Government. This also led to the Japanese Government suspending its food aid agreement with the Gambia Government. For the year 2014, the total withdrawal of monies given by Executive Order from former President Jammeh was **D14,597,000; D34,557,000** in 2015, and **D8,438,000** in 2016.

165. The Commission also found that KGI financed the 2016 APRC election campaign and made a payment of **D10,000,000** to TK Motors, although the total amount to be paid was **\$800,000**. These payments were made by Ms Worreh Njie from the FI Bank Japanese Rice Account. The Commission found that these monies were not supposed to have been accessible or withdrawn given that the agreement between The Gambia Government and the Japanese Government was for the proceeds from the sale of the rice to be lodged into designated counterpart fund accounts at the Central Bank.

166. The Commission found that on 2<sup>nd</sup> August 2016, Ms Worreh Njie was given 40% of KGI shares by former President Jammeh as a gift, a move which underlines the relationship of trust that existed between them. This was done in the wake of a suggestion she made to former President Jammeh that his political involvement in KGI was not beneficial to the business. The Commission found, however, that because there was no instrument of transfer, the transfer of shares to Ms Worreh Njie is void. Thus ownership of KGI is still former President Jammeh and his wife as trustee for their children.

167. The Commission found that Ms Worreh Njie was also involved in the sale of Mahindra tractors, the proceeds of which were never paid to the Ministry of Finance. The tractors were financed by an intergovernmental loan worth **\$6.5**million and that they were a property of the Gambia Government and that KGI was not a government entity. Notwithstanding, she was involved in the sale of the tractors, monies were collected from debtors, but nothing was lodged in any government account.



168. The Commission also found that Ms Worreh Njie was a signatory to four bank accounts with GTB and FI Bank opened and operated by APAM. She co-signed vouchers for several unjustified payments from these accounts even though APAM was an illegal enterprise set up by former President Jammeh to exploit and/or steal the country's mineral resources.

169. The Government accepts the findings of the Commission in so far as they relate to Ms Worreh Njie. Accordingly, the Government accepts the recommendation of the Commission that Ms Worreh Njie and Mr Tony Ghattas are jointly and severally liable for the sums of **\$26,865** and **D6,617,558** being unjustified withdrawals from the APAM accounts. The Government also accepts the Commission's recommendation that Ms Worreh Njie is jointly and severally liable with former President Jammeh for the **D10,000,000** paid to TK Motors to purchase election material for the APRC campaign in 2016. The Government, however, notes that the Commission failed to articulate the basis upon which the APRC party is held to be jointly liable for the **D10,000,000** paid to TK Motors even though it benefitted from the said payment in the form of election material but only through KGI. The Government hereby orders Ms Worreh Njie to pay the said sums within 30 days of the publication of this White Paper failing which her properties shall be forfeited to the State and sold. The proceeds of sale shall be applied to the payment of monies for which Ms Worreh Njie, and all companies associated with her, are found to be liable in the Report, in addition to criminal proceedings to be initiated against her.

#### **ALHAGIE OUSMAN CEESAY**

170. Mr Alhagie Ceesay is a civil servant and the current Chief of Protocol. He has served in various capacities since 1995 including Assistant Secretary at the Ministry of Education, First Secretary at The Gambia High Commission in Dakar,

Deputy Chief of Protocol, Director General of Protocol at the Ministry of Foreign Affairs, and Deputy Permanent Secretary at the Office of the First Lady. He was appointed as Chief of Protocol to His Excellency, President Adama Barrow, in February 2017. He was also Chief of Protocol to former President Jammeh in 2002, and 2014.

171. The Commission found, *inter alia*, that Mr Alhagie Ceesay, among other Protocol officers of State, and on the instructions of former President Jammeh, collected cash withdrawals authorized by former President Jammeh from the Central Bank of The Gambia. Mr Alhagie was responsible for collecting a total of **\$2,669,593.80** between July 2014 and July 2015; **D12,000,000** in 2012; and **\$2,000,000** in 2009.

172. The Commission also found that the Office of the President established an office for Zineb Jammeh. Accounts were opened at GTB in October 2016 and Zineb Jammeh was a signatory to the accounts along with her protocol officer, Mr Alhagie Ceesay. Three accounts were opened - a Dollar, Dalasi and Euro account. While the accounts were classified by the Bank as Government accounts, they were used for Zineb Jammeh's private purposes and to facilitate the transfer of cash out of The Gambia. All withdrawals from the accounts were swift transfers by Mr Alhagie Ceesay to either Zineb Jammeh's US Bank accounts or employees in Morocco and the Potomac residence Maryland or to other individuals. According to the Commission, at least **\$1,626,786** was transferred from public accounts including over the counter cash transfers by various protocol officers for Zineb Jammeh including Mr Alhagie Ceesay. The Commission further found that these happened over a span of 2 years to maintain Zineb Jammeh's expensive lifestyle.

173. The Commission found that the accounts were funded by cash deposits mainly by Mr Alhagie Ceesay. The Commission concluded that the cash was provided by former President Jammeh from misappropriated public funds. The

Commission found that Mr Alhagie Ceesay travelled extensively with both former President Jammeh and, latterly, Zineb Jammeh and as such became involved in some of their financial activities.

174. The Commission noted with concern that Mr Alhagie Ceesay seemed to have accepted as normal the many errands on which he was sent to execute financial transactions for former President Jammeh under questionable circumstances. The Commission found that there is probable cause for holding that Mr Alhagie Ceesay knew what the funds were intended for.

175. The Government accepts, in part, the findings of the Commission in so far as they relate to Mr Alhagie Ousman Ceesay. In particular, the Government accepts that Mr Alhagie Ceesay conducted several financial transactions including the receipt and collection of monies on behalf of former President Jammeh and Zineb Jammeh on their instructions.

176. The Government, however, rejects the Commission's finding that there is probable cause for holding that Mr Alhaji Ceesay aided and abetted former President Jammeh and Zineb Jammeh in the illegal appropriation of public funds for the reasons below.

177. The duties and functions of State Protocol Officers are very wide and varied. In reality, they carry out a range of activities for their Principals, and enjoy a unique position of confidence within the State architecture which is necessitated by the functions of their office. Tellingly, the Commission did not make any findings of infringement of any specific policies, guidelines or regulations that govern the functions and duties of State Protocol Officers. Indeed, none exist. And, it is in recognition of the absence of any such policies, guidelines or regulations that the Commission recommended that *“clear policies should be set up by the Personnel Management Office (PMO) so that Protocol Officers fully comprehend what their roles and responsibilities are. The role of the Protocol Officers at OP should be*

*reviewed with a view to setting guidelines and limits as to their functions in relation to the private financial affairs of the First Families”.*

178. Neither has the Commission illustrated from other jurisdictions the roles and responsibilities of State Protocol Officers as a yardstick against which the conduct of Mr Alhagie Ceesay and other State Protocol Officers could be measured; nor did the Commission refer to the terms of employment of Mr Alhagie Ceesay.

