



TRUTH,
RECONCILIATION
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COMMISSION

THE GAMBIA

REPORT

VOLUME 7

- **ATTACK ON THE MEDIA AND
FREEDOM OF EXPRESSION**
- **ATTACK ON POLITICAL
OPPONENTS**

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ATTACK ON THE MEDIA AND FREEDOM OF EXPRESSION

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A. INTRODUCTION

1. Freedom of expression is a fundamental human right and a necessary condition for promoting public participation, accountability and democracy in any country. The right to freedom of expression extends to holding, receiving and imparting all forms of opinions, ideas and information. **Yahya Abdul Aziz Jemus Junkung Jammeh (Yayha Jammeh)** the former President of The Gambia from 1994 to December 2016 wanted to entrench himself in power. He knew that in exercise of its functions to bring information to the people the press and media in general could influence public participation and accountability in the democracy of a country, as such posing a potent threat to his self-perpetuation in power. Under the pretence of a civilian and democratic rule, the former **President Yahya A.J.J Jammeh** subjected Gambian journalists and the media fraternity in general to severe human rights violations. Journalists were jailed, threatened, tortured, disappeared, or killed. Freedom of expression was limited to instil fear in everyone, including the media, whether print, electronic or broadcast.
2. The media fraternity became concerned by the continued violations of the right to freedom of expression and access to information in The Gambia due to the arbitrary arrest and detention, prosecution, imprisonment, harassment, intimidation, threats, arson attacks, disappearances, extra-judicial killings, physical attacks, closure or destruction of media houses that were critical of the government or that even reported actual events. Further, there were concerns regarding the repressive laws that imposed unwarranted restrictions on published material and allowed government interference with the media, limiting the enjoyment of freedom of speech and access to information. The media fraternity did not acquiesce to the violation of their rights by **former President Yahya A.J.J Jammeh** or his agents, they fought back instead, which increased the tension between the government and the media.

B. LEGAL FRAMEWORK

NATIONAL LAWS GOVERNING FREEDOM OF EXPRESSION IN THE GAMBIA

3. Freedom of expression is protected under Section 25 of the 1997 Constitution of The Gambia which states:

25 (1). EVERY PERSON SHALL HAVE THE RIGHT TO-

 - a. *Freedom of speech and expression, which shall include freedom of the press and other media;*
 - b. *Freedom of thought, conscience and belief, which shall include academic freedom;*
4. However, Section 25(4) states that “(T)he freedoms” referred to in subsection (1) and (2) shall be exercised subject to the laws of The Gambia in so far as that law imposes reasonable restrictions on the exercise of the rights and freedoms thereby conferred, which are necessary in a democratic society and are required in the interest of sovereignty and integrity of The Gambia, national security, public order, decency or morality, or in relation to contempt of court.”

5. Section 25 thus guarantees freedom of expression and of the press, which can only be restricted by law and the restrictions must be reasonable and necessary in a democratic society. Furthermore, the only aims which a restriction may serve are those listed, namely national security (including the sovereignty and integrity of the country), public order, decency or morality, or the administration of justice (contempt of court).
6. More detailed and specific provisions relating to the media are found in Sections 207-210, part of Chapter XIX of the Constitution, entitled The Media. These provide, in relevant part:

SECTION 207

- (1) *The freedom and independence of the press and other information media are hereby guaranteed.*
- (2) *An Act of the National Assembly may make provisions for the establishment of the press and other information media.*
- (3) *The press and other information media shall at all times be free to uphold the principles, provisions and objectives of this Constitution and the responsibility and accountability of the Government to the people of The Gambia.*

SECTION 209

The provisions of sections 207 and 208 are subject to laws which are reasonably required in a democratic society in the interest of national security, public order, public morality and for the purpose of protecting the reputations, rights and freedoms of others.

SECTION 210

An Act of the National Assembly shall within one year of the coming into force of this Constitution make provision for the establishment of a National Media Commission to establish a code of conduct for the media of mass communication and information and to ensure the impartiality, independence and professionalism of the media which is necessary in a democratic society.

7. Both section 25 and section 207(1) of The Constitution explicitly guarantee media freedom and, to the extent that they differ, the relationship between them is not clear. The test for restrictions found in section 25(4) is slightly different from that found in section 209. The former refers to laws that are reasonable and necessary in a democratic society, while the latter uses the phrase “reasonably required in a democratic society,” but this is probably of little consequence. The lists of grounds for restricting this right also differ slightly. Section 207(1) guarantees the freedom and independence of the media.

THE INFORMATION AND COMMUNICATION ACT OF 2009

8. This Act was passed in the year 2009 to regulate information, communication and technologies. The Act was amended in 2013 to include harsh punishment provisions and

impose further restrictions on freedom of expression on online platforms. At the time of the amendment, the government pointed out that the 2013 amendment was passed to address the convergence of the telecommunications, broadcasting, and information sectors to include the internet. However, the players in the ICT sector saw the July 2013 amendment as a further curtailment of freedom of speech because it imposed a 15-year jail term or a three million fine, or both a fine and imprisonment for the offence of spreading “false information” on the internet and “caricature” of government figures or public officials and for post deemed “derogatory.”¹ This law once again added to the suppression of freedom of speech.

THE CRIMINAL CODE CAP 10 OF THE LAWS OF THE GAMBIA

9. The Criminal Code Cap 10 laws of The Gambia further restricted freedom of expression through several sections such as Section **46, 51, 52, 52A, 59, 178, 179, 181, 181A and 184**. Journalists often argued that the criminal laws in The Gambia affected their profession as they made it practically impossible for them to freely disseminate information to the public.
10. The provisions of the Criminal Code Cap 10 interfered with the rights of journalists in The Gambia. It made most of them vulnerable to arrest and prosecution and thereby created a self-censorship, especially on government issues.
11. The Criminal Code provides for various seditious offences. Section 52, for instance, criminalizes the publication and distribution of seditious materials as well as the mere uttering of seditious words. This provision was further amended in 2004 and 2005 to provide harsher fines and prison terms which alternatively made it harder for freedom of expression to be exercised. Under the 2005 amendment, the offence of seditious publication became punishable by a fine ranging from 50,000 to 250,000 Gambian Dalasi and/or a minimum term of one-year imprisonment.
12. Section 46 provides that the interpretation of sedition is a publication having a seditious intention. Section 51(1) (a) further defined a seditious intention as “an intent to bring into hatred or contempt or to excite disaffection against the person of the President, or the Government and other subsection continued to raise “discontent or disaffection among inhabitants of The Gambia and promoting feelings of ill-will and hostility between different classes of the population of The Gambia.”
13. The definition of “seditious intent” is vague and seems to criminalise mere statements or expressions of discontent with government policies or actions.² The former **President Yahya A.J.J Jammeh’s** regime used seditious laws to arrest and detain many citizens and to silence political opponents and government critics. One example was the case of the

¹ Joof, M. S. (2013, 8 July). The Gambia’s Internet Law: RSF very disturbed, Amnesty International shocked. Front Page International. frontpageinternational.wordpress.com/2013/07/08/the-gambias-internet-law-rsf-very-disturbed-amnesty-international-shocked

² Andrew Mujuni Mwenda & Anor v. Attorney General, Constitutional Court of Uganda; It is so wide and it catches everybody to the extent that it incriminates a person in the enjoyment of one’s right of expression of thought. Our people express their thoughts differently depending on the environment of their birth, upbringing and education. [...] All these different categories of people in our society enjoy equal rights under the Constitution and the law. [...] [Voters] have a right to criticize their leaders rightly or wrongly. That is why [...] leaders should grow hard skins to bear. We find that, the way impugned sections were worded have an endless catchment area, to the extent that it infringes one’s right [to freedom of expression.]”--

seven activists and journalists arrested and charged with treason and sedition for distributing t-shirts with the slogan “coalition for change - The Gambia: End Dictatorship Now.”³ The sedition laws did not meet the international standard and were used as a significant tool to clamp down on the public expression of dissent and opposition.

14. Further, Section 178 of the Criminal Code of The Gambia provides for the offence of libel, which is punishable by a minimum term of one year imprisonment and/or a fine between 50,000 and 250,000 Gambian Dalasi. Libel has traditionally been applied to defamatory statements made in permanent form instead of slander, which is concerned with transient words. Section 178, however, clearly covers both ‘written’ and ‘spoken’ defamatory statements. It would therefore be more accurate to describe it as providing for criminal defamation.
15. Under Section 178, the publication of defamatory statements, with intent to defame, in the form of written words, ‘cartoon,’ ‘effigy,’ ‘depiction’ or ‘any other means’ is criminalised. In addition, defamatory statements made by means of ‘gestures’ or ‘sounds’ are also criminalised. Equally relevant to the offence of criminal defamation under Section 178 is Section 180, which defines ‘publication’ by reference to the ways in which a defamatory matter may be published and the fact that the ‘defamatory meaning’ becomes known or is likely to become known to the person concerned. Section 180 further provides that a ‘defamatory meaning’ need not be directly or entirely expressed for libel to take place. Extrinsic circumstances can also be referred to as evidence of libel. In addition, Sections 181 to 184 contain several defences to criminal defamation.
16. In modern democratic societies, defamation is deemed to be a private matter and a civil wrong between two individuals that does not warrant the State’s intervention through the use of the criminal law, which almost by default provides for harsher penalties, including the threat of imprisonment. This could be seen to be a profound frightening effect on the peaceful exercise of freedom of expression. Being in the laws of The Gambia, it has affected the freedom of expression of journalists.’
17. Section 181A of the Criminal Code provides the offence of ‘false publication and broadcasting.’ And under this section, the negligent dissemination of false news or information is punishable by a minimum of one year imprisonment and/or a fine between 50,000 and 250,000 Dalasi (approximately 1000 to 5000 GBP). Lack of knowledge that the information was false is not a defence, unless it is proven that adequate measures were taken to verify the accuracy of the information. This provision further infringed the right to freedom of expression.

THE NEWSPAPER (AMENDMENT) ACT, 2004

18. The Newspaper Amendment Act was rooted in the 1994 Newspaper Act, which still requires all print and broadcast media to register. This registration procedure restricts and further falls short of international standards for the protection of freedom of expression.

19. This registration procedure involves the registration of an affidavit and a bond with the Registrar-General. While the original 1944 Act only applied to print media, the Newspaper (Amendment) Act 2004 has extended its application to broadcasting stations. In addition, the 2004 Act significantly increased the amount of the bond from D100,000 (One Hundred Thousand Dalasi) to D500,000 (Five Hundred Thousand Dalasi). The penalties for contravening the provisions of the Act were also increased. In The Gambia, regulation of the print media was viewed as one of former **President Yahya A.J.J Jammeh’s** tools to restrict rather than protect the right to freedom of expression and information.
20. Considering the importance of the press in a democratic society, it stands to reason those journalists and publications should not be subject to greater restrictions on the right to express themselves and give information to the public.

INTERNATIONAL INSTRUMENTS ON FREEDOM OF EXPRESSION

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

21. The Universal Declaration of Human Rights⁴ (UDHR) is generally considered to be the flagship statement of international human rights standards, binding on all States as a matter of customary international law. Article 19 of the UDHR guarantees the right to freedom of expression in the following terms:

Everyone has the right to freedom of opinion and expression; this right includes the right to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

ARTICLE 19 – INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)

23. Freedom of expression is protected under Article 19 of the International Covenant on Civil and Political Rights (ICCPR) 1966,⁵ which The Gambia ratified on 22 March 1979. Article 19 provides as follows:
 1. *Everyone shall have the right to freedom of opinion.*
 2. *Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of his choice.*
 3. *The exercise of the rights provided for in paragraph 2 of this article carries with its special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:*
 - (a) *For respect of the rights or reputations of others;*
 - (b) *For the protection of national security or of public order (order public), or of public health or morals.*

³ <https://www.amnesty.org/en/latest/news/2011/07/gambia-must-drop-treason-charges-against-activists/>

⁴ Adopted by the UN General Assembly on 10 December 1948, Resolution 217A(III).
⁵ UN General Assembly Resolution 2200A(XXI) of 16 December 1966, in force 23 March 1976

24. As a state party to the ICCPR, The Gambia is required to ensure that any piece of legislation imposing restrictions on freedom of expression complies with the requirements of Article 19 of the ICCPR.

AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS

25. In addition, The Gambia is also a party to the African Charter on Human and Peoples' Rights (the Charter),⁶ which guarantees freedom of expression in Article 9 stating:
1. *Every individual shall have the right to receive information.*
 2. *Every individual shall have the right to express and disseminate his opinions within the law.*
26. Further, the African Commission on Human and Peoples' Rights has also passed a Resolution on the Right to Freedom of Expression in Africa⁷ and the Declaration of Principles on Freedom of Expression in Africa,⁸ which The Gambia is obliged to implement.

C. PUBLIC HEARING ON ATTACK ON FREEDOM OF EXPRESSION & THE MEDIA

27. This report is premised on the testimonies of witnesses who appeared before the Commission during the sixth session of the public hearings of the TRRC under the theme **Attack on Freedom of Expression and Press Freedom** which took place from the Monday July 8 to Thursday July 25, 2019.

The Commission heard testimonies of seventeen (17) witnesses who were mainly journalists and other media practitioners who suffered human rights violations in the hands of the State and state agents while carrying out their work. Among the witnesses were current Secretary General of The Gambia Press Union (GPU) who gave the expert testimony and three past Presidents of the GPU as well as other victims whose rights to access information were violated.

The Commission heard testimonies on the extrajudicial killing of Deyda Hydara in 2004⁹ and how this incident was a turning point on the attacks meted onto journalists on orders of former **President Yahya A.J.J Jammeh** given to security agents. Statements that were submitted to the Commission were also assessed as well as testimonies from other themes such as the Junglers and the institutional hearing on the NIA which have a direct bearing on this theme.

C. 1. SETTING THE SCENE EXPERT

TESTIMONY OF SAIKOU JAMMEH, SECRETARY GENERAL, GAMBIA PRESS UNION (GPU)

28. **Saikou Jammeh, Secretary General of the GPU as at the time he testified before The Commission gave a very comprehensive statement to the Commission on the state of freedom of expression and the media from colonial times to date. He outlined the**

⁶ Adopted 27 June 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982)
⁷ Resolution on the Right to Freedom of Expression in Africa, adopted at the Eleventh Ordinary Session of the African Commission, 2-9 March 1992.
⁸ Declaration of Principles on Freedom of Expression in Africa, adopted at the Thirty-second Ordinary Session of the African Commission, 17-23 March 2002.
⁹ Co-founder and editor of The Point Newspaper

challenges and achievements of the GPU under the different - under Colonialism and the Jawara and Jammeh administrations. The most difficult and challenging period according to the witness was the twenty two (22) years under Jammeh. This was a difficult time in The Gambia when journalists suffered many human rights violations. However, The GPU did not sit idly by and watch the Government act in excess of its power. Instead, they stood up, spoke up and took action not only when the rights of journalists were being violated but also by acting as the fourth arm of Government performing the duty of society's watchdog and ensuring **the government's accountability to the people** by providing information to the citizenry and communicating with them. These were dangerous times to challenge the government and for its courageous and indomitable task in living up to its responsibilities and being actively involved in holding the government and public officials to account The GPU earned itself the name: "*ONE MAN STANDING.*"¹⁰

29. Registered as a Union in 1979, The GPU has since its inception delivered on its mandate which is to represent the interests and welfare of its members which are mainly trade union matters including labour rights issues; protection of journalists and supporting and helping them to engage the services of a lawyer when the need arose to represent them in court whenever they were arrested or charged by the Government as most journalists at the time did not have the funds or ability to obtain legal representation by themselves. Fines were also paid by The GPU cases in point were **Lamin Fatty** in 2006 and **Fatou Jaw Manneh** in 2007. With respect to the professional aspects of the work of The GPU these centred on advocacy to influence the environment so that journalists can work effectively especially relating to laws, and capacity building of the membership.
30. Up to 2013 there was no formal training institution for journalism in The Gambia, so The GPU was involved in training its membership through workshops. In 2013, The GPU School of Journalism was set up and year later the University of The Gambia set up the Faculty of Journalism. For the witness the School of Journalism was the biggest achievement of the GPU. The majority of their members were untrained and unqualified and many persons other than the former **President Yahya A. J. J Jammeh** used the lack of training of journalists to suppress them. In addition to its members the GPU also built the capacity of the security forces, CSOs and government institutions through sensitisation and awareness creation of the human rights instruments on freedom of the press and freedom of expression. .
31. **Saikou Jammeh** then went on to give an overview of press repression in The Gambia and the state of human rights between July 1994 and January 2017. He described this period as a "*...very long and painful 22 years for journalists in The Gambia.*" It was a period when The Gambia was consistently ranked as one of the worst places for journalists. From 2011 up to 2017 "*The Gambia was ranked the third worst country for journalists and was only doing better than only Eritrea, which is known as the North Korea of Africa and Equatorial Guinea. Gambia was doing better than only these two countries. Even the war torn countries were doing better than The Gambia.*"¹¹ This statement was corroborated by **Fatou Jagne Senghore** who told the Commission that: "*The Gambia, that was once considered the capital of African Human Rights has since been turned into an extremely oppressive context for journalists and vocal human rights defenders. Until the recent change, Gambia was ranked as the worst violator of press freedom and fundamental rights in the West Africa region*"¹²."