179. In the circumstances, it is difficult to impute an individual culpable mental element on Mr Alhagie Ceesay given the nature of his work and the lack of clarity surrounding it. With this in mind, the Government is of the view that, similar to the principle of *nullum crimen sine lege*, it would be unfair and against the rules of natural justice to hold State Protocol Officers against standards which were non-existent at the time of these activities.

180. Consequently, the Government rejects the Commission’s recommendation that Mr Alhagie Ceesay should be dismissed. The same applies by extension to all other Protocol Officers against whom adverse findings were made in respect of similar conduct under similar circumstances. Instead, the Government accepts the recommendations of the Commission “that *clear policies should be set up by the Personnel Management Office (PMO) so that Protocol Officers fully comprehend what their roles and responsibilities are; and that the role of the Protocol Officers at OP should be reviewed with a view to setting guidelines and limits as to their functions in relation to the private financial affairs of the First Families”.*

### **TONY GHATTAS**

181. Mr. Toni Ghattas is a Lebanese national. He was an employee of Carnegie Minerals (Gambia) Limited. When their license was terminated in 2008 and a new

license was issued to Gambia African Mining International Company Ltd (GAMICO), he was employed by GAMICO to supervise the mining operations. When GAMICO's license was terminated in 2015 and a license issued to Alhamdulillah Petroleum and Minerals Company Ltd (APAM), he was appointed by OP as Managing Director of APAM in November 2015.

182. The Commission found, *inter alia*, that APAM was at all times an unregistered business owned by former President Jammeh and operated under his directive by people appointed by him. Mr Ghattas reported directly to former President Jammeh. When Mr Ghattas became Managing Director of APAM, he moved all operations of APAM to Ghatson Offices on Kairaba Avenue and laid off APAM's staff. He thereafter operated APAM entirely through his own companies and employees. His companies provided most of the services required by APAM. He originated and approved payments to his own companies for services he claimed his companies rendered to APAM.

183. The Commission found that Mr Ghattas and his companies were partners in former President Jammeh's illegal enterprise. He used his companies as instruments of illegal exploitation of The Gambia's limited mineral resources to unjustly enrich himself at the expense of the Gambian people. He is therefore liable to account for all the monies he and his companies received from the illegal mining and sale of HMC and construction sand whether through APAM or otherwise. The Commission therefore found that all payments made from APAM funds to Ghatson, a company 95% owned by Mr Ghattas and 5% by his wife Lisa Ghattas, and to other companies in which Mr Ghattas has shares, and totalling **D30,363,791, \$192,605, £199,000**, are unjustified and should be refunded to the State.

184. The Government accepts the findings of the Commission in so far as they relate to Mr Tony Ghattas. Accordingly, the Government accepts the recommendations of the Commission that Mr Ghattas should pay back to the State,

and Mr Tony Ghattas is hereby ordered to pay back to the State, the sums of **D30,363,791**, **\$192,605**, and **£199,000** within 30 days of the publication of this White Paper failing which his properties shall be forfeited to the State and sold. The proceeds of sale shall be applied to the payment of monies for which Mr Tony Ghattas, and all companies associated with him, are found to be liable in the Report, in addition to criminal proceedings to be initiated against him.

185. The Government also accepts the recommendations of the Commission that all of Mr Ghattas' companies identified in the Report including Ghatson Ltd and United Africa Group Ltd are to be liquidated forthwith by the Registrar of Companies, and the Registrar of Companies is hereby ordered to liquidate forthwith all the said companies.

#### SIRRA WALLY NDOW-NJIE

186. Ms Sira Wally Ndow joined the public service as a Cadre Management Analyst at the National Investment Board. In 1996, she was appointed Deputy Managing Director at NAWEC until 2009. She was Minister of Energy from December 2009 to June 2010. Former President Jammeh also became Minister of Petroleum between 2012 and 2016, and Ms Sira Wally Ndow was appointed Deputy Minister from June 2015 to February 2016.

187. The Commission found, *inter alia*, that in April 2015, a Special Services account was opened at Guaranty Trust Bank. Former President Jammeh and Ms Sirra Wally Ndow were joint signatories to the account. The funds paid into the account were licensing bonuses, i.e., penalties imposed for failure to meet deadlines in performance, training and contributions to the resourcing of the Ministry. The total deposits into the account were **\$3,884,655.19** and total withdrawal was **\$3,856,484**.

188. Former President Jammeh and Ms Sirra Wally Ndow co-signed the first withdrawal of **\$428,684** which she was told was for a contractor. Thereafter Ms Sirra Wally Ndow signing alone withdrew cash totalling **\$2,142,800**.

189. The Commission found that the opening and operation of the account was illegal and that the account was opened for the purpose of availing former President Jammeh the funds as he wished without accountability. The Commission further found that Ms Sirra Wally Ndow enabled former President Jammeh steal cash from the said account. The Commission concluded that there was no reason to disbelieve Ms Sirra Wally Ndow when she said she handed the money to former President Jammeh because it is inconceivable that he would authorize the withdrawal of the said sum and not make sure that he received it.

190. The Government accepts the findings of the Commission in so far as they relate to Ms Sirra Wally Ndow. Accordingly, the Government accepts the recommendation of the Commission that Ms Sirra Wally Ndow is jointly liable with former President Jammeh for the joint withdrawals from the account.

191. The Government, however, rejects the Commission's finding that Ms Sirra Wally Ndow bears personal liability for the rest of the funds, ie, the monies she unilaterally withdrew, in light of the Commission's own findings that "*there was no reason to disbelieve Ms Sirra Wally Ndow when she said she handed the money to former President Jammeh because it is inconceivable that he would authorize the withdrawal of the said sum and not make sure that he received it*". Consequently, the Government has decided that former President Jammeh is also jointly and severally liable for the sums unilaterally withdrawn from the account by Ms Sirra Wally Ndow.

192. The Commission noted Ms Sirra Wally Ndow's admission that Ministers are not allowed to be signatories to accounts, and that the said account should have

been opened at the Central Bank. The Government concludes that Ms Sirra Wally Ndow acted irresponsibly as a Minister when she became joint signatory of the account with former President Jammeh. This is made worse by her admission that she knew that her actions were wrong at the time.

193. Consequent upon the Commission's recommendation that measures be taken against her, and that she should not serve in any public office again or be appointed as a director for any State Owned Enterprises, Ms Sirra Wally Ndow-Njie is hereby banned from holding public office for the remainder of her life. She is also banned from holding any director positions in any State Owned Enterprises in The Gambia for ten (10) years. Both bans are effective from the date of publication of this White Paper. The monies shall be recovered from the assets of former President Jammeh.

#### AMADOU COLLEY

194. Mr. Amadou Colley started his career at the Gambia Commercial and Development Bank as a Junior Officer until 1985. He was appointed auditor at the National Audit Office in 1989; Office Accountant at the Central Bank in 1992; Assistant Director in December 2005; Director of Banking Department in 2006; and then Governor of the Central Bank from December 2010 to May 2017.

195. The Central Bank is the sole banker of the Government and the principal depository bank for all the funds raised for or on behalf of Government. The Governor is responsible for managing the Affairs of the Bank. He is also the Chairman of the Board of Directors. The Board is responsible for the observance of the objects of the Bank and its general administration and formulates policies necessary for the achievement of the objects of the Bank. The Commission noted that by Section 161 (5) of the 1997 Constitution, the Central Bank shall ensure that all withdrawals from the various accounts are properly authorized in accordance



with the Constitution and any Act of the National Assembly. As the Governor of the Bank, Mr. Colley's primary duty was to uphold and enforce the provisions of the Constitution.

196. The Commission found, *inter alia*, that former President Jammeh operated 18 accounts at the Central Bank. The Commission also found that Mr. Colley, as Governor, presided over a Central Bank that allowed it to become involved in the financial dealings of former President Jammeh to the extent where he facilitated direct access to Government funds in the custody of the Bank.

197. The Commission found that former President Jammeh was allowed by Mr Colley to withdraw cash without following any procedure. He allowed monies to be withdrawn from accounts at the Bank sometimes without receiving any direct authorization from former President Jammeh. Many of the demands for payment were by SMS text messages sent to Mr Colley's cell phone to facilitate withdrawals for General Sulayman Badjie who was allowed to withdraw millions of Dollars from accounts without any authorisation from the signatories. Some instructions to the Central Bank were written on plain paper requesting for cash payments to be made purportedly on the order of former President Jammeh. Headings stating "*Request for Payment*" or "*Payment Certificate*" were indicated on the plain paper, signed by the recipient of the physical cash and a Bank official. Individuals were paid monies using this practice of writing on plain paper.

198. The Commission also found that Mr. Amadou Colley was in constant touch with General Saul Badjie over withdrawals of monies and text messages indicate that they had a close relationship. In one of the messages, Mr Colley was expressing appreciation to General Saul Badjie for his support on his reappointment as Governor.

199. The Government accepts the findings of the Commission in so far as they relate to Mr Amadou Colley. Accordingly, the Government accepts the recommendations of the Commission that Mr Amadou Colley is jointly and severally liable for all the monies withdrawn by or on the instructions of former President Jammeh and General Sulayman Badjie in breach of the Bank's procedures.

200. The Government notes that Mr Colley's actions and behavior fell far short of the standards expected of the most senior member of the Central Bank of The Gambia. As the person ultimately in charge of the Bank, he showed no resistance to the incessant demands for money from former President Jammeh and this might have actually encouraged more demands from the latter. Mr Colley's conduct was utterly despicable and an economic crime of the most heinous type. His conduct allowed former President Jammeh to rob this country off monies that could have been used for vital social services.

201. Consequently, the Government accepts the Commission's recommendation that Mr Amadou Colley should not serve in any public office again or be appointed as Director for any State Owned Enterprise for at least ten (10) years. Mr Amadou Colley is hereby banned from holding public office for the remainder of his life. He is also banned from holding any director positions in any State Owned Enterprises in The Gambia for twenty (20) years from the date of publication of this White Paper. The monies shall be recovered from the assets of former President Jammeh.

### **BASIRU NJIE**

202. Mr Basiru Njie worked at the Central Bank for about 25 years from October 1992. He started as a Senior Economist and rose through the ranks to the position of Principal Economist, then Deputy Director of Economic Research, Director of Economic Research. In 2006, he was appointed Second Deputy Governor responsible

for financial stability, before his promotion in 2007, as First Deputy Governor, a position he occupied until his service was terminated in May 2017. As First Deputy Governor, his primary duty was to ensure financial stability. He also acted as Governor in the absence of the Governor. He was also responsible for policies with regards to the financial sector, and banking and insurance issues. He was not a member of the Board but sat in the Board as an invitee.

203. The Commission found, *inter alia*, that Mr Njie assisted the misappropriation of public funds by former President Jammeh through several unauthorized payments to the latter in breach of the Bank's procedures. The Commission further found that Mr Njie was under a duty to apply the correct procedure and the law which he failed to do. That he is fully responsible for actions taken by him in the absence of the Governor. The Commission found that he was clearly following the wrong procedures instituted by the Governor Amadou Colley instead of correcting them.

204. The Government accepts the findings of the Commission in so far as they relate to Mr Basiru Njie.

205. The Government notes that as First Deputy Governor of the Central Bank, Mr Basiru Njie acted as Governor in the absence of the latter, and by simply following the wrong procedures instituted by the Governor, Mr Njie failed to correct these anomalies which enabled former President Jammeh to rob this country off monies that could have been used for vital social services.

206. Consequently, the Government accepts the Commission's recommendation that Mr Basiru Njie should not serve in any public office again or be appointed as Director for any State Owned Enterprise for at least ten years. Mr Basiru Njie is hereby banned from holding public office for the remainder of his life. He is also banned from holding any director positions in any State Owned Enterprises in The

Gambia for ten (10) years. Both bans are effective from the date of publication of this White Paper. The monies shall be recovered from the assets of former President Jammeh.

### **OUMIE SAGAVE SAMBA**

207. Ms Oumie Savage Samba started work at the Central Bank in January 1984 as a graduate Banking Officer. In 1989, she was transferred to the Finance Department where she started as an Accountant, then Senior Accountant, Principal Accountant and then Director of Finance. She was appointed Second Deputy Governor in 2007, a position she held for 10 years until her service was terminated on the 8th May 2017. As Second Deputy Governor, she was responsible for the Finance Department, Admin Department, Banking Department, and Information Technology Department. She was responsible for the opening and operations of Government Accounts. Even when correspondence is addressed to the Governor, it is still minuted down to the Second Deputy Governor. This suggests that all payment requests from OP passed through Ms Oumie Savage as the Second Deputy Governor.

208. The Commission found, *inter alia*, that Ms Oumie Savage assisted the misappropriation of public funds by former President Jammeh through several unauthorized payments to the latter in breach of the Bank's procedures.

209. The Government notes that as Second Deputy Governor, Ms Oumie Savage was responsible for operations at the Bank and handled all payments to former President Jammeh.