¹⁰ Witness Testimony Sakiou Jammeh, 8th July 2019 lines 209-219
¹¹ Witness Testimony Sakiou Jammeh 8th July 2019 lines 265-273
¹² Fatou Jagne Senghore, Witness Statement to the TRRC, 05/2021 pg.3 para 3

32. Journalists in The Gambia were subjected to gross human rights violations during this period including harassment, intimidation, torture, arson attacks, arrests and detentions, deportations, assaults, enforced disappearances and killings. The GPU was equipped to engage the services of a lawyer to represent a journalist in court whenever they were arrested or charged by the Government as most journalists at the time did not have the funds or ability to obtain legal representation by themselves when in court when they were arrested or charged. It came to a stage when the government was not talking to The GPU. In fact, throughout the period of the **Jammeh** presidency, the only time that some journalists were allowed to access and report from State House was when **Fatou Camara** was Director of Press and Public Relations and when she was able to convince **Yahya A.J.J Jammeh** to allow the private press to cover the State House albeit with limitations as to where they could go and even what they could or could not ask.¹³
33. The government had closed all lines of communication with The GPU so the only way that they could communicate with them was through the existing human rights mechanisms that were available at the regional and international levels. Realising that the international community had some leverage on the government The GPU capitalised on this opportunity by internationalising its campaign by engaging with mechanisms such as the ECOWAS Court and the African Commission on Human and People's Rights.
34. The GPU with the help of the Media Legal Defence Initiative, a UK based media rights organisation, and the Federation of African Journalists (FAJ) were able to successfully file a suit against The Gambia government at ECOWAS Court for **Alhagie Jobe, Fatou Jaw Manneh, Fatou Camara and Lamin Fatty** in 2015.¹⁴ The Court decided in favour of the four journalists and ordered the government to pay compensation of twenty-five thousand United States Dollars (US\$ 25,000) to each of the victims, which the Barrow administration. The GPU also supported the family of **Deyda Hydara** to file a suit against The Gambia government before the ECOWAS Court for failure to investigate his death. ECOWAS ruled in favour of the family and awarded fifty thousand US Dollars (US\$ 50,000) in damages to the family and ordered The Gambia Government to investigate **Hydara's** murder. The Barrow Government eventually paid the family the award in 2017, investigations are yet to be carried out.
35. The GPU also has Observer status with the African Commission on Human and People's Rights and were able to attend meetings of the Commission and make statements regarding the situation of journalists in the country. In 2010, The GPU were the only organisation in the country to submit a report to the Universal Periodic Review (UPR) of the Office of the High Commissioner for Human Rights (OHCHR). Engaging with these bodies enabled The GPU to bring global attention not only to the situation of the media with regard to their fundamental rights and freedoms but also to get answers to certain questions that they could not get directly from their government.
36. From the onset **Jammeh** estranged the media. He had a motive to keep Gambians in the dark so that he could pursue his agenda of self- perpetuation. It was also evident the former **President Yayha A.J.J. Jammeh** was looting public funds and he did not want to be held to account. It was in his best interest that Gambians were ignorant of his self-perpetuation

13 Witness Testimony Saikou Jammeh 9th July 2019 lines 1677-1679
 14 Witness Testimony Sakiou Jammeh 8th July 2019 lines 862-868

- and personal enrichment agenda so he deliberately muzzled the press so that they would not inform and educate the people about the type of person that he really was. To this end he vilified the media by labelling journalists as “*illegitimate sons of Africa*”,¹⁵
37. He also described them as “*dead and rotten horses*”, He called upon the public not to buy newspapers because journalists were not patriotic and should be left to starve to death. The former **President Yahya A.J.J. Jammeh** did much harm to the media by pitting the public against them. He fuelled discord between the public and the media through his rhetoric by saying that journalists were “*bad people, enemies of the people and development.*” At some point, the relationship between journalists and members of the public was characterised by fear and paranoia.¹⁶ If they found two or three people sitting down and discussing, once they identified themselves as a journalist or they knew that the person was a journalist, all of them would keep quiet so as not to get in trouble. Journalists had to switch on what they called their survival mode, self-censoring, to be able to go about their journalistic work.
38. According to the witness the **former President Yahya A.J.J Jammeh** averred that that he did not believe in killing journalists, but will hang them using the law and send them to jail until they get old and become useless to society. This **Jammeh** did effectively as illustrated by the witness in the numerous examples of **Yahya A.J.J Jammeh's** ways of muzzling the media.
- a) *One of the strategies he used was the imposition of several taxes on the media to the point that those operating in the media businesses were barely making enough to keep their heads above water.¹⁷ This weakened the media houses to the point that they were not able to hire competent staff as they could not afford to pay them. In addition, they could operate within the Greater Banjul Area because they could not afford to send their staff further out or even hire a reporter in the regions to supply information from those areas. This affected the quality of reporting as proper research and investigations could not be carried out on a matter as the media houses just did not have the resources to follow-up on a lead. It came to a point where no newspaper house was producing more than 3000 (three thousand copies) of the paper a day.*
- b). *Economic and legal tactics were used to cripple the media. A newspaper tax was levied on every newspaper that was sold and every advertisement that was published. There was a monthly fifteen (15) percent tax return that had to be paid. Draconian laws were introduced. The Criminal Code was amended to expand the scope and provision on false publication and broadcasting and false news was added. The penalty increased from one thousand Dalasi (D1,000) to a minimum fifty thousand Dalasi (D50,000) and a maximum of two hundred and fifty thousand Dalasi (D250,000) with jail term of six months to one year imprisonment, or both a fine and imprisonment making it more draconian. The penalty for sedition and criminal defamation was increased to be the same as false publications.¹⁸*

15 Witness Testimony Sakiou Jammeh, 8th July 2019 line 285
 16 Witness Testimony Saikou Jammeh 9th July 2019 lines 1687-1690
 17 Witness Testimony Sakiou Jammeh, July 8, 2019 lines 293-299
 18 Witness Testimony Saikou Jammeh July 9, 2019 lines 1565-1577

- c). In 2013, the Government amended the Communication Act of 2009 to make publication of false information on the internet an offence punishable by a jail term of fifteen (15) years or a fine of three million Dalasi (D3,000,000) or both.¹⁹ This was done because by 2013, the internet had become very influential in the political discourse of the country and a lot of information was being sent out from The Gambia to online newspapers based outside the country by people working in the system (meaning the government) thus providing access to information that was of legitimate public interest, but which they couldn't share because the regime did not want the public to know about it.²⁰
- d). The National Communication Act, (2002) was repealed. However, the government amended the Newspaper Registration Act to add a provision on false publication and the Act was renamed the 'Newspaper Registration and Broadcasting Act' to cover all other broadcasting. The bond for registering newspapers was increased a hundred fold from fifty thousand Dalasi (D50,000.00) to half a million Dalasi (D500,000.00) and amended the criminal code, increasing the penalty. When these amendments were passed, **Deyda Hydara** wrote in his paper, *The Point*, that he would challenge that law. He was killed two days later.²¹
- e). In spite of all these impediments however, the former **President Yahya A.J.J Jammeh** was more lenient to the print media than to the electronic media as he realized that there were marked differences between the two based on accessibility and coverage. Newspapers had limitations as they had a cost and many people were unable to afford them or were unable to read them because they were who were not educated and could not read or if they could did not understand the language in which the papers were written. The electronic media (radio, television, online) was more accessible, it was free, news and other information was given in languages that people understood. In addition, the print media did not offer live discussion whereas electronic media offered a platform for live programming, through which live discussion is possible. Costs was/is a determining factor according to **Swaebou Conateh**, founder and proprietor of the weekly *Gambia News and Report Magazine* and executive member of the GPU who said for the 'average Gambian the choice to buy a newspaper is like deciding whether to have something to eat or something to read. If it comes to making a choice to buy a newspaper or food many will be choose the latter.'
- f). Cognisant that the electronic media had a deeper penetration not only at the national level but outside The Gambia and that they were more effective in getting messages to people **Jammeh** allowed the print media "to operate to a certain extent." He however clamped down hard on the broadcast media and only allowed The Gambia Radio and Television Services (GRTS) the state owned and controlled broadcaster to give the news in the local languages. Radio stations such as **Citizen FM** and **Taranga** that read the news in the local languages and translated the newspapers in the local languages were closed as well as **Sud FM**, **Jammeh** did not want Gambians to have access to information in a reliable and timely manner. **Saikou Jammeh** opined that

19 Witness Testimony Saikou Jammeh July 9, 2019 lines 1595-1606
20 Witness Testimony Saikou Jammeh July 9, 2019 lines 1607-1612
21 Witness Testimony Sakiou Jammeh July 8, 2019 lines 466-473

in order for **Jammeh** to stay in power he had to keep people in the dark to keep them ignorant of what was actually happening. To buttress this point, he asked the following hypothetical questions that we should all be asking ourselves that is: "had we known what we know now would we have allowed **Jammeh** to stay in power for 22 years? If we had known the extent of the violations that have happened, would we have allowed **Jammeh** to stay in power? Perhaps not. Had we known the amount of money that he was taking from Gambians and if we had known the full extent of that would we have allowed him to stay in power that long? Perhaps not."²² The media was muzzled so that people would have the type of information that they accessed through the TRRC.

39. Former **President Yahya A.J.J Jammeh** set the tone for the onslaught against journalists during his twenty- two (22) -year rule of The Gambia. Barely a fortnight after the Junta took over Decree No. 4 the "Political Activities Suspension Decree, 1994" was passed on August 4, 1994²³. The Decree essentially banned political expression and publishing propaganda of political parties. **Halifa Sallah** and **Sidia Jatta** who wore the double portfolio of politician and journalist as they were proprietors and publishers of the *Foroya Newspaper*, defied the order leading to their arrest, detention, prosecution and conviction.²⁴ **Halifa Sallah** and **Sidia Jatta** from *Foroyaa* newspaper. **Demba Ali Jawo** corroborated this statement in his testimony during the public hearing on July 9, 2019.²⁵
40. **Kenneth Best**, proprietor of *Daily Observer*, was arrested shortly after in October 1994. In November 1994 **Ebrima Sankareh** was arrested in connection with a letter he wrote to the BBC criticising the government. In the same month, November 1994, **Abdullah Savage** a reporter for *The Daily Observer* was arrested and severely beaten up.²⁶ The beating of **Abdullah Savage**, was corroborated by **Demba Ali Jawo (D.A.)**²⁷ and **Lamin Cham**²⁸ who told the Commission that when the reporter went to the Fajara Barracks during the November 11, 1994 attempted coup d'état to get more information and was brutalized, and his equipment destroyed.²⁹ **Abubacarr Sankanu** was also arrested and detained and held incommunicado in November 1994 for reporting on Voice of America the failure of the Junta to return the country to civilian rule.³⁰
41. **Aliou Badara Sowe** and **Bruce Asemota** were arrested on May 6, 1996, and detained incommunicado for sixteen days for an article that they wrote about The Gambia Police³¹. The police demanded that they disclose their source of information, a demand that became standard practice, although it is a cardinal principle in journalism that privileged or confidential information should and cannot be disclosed.³² The National Intelligence Agency (NIA) which came into being on June 29, 1995 and The Gambia Police Force during that period had total disregard for this very important principle of journalism.

22 (660) Saikou Jammeh part 1 8-07-19 - YouTube 32:55-38:36/1:29:55 accessed 29.09.2021
23 Decree No. 4 the "Political Activities Suspension Decree, 1994", 4th August 1994, Yahya A.J.J.Jammeh AFPRC
24 Witness Testimony Sakiou Jammeh, July 8, 2019 lines 279-284
25 Witness testimony Demba Ali Jawo 10th July 2019 lines 97-104
26 Witness Testimony Saikou Jammeh July 9, 2019 lines 551-558
27 Witness testimony Demba Ali Jawo July 9, 2019 lines 501 - 507
28 Witness Testimony Lamin Cham 8th July 2019 lines 497-498
29 Witness testimony Demba Ali Jawo July 9, 2019 lines 501 - 507
30 Witness Testimony Saikou Jammeh July 9, 2019 lines 594-603
31 Witness Testimony Saikou Jammeh July 9, 2019 lines 616-621
32 Witness Testimony Saikou Jammeh July 9, 2019 lines 625-633

42. The brutal clampdown on the media resulted in an exodus of many journalists from the country on self-imposed exile either in fear for their life or so that they could practice their journalism freely without harassment or intimidation. Those who chose to stay practised self-censorship or continued their work under very difficult conditions including threats, arson attacks, arbitrary arrests and detentions, physical assaults and torture and in the worst case scenario disappeared or killed. The witness told the Commission that as at last count in 2016, there were one hundred and forty (140) incidents of arrests and detentions of journalists from August 1994 to December 2016 and still counting. This information is available on newspapers and reports about the situation of journalists in The Gambia³³ and was corroborated by **Fatou Jagne Senghore** who indicated in her statement to the TRRC that: “journalists who fled the country since 2006 for security reasons was estimated to more than 100.”³⁴

DEPORTATIONS OF MEDIA PRACTITIONERS

43. In addition to the arrests and detentions several non-Gambian journalists were deported out of the country. **Kenneth Best**, Proprietor of the *The Daily Observer Newspaper* was the first deportee.³⁵ This was corroborated by Demba Ali Jawo (D.A.) who confirmed in his testimony that **Kenneth Best** was picked up by the authorities in October 1994 and detained for several days, during which they (the staff of the Daily Observer) could not ascertain his whereabouts. He was then taken to the airport and deported without any due process. After his deportation **Kemo Sesay**, a Sierra Leonean was deported in 1995;³⁶ These were followed by **Chikeluba Kenechuku** a popular Nigerian commentator the Daily Observer paper, **Muhammed Ellicot Saede**, a Ghanaian, Editor of the Daily Observer; **Mohammed Mboyo** a Congolese who was also tortured at the NIA Headquarters before he was deported; **Sule Musa** a Nigerian and **Birima Ernest**, a Sierra Leonean an employee of *The Point* newspaper.
44. The deportations were confirmed by **D.A. Jawo, Lamin Cham**,--- also added the following names of journalists to the ones already provided by the witness. These include: include **Rodney Sieh**, a Liberian, **Cherno OJuku Sesay**, a Sierra Leonean, **Macouma Colley** and **Pa Winton**.³⁷ Other foreign journalists such as **David Somas** and **Justice Fofana** left the country on their own accord following pressure from the government and arrests³⁸ and **Pascal Escher**, an Editor-in-Chief of the *Daily Observer*, left when the paper was sold to **Mr. Amadou Samba** as he was not very comfortable with the censorship that was going on at the time.³⁹

ARRESTS AND DETENTIONS OF JOURNALISTS

45. The witness Saikou Jammeh enumerated the arrests and detentions of journalists during the **Jammeh** regime. These included the arrests and detentions of **Musa Saidykhan**,

33 Witness Testimony of Saikou Jammeh July 9, 2019 line 159
 34 Witness Testimony of Fatou Jagne Senghore, 6th May 2021 lines 624-627
 35 Witness Testimony of Saikou Jammeh 9th July 2019 lines 406-407
 36 Witness Testimony of Saikou Jammeh of 9th July 2019 lines 426-431
 37 Witness testimony Demba Ali Jawo 9th July 2019 lines 430 - 445
 38 Witness testimony Demba Ali Jawo July 9, 2019 lines 473 - 483
 39 Witness testimony Demba Ali Jawo July 9, 2019 lines 490 - 496

Madi Ceesay, Alhagie Yoro Jallow, Baba Galleh Jallow, Alhagie Mbye, Lamin Fatty and **Lamin Daffeh, Momodou Gassama** of *The Independent newspaper*, **Dodou Sanneh**, **GRTS**, **Alhagie Jobe** and **Omar Bah** of *The Daily Observer*.