210. Consequently, the Government accepts the Commission's recommendation that Ms Oumie Savage should not serve in any public office again or be appointed

as Director for any State Owned Enterprise for at least ten years. Ms Oumie Savage is hereby banned from holding public office for the remainder of her life. She is also banned from holding any director positions in any State Owned Enterprises in The Gambia for ten (10) years. Both bans are effective from the date of publication of this White Paper. The monies shall be recovered from the assets of former President Jammeh.

### **NJOGOU BAH**

211. Mr Njogou Bah started his career in the Civil Service in 2005 as Senior Assistant Secretary at the Ministry of Foreign Affairs. He held several other positions mostly at the Office of the President including the office of Secretary General. He was dismissed from office in June 2013.

212. The Commission found, *inter alia*, that during his service in Government including as Secretary General, Mr Njogou Bah was signatory to various public accounts and was also involved in the withdrawal of public funds and other matters concerning Former President Jammeh. He assisted in the opening of accounts, and facilitated the withdrawal and transfer of millions of Dollars from and to various accounts on the instructions of former President Jammeh. The Commission found that Mr Bah also obtained several loans from SSHFC on the instructions of former President Jammeh which were never repaid. The Commission found that Mr Njogou Bah and former President Jammeh are jointly and severally liable for the said amounts of money misappropriated by former President Jammeh.

213. The Government accepts the findings of the Commission in so far as they relate to Mr Njogou Bah.

214. The Government notes that Mr Njogou Bah's many involvements in the financial transactions of former President Jammeh, which was not part of his official duties, especially as Secretary General, demonstrate the enthusiasm with which he facilitated these transactions. His conduct fell far short of the standard of professional conduct expected of the Head of the Civil Service at the time.

215. Consequently, the Government accepts the Commission's recommendation that Mr Njogou Bah should not serve in any public office again or be appointed as Director for any State Owned Enterprise for at least ten years. Mr Njogou Bah is hereby banned from holding public office for the remainder of his life. He is also banned from holding any director positions in any State Owned Enterprises in The Gambia for ten (10) years. Both bans are effective from the date of publication of this White Paper. The monies shall be recovered from the assets of former President Jammeh.

### MOMODOU SABALLY

216. Mr. Momodou Sabally started at the Central Bank as an Economist from 1999 to 2009. He was Director of Budget at the Ministry of Finance from 2010 to 2013. He was appointed as Acting Secretary General in June 2013, and then subsequently confirmed as Secretary General and Minister for Presidential Affairs in the same year. His service was terminated in June 2014.

217. The Commission found, *inter alia*, that during his tenure as Secretary General, Mr Momodou Sabally was signatory to various public accounts and was involved in the withdrawal of large sums of public funds, some of which were not accounted for, on the instructions of former President Jammeh. The Commission found that Mr Momodou Sabally and former President Jammeh are jointly and

severally liable for the said amounts of money misappropriated by former President Jammeh.

218. The Government notes that Mr Momodou Sabally's many involvements in the financial transactions of former President Jammeh, which was not part of his official duties, especially as Secretary General, demonstrate the enthusiasm with which he facilitated these transactions. His conduct fell far short of the standard of professional conduct expected of the Head of the Civil Service at the time.

219. Consequently, the Government accepts the Commission's recommendation that Mr Momodou Sabally should not serve in any public office again or be appointed as Director for any State Owned Enterprise for at least ten years. Mr Momodou Sabally is hereby banned from holding public office for the remainder of his life. He is also banned from holding any director positions in any State Owned Enterprises in The Gambia for ten (10) years. Both bans are effective from the date of publication of this White Paper. The monies shall be recovered from the assets of former President Jammeh.

### **NOAH TOURAY**

220. Mr. Noah Touray had worked in the Civil Service since October 1988 and rose through the ranks to become Deputy Permanent Secretary, Permanent Secretary, and Secretary to Cabinet until June 2016 when he took up appointment as an Executive Assistant to the Vice President of the Economic Community of West African States (ECOWAS). As Secretary to Cabinet, his primary responsibility was to attend cabinet meetings, take notes and prepare minutes of meeting. He was also made co-signatory to accounts operated by OP.

221. The Commission found, *inter alia*, that Mr Touray together with Mr Momodou Sabally, authorized cash withdrawals of public funds, and received large sums of money on the instructions of former President Jammeh although he accounted for the money he jointly authorized. The Commission found that Mr Touray must also take responsibility for facilitating the withdrawal of the monies for which the Commission found Mr Momodou Sabally responsible.
222. The Government accepts the findings of the Commission in so far as they relate to Mr Noah Touray.
223. The Government takes note of Mr Touray's involvement in the financial transactions of former President Jammeh, which was not part of his official duties as Secretary to Cabinet, although he accounted for the money he jointly authorized.
224. Consequently, the Government accepts the Commission's recommendation that Mr Noah Touray should be reprimanded, and Mr Noah Touray is hereby admonished and warned against such conduct in the future. The monies shall be recovered from the assets of former President Jammeh.

#### **KEBBA S. TOURAY**

225. Mr Kebba S. Touray joined the public service at Customs and Excise Department of The Gambia in 1973. He served in various Government departments over the years rising to the position of Minister of Trade, Industry, and Regional Integration and Employment in March 2012, and Minister of Finance and Economic Affairs in 2014. From March 2015 to November 2016, he was The Gambia's Ambassador to the Kingdom of Morocco.



226. The Commission found that Mr. Touray was involved in financial transactions connected to former President Jammeh which were investigated by the Commission. In particular, the Commission found that Mr Touray played an active role in complex financial transactions involving NAWEC and EAGL, and also authorized payment to a Greek Company called Gallia following a joint venture with Government regarding some ferries.

227. The Government notes that the Commission made no specific recommendations in respect of Mr Touray.

### **FATOU MASS JOBE**

228. Ms Fatou Mass Jobe was Minister of Tourism and Culture from February 2010 to June 2014. She became Gambia's Ambassador, Extraordinary and Plenipotentiary to Malaysia between October 2014 and March 2015. She later became Executive Director of Operation Save the Children Foundation (OSCF) from July 2015 to January 2017. Ms. Fatou Mass Jobe was a signatory to a public account and also became involved in the financial dealings of former President Jammeh and Zineb Jammeh.

229. The Commission found, *inter alia*, that Ms Fatou Mass Jobe was involved in financial transactions in respect of the State visit by the Taiwanese President, the purchase of Dunes Hotel, and OSCF. The Commission found that although she was not a signatory to the OSCF accounts, she was the Director of the Foundation and that public enterprises donated monies to the Foundation through its fundraising events. The Commission found that nearly all the funds of the Foundation were wasted on events which from appearance were intended to boost the profile of Zineb Jammeh rather than help Gambian Children. The Commission found that as

Director and a Trustee of the Foundation, she was also accountable for its resources as were Zineb Yahya Jammeh and former Vice President Isatou Njie Saidy. The directors were in breach of their duty to the OSCF.