INDEPENDENT NEWSPAPER STAFF

46. Staff of the *Independent* newspaper were particularly targeted for arrest and detention. **Musa Saidykhan** was arrested alongside **Madi MK Ceesay**, Managing Director of *The Independent newspaper* at the same time and taken to the NIA Headquarters where they were detained for three weeks. During their period of detention, they were seriously tortured. Other staff of *The Independent* newspaper including **Alhagie Yoro Jallow, Baba Galleh Jallow, Alhagie Mbye**, and **Lamin Daffeh, Momodou Gassama** were arrested or invited for regular questioning by the state security. Yet, they remained resilient and continued working.
47. In 2006 **Lamin Fatty** a reporter of *The Independent* newspaper was investigating the failed Ndure Cham coup d'état. His report in the newspaper indicated that twenty three (23) people were arrested and detained in connection with the alleged coup d'état, including **Samba Bah**, the Secretary of State (SoS) for the Interior at the time. However, it turned out this was an error. The **Samba Bah** that was arrested and detained was a Corporal in the Army. **Lamin Fatty** was arrested, detained at the NIA for three months and tortured even though *The Independent* newspaper published a prominent corrigendum and gave the opportunity to the SoS, **Samba Bah** to clarify that he was not the one arrested.⁴⁰ In spite of this correction **Lamin Fatty** was eventually charged and convicted by then Magistrate **Buba Jawo** and fined fifty thousand Dalasi (D50000) even though **Samba Bah** himself appeared in court to testify that he did not suffer any harm and he was satisfied with the rejoinder.⁴¹ The GPU paid the fine for **Lamin Fatty**. He appealed against the decision of the Magistrate but absconded Senegal before the case was finalised on a tip off that they were coming after him again.
48. By 2006, however the entire management of *The Independent* newspaper had left the country.⁴² With the exception of **Madi Ceesay** who stayed in the country and is now an honourable member of the National Assembly.⁴³ *The Independent* newspaper was shut down and never reopened.

DODOU SANNEH

49. In September 2006, **Dodou Sanneh** a staff of the GRTS was assigned by the then DirectorGeneral (DG) of The GRTS, **Modou Sanyang** to cover the United Democratic Party (UDP) rallies, during the campaign in the run-up to the 2006 Presidential Elections. After reporting on one of their rallies he was accused of exaggerating the crowd at the UDP rally. Back at his station he was sent by the **Modou Sanyang**, DG, GRTS, to deliver a letter to one **Lamin Saine** in Banjul. This was a ploy to get him to the NIA. For according to the witness **Saikou Jammeh, Dodou Sanneh** later told him that he did not know the place that he was sent to was in fact the NIA office in Banjul. When he got there, he was detained for a day. Then the following day, at the NIA he had to face the investigation panel. He was asked

40 Witness Testimony Sakiou Jammeh 8th July 2019 lines 787-797
 41 Witness Testimony Sakiou Jammeh 8th July 2019 lines 798-803
 42 Witness Testimony Saikou Jammeh 9th July 2019 lines 510-520
 43 Witness Testimony Sakiou Jammeh 8th July 2019 lines 691- 701

about his relationship with the DG of GRTS **Modou Sanyang**. Then they asked him why he had exaggerated the number of people that hereported to have attended the UDP rally. He denied inflating the figures and said it was a truer reflection of what happened. Despite this denial he was still dismissed from the service.⁴⁴

50. After some time he was reinstated at GRTS. After doing a coverage of the visit of the Senegalese Chief of Defence Staff (CDS) to The Gambia he was again dismissed even though both the DG, of GRTS, **Modou Sanyang** and CDS **Lang Tombong Tamba** of The Gambia National Army had complimented him on the reporting. He filed a complaint of wrongful termination with the Office of the Ombudsman and when nothing came out of it he petitioned the Office of the President on the wrongful termination of his services by GRTS. For that he was arrested and charged with giving false information to a public officer and detained at the NIA. During the period of his detention at the NIA, **Dodou Sanneh** was seriously tortured leading to paralysis of his left leg and his right arm. He went to Dakar, Senegal, for medical treatment but never fully recovered from his injuries.⁴⁵ **Dodou Sanneh** was convicted and sentenced to a fine which he paid. He unfortunately died in 2018 after going through very trying times.⁴⁶

DAILY OBSERVER STAFF -OMAR BAH AND ALHAGIE JOBE

51. **Omar Bah** was arrested in July 2001 and tortured in connection with the treason trial of **Lieutenant Landing Sanneh**. He also went into exile.⁴⁷ **Alagie Jobe** was the Deputy Editor of *The Daily Observer* at the time of his arrest. He was chased while driving home from work in July 2013 by NIA operatives and was arrested and detained at NIA where he was tortured.⁴⁸ **Alagie** was charged with sedition and taken to the High Court, where he was acquitted and discharged. The GPU gave him support and paid his legal fees. However, shortly after that, he got a tip-off that they were coming after him again. He left the jurisdiction of The Gambia and went into exile.

ALAGIE ABDOULIE CEESAY

52. **Alagie Abdoulie Ceesay** was the *Managing Director of Taranga FM*. He took over the management of Taranga FM Radio in 2015 after his father, **Ismaila Ceesay** left the business because the radio was constantly being attacked at the time by government agents. Shortly after the December 30, 2014 attack on State House by Gambian dissidents from abroad who wanted to overthrow the government of the former **President Yahya A.J.J. Jammeh**, the Radio was asked to stop airing the news in local languages and **Alagie**.⁴⁹ He was however arrested and detained at the NIA in relation to WhatsApp message he sent to a lady containing a caricature of the former **President Yahya A.J.J Jammeh** where a gun was pointed at him.⁵⁰ While in detention **Alagie Ceesay** was moved from one detention centre to another until he became confused. He subjected to the most brutal torture. He was severely beaten and when he asked for water because he was thirsty they brought cooking oil and forced him to drink it which gave him a ‘runny stomach’ for almost two weeks. **Alagie** was charged and released,

44 Witness Testimony Sakiou Jammeh 8th July 2019 lines 711-737
 45 Witness Testimony Sakiou Jammeh 8th July 2019 lines 757-758
 46 Witness Testimony Sakiou Jammeh 8th July 2019 lines 765-771
 47 Witness Testimony Sakiou Jammeh 8th July 2019 lines 885-891
 48 Witness Testimony Sakiou Jammeh 8th July 2019 lines 846-849
 49 Witness Testimony Sakiou Jammeh 8th July 2019 lines 813-818
 50 Witness Testimony Sakiou Jammeh 8th July 2019 lines 818-820

but a month or so later, they went after him again, took him and tortured him again. He was charged and appeared before the Magistrate and High Courts in Banjul and was remanded in custody. He applied for bail at least five times but all his bail applications were denied by the Courts. Eventually, he got seriously sick, and was admitted to the RVTH. It was from the hospital that he escaped to Senegal.⁵¹ Corroborating this narrative. **Fatou Jagne Senghore**, described the case of **Alagie Abdoulie Ceesay**, the **Manging Director of Taranga FM** as **of one** of the most challenging. According to her: “we hosted him in Dakar from (April to November 2016), He escaped from prison after being arrested and torture and charged with multiplies offenses include sedition” **Sohna Sallah of DUGA** helped facilitate his leaving the country and informed Article 19 that he would need a host and support, for at that stage, “he was very ill⁵²”.

ARBITRARY ARRESTHS AND DETENTIONS FOR FRIVOLOUS REASONS.

53. Many journalists were arrested and detained for the most frivolous reasons. He himself (**Saikou Jammeh**) and **Sanna Camara** were both arrested in 2014 when they went to the beach to interview **bumsters** in connection with reports that soldiers were going to the beaches and arresting, beating, and torturing young people whom the tourism authorities claimed were a nuisance. It was reported that some of the **bumsters** had died as a result of torture.⁵³ At the beach, **Sanna Camara** took a picture of someone from an Eastern European country believed to be a pilot for then **President Yahya A.J.J Jammeh**. The gentleman complained to the soldiers and they were arrested. They were taken to Senegambia Police Station, where they were kept for a few hours before being released.⁵⁴ **Pa Ousman Darboe a staff The Daily Observer**, wrote a story about the marriage of the Vice President, **Isatou Njie Saidu to Alpha Khan**. He was arrested and detained at the NIA for three days but was not tortured⁵⁵. **D.A Jawo** confirmed the frivolous nature of some of the arrests and gave the example of **Baba Galleh Jallow and Gheran Senghore** and himself being arrested in 1998 for publishing a story in *The Daily Observer* about a collapsed wall at the State House exposing amoured vehicles.⁵⁶

UNLAWFUL KILLING OF JOURNALISTS

54. Omar Barrow, a Sud FM reporter and a Red Cross Volunteer was killed by shooting in 2000 by state agents during the April 10 and 11 student demonstrations. Four years later Deyda Hydara, proprietor of The Point newspaper was also assassinated by state agents in December 2004.⁵⁷ The witness explained how Deyda Hydara was targeted for the prominent role he played in successfully campaigning against the setting up of a NMC initiated by the Government in 2002. This did not go down well with the government and in addition as explained by Pap Saine his column Mr. President was particularly irksome. He was gunned down by the Junglers on the night of ----and the Government made no serious

51 Witness Testimony Sakiou Jammeh 8th July 2019 lines 829-839
 52 Fatou Jagne Senghore, Witness Statement 052021, para 1 page 19 date
 53 Witness Testimony Saikou Jammeh 9th July 2019 lines 1389-1396
 54 Witness Testimony Saikou Jammeh 9th July 2019 lines 1396-1400
 55 Witness Testimony of Pa Ousman Darboe, 16th July 2019 lines 219-433
 56 Witness testimony Demba Ali Jawo 9th July 2019 lines 545 - 553
 57 Witness Testimony Sakiou Jammeh, 8th July 2019 lines 415-418

investigations into the matter. The GPU and The Point newspaper continued to press for justice for the killing of Deyda Hydera through the annual commemoration of his death and continually asking the question “Who Killed Deyda Hydera” in The Point newspaper. Eventually Junglers Sanna Manjang and Kawsu Camara were arrested in 2017 and were indicted at the Banjul Magistrate Court for the killing of Deyda Hydera. However, the case was eventually withdrawn and the witness stated he did not know the reason for the withdrawal. This testimony is corroborated by Pap Saine in his testimony to the TRRC.

ENFORCED DISAPPEARANCE OF CHIEF EBRIMA MANNEH

55. **Chief Ebrima Manneh** was a reporter for *The Daily Observer* newspaper and was responsible for the international page column when he disappeared in July 2007, and is still to be accounted for.⁵⁸ According to the witness, **Chief Ebrima Manneh** was picked up at the office of *The Daily Observer* by operatives the NIA on July 7, 2007. According to his colleague that was present at the time of his arrest, **Dr. Saja Taal**, the Managing Director of *The Daily Observer* at that time, threatened **Chief Ebrima Manneh** that he would report him to the NIA. He also implicated **Pa Malick Faye** but did not elaborate further.⁵⁹ This was corroborated by **Pa Ousman Darbo** who told the Commission that under the direction of **Dr. Saja Taal**, *The Daily Observer* staff policy drastically changed to promote the welfare and interest of the APRC and not the staff. The arrest and disappearance of **Chief Ebrima Manneh** occurred during the AU meeting that was being hosted in Banjul. **Elizabeth Ohene** of the BBC had written an article titled “*the host of the meeting Yahya A.J.J Jammeh came to power through a Coup d’état together with many of his peers.*” **Chief Ebrima Manneh** downloaded the article for re-publication in the international Column of the Daily Observer. When **Dr. Saja Taal** found out about the publication, he threatened **Pa Malick** that he will report the Editorial Board to **Captain Saine**” of the NIA. He reported the matter to **Captain Saine** and **Chief Ebrima Manneh** was picked up at **The Daily Observer** offices by two NIA officers.⁶⁰
56. The prolonged absence of Chief Ebrima became a cause for concern not only to his family but to his colleagues and **The GPU** engaged the government on the matter of the disappearance of **Chief Manneh**. When they could get no answers, they solicited the support of the then Minority Leader of the National Assembly, **Momodou Sanneh to raise** the question of the disappearance of **Chief Ebrima Manneh** in the National Assembly in 2009. The then Attorney General and Minister of Justice, **Marie Saine-Firdaus** responded that the government had looked everywhere for **Chief Ebrima Manneh** and to the best of their knowledge **Chief Manneh** was not in the custody of The Gambia Government.⁶¹
57. Also in 2009 the former **President Yahya A.J.J Jammeh** told the media that he had no hands in the death of **Chief Ebrima Manneh**. When the GPU, in an open letter to the President, raised the question of how the President knew that **Chief Ebrima Manneh** was dead when the government claimed they did not know where he was no explanation or response was provided either by the former **-President Jammeh** or the government. In 2010 the then IGP,

58 Witness Testimony Sakiou Jammeh 8th July 2019 lines 565-566
 59 Witness Testimony Sakiou Jammeh 8th July 2019 lines 573-575
 60 Witness Testimony of Pa Ousman Darboe, 16th July 2019 lines 581-831
 61 Witness Testimony Sakiou Jammeh 8th July 2019 lines 581-586

Yankuba Sonko, informed *The Standard* newspaper in an interview that he learned from **Interpol** that **Chief Manneh** was somewhere in the United States but would not provide any details.⁶² In the same year the then Vice-President **Isatou Njie Saidy** in answer to a question raised by **Omar Farouk**, the then President of FAJ in a question he asked her at an international conference she responded that she was told that **Chief Manneh** might have died in the desert, when he was trying to use the ‘*backway*’ to Europe. The conflicting stories told by government officials about the whereabouts of **Chief Manneh** demonstrate that the government was trying to cover up the facts about his disappearance because they knew he had disappeared.

58. **Yaya Dampha**, a reporter for *Foroyaa* newspaper, had reported seeing **Chief Ebrima Manneh** in 2007 at Fatoto Police Station in the Upper River Region when he went with Amnesty International, to visit various places of detention in the country, including the police stations to establish the conditions of people that were kept there. Despite this evidence, the government continued denying keeping him.⁶³ **Yaya Dampha** was arrested for the report he made about seeing **Chief Ebrima Manneh** at Fatoto Police Station.
59. After this **The GPU** and the **Media Foundation for West Africa** instituted a case against The Gambia government for the disappearance of **Chief Manneh** before the ECOWAS Court of Justice and the Court ruled in favour of **Chief Manneh** and ordered the immediate release of Chief Ebrima Manneh and ordered the government to pay a compensation of one hundred thousand US dollars (US\$ 100,000) to **Chief Ebrima Manneh**.⁶⁴ The government refused to honour the decision of the ECOWAS Court with impunity. To the extent that the AG and Justice Minister **Marie Saine-Firdaus** claimed that proper procedure was not followed and went as far as trying to engage the ECOWAS Parliament to see how best they can restrict access to the ECOWAS Court. Not only that but the government still continued to deny knowledge of the disappearance of **Chief Ebrima Manneh**.

ARSON ATTACKS

60. In addition to the atrocities already detailed above **Saikou Jammeh** also told the Commission about the arson attacks against media houses. The first arson attack was in 2001 against Radio One FM, which the late **George Christensen** owned. The station was the first private FM radio station in The Gambia and Africa as a whole, a landmark in the history of journalism in The Gambia. ⁶⁵ The Radio station had a very popular Sunday News Hour programme where political and economic issues were discussed and he believed that this was the reason for the arson attack.⁶⁶
61. The proprietor **George Christensen** sustained severe burns during the attack and some of his equipment was damaged. The GPU made several requests for the arson attack to be investigated but to no avail.⁶⁷ Shortly after the attack, **Aliou Bah**, a DJ on the radio, found a letter purportedly written by the *Green Boys*⁶⁸ (**Yahya A.J.J Jammeh’s Youth Movement**) threatening him that had it not been for the child in his house, they would burn him that

62 Witness Testimony Sakiou Jammeh 8th July 2019 lines 605-609
 63 Witness Testimony Sakiou Jammeh 8th July 2019 lines 630-635
 64 Witness Testimony Sakiou Jammeh 8th July 2019 lines 588- 603
 65 Witness Testimony Saikou Jammeh 9th July 2019 lines 51-55
 66 Witness Testimony Saikou Jammeh 9th July 2019 lines 56-60
 67 Witness Testimony Saikou Jammeh 9th July 2019 lines 61-65
 68 A youth movement of Yahya A.J.J Jammeh, Witness Testimony Saikou Jammeh 9th July 2019 lines 95-97

particular night for his engagement with *Radio One FM*.⁶⁹ **D.A. Jawo** also confirmed the arson attack on *Radio 1 FM*, which resulted in the injury of the proprietor **George Christenson** and the attempted arson attack at the house of one of their staff **Alieu Bah** in 2001⁷⁰. Both attacks were reported but nothing was done by the authorities.⁷¹

62. **Saikou Jammeh** also told the Commission about the serious arson attack against *The Independent* newspaper in 2004 when gasoline was poured on the printing machines and set on fire. The culprits tried to lock the staff that were working inside to burn. Fortunately, there were no fatalities, although some sustained burns.⁷² He recalled that head of Production at the paper **Namorry Trawally** found a pistol that was thought to have been dropped by one of the culprits. He surrendered the pistol to the police.⁷³ The arson attack was raised by the then leader of the National Reconciliation Party (NRP) and National Assembly Member, **Hamat Bah**, at the National Assembly and accused Presidential Guards, **Sanna Manjang**, **Sheriff Gisseh** and **Khalifa Bajinka** as people who took part in that attack. The Junglers confessed to the arson attack on *The Independent* Newspaper.
63. **Ebrima Sillah**, BBC Correspondent in 2004, reported about some misunderstanding between The Gambia and Guinea Bissau at the time.⁷⁴ **Ebrima Sillah** was sleeping when they set his house on fire at night with him, his wife and his child inside but they luckily escaped and afterwards, he (**Sillah**) went into exile.⁷⁵ Before the arson **Ebrima Sillah** received a letter, purportedly from the Green Boys, threatening to teach him a lesson for criticising their President (referring to **Yahya A.J.J Jammeh**) unnecessarily.⁷⁶ **Demba Ali Jawo** also received one of such letters, advising him to warn his journalists, they are going to teach one of them a lesson for the way they were criticizing the then **President Yahya A.J.J Jammeh**.⁷⁷

CLOSURE OF MEDIA HOUSES

64. Moving on to arbitrary closures of media houses, the witness, **Saihou Jammeh**, recounted fifteen incidents of arbitrary closure without due process being followed except in the case of *Citizen FM* in 1998.⁷⁸ The *modus operandi* was that mostly, two or three NIA operatives who would walk into the offices and tell them to either cease publication or cease broadcasting, saying they received orders from the top, which was taken to mean orders from the presidency.⁷⁹ The former **President Yahya A.J.J Jammeh** knew that persons were attributing things to him and he once said in a meeting: “people usually say order from the top but his office (**Yahya A.J.J Jammeh’s**) is the topmost office in the country and that the only office that is above his office is the office of God.”⁸⁰ **D.A. Jawo** also narrated to the Commission how *Citizen FM* was forcefully shut down with the proprietor **Baboucarr Gaye**

69 Witness Testimony Saikou Jammeh 9th July 2019 lines 88-89
 70 Witness testimony Demba Ali Jawo 9th July 2019 lines 575 - 580
 71 Witness testimony Demba Ali Jawo 9th July 2019 lines 587 - 590
 72 Witness Testimony Saikou Jammeh 9th July 2019 lines 101-105
 73 Witness Testimony Saikou Jammeh 9th July 2019 lines 106-107
 74 Witness Testimony Saikou Jammeh 9th July 2019 lines 139-140
 75 Witness Testimony Saikou Jammeh 9th July 2019 lines 141-143
 76 Witness Testimony Saikou Jammeh 9th July 2019 lines 145-148
 77 Witness Testimony Saikou Jammeh 9th July 2019 lines 145-146
 78 Witness Testimony Saikou Jammeh 9th July 2019 lines 208-210
 79 Witness Testimony Saikou Jammeh 9th July 2019 lines 217-222
 80 Witness Testimony Saikou Jammeh 9th July 2019 lines 223-227

and **Ebrima Sillah** arrested.⁸¹ During their arrest, they were taken to NIA headquarters and questioned without being cautioned or told about their rights.⁸² The closure of *Citizen FM* is corroborated by **Fatou Jagne Senghore** who confirmed that: “the licence of the radio was cancelled and the equipment ceased without any warrant. Later the courts ruled in favor of the radio station, but the owner could not continue its programming due to the numerous other hurdles the authorities put on his way. The owner subsequently died. In mid-august 2012⁸³.”

QUESTIONING ABOUT NATIONALITY

65. One of the tactics that the government used to harass journalists was to question them about their citizenship. Examples of such harassment involving arrest and questioning the journalists about their nationalities include, **Baba Galleh Jallow**, **Alhagie Yoro Jallow**, **Pap Saine** and **Deyda Hydara**. It must be noted that this was done even though the government agents had cogent and provable evidence of the Gambian nationality of these journalists.⁸⁴ **Pap Saine** of *The Point* newspaper was also accused of committing fraud because he was not a Gambian and obtained a Gambian passport illegally. That year, **Pap Saine** was appearing before two courts at the same time. **Pap Saine** himself, confirmed to the Commission how he was accused of falsifying his nationality on two different occasions and that he recalled how on a particular day he had to appear before two different courts. He appeared at the Kanifing Magistrate Court in the morning, and in the afternoon, he had to rush to Banjul to appear before another court. Both courts acquitted **Mr. Saine** of all charges.⁸⁵ This evidence was also corroborated by **D.A. Jawo** who told the Commission that: ‘many journalists **Alagie Yorro Jallow** and **Baba Galleh Jallow** of *The Independent* newspaper and **Pap Saine** and **Deyda Hydara**, of *The Point* newspaper were constantly questioned about their nationality.⁸⁶

CHALLENGES OF PRINTING

66. According to the witness **Saikou Camara** many of the print media houses did not have their own printing press they depended on the National Printing Press to print their papers for them at a fee. The government ordered the printing services not to print private newspapers. This was a significant setback for newspaper houses as this decision affected the quality of the newspapers, caused delays in the circulation of the papers and increased the cost of production.⁸⁷ After the burning of the printing press of *The Independent* newspaper, they had to resort to using the *Ahmadiya Mission Printers*.
67. The overview by the Secretary General of The GPU presented a scenario of a hostile operating climate for journalists and for freedom of expression due to the repressive laws that were used to muzzle journalists and the media, leading many journalists to leave the country for their own safety. Data from the Doha Centre for Media Freedom, based on a study conducted in 2010 on: “*The Situation of Gambian Journalists in Exile*” showed that at least twenty (20) percent of practicing Gambian journalists were living in exile at the time.⁸⁸

81 Witness testimony Demba Ali Jawo 9th July 2019 lines 581 - 582
 82 Witness testimony Demba Ali Jawo 9th July 2019 lines 882 - 887
 83 Fatou Jagne Senghore, Witness Statement, May 2021, footnote 10, page 5
 84 Witness Testimony Saikou Jammeh 9th July 2019 lines 733-742
 85 Witness Testimony Saikou Jammeh July 9, 2019 lines 1505-1513
 86 Witness testimony Demba Ali Jawo July 9, 2019 line 565 - 571
 87 Witness Testimony Saikou Jammeh July 9, 2019 lines 571-586
 88 Witness Testimony Saikou Jammeh 9th July 2019 lines 1524-1533

68. The intentional demonising of the media by **Yahya A.J.J Jammeh** and his government led to a mistrust of journalists. This was unfortunate as people shied away from the media and in some instance even saw them as the enemy when in effect, they needed the media to provide them with reliable and timely information to enable them to make informed choices. The fact that **Jammeh** and his government were able to influence public opinion resulted in the manipulation of the mindset of the public by presenting a worldview that was very different from their own agenda of self-perpetuation and self-enrichment. **Saikou Jammeh** in his closing remarks called on Gambians not to see journalists as the enemies of the people. The real enemies of the people are those that seek the suppression of freedom of expression with fear. When an attack is made on journalists, the attack aims to curtail the rights and liberties of every individual in society.⁸⁹

C.2 WITNESS TESTIMONIES

TESTIMONY OF BABOUARR SAINÉ (PAP)

69. **Babouarr Saine, (Pap)** the *doyen* of Gambian journalists started with electronic media at Radio Syd in 1970 and embarked on his journalism career in The Gambia in 1976.⁹⁰ Founding member of The GPU⁹¹, co-founder of **The Point** newspaper in 1991, sports journalist and member of the Press Committee of CAF (the Confederation of African Football), Reuters Correspondent and winner of many journalism awards.⁹² Pap Saine believed that the reason why former President **Yahya A.J.J Jammeh** gave him a “*tough time was they did not want me to report for Reuters.*” The international outreach and recognition of Reuters included radio and television stations, like CNN, BBC, Aljazeera and other related mediums and **Yahya A.J.J Jammeh** did not want matters concerning The Gambia to be amplified. When he came to this realization, **Pap Saine** reached an agreement with Reuters not to put his name on the byline to protect himself from being harassed by former **President Yahya A.J.J. Jammeh**.
70. **Pap Saine’s** numerous arrests and detentions started in March 1995 when he wrote two articles entitled, “*A Prison Riot,*” and “*Revolt at Mile 2*” which were published in **The Point** Newspaper on or around March 30, 1995. The publication led to his arrest and detention at the Banjul Police Station together with his colleagues **Alieu Badara Sowe** and **Birima Earnest**. He was arrested at the Standard Chartered Bank in Banjul which is situated just opposite the Banjul Police Station. He had gone to do a banking transaction in preparation for an official trip to Cameroon the next day to attend a United Nations Educational, Scientific and Cultural Organization (UNESCO) meeting. The arresting officers told him that he had to report immediately to the Inspector General of Police (IGP), **Gibou Joof**. He was escorted to the Police Headquarters by the two officers and was taken to the **Serious Crimes Unit (SCU)** and then to the **Major Crime Unit (MCU)** by **Bai Nyass Bah** and **Babouarr Sarr**, who is now the Crime Manager. There he met his colleague **Deyda Hydara** who pleaded that they should allow him (**Deyda Hydara**) to take Pap’s place. He asked them to: “*leave this man; I am ready to take his place, you can arrest me instead, I am the Editor.... I am ready to die because I am the Editor, so you should release Pap because he has to travel. It*

89 Witness Testimony Saikou Jammeh 9th July 2019 lines 1801-1806

90 Witness Testimony, July 18, 2019, line 65

91 Other founding members of the GPU included Deyda Hydara, Rudolph Allen, Nganye Thomas, Jai Saidu, Bakah, and M.B. Jones,

92 Witness Testimony July 18, 2019 Lines 131- 138

is very important that he travels because he has a meeting with UNESCO.” Their response was: “*well, we do not mind Mr. Hydara. With due respect, we will not arrest you because it is Pap that we want, Pap is the one who is the author of this story and we also want to arrest Alieu Badara Sowe and Birima Earnest.*”⁹³

71. The main interest of the arresting officers was the source of the story. The protection of the person that provides information to a journalist on the basis that they will not be named or compromised is a key rule of journalism. However, this rule was not respected by the police who arrested **Pap Saine** and his two colleagues **Alieu Badara Sowe** and **Birima Earnest**. At the MCU they were constantly asked: “*who is your source?*” Despite the insistence of the investigators that he should reveal his source for the story on the prison Pap maintained his position and responded: “*through my sources, I verified my sources before the publication. Deyda is my Editor; he knows me very well and knows that I would never bring a story which is not true.*” As a result of their refusal to identify their source they were accused of false publication and of them wanting: “*to tarnish the name of the country.*” They were also accused of raising: “*raising the alarm in this situation that we have the Tourism season? Do you want to exploit our economy? Do you want to spoil our tourist season? so we will deal with Pap Saine, Alieu Badara Sowe and Birima Earnest.*”
72. The three journalists **Pap Saine, Alieu Badara Sowe and Birima Earnest** from *The Point* newspaper were detained for four (4) days⁹⁴. The conditions of detention were very difficult. They were not allowed to take a shower, there were lots of mosquito and they suffered from the mosquito bites. They were consoled by the fact that they received support from religious leaders and other sympathizers.⁹⁵
73. Pap Saine told the Commission that, after the story was published in other papers, the Junta also instituted a ban to stop publications by *The Independent* newspapers and all other print media on the March 31, 1995. They were finally charged and taken to court. He was defended by Lawyers **Abdoulie Drammeh, Ousman Sillah, and Hassan B. Jallow**. He was acquitted following a no case to answer submission. Shortly after his acquittal, he was offered a ten-year visa by the US Embassy to travel with his family. He decided to stay. He told them, “*I believe in press freedom and Deyda is my partner, so for me, I will continue this struggle with him.*”⁹⁶
74. After his acquittal from the charges of false publication on the riots at Mile II Prison the Junta embarked on another strategy to discredit the journalist. This time round they questioned his nationality claiming that he was not a Gambian. This affected not only him but many of the journalists who the government saw as a threat including **Yoro Jallow, Baba Galleh Jallow**.⁹⁷ **Pap Saine** got a tip off by a security officer that: “*the government was planning to set him up by questioning his Gambian nationality.*” His informer advised him to gather all his documents that proved that he was indeed a Gambian and to invite two elderly persons to his house to pose as visitors who could testify on his behalf.⁹⁸ Acting on the tip off he made photocopies of his national identity documents. Barely two hours after the call, two immigration officers, including **Saikou Camara**, came for him and took him to the

93 Witness Testimony Pap Babouarr Saine July 18, 2019 lines 307-317

94 Witness Testimony Pap Babouarr Saine July 18, 2019 lines 318 -324

95 Witness Testimony Pap Babouarr Saine July 18, 2019 lines 339-344

96 Witness Testimony Pap Babouarr Saine July 18, 2019 lines 414-415

97 Witness Testimony Pap Babouarr Saine July 18 2019 lines 481-483

98 Witness Testimony Pap Babouarr Saine July 18, 2019 lines 433-442

Immigration Office to question him about his nationality. They told him that his Gambian nationality was in question and asked him to produce the necessary documentation to prove that he was a Gambian. Despite the fact that all his papers were in order he was informed later by the Immigration Officers that after they had conducted their investigations and reported back to the **Office of the President** that they were mistaken in questioning about his nationality given that his documents, especially the title deed he provided, served as proof of his nationality.⁹⁹ This did not stop the government from pursuing this form of harassment against him and his former colleagues.

75. In 2009 the issue of his nationality was raised for the second time. This time there were allegations that the documents he provided as proof of his nationality were false. At the police station the then IGP **Ensa Badjie** told the arresting officers in charge that they should ensure that the witness goes to jail. He was later informed by a “good source” that **Dawda Leigh**, from the Health Department in charge of the birth certificates, and **Ebrima Correa**, Immigration Officer-in-Charge of Aliens were both called by former **President Yahya A.J.J Jammeh** and given the information that **Pap Saine** is not a Gambian and is tarnishing the name of the country.¹⁰⁰
76. Another major crisis in the life of **Pap Saine** was the assassination of his friend and colleague **Deyda Hydara**. **Deyda Hydara** was like a brother to him they had grown up together and developed their professional careers together culminating in the founding of *The Point* in 1991 together with **Baboucarr Gaye** who later left to set up **Citizen FM Radio**. He described the late **Deyda** as a “dedicated journalist, an advocate for education who encouraged many young people to develop themselves and build their capacity by taking their studies seriously and was the “voice of the voiceless.”¹⁰¹
77. He told the Commission that on the night of **Deyda Hydara’s** death they had a family engagement. **Deyda** was to accompany him to his nieces wedding where he had a role to play in the ceremony, but unlike **Deyda** he never turned up. He did not know at the time that **Deyda Hydara** had been shot while he was dropping off some members of staff that worked late that day after celebrating the anniversary of *The Point* newspaper. He only learnt about the shooting when he got home and one of the staff called him to inform him about the news and asked him to go to the Royal Victoria Hospital to find out if it was true. He left immediately upon arrival at the hospital, he saw **Deyda Hydara’s** corpse being removed from a pick-up vehicle into the mortuary. It was a difficult moment for him and he broke down in tears. A nurse advised him to spend the night at their duty room for his safety that he might also be a target, given his close relationship with **Deyda**.¹⁰²
78. Yet when **Deyda** died he was treated as a primary suspect in the killing. He was arrested and taken to the Banjul police station and later to the NIA Headquarters for questioning about the death of **Deyda Hydara**. **Lamin Saine**,¹⁰³ then NIA operative but now retired asked: “*what he knew about Deyda’s death*” and his answer was: “*he did not know anything and it was their job to investigate the same.*” They tried unsuccessfully to associate him to **Deyda’s** death. Even **Mary Mankai**, the caretaker at *The Point* newspaper was called

99 Witness Testimony Pap Baboucarr Saine July 18, 2019 lines 469 -478
 100 Witness Testimony, Pap Baboucarr Saine 18th July 2019 lines 898-919
 101 Witness Testimony Pap Baboucarr Saine 18th July 2019 lines 536-537
 102 Witness Testimony Pap Baboucarr Saine 18th July 2019 lines 603-611
 103 Deyda Hydara had edited the book written by Lamin Saine

to continue on this line of investigation “*but all the allegations against him by Jammeh’s government pertaining to the death of Deyda Hydara were false*”.¹⁰⁴ He was not aware that **Deyda’s** life was threatened even though his friends at the time including **Babou Sowe** and **Suwaebou Conteh**, Proprietor News and Report newspaper had warned him that he needed to be diplomatic when writing about former **President Yahya A.J.J Jammeh** and his government. If not, they could kill him as they had killed **Omar Barrow**, Red Cross Volunteer and Sud FM reporter in 2000. They also warned him that he needed to be careful and not stay at his office beyond 8pm but as **Deyda** brushed off these warnings he also did not take them seriously.¹⁰⁵ The impact of **Deyda Hydara’s** death was devastating on him as a person and *The Point* newspaper to the extent that the news outlet did not operate for about three weeks. At the personal level he was confused as to whether to carry on or not for his safety. He finally decided to proceed to continue the fight for press freedom that he had commenced with **Deyda Hydara**.