230. The Government accepts the findings of the Commission in so far as they relate to the OSCF. In particular, the Commission found that nearly all the funds of the OSCF were wasted on events which from appearance were intended to boost the profile of Zineb Jammeh rather than help Gambian Children. The Commission did not, however, make any finding of individual wrongdoing against Ms Fatou Mass Jobe. The Government, therefore, rejects the Commission's recommendations that Ms Fatou Mass Jobe is unfit to serve as director or trustee.

#### **FERYALE DIAB GHANEM**

231. Ms. Feryale Diab Ghanem is commonly known as Laly Diab. Ms. Diab is the Managing Director of Emporium, a department store, which is a family business run by her. Ms. Diab was declared a close associate of former President Jammeh on 5 June 2018.

232. The Commission found, *inter alia*, that Ms. Diab had financial dealings with former President Jammeh. In particular, she was chosen personally by former President Jammeh to start and run some of his private businesses. In 2003, without any previous experience, her family company Emporium was awarded the contract to renovate Ocean Bay Hotel. The company was incorporated only after it was awarded the contract. In 2008, she was appointed Managing Director of the Unique Transport System Company (UTSCO). The shareholders of UTSCO were Sindola Safari Lodge, KFF, KGI, and Zineb Jammeh. In 2009, she was appointed General Manager of Sindola Resort until it was placed under receivership in 2017. In 2010, she incorporated Sindola, KGI and KFF by instructing a private practitioner of her

choice and signed as a witness on the incorporation documents. The Commission noted that Ms. Diab admitted to having no previous experience in transportation or hospitality, and that Mr. Amadou Samba was a family friend.

233. The Commission found that Ms Diab represented and assisted former President Jammeh illegally acquire the Management Services Agency (MSA) of the Government for **\$1.3**million; that all the buses owned by UTSCO were purchased from funds in excess of **\$2,344,065** fraudulently taken from Central Bank of the Gambia by former President Jammeh; that when Sindola was incorporated, Ms Diab transferred UTSCO's account at FI Bank to Sindola Safari Lodge Ltd in June 2010 the signatories to the Sindola account were Ms. Diab (General Manager) and Mr. Amadou Samba; that UTSCO took over MSA with a stock of tractors and spares purchased from the Exim Bank of India loan of **\$6.7**million. 108 tractors were handed over to Ms. Diab on behalf of UTSCO. The assembled tractors were delivered to KGI and sold without any part of the proceeds paid to Government to service the loan. The loan had to be paid from public funds.

234. Moreover, the Commission found that in 2002, Emporium was invited by SSHFC to submit a bid for the renovation of the Ocean Bay Hotel. It is not clear how Ms Diab came to be invited because neither the Emporium nor Ms Diab had done a project of that nature. The managing director of SSHFC, Mr. Andrew Sylva, recommended her company for the award of the contract over a competing company, BAO Ltd. against the Consultant's recommendations. Her company was told to proceed with the renovations before the Board of Social Security approved it. The Emporium Construction Company was only incorporated after the bid for the Ocean Bay Contract was awarded to her for **\$6.5**million in March 2003, and minor variations worth **\$1,053,837** were also awarded to Emporium. The Commission noted that it was the biggest contract Emporium has ever had to date. The Commission found that even though there was a delay in completing and handing

over the Works, no liquidated damages of **\$3,000** per day was applied by SSHFC's management.

235. The Commission particularly noted that Ms Diab had a meeting at Gamwater Office with the Chairman of the Board, Amadou Samba, whom she considered a family friend, and the Consultant of the project a week after the Board had awarded her the contract. The Commission found that fair and competitive bidding process was not followed in the award of the contract for refurbishment and upgrade of Ocean Bay Hotel by SSHFC to Emporium Construction and Furnishing Ltd. for **\$6,500,000**. The Commission also took note that Emporium furnished former President Jammeh's home in Kanilai, and was also awarded contracts without compliance with any procurement rules. These included some renovation works in the Cabinet Room and VIP Lounge, and the supply of curtains. None of these contracts were tendered.

236. The Government accepts the findings of the Commission in so far as they relate to Ms Laly Diab. Accordingly, the Government accepts the recommendations of the Commission that Ms Laly Diab/Emporium and former President Jammeh are jointly and severally liable for at least the amounts of **\$2,344,065**, and **\$3000** per day for the number of days delay as per the contract with SSHFC, as well as the losses to the State arising from the sale of the 108 tractors she took over.

237. Consequently, Ms Laly Diab/Emporium is hereby ordered to pay back to the State the said sums within 30 days of the publication of this White Paper failing which her properties shall be forfeited to the State and sold. The proceeds of sale shall be applied to the payment of monies for which Ms Laly Diab, and all companies associated with her, are found to be liable in the Report, in addition to criminal proceedings to be initiated against her.

238. Furthermore, the Government accepts the recommendation of the Commission that Ms Laly Diab and Emporium be banned, and Ms Laly Diab and

Emporium, are hereby banned from participating in any Government procurement for five (5) years from the date of publication of this White Paper.

239. In accepting these recommendations, the Government had averted its mind to its position elsewhere in this White Paper that the primary responsibility for compliance with procurement rules rests with the State and that the State's failure to adhere to procurement rules cannot be visited on 3<sup>rd</sup> parties. However, in Ms Diab's case, the Government cannot ignore the special circumstances surrounding the award of contracts to her without adherence to procurement rules. For instance, the manner in which Emporium was awarded a contract of **\$6.5**million for the renovation of Ocean Bay Hotel not having been invited by SSHFC to submit a bid; not having had any track record; incorporated only after it had won the bid; the meeting between Mr Amadou Samba, Ms Diab and the consultant at Mr Samba's Gamwater Offices after the award of the bid; the advice of the consultant against awarding the bid to Emporium; the friendship between Miss Diab and Mr Amadou; and the fact that Ms Diab was also appointed General Manager of UTSCO and Sindola Resort despite having no previous experience in transportation or hospitality, cumulatively suggests more than just an ordinary act of 'single-sourcing'. The totality of the circumstances suggests a well-orchestrated conspiracy between Ms Diab, Mr Amadou Samba, and former President Jammeh to defraud the State.

#### **MOMODOU LAMIN GIBBA**

240. Mr Momodou L. Gibba served as a civil servant in various capacities since 1974. The most prominent of the positions he served were as Managing Director of the Asset Management and Recovery Corporation (AMRC) from 1999 to 2004; Managing Director of the Gambia Ports Authority (GPA) from 2004 to 2011; and

then Managing Director of the Social Security and Housing Finance Corporation (SSHFC) from 2011 to August 2012, and deployed back to GPA from 2012 to December 2014, when his service to government was terminated.

241. Mr Gibba is related to former President Jammeh by marriage. The Commission noted that Mr Gibba's father, the Alkalo of Dobong, allocated land measuring 320.45 hectares to former President Jammeh. Mr. Gibba was involved in the financial dealings of former President Jammeh as Managing Director of the GPA and the SSHFC.

242. The Commission found, *inter alia*, that Mr Gibba was a facilitator as he aided in executing all of former President Jammeh's directives, and turned the GPA into a cash cow for former President Jammeh. The Commission found that Mr Gibba and former President Jammeh are jointly and severally liable for the sum of **D6.9**million being the unpaid balance of the CFA sold to former President Jammeh with interest to be recovered from the latter's assets and refunded to GPA; that Mr Gibba neither sought nor had the approval of the GPA Board to authorize the rendering of services to Kanilai Family Farms, in the sums of **D11,480,194.28**, **D1,523,589.82**, and **D5,296,454.64**, or to finance the Kanilai Cultural Center by donating the amount of **D7,043,669.86** for which he and former President Jammeh are jointly and severally liable.

243. The Commission found Mr Gibba liable for the failure by KFF to pay port charges for the importation of commodities, and together with former President Jammeh, for the payment of **D11,480,194.28** and **D1,523,589.82**. The Commission also found that during his tenure as Managing Director of SSHFC, Mr Gibba authorized a loan of **D10,000,000** to former President Jammeh for the purchase of Tobaski rams which remained unpaid.

244. The Government accepts the findings of the Commission in so far as they relate to Mr Momodou L. Gibba. Accordingly, the Government accepts the recommendations of the Commission that Mr Momodou L. Gibba is jointly and severally liable for the said sums of money.

245. Consequently, the Government accepts the recommendation of the Commission that Mr Momodou L. Gibba should be banned, and Mr Momodou L. Gibba is hereby banned, from serving on the Boards of Public Enterprises or as Managing Director/Chief Executive Officer for fifteen (15) years from the date of publication of this White Paper. The monies shall be recovered from the assets of former President Jammeh.

#### MOMODOU O.S. BADJIE

246. Mr Momodou O.S. Badjie started his public service career as a Senior Internal Auditor at GAMTEL. He subsequently became the Director of Finance at the National Roads Authority until 2008, and then Managing Director of GNPC from January 2008 to June 2016 when he was dismissed and reinstated back at GNPC in June 2017.

247. The Commission found, *inter alia*, that Mr. Badjie as Managing Director at GNPC was involved in cash withdrawals of **\$250,000** and **\$243,243.25** from GNPC accounts that were paid to former President Jammeh without Board approval.

248. The Government accepts the findings of the Commission in so far as they relate to Mr Momodou O.S. Badjie. Accordingly, the Government accepts the recommendations of the Commission that Mr Momodou Badjie and former President Jammeh are jointly and severally liable for these withdrawals without Board approval.

249. Consequently, the Government accepts the Commission's recommendation that Mr Momodou O.S. Badjie should be banned, and Mr Momodou O.S. Badjie is hereby banned, from holding public office or holding any director positions in any cState Owned Enterprises in The Gambia for five (5) years from the date of publication of this White Paper. The monies shall be recovered from the assets of former President Jammeh.

### EDWARD GRAHAM

250. Mr. Edward Graham's career at Social Security and Housing Finance Corporation (SSHFC) started in 1982 when he joined the Corporation as an Accounting Assistant. He served in various other positions within the Corporation ultimately rising, in 2012, as Managing Director from August 2012 to March 2017.

251. The Commission found, *inter alia*, that during Mr. Graham's tenure as Managing Director of SSHFC, loans were granted from Social Security funds at the request of OP some of which the Commission found did not qualify as investments, and some without Board approval. For instance, he authorized the payment of **D15**million from the Injuries Compensation Fund as loan to former President Jammeh for the purchase of Tobaski rams without Board approval; neither was Board approval obtained for the loan agreement with OP for the acquisition of a State aircraft.

252. The Government accepts the findings of the Commission in so far as they relate to Mr Edward Graham. Consequently, the Government accepts the recommendation of the Commission that Mr Edward Graham should be banned, and Mr Edward Graham is hereby banned, from serving on the Boards of Public Enterprises or as Managing Director/Chief Executive Officer for fifteen (15) years



from the date of publication of this White Paper. The monies shall be recovered from the assets of former President Jammeh.

### ABDOULIE CHAM

253. Mr. Abdoulie Cham is the Director of Finance and Investments at the SSHFC.

254. The Commission found, *inter alia*, Mr. Cham served as Finance Director during the period when most of the irregular and/or unlawful loans were granted by SSHFC to former President Jammeh. The Commission found that as Director of Finance and Investment, Mr. Cham failed to demonstrate vigilance and rigor in protecting pensioners' funds considering that he was responsible for SSHFC's investment portfolio. The Commission found that although the Managing Directors changed at various periods, Mr. Cham however remained in his role over the period and owed a duty of care which was not apparent in the manner he performed his job.

255. The Government accepts the findings of the Commission in so far as they relate to Mr Abdoulie Cham. Consequently, the Government accepts the Commission's recommendation that Mr Abdoulie Cham's services at SSHFC be terminated. It is hereby ordered that Mr Abdoulie Cham's services at SSHFC be terminated with immediate effect.

## MANLAFY JARJUE

256. Mr Manlafy Jarjue served as Minister of Local Government and Lands from March 2002 to March 2005. He is currently a First-Class Magistrate; he has been in this position for the past 3 years.
257. The Commission found, *inter alia*, that as Minister responsible for Lands, Mr. Jarjue allocated land to former President Jammeh. The Commission found that the 2 kilometres of land given to former President Jammeh at Howba Sanyang was not paid for and that the said area is within the TDA lease, and therefore the Minister could not legally have issued a lease to former President Jammeh over the TDA Lease.
258. The Commission also found that whilst serving as Minister of Lands, Mr Jarjue approved the granting of a lease to GamPetroleum Storage Facility at Mandinari without making sure that the villagers were adequately compensated. The Commission found that the procedure set out in the State Lands Regulations was not followed in the acquisition of the said land. The Lease was also issued before the pre-conditions in the Allocation letter were complied with.
259. The Commission found that Mr Jarjue failed to comply with applicable procedure contrary to the Criminal Code. This finding by the Commission seriously undermines the integrity of Mr Jarjue as a sitting Magistrate.
260. The Government accepts the findings of the Commission in so far as they relate to Mr Manlafy Jarjue. Consequently, the Government will refer this finding to the Judicial Service Commission for appropriate action in respect of Mr Jarjue.

## ISMAILA KABA SAMBOU

261. Mr Ismaila K. Sambou served as Minister of Local Government and Lands from 2005 to 2010 when he was relieved. He was subsequently appointed as The Gambia's High Commissioner to Senegal concurrently also as the Ambassador to Mali and Burkina Faso. This was his last appointment with the government.