79. The year 2009 was a difficult year for the. He was called in at the Serious Crimes Unit by **Commissioner Ceesay** on a report in *The Point* newspaper, concerning a Gambian Diplomat, **Lamin Sanyang** who was arrested and detained. The error in his publication was that the Gambian diplomat was detained at the NIA instead of at the State Central Prison Mile II. On February 2, 2009, he was charged for false publication and the next day February 3, 2009, he was arraigned before the Kanifing Magistrates Court on the same charge. On June 15, 2009, the witness was again arrested soon after he was acquitted on a no-case submission, in relation to a publication about the death of **Deyda Hydara**. They alleged that he accused former **President Yahya A.J.J Jammeh** of killing **Deyda Hydara**.
80. In 2009 he was part of The GPU six (6) that were arrested in connection with the Press Release from The GPU in response to a statement made by the President in relation to the death of **Deyda Hydara**. The Press Release which was published in *The Point* and *Foroya* newspapers resulted in the arrest of some of their staff and members of The GPU executive including **Ebrima Sawaneh** and **Pa Modou Faal**, a member of the editorial team at *The Point* newspaper and treasurer of Gambia Press Union (GPU) and **Sarata Jabbi Dibba** staff member of *The Point* and Vice President of The GPU. Other persons arrested from the *Foroya* newspaper included Sam Sarr, The GPU Secretary general, **Emil Touray** and **Abubacarr Saidykhan**. They were detained at the NIA for four days without food, except that which was smuggled for them. No visits, no baths. He was forced to give them his email address and was further forced to open his email which they went through. He was further required to unlock his phone to track information but fortunately he did not have his phone with him.¹⁰⁶

In the 2016 Presidential election, he said he was asked not to spend the night at home, that “*the authorities were ready for him*” for promoting the Coalition (coalition of parties and an Independent Candidate which eventually defeated **Yahya A.J.J Jammeh** in the 2016 Presidential election), and that they were also prepared to kill the Coalition members, and the Senegalese and Nigerian Ambassadors as well. Therefore, he said he had to hide with his boss from Reuters at Baobab hotel and later moved to another hotel in Senegal because he received information that **Yahya A.J.J Jammeh** sent some people to go after them at Baobab Hotel.¹⁰⁷

104 Witness Testimony, Pap Baboucarr Saine 18th July 2019 lines 709- 718
 105 Witness Testimony, Pap Baboucarr Saine 18th July 2019 lines 548-555
 106 Witness Testimony, Pap Baboucarr Saine 18th July 2019 lines 1069-1076
 107 Witness Testimony, Pap Baboucarr Saine 18th July 2019 lines 1239-1254

81. Because of the continuous harassment and detentions, Pap Saine has developed a heart condition for which he had to be operated upon twice. He has experienced hardship in his pursuit of freedom of the press and throughout his journalism career. He has suffered a lot of financial losses and severe psychological trauma.¹⁰⁸

TESTIMONY OF LAMIN CHAM

82. **Lamin Cham**, the Editor of the Standard newspaper started his journalistic career at the Daily Observer as freelance sports and general reporter in 1992 and “rose through the ranks” to become Editor in Chief in 2005. After leaving the paper he worked as a freelance sports reporter for The GRTS and the BBC.

83. He informed The Commission that prior to the July 22, 1994 coup d’état, the press was relatively free in The Gambia. Although, there were issues between the media and the government, there were no deliberate or apparent assaults on the media as it happened post the July 1994 coup d’état.¹⁰⁹ **Lamin Cham** informed the Commission that at the beginning the relationship between the *The Daily Observer* and the AFPRC was quite good. The Junta needed an outlet to sell its agenda and the **Daily Observer** at that time was very popular, widely circulated and had a large following with the International Community which paid attention to news published by it. The honeymoon period was brief and ended when the media started to hold the AFPRC accountable to their manifesto. This started as early as 1994/1995 when the former **President Yahya A.J.J Jammeh** became very hostile to journalists and started calling them by the most unpalatable names. He described journalists as enemies of progress, unpatriotic, and were members of the opposition.¹¹⁰ He added that under **Yahya A.J.J Jammeh**, journalists worked in a very hostile climate and he believed they were the most targeted professional body in the country for the human rights violations.

84. He knew that difficult times were ahead when just two (2) days after the coup d’état on July 25, 1994, **Sanna B. Sabally**, the Vice Chairman of the AFPRC with a long convoy of vehicles came to the offices of *The Daily Observer* to complain about a *Daily Observer* newspaper vendor who was selling the paper above the official price and wanted to know why this was the case.¹¹¹ His worst fears were confirmed when following a *Daily Observer* front page publication that refuted AFPRC allegations of financial misappropriation by the **Jawara** regime, **Kenneth Best** founder and Managing Director of the *The Daily Observer* was arrested and detained in October 1994, in a secret location in Kartong before being deported to Liberia. His nephew **Rodney Sieh**, the witness’s immediate superior and a BBC correspondent, was also deported to Liberia in the same month. They were accused of being foreigners who had destroyed their country Liberia and now wanted to destroy The Gambia.

85. There after the AFPRC posted an Immigration officer to *The Daily Observer* offices gate to stop foreign staff from entering the premises. By so doing also they thought that they would prevent knowledge and expertise from being passed on to The Gambian staff. The AFPRC onslaught against *The Daily Observer* staff and management and staff continued even when they changed to a civilian government. Staff members were frequently arrested and taken

108 Witness Testimony, Pap Baboucarr Saine 18th July 2019 lines 1227-1230
 109 Witness Testimony Lamin Cham 8th July 2019, lines 144-150
 110 Witness Testimony Lamin Cham 8th July 2019 lines 469-473
 111 Witness Testimony Lamin Cham 8th July 2019 lines 184-198

in for questioning by the NIA acting on the Junta’s orders¹¹². Journalists would be detained for a few hours or a few days. The situation changed however, in May 1999, when the paper was sold to **Amadou Samba**, close ally and business associate of **Yahya A.J.J Jammeh**. Even though **Amadou Samba** was officially named as the owner of the paper it was strongly rumoured that **Baba Jobe**, an APRC senior member was the real owner. From then on the paper lost its editorial independence. Consequently, **Baba Galleh Jallow**, Editor-in-Chief, resigned followed by **D. A. Jawo** who was asked to resign in December 1999 by the new management.

86. Under the new management the paper’s independence was severely compromised when **Buba Baldeh** a staunch APRC member and former minister under the People’s Progressive Party, PPP regime, was appointed Managing Director in 2001.¹¹³ The office became an extension of the APRC bureau and political meetings were held at *The Daily Observer*. Due to the editorial policy articles about the opposition were not published by the paper. This resulted in a mass resignation of journalists in June 2001.¹¹⁴

87. Regarding his own arrest and detention the witness told The Commission that he was arrested on May 30, 2006, outside Serrekunda Police Station while working as a BBC correspondent. He was handed over to some officers, including **Boto Keita**, who was part of the Criminal Investigation Unit to Banjul Central Police Station.¹¹⁵ 59. Once at Banjul Central Police Station, he overheard one of the police officers say, “but you were just asked to call him for questioning,” and another responded that the order had changed and they were told to “get him at all cost.” The witness was then taken to an office with a round table and a television. After some time, one police officer informed him that he was to sleep in the office and can thank his stars as all the others related to the “*Freedom Newspaper issue*” were locked up in the cell downstairs. *The Freedom Newspaper Saga is discussed in the section under that title.*

TESTIMONY OF DEMBA ALI JAWO (D.A.)

88. **Demba Ali Jawo (D.A)** a former Minister of Information and Communication Infrastructure, (February 2017 to June 2018) former GPU President (1998-2005), Stores Officer, Gambia Utilities Cooperation (GUC) (1974-1993), freelance journalist at **Nation Newspaper** (1974-1993) and for the *Associated Press*, *Daily Observer-reporter*, *News Editor* (1993-), reporter for BBC African Services in the country. Editor in Chief, *The Independent* newspaper (2000-) Columnist the Focus at the *Daily Observer* and the Critic at *The Independent* newspaper. Author of A Living Mirror” with **Ahmed Alota** and “*A Date with Destiny*,” which is an autobiography of himself.

89. **D.A. Jawo** told the Commission that the when the Junta took over the country, they had a cozy relationship with the media. Gambians wanted a change and when this change came, people were not concerned as to who was in charge and that all they were interested in was change and the media also was a part of that clamour for change. They were ready to

112 Witness Testimony Lamin Cham 8th July 2019 lines 322-324
 113 Witness Testimony Lamin Cham 8th July 2019 lines 404-407
 114 Witness Testimony Lamin Cham 8th July 2019 lines 410-415
 115 Witness Testimony Lamin Cham 8th July 2019 line 605

embrace the new dispensation until things started to get worse.¹¹⁶ The Junta wanted an ally that would help them to promote their agenda. They had to justify their take over and they needed the media to spread their messages of a corrupt and inept Jawara regime in their media outlets. He recalled that on one occasion the Press was called to the State House, to meet with the Chairman of the AFPRC, **Yahya Jammeh**, as he wanted to meet the Press to give them some evidence of corruption and other nasty things that the previous regime was doing.¹¹⁷ *“During that time the AFPRC were using the Press to popularize themselves and gain acceptance from the international community”*.¹¹⁸ The honeymoon did not last long, as it was based on a relationship in which the Junta were using the Press for their own ends. *“When the journalists realized that they are professionals and needed to do their work regardless of who the topic of their reports might be and acted as such, the relationship started to sour”*.¹¹⁹

90. The contributory factors to the strained relationship between the Junta and the Media included the Decrees especially Decree Number Four (4),¹²⁰ which limited the activities of the media in the area of reporting on political activities.¹²¹ The draconian laws that were passed or the amendments to existing legislation to make the working environment difficult for the media such as the amendment of the Newspaper Registration Act. The witness remembered that: *“at one time there was a day when all the newspapers - - well, Editors were summoned, taken to court, and they were asked to either pay a certain amount of money or sign something.”*¹²² By so doing **Jammeh** used the law to violate the rights to freedom of expression and freedom of the Press but whatever he did the media fought back as they did in this particular case.¹²³ However, due to all the repressive laws against journalists and restricting them from smoothly executing their duties freely, they had to adjust and adapt to certain survival tactics aside the self-censorship.

91. In 2002 the National Media Commission (NMC) Act was promulgated. This was a very Draconian Law and that with this law, journalists were easily taken to prison just for simply writing something that the government was not happy with. As such, the GPU decided to challenge the said law in the Supreme Court. The Plaintiffs were **D. A. Jawo**, President of GPU, **Deyda Hydara**, then Managing Editor of *The Point*, **Swaebou Conateh**, Proprietor of *The News and Report Magazine*, and **Alagie Yorro Jallow**, Managing Editor of *The Independent*. The Respondents were the NMC, the Attorney General, and the Minister of Information. The case dragged on for a long time, the government was under a lot of national and international pressure, forcing them to repeal the draconian legislation before the conclusion of the case.¹²⁴ 92. When he became Minister of Information, Communication Infrastructure (MOICI) he started the process of reforming the oppressive media laws, the witness and to have a speedy reform of the said laws. However, bureaucracy slowed down the process especially as other ministries such as the ministry of Justice also had a role to play in the reform process. Even though the witness was no longer the minister of MOICI

116 Witness testimony Demba Ali Jawo 10th July 2019 lines 88-92
 117 Witness testimony Demba Ali Jawo 10th July 2019 lines 71-77
 118 Witness testimony Demba Ali Jawo 10th July 2019 lines 77-82
 119 Witness testimony Demba Ali Jawo 10th July 2019 lines 77-87
 120 Witness testimony Demba Ali Jawo 10th July 2019 lines 97-98
 121 Witness testimony Demba Ali Jawo 10th July 2019 lines 97-104
 122 Witness testimony Demba Ali Jawo 10th July 2019 lines 106-109
 123 Witness testimony Demba Ali Jawo 10th July 2019 lines 109-110
 124 Witness testimony Demba Ali Jawo 10th July 2019 lines 125-138

he, however, reassured The Commission that the process is still ongoing and the government is serious about carrying out the reforms.¹²⁵

93. In addition to the laws that were passed there were gross violations of the human rights of journalists all intended to keep them quiet so that they would not reveal the true character of the Junta. It started with the deportations of foreign journalists from the country. Several journalists from West Africa were deported. According to the witness, **D.A. Jawo** when the **Junta** took over in 1994, *The Daily Observer* had a diverse staff made up of journalists and other staff from different West African countries¹²⁶ All that changed after the deportation of **Kenneth Best**, the Proprietor and Managing Director in October, 1994. Still maintaining ownership of the paper, **Kenneth Best**, appointed **Theophilus George** as the new Managing Director. During this period the office was constantly raided by immigration officials, which led to the departure of many non-Gambian staff either through deportation or on their own volition. Others avoided coming to the office for fear of suffering the same fate.¹²⁷

94. In 1998/1999, **Kenneth Best** sold the paper to **Amadou Samba** a close business associate of **Yahya A.J.J. Jammeh**. After the change in the ownership and administration of *the Daily Observer* all the staff who maintained their independence were dismissed or had to leave of their own volition. The witness himself was dismissed under the pretext that the company was being restructured. The *Daily Observer* changed management several times. According to the witness: *“There were several changes, -----a lot of changes, but all those changes were people, most of the time were people who were very, very close to the regime, either member of the ruling party. In fact, at one time the journalists there were complaining that the Observer, the office of the Managing Director, was just like another AFPRC or APRC bureau and there were regular meetings of APRC members in that place. So, it was kind of transformed into a structure of the ruling party.”*¹²⁸ *The Daily Observer* newspaper, went from being one of the robust newspapers in The Gambia to being a government mouth piece and lost its editorial independence as it

95. Access to information became quite limited, as members of the government would hardly talk to the private media: *“at one time, even private journalists were banned from covering things from the State House or other official functions as well. So access to information, particularly from members of the government was almost impossible. And you can imagine as journalists, we are supposed to report all sides of the story, but if one side is not willing to talk to you, then you have a problem and that was the situation we were operating in at that time.”*¹²⁹ The State Media during was transformed into the mouthpiece of **Jammeh’s** government, given that it only broadcast news and information that favoured the government. State media, both electronic and print, only reported what was favorable to the Government. There was hardly any positive mention of the opposition or anybody else with a contrary view from that of the said regime.¹³⁰ That all that was said about the regime’s opponents

125 One of the reforms applauded by The GPU and the Civil Society Coalition on Access to Information was the passing of the Access to Information Bill 2021 by the National Assembly on Thursday, July 1, 2021. This is the first time in the history of The Gambia that the right of access to information is to be legally recognised as a human right. GPU, CSO Coalition Welcome Passing Of Access To Information Bill 2021 - Gambia.com accessed 1.10.2021

126 Witness testimony Demba Ali Jawo 9th July 2019 lines 401 - 407
 127 Witness testimony Demba Ali Jawo 9th July 2019 line 411
 128 Witness testimony Demba Ali Jawo 10th July 2019 lines 202-212
 129 Witness testimony Demba Ali Jawo 10th July 2019 lines 180-190
 130 Witness testimony Demba Ali Jawo 10th July 2019 lines 159-165

were negative. The independent media and opposition parties hardly were excluded from accessing information.¹³¹, “ *The media and the State media was virtually seen as the personal fiefdom of **President Yahya A.J.J Jammeh** and his regime but certainly not the taxpayers who were funding it, they hardly had any access to it.* ”¹³²