262. The Commission found, *inter alia*, that as Minister responsible for Lands, Mr Sambou allocated 28 leasehold lands to former President Jammeh. The allocations include hills, Islands and wetlands that are not supposed to be allocated. One of the allocations at the Fajara Water Tank on Atlantic Road, Fajara, was identified in the Lands Office File as having been allocated to former President Jammeh as a birthday present. Mr Sambou also approved the creation of an illegal layout at Cape Point Sea Front and allocated 2 plots to former President Jammeh and his Mother, and one plot to Mr Sambou's own wife, Lamarana Bah, which was developed.

263. The Government accepts the findings of the Commission in so far as they relate to Mr Ismaila K. Sambou. Consequently, the Government has decided that Mr Ismaila K. Sambou is not fit to hold public office and should be banned, and Mr Ismaila K. Sambou is hereby banned, from holding public office for fifteen (15) years from the date of publication of this White Paper.

## MOMODOU AKI BAYO

264. Before his appointment as Minister of Local Government and Lands from July 2014 to May 2016, Mr Momodou A. Bayo served the Government in various capacities including as regional Commissioner and Deputy Permanent Secretary at different ministries.

265. The Commission found, inter alia, that as Minister responsible for Lands, Mr. Bayo allocated 51 lands including extensive tracks of land to former President Jammeh without proper procedure. Some of these lands were within the TDA and therefore he could not legally have issued a lease to former President Jammeh over the TDA Lease.

266. The Government accepts the findings of the Commission in so far as they relate to Mr Momodou A. Bayo. Consequently, the Government has decided that Mr Momodou A. Bayo is not fit to hold public office and should be banned, and Mr Momodou A. Bayo is hereby banned, from holding public office for fifteen (15) years from the date of publication of this White Paper.

**EBOU JALLOW, EDWARD SINGHATEH, YANKUBA TOURAY**

267. Mr Ebou Jallow, Mr Edward Singhateh, and Mr Yankuba Touray were all soldiers of the Gambia Armed Forces and together with former President Jammeh, constituted the Armed Forces Provisional Ruling Council (AFPRC) in 1994. They held various positions in Government including Spokesperson of the AFPRC, Vice Chairman of the AFPRC, and Minister of Local Government, respectively.

268. The Commission found, inter alia, that they were involved in financial dealings of the AFPRC and its Chairman former President Jammeh.

269. The Commission found that the AFPRC forged diplomatic relations with Taiwan in the expectation of obtaining financial aid for their Transition Programme. Taiwan gave The Gambia a loan of **\$35**million. The Commission found that Mr Jallow negotiated for **\$5**million cash payment of the said loan on the instructions of former President Jammeh which was brought to The Gambia by special flight and presented to the AFPRC. Mr Jallow and Mr Edward Singhateh

deposited the amount of **\$2.3**million at the Central Bank of The Gambia. **\$2.7**million has not been accounted for amidst claims that it was handed over to former President Jammeh. Mr Yankuba Touray was responsible for supervising the Transition Programme projects.

270. The Commission found that the AFPRC failed to account for **\$32,220,000** of the loan from Taiwan, and that they are jointly and severally liable or answerable for the amounts not accounted for. The Commission noted further that the ouster clauses under the Second Schedule of the 1997 Constitution do not apply as the members of the AFPRC were not acting in the performance of their official duties or in exercise of their executive powers when they operated outside the framework of the law and/or misappropriated public funds.

271. The Government accepts the findings of the Commission in so far as they relate to Mr Ebou Jallow, Mr Edward Singhateh, and Mr Yankuba Touray. The Government has noted that the collective actions of the AFPRC in overthrowing a democratic government in 1994 set the stage and substantially enabled former President Jammeh perpetrate and perpetuate the unprecedented looting of The Gambia's meager resources to the detriment of the country.

272. Consequently, the Government has decided that they are not fit to hold public office and should be banned, and Mr Ebou Jallow, Mr Edward Singhateh, and Mr Yankuba Touray are hereby banned, from holding public office for the remainder of their lives. They are also banned from holding any director positions in any State Owned Enterprises in The Gambia for fifteen (15) years from the date of publication of this White Paper.

273. Mr Ebou Jallow, Mr Edward Singhateh, and Mr Yankuba Touray are hereby ordered to pay back to the State the sum of **\$32,220,000** within 30 days from the publication of this White Paper failing which their properties shall be forfeited to the State and sold. The proceeds of sale shall be applied to the payment of monies

for which they are found to be liable in the Report, in addition to criminal proceedings to be initiated against them.

### **TRUST BANK LIMITED**

274. Trust Bank Limited (TBL) is a Gambian Bank. It was the personal bank of former President Jammeh from 22nd July 1994 to 21st January 2017. TBL was involved in former President Jammeh's financial dealings because it appeared to have been the commercial bank of choice for OP-operated bank accounts as well as for Kanilai Family Farms (KFF) and Kanilai Group International (KGI). The Commission has noted concern about the role of TBL with regard to some of these accounts in respect of which it has made findings.

275. The Commission found that some of the said accounts were opened with no legal or legitimate basis and without compliance with the Anti-Money Laundering Act. The Commission found that TBL behaved improperly and illegally at times in respect of these accounts.

276. The Government accepts the findings of the Commission in so far as they relate to Trust Bank Limited. Accordingly, the Government accepts the recommendations of the Commission that it would be an unjust enrichment to allow TBL to retain any income made by them in the illegal operations of these accounts, and that the Central Bank of The Gambia should calculate/assess all income earned by TBL from these accounts and refund same to the State. In particular, the Government accepts the Commission's recommendation that TBL should account for and refund to the State all monies earned by way of fees and charges from the accounts. The accounts include President's HIV Treatment account, MYJ Family

Trust account, MRI Presidential Project account, Jammeh Foundation for Peace account, and the President's Empowerment of Girs Education account.

277. The Central Bank of The Gambia is hereby requested to calculate/assess all income earned by TBL from these accounts and refund same to the State. Additionally, the Central Bank is requested to impose punitive fines against TBL for failure to comply with anti-money laundering legislation, in addition to a fine of **D1,000,000** imposed by the Commission for the bank charges and other benefits they derived from these illegal transactions.

#### **GUARANTY TRUST BANK (GAMBIA) LIMITED**

278. Guaranty Trust Bank (Gambia) Limited (GTB) is a subsidiary of a Nigerian Bank. GTB was the personal banker of former President Jammeh from January 2015 where he received his salary. GTB was involved in former President Jammeh's financial dealings. The Chairman of GTB from its incorporation until January 2017, Mr. Amadou Samba, was a close associate of former President Jammeh, and acted as his referee when former President Jammeh opened an account at the Bank. The Commission has noted concern about the role of GTB with regard to some of the accounts in respect of which it has made findings.