96. Despite relentless efforts to silence journalists, the Junta did not succeed in doing the same, Even as journalists were arrested, tortured, coupled with all forms of inhumane and degrading Treatment The media in general were quite resilient and went on doing their job in a very hostile environment.¹³³ That they were mindful that dealing with a “powerful enemy in the person of , former **President Yahya A.J.J. Jammeh**.¹³⁴ They were encouraged by the fact that they are professionals with an important role to play in society and were not prepared to allow anybody to prevent them from playing that role.¹³⁵
97. As the human situation in the country gradually deteriorated The Gambia eventually became a pariah state amongst the nations of Africa and the world in general.¹³⁶ He himself suffered several human rights violations at the hands of the **Jammeh** government. He was arrested in 1998 and detained at the NIA for two (2) days . The room he was in was infested with mosquitoes and, when he asked for water, was directed to use the sink in the toilet.¹³⁷ He was not given proper food during the time and only had some bread with butter and coffee¹³⁸. He also said he had no access to his family or the colleagues he was arrested with. The conditions were torturous. He was not tortured physically but he was tortured mentally through sleep deprivation, hunger, thirst and lack of access to family¹³⁹. They were released two days later without being charged.
98. In 2004, he received a note from a group claiming to support **President Jammeh**. The letter threatened to teach him and one of his journalists a lesson.¹⁴⁰ The matter was reported to the police but was never investigated.¹⁴¹ On a separate occasion, the witness alleged to have been in Kanilai for a seminar and met the head of the presidential guard **Kalifa Bajinka** who was nice to him. Later, there were reports that **Mr. Bajinka** was supposed to identify **Mr. Jawo** to be executed but changed his mind upon meeting him and even helped him escape death.¹⁴²
99. In addition to his own victimisation other colleagues were victimised including **Abdoulie Sey** of The Independent Newspaper was arrested and detained at the notorious Bambadinka cell at the NIA and tortured. There was the arson attack on the house of journalist **Ebrima Sillah**.¹⁴³ The turning point was the death of his mentor **Deyda Hydara**. This had a very negative impact on the moral compass of journalism in The Gambia after and that it became pretty evident that **Jammeh** and his accomplices were prepared to go to any extent to silence them. Journalists had to employ specific survival tactics. Those who could not bear the

131 Witness testimony Demba Ali Jawo 10th July 2019 lines 166-175
 132 Witness testimony Demba Ali Jawo 10th July 2019 lines 177-179
 133 Witness testimony Demba Ali Jawo 10th July 2019 line 215-219
 134 Witness testimony Demba Ali Jawo 10th July 2019 lines 150-158
 135 Witness testimony Demba Ali Jawo 10th July 2019 lines 222-223
 136 Witness testimony Demba Ali Jawo 10th July 2019 lines 62-70
 137 Witness testimony Demba Ali Jawo 9th July 2019 lines 914 - 918
 138 Witness testimony Demba Ali Jawo 9th July 2019 lines 920 - 929
 139 Witness testimony Demba Ali Jawo 9th July 2019 lines 945 - 946
 140 Witness testimony Demba Ali Jawo 9th July 2019 line 979 - 1019
 141 Witness testimony Demba Ali Jawo 9th July 2019 lines 1080 - 1081
 142 Witness testimony Demba Ali Jawo 9th July 2019 Lines 1030 - 1053
 143 Witness testimony Demba Ali Jawo 9th July 2019 lines 1022 - 1027

pressure under which they worked left the profession to work in into other areas while others left the country altogether and went into exile. *Those who were left behind under complicated circumstances continued to do the work and find safe and creative means to constructively criticize the government, pointing out the errors and giving voice to the voiceless.*¹⁴⁴

100. It was even more challenging and complex for him as President of the GPU. All complaints from aggrieved journalists ended up on his desk. He was always motivated by the support of his family to keep pushing, but most importantly by the resilience and courage of his colleagues who continued to forge ahead as journalists despite the fear and intimidation by the state.¹⁴⁵
101. The witness described the TRRC is a very important organ in this country, particularly in reconciling Gambians and playing quite an effective role. On a personal level, he followed the proceedings of the TRRC and as a journalist, having done a lot of coverage, he learnt a lot about the massive human rights violations and degrading treatment that several Gambians had to go through, particularly in the media. The psychological trauma and effects caused by Jammeh’s government, he said, are immeasurable.¹⁴⁶

TESTIMONY OF ABUBAKARR SAIDYKHAN

102. **Abubakarr Saidy-Khan** a reporter for The *Foroyaa* newspaper joined the paper in 2005. In 2009 he had started writing articles for the paper. He stated that when he joined the profession in 2005 the climate was not conducive for journalists as it was in the aftermath of the killing of **Deyda Hydara** and the enforced disappearance of **Chief Manneh**. Journalists were treated harshly by the former President of the country, **Yahya A.J.J Jammeh** and were viewed with suspicion by security officials especially those working with the *Foroyaa* newspaper as the paper was very critical of the government. Most of the private media houses, including the *Foroyaa* newspaper, were sidelined by the Government when it came to government events and programs. Only the state media GRTS and *The Daily Observer* were given access to cover government functions.
103. When it came to human rights, freedom of expression and environmental issues the paper’s editorial style was direct, and it would write recommendations and open letters addressed to the government and **Yahya A.J.J Jammeh**. Members of the editorial board were very outspoken and legal-minded and were also associated with opposition parties which led **the former** regime to deem *Foroyaa* an opposition newspaper. Reporters of the paper were threatened and when he was singled out at a press conference at the Police Headquarters by the then IGP **Ensa Badjie** and threatened because of the paper’s publications he reported the matter to his managing editor **Samuel Sarr, (Sam)** he advised him to continue doing his work and not pay heed to the IGP’s threats.¹⁴⁷
104. His own experiences with the law were in connection with the trial of The GPU 6 and the Witch hunting exercise. In the case of his arrest and detention in relation to The GPU six (6) case The witness narrated that on June 15, 2009, at around 6 pm, he was at *The Foroya office* brewing “*attaya*”¹⁴⁸ with a senior colleague, **Suwaibou Touray**, when a drunken

144 Witness testimony Demba Ali Jawo 10th July 2019 lines 227-234
 145 Witness testimony Demba Ali Jawo 10th July 2019 lines 237-258
 146 Witness testimony Demba Ali Jawo 10th July 2019 lines 307-324
 147 Witness testimony Abubakarr Saidy Khan 10th July 2019 lines 122-137
 148 Chinese green tea common in the Gambia

man came in to ask for **Sam Sarr**, the Managing Editor. **Sam Sarr** had already left to go home. His home shared a fence with the office. When the drunken man was asked to identify himself he did not respond but left. Later two plain-clothed NIA operatives, including one **Mr. Tamba**, went to **Sam Sarr's** house and identified themselves as NIA. From where he was standing, the witness Abubakarr Saidy Khan could observe what was going on next door between **Sam Sarr** and the NIA operatives but he could not hear the conversation.¹⁴⁹

105. He then realized that **Sam Sarr** was being arrested and he said to himself, *'Look, I have to cover this whole arrest because these people are taking Sam I don't know where are they going to take him because similar incidents occurred to Chief Manneh he disappeared nobody sees him.'* He said as he was taking photos of the ongoing arrest, the flash from the camera went off and the officers who noticed asked what he was doing asked: *"Why are you taking those photos?"* He answered: *"You are arresting my Managing Editor. So I am a journalist working for this paper a freelance journalist. I want to document the arrest and then write the story so that it can be published tomorrow."* At this point **Mr. Tamba** seized his camera and forced him to get into their vehicle and was taken away with **Sam Sarr**. Later he knew the reason for the arrest of **Sam Sarr** was in relation to the publication of a press statement in *The Foroyaa* Newspaper, by The GPU which had initially been drafted and sent by **Ndey Tapha Sosseh**, President of The GPU in response to remarks made by former **President Yahya A.J.J. Jammeh** during an interview with the late **Kebba Dibba** of GRTS about the late **Deyda Hydara**.

106. He himself had seen the interview when the former President **Yahya A.J.J. Jammeh** stated angrily: *"look those people, all those people who are asking about the death or circumstances surrounding the death of Deyda Hydara, I am sorry to say this, but they should go to Deyda Hydara in the grave and ask him as to who killed him."*¹⁵⁰ The GPU did not appreciate this statement from the President and after consultations between **Ndey Tapha Sosseh** who was in Mali at the time and her colleague, The GPU issued a press statement which was published in the *Foroyaa* newspaper on Friday, June 12 and *The Point* newspaper on Monday, June 15. Following the publication by *The Point* Newspaper, **Pap Saine, Ebrima Sawaneh, Sarata Jabbi Dibba, Emil Touray, Pa Modou Faal**, all from *The Point* Newspaper and **Sam Sarr** and himself were taken from *The Foroyaa* newspaper were arrested and taken to the NIA Headquarters.¹⁵¹ The details of The GPU 6 are addressed under the section GPU 6.

107. This did not deter him from continuing to work as a journalist even though he was traumatized by the arrest, detention and subsequent trial.¹⁵² He then had another incident with the "Witch hunt" exercise. This happened in February 2009, when the former **President Yahya A.J.J. Jammeh** hired witch hunters from Conakry, Guinea to come and screen witches and wizards in the country for reasons only best known to him. His managing editor **Sam Sarr** asked him to investigate. He went to Makumbaya in the West Coast Region, where he spoke to one family. He was told of the case of an old woman that had been abducted, held captive and made to drink hallucinogenic concoction to screen for witchcraft.¹⁵³ 108. When *Foroyaa* published the story under the headline: *"The burial of an abductee in Makumbaya."* and explained that the old woman had died as a result of her torture. He continued his investigations on the witch hunts and revealed that the witch hunters were accompanied

149 Witness Testimony Abubacarr Saidy Khan 10th July 2019 lines 207-217
 150 Witness testimony Abubacarr Saidy Khan 10th July 2019 lines 244-264
 151 Witness testimony Abubacarr Saidy Khan 10th July 2019 lines 272-278
 152 Witness testimony Abubacarr Saidy Khan 10th July 2019 lines 642-643
 153 Witness testimony Abubacarr Saidy Khan 10th July 2019 lines 648-652

by military officers and a militant group working for the former **President Yahya A.J.J. Jammeh**. They would go to villages such as Jambur and Gunjur Berending, abduct elderly people, take them to **Baba Jobe's** compound in Kololi (at a time that **Baba Jobe** was in prison) and hold them captive there for weeks. The witch hunt exercise lasted about three months.

109. His investigations took him Essau and the witness recalled seeing a teacher being Mercilessly beaten for refusing to drink the hallucinogenic concoction.¹⁵⁴ Some of the women victims of the witch hunts that he interviewed suffered abuse and one revealed to him that *a Green boy had raped her.*¹⁵⁵ They also told him that as a result of the concoction that they took they would urinate or defecate on themselves without realising it and the Green boys would come and *"clean them up as part of the screening."* On reading these stories **Halifa Sallah** told his colleagues that he wanted to document these human rights violations and send the video to the ECOWAS and other international institutions. However, IGP **Ensa Badjie** was tipped off and followed them to Makumbaya. When **Halifa Sallah** returned home from the field mission, he was arrested by IGP **Ensa Badjie** for trying to document these human rights violations and taken to **Banjuliding Police Station** in the WCR, where he was detained for a few days. His wife's laptop that they were using to document the evidence was seized as well as the video camera.¹⁵⁶

110. From Banjuliding, **Halifah Sallah** was then moved to the Banjul Police Headquarters, where he was detained for a few days before being taken to Brikama Magistrate Court. At the hearing, he chose to represent himself. The court denied **Halifah's** application for bail and he was remanded in custody at Mile II Central Prisons and a week later made to appear before the court again before Magistrate **Olajabutu**.¹⁵⁷ This time around, he was granted bail. However, the bail conditions were stringent, as he had to be bailed by a retired Chief of Defence staff, then non-existent in the country. **Halifah Sallah** was unable to fulfil the bail conditions and he was taken back to Mile II Central Prisons as the cries of his entourage followed him. After three weeks, he was pardoned by former **Yahya A.J.J. Jammeh**.¹⁵⁸

111. In 2010, **Saidy Khan** was summoned to the Tallinding Police Station in the KMC by one **Gorgi Mboob** and was told that all the articles that he was writing on *Foroyaa* are all false. He responded that: *'if I am writing articles that are all false and you had to complain about it, why don't you write an opinion piece to be published by Foroyaa challenging my articles? But to invite me to the Police station to complain about my article does not make sense to me.'* This did not go down well by some junior officers and he was asked to go behind the counter, which seemed like an arrest, so he refused. They dragged him forcibly behind the counter and there was a push and pull between him and six police officers trying to take him into a police cell. His brother who was present came to his defence.¹⁵⁹

112. He and his brother **Babucarr Ceesay**, were charged with willful damage of property, assault and obstruction at the Bundung Magistrate Court. First, their case was handled by Magistrate **Surahata Danso**, who granted them bail after four days in police custody. The case was later transferred to another judge who proceeded to hear their case, but a judgment was never delivered.¹⁶⁰

154 Witness testimony Abubacarr Saidy Khan 10th July 2019 lines 653-662
 155 Witness testimony Abubacarr Saidy Khan 10th July 2019 lines 735-737
 156 Witness testimony Abubacarr Saidy Khan 10th July 2019 lines 764-778
 157 Witness testimony Abubacarr Saidy Khan 10th July 2019 lines 802-803
 158 Witness testimony Abubacarr Saidy Khan 10th July 2019 lines 821-822
 159 Witness testimony Abubacarr Saidy Khan 10th July 2019 lines 837-859
 160 Witness testimony Abubacarr Saidy Khan 10th July 2019 lines 886-913

113. The fourth incident took place on September 6, 2012 after the public announcement by the former **President Yahya A.J.J Jammeh** that he would execute the death-row inmates were going to be executed and “*if anybody doubts, he is going to drink alcohol and eat pork.*” Shortly after that nine death row inmates at Mile II Central Prisons were executed on August 23, 2012.¹⁶¹ The witness and his brother **Babucarr Ceesay** believed that it was illegal and unconstitutional and they planned to stage a protest against the execution. They wrote a letter to the Police Headquarters in Banjul seeking for a permit to hold the march. Later that day, the witness was called to come and receive the permit. He said that his first instinct told him that the senior police officer that had placed the call were deceiving him and that he would be arrested if he went to the police headquarters, but he gathered the courage to go to the police headquarters to pick the permit.¹⁶² He went with **Baboucarr Ceesay**.
114. When they got to the Police Headquarters, they were arrested and detained. They were taken to the Interpol department, where they were asked to give their statement, but they refused. Then they tried to get them to turn against each other. They accused them that the **Americans** and **British** were sponsoring their activity and wanted to prevent an “*Arab Spring*” from happening in The Gambia.¹⁶³ They were later separated, so that they would not be able to communicate with each other. They were detained at different police stations. He spent the night at Kotu Police Station whilst his brother spent the night at **Brusubi** Police Station. The next day, on September 7, 2012, the witness was taken to **Brusubi** Police Station, where he spent the night. His brother had already been moved to another station. Their houses were searched in their absence but the police did not find anything there. Luckily when they searched, they did not find the nylon bag that contained the protest materials.
115. They were taken to the Police Headquarters in Banjul. There they were told the reason that their detention was in connection to the letter they sent requesting a permit to hold a protest against the execution of the nine death row inmates. They did not have access to a lawyer during their unlawful arrest, but they were later granted bail. The case was eventually dropped because there was no evidence against them. In October 2012 they were called to a meeting at the Ministry of Justice with the then Attorney General and Minister of Justice **Lamin Jobarteh** and the then Solicitor General **Pa Harry Jammeh**, who advised them against getting involved in “*such things.*” **Abubakarr Saidykhan** was warned that he was considered a stubborn journalist and that he should be careful.¹⁶⁴
116. On October 25, 2012, **Saidykhan** received a death threat via email from an anonymous source. The email read: “*Tobaski warning. Choose life or death: Unpatriotic citizens read this Tobaski warning, it is left to you to make a choice, you choose to live or die you must take one. I know that you know what my name ‘Mofala’ means in your language Mandinka, you are stubborn f***king guys who wants to destroy the image of the APRC government and our affectionate President Yahya A.J.J Jammeh. You think that you can apply for a permit to bring the Tunisian, Egypt, Algeria, Syria and Libya situation here. I will come with my team of patriotic killers who will kill for the love of our country and our President, the Police are not the best guys to deal with you. I have stepped in voluntarily to kill all of you and if you deny him, just ignore my warning. I know that you are dealing with Gambian decedents abroad, but you will not survive it at all. For the fact that your stupid colleagues*

161 Witness testimony Abubacarr Saidy Khan 10th July 2019 lines 942-943
 162 Witness testimony Abubacarr Saidy Khan 10th July 2019 lines 969-983
 163 Witness testimony Abubacarr Saidy Khan 10th July 2019 lines 1013-1018
 164 Witness testimony Abubacarr Saidy Khan 10th July 2019 lines 1155-1158

*who called themselves Journalists gave me your email addresses shows that you are easy to finish. Ceesay, I know your home in Tallinding near the small market not far from Churchill’s Town and Saidykhan; you live at Ebo Town near Parky Jola. We will get all of you and slaughter you like Tobaski rams; we will come for you without any further information. We will f*** you to dead soon, none of you will escape. From Mofala jato and his team of patriotic killers.*”¹⁶⁵

117. At this point, **Saidykhan** feared for his life and decided to flee the country and go to Senegal. He tried to persuade his brother, who had received the same death threat, to come with him, but **Baboucarr Ceesay** refused and stayed back. **Saidykhan** spent five years in exile and even though he was in Senegal, the former regime did not stop threatening him. He received a warning that he would be extradited from Senegal if he did not stop posting articles on the Internet. He was advised by one Senegalese officer that “*The Plain Clothes Officers from the Gambia are everywhere in Senegal, so you have to be very careful don’t stay at one place for one year, at one area don’t do it, if you leave six months go to another area don’t allow them to know where you are.*” He suffered economic hardship while in Senegal and he missed seeing his younger brothers grow up as they were young at the time he left.
118. His encounters with the law also extended to the authorities in Senegal. In 2016, he was accused of being a spy for **Yahya A.J.J Jammeh** by the Senegalese authorities because there was a border issue between Senegal and Gambia. He was reported to the Senegalese authorities by an unknown person and was arrested and detained in a cell for three days in Senegal and then he was later taken to the Senegalese High Court and charged with spying. He was remanded in custody in prison for one month and seven days and was eventually taken to Court and was released.¹⁶⁶

TESTIMONY OF BRUCE ASEMOTA

119. **On July 15, 2019, Bruce Asemota testified before The Commission that he arrived in The Gambia in October 1991 and started working as a freelance journalist. He started writing stories for The Point in 1992 and The Daily Observer in 1993. He further mentioned that during that time, they were free to write as they pleased under the Jawara regime, but he wrote using different pen names to contribute to numerous newspapers. In August 1994, he started working for The Democrat, a newspaper owned by a Nigerian called Mr. Martins. He believed something happened as Mr. Martins suddenly left. He believed he was deported. This led to the closure of the newspaper.¹⁶⁷ Towards the end of 1994, the witness went back to working freelance for The Point, Observer and Independent.¹⁶⁸**
120. **Bruce Asemota** told the Commission that on May 6, 1996, when *The Daily Observer* published a story that he wrote about a reshuffle in the police he was arrested by three plain clothes police.¹⁶⁹ The officers: “*grabbed him at the premises of The Daily Observer and pushed him into their vehicle and took him to the police headquarters in Banjul.*”¹⁷⁰ He was put inside a cell with no information about the reason for his arrest. He found: “*other people*

165 Witness testimony Abubacarr Saidy Khan 10th July 2019 lines 1124-1241
 166 Witness testimony Abubacarr Saidy Khan 10th July 2019 lines 1393-1414
 167 Witness Testimony Bruce Asemota 15th July 2019 lines 237 - 270
 168 Witness Testimony Bruce Asemota 15th July 2019 lines 292 - 297
 169 Witness Testimony Bruce Asemota 15th July 2019 lines 300 - 341
 170 Witness Testimony Bruce Asemota 15th July 2019 lines 358 - 361

in the cell, one of whom was stripped naked, beaten and electrocuted by the officers”.¹⁷¹ He was in custody for twenty one (21) days. During that time, he did not have access to a lawyer nor was he formally charged with any crime. He was kept incommunicado for two weeks.

121. **F.R.I Jammeh** the IGP at that time also requested for his deportation. However, “*Deyda Hydara notified the Nigerian High Commissioner in The Gambia to intervene in the matter and he also notified members of the Press who started making noise about the matter*”..¹⁷² The witness believes that: *the then Minister of Interior, Lamin Kaba Bajo, had refused to sign the deportation order as Chikelouba Kenechukwu another journalist from The Daily Observer, was deported, but he was not*..¹⁷³In the end: “*he was released with just a warning from FRI Jammeh and Lamin Jobarteh, OC Prosecutions*”..¹⁷⁴ **Bruce Asemota also told the Commission that: “Alieu Badara Sowe, a journalist from The Point, who had a similar article published on the same day, was also questioned about their sources.”¹⁷⁵ This narrative was corroborated by **Alieu Badara Sowe**¹⁷⁶**

Following this incident, the witness narrated that he focused on reporting on court proceedings at the Brikama Magistrates Court. Around July 1996, he reported about a court matter where the Magistrate threatened to release the suspect if the IGP failed to provide witnesses. This did not sit well with the IGP, who called for his arrest. He was detained by the APRC green youths of the Area Council until the police came to pick him up. He was questioned about the article and imprisoned; however, the Magistrate got wind of the matter and drove to the station to inquire why **Bruce Asemota** was being detained. Upon being informed that the witness was detained on the orders of **F.R.I Jammeh**, the Magistrate called the IGP and spoke to him, after which the witness was released.¹⁷⁷

122. The witness further testified that a few months later, he reported on another police matter in January 1997 at the Kanifing Magistrates Court under **Magistrate B.Y Camara** (Master). He learnt that the police were looking for him, so he went into hiding for a few days. Then *Daily Observer Editor, Ebrima Sillah, contacted Magistrate Camara to let him know what was happening. The Magistrate requested the witness meet him and read the article. He then contacted the IGP and told the witness he was free to go.*¹⁷⁸ Following this incident, the witness testified that he started being careful of places he went to and felt safe within the court premises.¹⁷⁹ 123. One day in “*March 1997, he received a tip from a police informant that he should leave the country for his safety*”..¹⁸⁰ He moved to Guinea Bissau, where he reported on arms trafficking and was even abducted in Casamance while doing some investigative journalism.¹⁸¹ In June 1998, he left Guinea Bissau and returned to The Gambia as **F.R.I Jammeh** was no longer the IGP.¹⁸² 124. **Bruce Asemota** suffered further persecution when on July 11, 2012, **Justice Emmanuel Nkea** ordered the his arrest following a report that he made on one of his judgements. He was arrested, charged and remanded into custody at

171 Witness Testimony Bruce Asemota 15th July 2019 lines 394 - 402
 172 Witness Testimony Bruce Asemota 15th July 2019 lines 458 - 493
 173 Witness Testimony Bruce Asemota 15th July 2019 lines 496 - 511
 174 Witness Testimony Bruce Asemota 15th July 2019 lines 535 - 537
 175 Witness Testimony Bruce Asemota 15th July 2019 lines 436 - 439
 176 Witness Testimony Alieu Badara Sowe 22nd July 2019 lines 325 – 408
 177 Witness Testimony Bruce Asemota 15th July 2019 lines 614 - 651
 178 Witness Testimony Bruce Asemota 15th July 2019 lines 709 - 722
 179 Witness Testimony Bruce Asemota 15th July 2019 lines 739 - 742
 180 Witness Testimony Bruce Asemota 15th July 2019 lines 760 - 765
 181 Witness Testimony Bruce Asemota 15th July 2019 lines 786 - 797
 182 Witness Testimony Bruce Asemota 15th July 2019 line 822

Mile II Central Prison’s Remand wing. He believes: “*it to be an attempt by the judge to impress President Jammeh.*”¹⁸³ With the intervention of **Chief Justice Agim**, the witness was released the next day.¹⁸⁴ 125. The continuous arrests and detentions and the cumulative experiences of his experiences with the authorities took a mental toll on him and his family. He prays that: “*the country does not go back to such a time*”..¹⁸⁵

TESTIMONY OF ALIEU BADARA SOWE

126. **Alieu Badara Sowe** a former reporter at the *Daily Observer* newspaper and *The Point* Newspaper testified at the public hearing of the on July 22, 2019. He described the journalism landscape in the The Gambia pre and post July 22, 1994. He attributed the changes in their work environment to the ban on political parties and absence of a legislature. He opined that: “*Journalists were doing both their work and that of the legislature [oversight and scrutiny] hence the regime was intolerant of press freedom*”¹⁸⁶. Cataloguing his persecutions as a journalist from 1995 to 2000, **Alieu Badara Sowe** narrated the following incidents to the Commission:

127. *Arrest and detention with Brima Ernest:* The first incident was in 1995. Following a Publication in *The Point* newspaper on March 30, 1995, following publications which he and his colleagues-**Brima Ernest** and **Pap Saine**- wrote on *The Point* newspaper about a revolt at the Mile II Prison, **Pap Saine** was arrested and detained at the police station. When he (the witness) and the late **Deyda Hydara**, Managing Editor of *The Point* (at the time) went to the police station to check on their colleague, **Pap Saine**, he was told that they were also looking for him and he was put under arrest. **Brima Ernest** was also arrested and taken to the Serious Crimes Unit at the Police Headquarters. This narrative is corroborated by **Pap Saine** in his testimony to the Commission. Alieu Badara told the Commission that even though they suspected that their stories were the reason for their detention: “*nobody told us why we were there, our rights were never read to us until the end of the day, we slept there on the floor on cardboards. Till the next day in the morning it was same routine, just sat there, night fall slept on the cardboard but something happened that second day because we were obviously allowed access to our family and food from outside was coming from our family...*”¹⁸⁷.

128. They were later moved to Banjul Police Station and locked in overcrowded cells where detainees took it in turns to sleep due to lack of space. Subsequently they were charged with publication of false news with intent to cause fear and alarm to the public. They were arraigned at the Banjul Magistrates’ Court and were acquitted of the charges against them after five (5) to six (6) months of trial. After their acquittal and discharge the witness informed the Commission verdict they learned that the government was making efforts to deport **Brima Ernest**, so for his safety they hid him in **Swaebou Conateh’s** house until they negotiated for him to be granted a visa to the United States. He was smuggled into Senegal and thereafter to safety.

183 Witness Testimony Bruce Asemota 15th July 2019 lines 862
 184 Witness Testimony Bruce Asemota 15th July 2019 lines 865 - 896
 185 Witness Testimony Bruce Asemota 15th July 2019 lines 907 - 911
 186 Witness Testimony of Alieu Badara Sowe, 22nd July 2019, lines 47 – 112
 187 Witness Testimony of Alieu Badara Sowe, 22nd July 2019 lines 124 – 160

129. He further told the Commission that a further outcome of their release was that the *Government Printer* who used to print *The Point* newspaper were banned from printing for them. This affected their publication as “*they thus had to resort to printing their newspaper on A4 paper using local printers until the Ahmadiyya Mission began printing for them.*”¹⁸⁸
130. Another incident that occurred as a result of publishing a story written by him on April 29, 1996 about missing money from Police custody. The story was about Thousand Two Hundred US\$ (\$2,200) that was kept as an exhibit at the police station which had gone missing at the Police Headquarters. A week later a story was published in *The Daily Observer*, written by **Bruce Asemota** that police heads being reshuffled or reassigned as a result of the witness’s publication the week before. **Bruce** was arrested and he (the witness) was told that six (6 police) officers had come looking for him at *The Point* newspaper office. When he got to the office he was taken to Bakau Police Station where he was detained for a few hours and later moved to Banjul without being told the reason for his detention. In Banjul, he was taken to the office of the then **IGP, FRI Jammeh**, who said to him “*You know there are a lot of enemies in this Police Force who are trying to undermine me, my position. So this story you wrote last... This information must have come from somebody very close to me and you must tell me this person*” and I said to him ‘*That is strictly against the principle of our profession we do not divulge our sources to anyone*’. Then after so much persistence he called the officers back in and said to them ‘*To lock me in the cells because I am not cooperating with him*’. When in detention he was interrogated daily. According to him: “*and then I was there, they take me out routine, on a daily basis to interrogate me trying to get me to reveal this source of information...*”.
131. The interesting part about this narrative is that some of the informants were among the Interrogators. To encourage him not to reveal their identities he told the Commission that: “*they would sneak in at night to bring him food and tell him what would happen next because they knew if he revealed their identities, they would be in serious trouble.*”¹⁸⁹ Despite being detained for over a week, the witness said he was never charged with any offence. He was later released on bail on a Bond of Twenty Five Thousand Dalasi (D25,000), while **Bruce Asemota** was released on intervention by the Nigerian High Commission. This narrative is corroborated by **Bruce Asemota**.¹⁹⁰
132. According to the witness, after their release, he and **Bruce Asemota** continued to receive Threats and harassment from some police officers. As a result, he moved to Senegal for his own Personal safety for about six (6) months, dependent on a family friend in Dakar for accommodation and sustenance. As a freelance journalist, he could not make money as he was unable to write stories for publication. However, colleagues such as the then manager of *Citizen FM* were cognisant of the family situation and would go to his mother and give her an allowance. He also got: “*financial assistance from The Committee for the Protection of Journalists (CPJ) but this was sent to Banjul through the GPU and there was obviously no proper channels to get that money to us until we had to come and get it ourselves. It was ‘Sit here and just suffer or go use that money and move on’ and that is what we did.*” When the situation got too difficult in Senegal, he decided to come back home.

188 Witness Testimony of Alieu Badara Sowe, 22nd July 2019 lines 254 - 263
 189 Witness Testimony of Alieu Badara Sowe, 22nd July 2019 lines 325 – 408
 190 Witness Testimony Bruce Asemota 15th July 2019 lines 436 - 439

However, according to **Alieu Badara Sowe** they had no money to the extent “*we had to sell our possessions to actually get transport money to come back home*”¹⁹¹.

133. According to the witness this incident happened in 1997. He had written an article on a “*Prison Riot*”, which was published in the *The Point* newspaper. **Alagie Yoro Jallow** also had a similar article published in the *The Independent* newspaper. for which they were subsequently arrested and detained at the Kairaba Police Station for four days without charge.¹⁹²
134. In 1998, **Alieu Badara Sowe** moved to *The Daily Observer*. One day in September 1999 he went to work one day and was told by the then Managing Director **Sariang Ceesay** that the Editor-in - Chief had been arrested by the NIA and that they were also looking for him (the witness) in relation to a story he published that morning captioned “*Shooting in Kanilai.*” After giving him this information the Managing Director, **Sariang Ceesay** took him to the NIA headquarters in Banjul and left him there. He was asked to wait in a room. According to him: “*...I sat there with some random man sitting at the corner not talking and nobody said a word to me the whole day until it was nearing closing time for work. So I said to the man at the corner: ‘Am I here waiting for someone or possibly none?’ and he just looked at me and said : “if you value your life you wouldn’t be here.” And he just maintained his silence again and I was there until about 6 O’clock in the evening and then some four (4), five (5) men came into the room made me remove my clothes, my shoes, my trousers, my shirt, left me just my underpants and escorted me whilst tormenting me to a little room that was just by the entrance as you enter into the Agency Headquarters to your left saw a tiny little room there, they took me in there and locked me up in there without any word, without reading my rights to me or telling me why I am being locked in there and I was there and they left me there till 3am the following morning that is when they came and took me out.*”¹⁹³
135. Describing the conditions of his cell, **Alieu Badara Sowe** told the Commission that: “*the room he was locked in had what looked like blood splatters on the walls, “the floor was damp with lot of crawling things and mosquitos in there, and the stench, it smells like dead flesh. And that is where they kept me and they brought a bucket in, in case nature calls that is where I have to do it and they never even emptied it they left it there.*”¹⁹⁴
136. That same night at the NIA the same men who locked him up in the little room came back for him but this time they looked drunk and he could smell alcohol on them. He also assumed that due to their temperament, they had used other substances besides the alcohol. Again, it was an issue about the source of information. They asked him whom he had spoken to in Kanilai to get information for his story. They were particularly concerned by a paragraph in the original story which did not even feature in the published article. This part of the story stated that when the shooting started, the former **President Yahya A.J.J Jammeh** went into hiding for hours and couldn’t be found anywhere. In effect the NIA were accusing him of trying to portray **Jammeh** as a coward to the whole world.