279. The Commission found that some accounts were illegally opened at the GTB, while unauthorized withdrawals were allowed in respect of other accounts, sometimes when a co-signatory was even out of the country. The Commission found that some of the said accounts were opened with no legal or legitimate basis and without compliance with the Anti-Money Laundering Act. The Commission found that GTB behaved improperly and illegally at times in respect of these accounts.

280. The Government accepts, in part, the findings of the Commission in so far as they relate to Guaranty Trust Bank Limited. The Government, in particular, rejects the Commission's finding that GTB is jointly liable with former President Jammeh to refund the sum of **\$1,723,229.48** illegally spent by former President Jammeh from the GNPC accounts to the State. The Government notes that the Commission failed to articulate the basis upon which GTB knew or must have known that former President Jammeh was going to illegally spend monies which he withdrew as a co-signatory to the accounts.

281. The Government, however, accepts the Commission's recommendations that it would be an unjust enrichment to allow GTB to retain any income made by them in the illegal operations of these accounts, and that the Central Bank of The Gambia should calculate/assess all income earned by GTB from these accounts and refund same to the State. In particular, the Government accepts the Commission's recommendation that GTB should account for and refund to the State all monies earned by way of fees and charges from the accounts. The accounts include Ministry of Petroleum account, Tax Revenue Recovery account, Mobilisation account, APAM Company accounts, President's Empowerment of Girls Education accounts, and GNPC accounts.

282. The Central Bank of The Gambia is hereby requested to calculate/assess all income earned by GTB from these accounts and refund same to the State. Additionally, the Central Bank is requested to impose punitive fines against GTB for failure to comply with anti-money laundering legislation, in addition to a fine of **D1,000,000** imposed by the Commission for the bank charges and other benefits they derived from these illegal transactions.

**M. A. KHARAFI & SONS LTD**



283. The Commission found that **\$5million** was stolen from Central Bank by Baba Jobe and used to purchase all the shares in Side Gambia Invest which owned the Kairaba Beach Hotel. The Shares were held by West Coast Properties Ltd, a Company owned by Baba Jobe and Lang Conteh. Former President Jammeh seized the Kairaba Beach Hotel and forced Baba Jobe and Lang Conteh to transfer the shares to his company Millenium Industrial and General Trading Ltd. (Millenium), an offshore company registered in Maluaga, Alosi, Niue, owned by former President Jammeh.
284. The Commission found that the **\$5million** transferred from Central Bank can be directly traced to the acquisition of the Kairaba Hotel. There was, therefore, a clean substitution of the money for the shares. The shares so acquired should have been put in the name of the Gambia Government. The act of transferring the shares to a private company - West Coast - and not the Government, was consequently illegal and amounted to a clear act of misappropriation/theft of the money/shares by former President Jammeh.
285. The Commission found that former President Jammeh thereafter compelled the transfer of what was stolen property to his company, Millenium, and then purported to sell the shares to M. A. Kharafi. M.A. Kharafi & Sons Ltd (Kharafi) bought Kairaba Beach Hotel from Millenium in June 2004. The sale price was **\$10 million less \$2,632,573.82** to pay off as liability owed by the vendor to Standard Chartered Bank. The net purchase price received by former President Jammeh was **\$7.3million**.
286. The Commission found that a deed of assignment was not executed as would be normal in the sale of registered landed property. Instead, a new lease was sought and issued first to Mr. Mohamed AbdulMohsen Al-Kharafi & Sons, and then replaced by a corrected version to M.A. Kharafi & Sons Gambia Ltd.

287. The Commission found that while Kharafi gave valuable consideration, they were not bona fide purchasers without notice in that they failed to properly investigate the title which they sought to acquire and to satisfy themselves that the purported seller owned the property and had a right to sell it. They should be regarded as having constructive notice of the fact that former President Jammeh's title to Kairaba Hotel was questionable.

288. The Commission concluded that Kharafi's interest cannot override the Government's beneficial interest in Kairaba Hotel, and that the Government of The Gambia had sole proprietary rights over the Kairaba Hotel at the time of the purported sale to Kharafi and was, in fact, the beneficial owner in law.

289. The Government accepts the findings of the Commission in so far as they relate to M. A. Kharafi & Sons Ltd. Accordingly, the Government accepts the recommendations of the Commission that Kharafi should pay to the State the sum of **\$2,367,426** being the balance applied towards the payment of the loan obtained from Standard Chartered Bank by Kairaba Hotel, plus interest at 5% per annum from 30th June 2004 to 29th March 2019; that after payment of its said liability, Kharafi's said Lease over Kairaba Hotel is to remain unchallenged; and that the State shall not take over Kairaba Hotel. M.A. Kharafi & Sons is hereby ordered to pay to the State the sum of **\$2,367,426** within 30 days of the publication of this White Paper.

#### OTHERS

290. The Government accepts the Commission's recommendations that the following persons should be reprimanded: Mr Mambury Njie; Mr Ousman Jobarteh; Mr Ousman Jammeh; Ms Isatou Auber; Mr Ismaila Sanyang; Mrs Yam B. Keita; Mr Lamin Nyabally; Dr Kalilou Bayo; Mr Abdoulie M. Sallah; and Mr Sulayman

Samba. They are hereby admonished and warned against such conduct in the future.

291. The Commission also found the Accountant General, Mr Momodou L. Bah, responsible for the transfer of public funds from the TMA to APRC Fundraising account. In the absence of any specific recommendation by the Commission, the Accountant General, Mr Momodou L. Bah is hereby admonished and warned against such conduct in the future.

292. Regarding the Commission's recommendation that the Auditor General be placed in another suitable position in Government or Public Enterprise, the Government is of the considered view that this recommendation was not part of the Commission's terms of reference.

293. The Government accepts the Commission's recommendation that Skye Bank should be fined **D1,000,000** to represent the bank charges and other benefits it derived from illegal transactions by former President Jammeh.

## CONCLUSION

294. The recommendations will be implemented in phases depending on the availability of human, material and financial resources at any given time.

295. A lien shall be immediately placed on the properties of the following persons until further notice: Amadou Samba; Tarek Musa; Fadi Mazegi; Illija Reymond; Martin Keller; Nicolae Buziainu; Dragos Buziainu; Ali Youssef Sharara; Woreh Njie Ceesay; Toni Ghattas; Feryale Diab Ghanem; Trust Bank Ltd; Guaranty Trust Bank (Gambia) Ltd; M.A. Kharafi & Sons.

296. The Government wishes to place on record its deepest gratitude to the members of the Commission and to the support staff for carrying out this tedious national assignment with such meticulous commitment, diligence and dedication.