191 Witness Testimony of Alieu Badara Sowe, 22nd July 2019 lines 487 – 531
 192 Witness Testimony of Alieu Badara Sowe, 22nd July 2019 lines 543 – 550 This incident is also reported in [Refworld | Amnesty International Report 1998 - Gambia](#)
 193 Witness Testimony of Alieu Badara Sowe, 22nd July 2019 lines 597 – 616
 194 Witness Testimony of Alieu Badara Sowe, 22nd July 2019 lines 630 – 633

137. **Aliou Badara Sowe** feared for his life because the men asking him questions: *“had guns, they were banging on the table and some had truncheons because at some point I really thought they were going to torture me physically... their movements around me when they were asking me questions, some walking from behind me, was just intimidating and nerve-racking and knowing the horrific stories you hear about these people, you just don't stand there and be comfortable with that.”*¹⁹⁵ Apart from their threatening demeanour however, he was not beaten. He was kept detained for four days but on the third day they became very nice to him and even asked if he would work for them undercover. On the fourth day there was a bang on the door and he was told to get dressed to leave. That was his only encounter with the NIA.
138. Another incident leading to his arrest and detention happened on New Year's Eve of 1999, As he was taking a stroll in Latrikunda intending to visit a friend, he noticed heightened police activity in the area and he decided to investigate the cause. He was consequently arrested by the **police** and **para-military** and detained at Kairaba Police Station where was kept until the January 2, 2000 before he was released without charge.¹⁹⁶
139. One day in May 2000, **Aliou Badara Sowe** reported for work at *The Daily Observer* and the Managing Director, **Sariang Ceesay** called him to his office and told him that the owner of the paper, **Amadou Samba** had told him that he had requested to see him -the witness- but had not heard from him. According to the witness he responded that *“well, he never left me with any phone number and I didn't think it was very important because if it was he knows he can find me at The Observer. So he will come here or phone the office.”* A few days later, the Managing Director, **Sariang Ceesay**, called him to his office and said *“These people have asked me to sack you... He never said who these people are, *‘But you are a good reporter and I have no reason to sack you’ I said ‘What is the point in telling me that?’ he said ‘Well, what I am going to do is I am going to suspend you indefinitely as if you are sacked you know you just don't have to write. If these people don't see you writing anywhere they would think you have been sacked then Observer will continue paying your salaries that is not a problem’ I said to him ‘I don't think that to me appears to be buying my silence’, ‘you know in a sense we will pay you to stop writing’. I said ‘I am not doing that I am either working or I am not’. And on the second day, I got a letter from the office saying: ‘Your services have been terminated with immediate effect in the interest of both parties’, it was just one sentence letter”.*

TESTIMONY OF YAYA DAMPHA

140. **Yaya Dampha** a former soldier (1988-1995) joined the field of journalism field in 1997. He joined *Foroyaa* newspaper in 1997 at that time an organ of the PDOIS. At that time the *Foroyaa* was very critical of the government and many used *Foroyaa* as a complaints centre before going to the police as they knew that their issue investigated.¹⁹⁷ He was an investigative journalist and reported mostly on cases involving human rights abuses. The most outstanding cases that he reported on were that of **Jisajar Kujabi and Haruna jammeh Mohammed Lamin Nyassi, Ndongo Mboob and Bubai Sanyang Master Tamba Fofana, Ousman Rambo Jatta and Chief Ebrima Manneh.**

195 Witness Testimony of Aliou Badara Sowe, 22nd July 2019 lines 641 – 710

196 Witness Testimony of Aliou Badara Sowe, 22nd July 2019 lines 779 – 791

197 (707) TRRC YAYA DAMPHA DAY 69 PT2 22.07.19 - YouTube 22:52/1:25:04 accessed 1.10.2021

141. **Yaya Dampha** testified to the Commission via video link on the 22.07.2019. With respect to the case of **Ousman Rambo Jatta** he told the Commission that on on October 6, 2007, he embarked on a fact finding mission with a team of Amnesty International staff, to find out the conditions of detainees in the Gambia. They came across the case accidentally as they were searching for **Chief Ebrima Manneh**. They began their mission in Sare Ngai and upon arrival at the Sare Ngai police station in the Upper River Region of the country, they saw **Ousman Rambo Jatta** of the APRC party mention brewing ‘attaya’ for the police officers at the station whilst under detention. According to the witness, as soon as he and his colleagues introduced themselves **Rambo** was asked to return into the cells and, *“as they were pushing him taking him back to the cells he shouted at the top of his voice ‘My name is Ousman Rambo Jatta, the elected Ward Councillor. I have been detained over 1 year - - -’. He was mentioning various places that he was held at and how long he had been in Sare Ngai. Sowe were also following them as they were taking him inside, they took him inside the Police station, we followed him and he was locked up in the Police Cell”.*¹⁹⁸
142. **Yaya Dampha** told the Commission that from Sare Ngai they headed to Basse and whilst buying food around the Basse market they were arrested by plain clothed officers who identified themselves as NIA.¹⁹⁹ The witness and his colleagues were taken to the Divisional Commissioner's residence in Basse Mansajang Kunda. At this point they were not given any reason for their arrest, nor were their statements taken. At this point he was worried about their laptop in the car which contained lots of information of interviews of people in the Kombo, including politicians and other Human Rights Organizations.
143. Knowing the trend of NIA operations at the time he knew that: *“if they got access to those interview papers and the laptop other people might be arrested. So I managed to escape from where we were held and sneaked out, thank God nobody talked to me or saw me, I don't know why. I went and found the driver sitting somewhere outside, I asked him to drive the car I joined the car he drove us back to Basse. On arrival at Basse town I went straight to a telecentre where I made calls to my family, my office (Foroyaa) the Amnesty International office in Senegal and the UK (United Kingdom) informing them of our arrest and where we were held.”*²⁰⁰ He then asked a friend to take the information in the car away from Basse before returning to the Commissioner's residence.
144. According to the witness minutes after his return, the Divisional Police Commissioner (**Ebrima Cham**) came in with other people. These people asked the arresting officers to explain how the arrest had filtered out to the Amnesty Director in the UK and was already on *BBC Focus on Africa*. The witness testified that they were later transferred to Basse Police Station where **Ebrima Cham** ordered that they be placed in the cells, to which the witness objected, insisting that they must have been arrested and charged before being put in cells, at which time they were charged with spying. However, when the Police wanted to take their cautionary and voluntary statement, the witness insisted that they would not give a statement without a lawyer present. At this point **Ebrima Cham** said to the witness *“Yaya, you are making our work difficult you know that all the lawyers live in the Kombo, we cannot get a lawyer here to be present before you could give your statement’ I said ‘But that is my*

198 Witness testimony Yaya Dampah 22nd July 2019 lines 319-325

199 Witness testimony yaya Dampha 22nd July 2019 lines 335-341

200 Witness Testimony Yaya Dampha, 22nd July 2019 lines 373– 397

right the Law gave me that right so you cannot take that from me, we are not going to say anything. If you would forcefully put us in the cells that is left to you but we are not going to give our statement without having a lawyer present.”²⁰¹ They were transferred to Banjul the next day. His colleagues in Banjul were tipped off by a friend so there was a large presence of journalists when they arrived. The American Ambassador, British and Nigerian High Commissioners were also present.

145. In Banjul they were put in a cell where they found *“thirty-five (35) other people in that cell, some of them are said to be mentally ill and even TB patients. Sowe saw an opportunity we were doing our investigation from the outside now here we are detained with thirty-five (35) other people. I called the Police because there was a Police Officer on duties **Bakary Nyang** who was my senior in the Army and a good friend of mine. So I asked him if he can buy us an exercise book and a pen which he did, so we started interviewing everyone in that cell asking them the reason for their arrest and how long they have been there and some of them have been in that Police cell in Banjul for over 1 year and the crimes of most of them are loitering. They were in the streets of Banjul or Serekunda in late hours.”²⁰²*
146. **Yaya Dampha** also told the Commission that the police admitted to holding them illegally because the NIA were the arresting agency and merely handed them to the police.²⁰³ He said they were released on bail later that day but he was later tipped off by contacts within the State Guard that **Yahya A.J.J Jammeh** had given a directive that he (the witness) should be rearrested. He said he was told by a friend, **Dodou Saine Kebbeh** (former Clerk of the National Assembly) that there were plans to get him and *“this time it will be an abduction” and he would go “missing”²⁰⁴*. According to him, the boys that usually sat in front of his compound started noticing a suspicious vehicle parked around his compound, so the following day, he packed and fled to Senegal where he carried on his work as a researcher/fixer for Human Rights Watch.
147. The plan to abduct him was operationalized when his abducters followed him to Dakar. On March 10, 2008, he opened his front door and found two men standing at the door. They enquired if he was **Yaya** and when he affirmed that he was, another man also appeared and the trio said they were Gambians who had human rights concerns. When he told them that it was a bad time as he was going out, they insisted on speaking to him in their car, which he refused. He said *“one of them raised his jacket and I saw a pistol stuck under his jacket. So when I saw the pistol I said ‘Oh! This is a magnum pistol hold it with care’ he said, ‘follow us to the car?’ I said ‘No problem let us go’. On approaching the parked vehicle there were two (2) other men the driver and one other person inside who opened the door and asked me in, there is a shop in front of our compound and there were lot of people there they also used to gather there that was the point I also pushed them and shouted ‘Sachaay! Sachaay!’ (thief, thief). So when these people started running towards us they also ran into their vehicle and drove off”²⁰⁵*.

201 Witness testimony Yaya Dampha, 22nd July 2019 lines 412 – 428

202 Witness testimony Yaya Dampha, 22nd July 2019 lines 460 – 494

203 Witness testimony Yaya Dampha, 22nd July 2019 lines Yaya 508-512

204 Witness testimony Yaya Dampha, 22nd July 2019 line 542

205 Witness testimony Yaya Dampha, 22nd July 2019 lines 580 – 588

148. Immediately after the incident he called **Corinne Dufka** of Human Rights Watch who advised him to leave his house. He was later called by the DIC (Senegalese intelligence) who picked him up to their headquarters for an interview. They promised to provide him security. He said that although he never saw the security detail, he was told *“we are watching”* and he was thus provided security until he was granted asylum and left Senegal for Sweden.

TESTIMONY OF BUYA JAMMEH

149. **Buya Jammeh** was a reporter with *The Independent*. At that time hardly a week would go by without hearing of an arrest, detention or harassment of a journalist, especially when there was coverage of an event. Seeing his colleagues being treated like that made him realize he was getting into something that would be very tough in the near future.
150. Two years after joining *The Independent*, in August 2003, he was on his way to *Radio 1 FM*, where he worked part-time when he was stopped by a group of three or four paramilitaries stationed at the Chinese Embassy. He was stopped to be searched and was asked what he did. The moment that he indicated that he was a journalist, *“they intensified the questions on me and then to some extent one of them was like you know what we do not even need to ask too much questions, give us your bag or we are going to deal with you. I resisted then they took the bag scattered my CD’s and the Headset on the ground and they realized that there was nothing suspicious that was in the bag so I started questioning them why would they just unnecessarily search somebody who was just innocent and then one of them angrily slapped me and then they others joined him so they punched me on the face which was slightly swollen, and then after having that little fracas with them they decided to let me go”*.
151. According to the witness the beating lasted about two minutes as he threatened the officers that his media house would report the incident. During that time, *The Independent* frightened security and government officials because of the types of critical stories published by the paper. He said that despite advice from several quarters that he should report the matter to the police and even take the officers to court, he believed that nothing would come out of it due to how the government perceived *The Independent* at the time. He knew that it was just an empty threat from him and that *“it was just going to be a foolish battle because at the time we all know everything was controlled by the executive, so if they go by orders, they cannot do anything else apart from following orders from the executive.”*
152. **Buya Jammeh** also told the Commission about the arson attacks on *The Independent* newspaper. The first took place in 2003 and the second in 2004. During the first arson attack, the arsonists dressed in plain clothes came to *The Independent* newspaper, but identified themselves as police officers. They began asking questions to the security guard. Suddenly, the guard saw another officer with a bottle filled with inflammable liquid and launched an attack on the newspaper. According to the witness, they wanted to stop a publication that was supposed to come out the following day. He said, *“So they were unable to get access to the office itself, but they succeeded in burning part of the electric metal that was outside just to handicap the office so that we would not be able to publish...that guard was admitted to the RVH where he was treated for like three or few days and he was released but as I*

- said it was reported to the Police and nothing came out of it.”²⁰⁶ Even though **Buya** himself witness stated that he did not witness the actual incident, but it was narrated to the staff by their bosses the next day.
153. The second arson attack which took place in 2004 resulted in the place being burnt down. This time the arsonists succeeded in their intentions as the next day’s issue never came out. The paper’s staff focused their attention on supporting their colleagues and waited to see how the authorities would handle the matter. The matter was reported to the police and **IGP, Landing Badjie’s** response was that the attack was unnecessary. According to the witness: *nothing came out of it, but along the way, there were rumours (as you know journalist we always have sources) that the guy that caught fire during the incident was identified as Kalifa Bajinka if I could recall, and he was taken to Mile II Prison for treatment and later they transferred him to Kanilai where he was stationed at until he was able to heal.”* **Kalifa Bajinka**, then a member of the State Guard. As a result of the arson attack *The Independent* newspaper had to rely on the Ahmadiyya Printing Press to print their newspaper.
154. The incident, impacted greatly on the morale of staff and **Buya** found himself reconsidering his career as a journalist. At the same time, family members also urged him to leave the profession.²⁰⁷ He continued to work at *The Independent* until March 2006 after the foiled coup. He remembers going to work one day and found colleagues outside and the office was closed down. He was told that the police had arrested a few people and he was also arrested along with all of the staff at *The Independent* that came to its closure. After a brief questioning at the Paramilitary Police Intervention Unit (PIU) Headquarters in Kanifing, all the staff were released, except **Musa Saidu Khan, Madi Ceesay** and **Lamin Fatty**, who spent some time in detention at the NIA. The arrest and detention of the three was in relation to: *“with a publication that was made on the Independent about the former Interior Minister involvement in the foiled coup who used to be Samba Bah. Samba Bah was a one-time Interior Minister under the Jammeh Regime. Unfortunately, when the journalist was reporting, he included Samba Bah’s name on the reporting and the Government said, “it was false news.” Hence, they decided to arrest us; this was the main reason why they closed The Independent.”*²⁰⁸
155. After the closure of the Independent, the witness said he worked for several newspapers, including *The Daily Express* and *The Daily Observer*. According to his testimony, when he indicated to friends at the *Observer* that he wanted a job there: *“the first thing they told me you know we did not like those kinds of critical papers or news items that you published from The Independent before. So as a matter of survival, I felt that ok, this is not the time I should be picking and choosing. I could have gone to Foroyaa, I could have gone to The Point, but I say you know what ok it might be a Government newspaper maybe if I manage with this it will somehow give me some kind of security, but at the same time I would do my best not to compromise my journalism principles as a reporter.”* At *The Daily Observer* he got into trouble when **Fatou Jaw Manneh** was taken to court and all the other news headlines read, *“Fatou Jaw Manneh Appears In Court.”* In contrast, his own read *“Fatou Jaw Manneh Pleads Not Guilty.”* He said the then Managing director, **Dr. Saja Taal**, called him and warned him to take it easy because he could just call the NIA to come and pick him up. When the witness told him that: *“this is the best headline I could give.”* **Saja Taal** warned him to: *“take it easy, slow down before you sacrifice me I would sacrifice you.”*

206 Witness Testimony Buya Jammeh, 10th July 2019, lines 217 – 230
 207 Witness Testimony Buya Jammeh, 10th July 2019, lines 350 – 420
 208 Witness Testimony Buya Jammeh, 10th July 2019, lines 424 – 448

156. While still at the *The Daily Observer* in 2008, **Dida Halake** the new Managing Director, had plans to takeover of The GPU to make it amenable to the government. He **Dida Halake** wanted some of his editors and staff to be executive members of The GPU. **Buya Jammeh** overheard this discussion at *The Daily Observer* and he worked with another camp of journalists within the GPU to ensure that the right executive members were elected and not the infiltrators. Their strategy worked and he himself was successful in being elected to the executive of The GPU. This did not please **Dida Halake** and he chastised him by asking: *why would you allow them to elect you when I chose your seniors to represent us?”* When **Buya** responded that: *“they are not my seniors and I have a right to be chosen as an Independent journalist to represent my people, and there is no.”*
157. He went on to say that he was happy that *“the journalists have confidence in me electing me into the board meant a lot to me.”* **Dida Halake** then told him that: *“then you have a new job?”* When **Buya** responded that he did not have a job and that what he was doing was a *“voluntary job”* the Managing Director told him: *“ok, I would see you on Tuesday.”* When he went to *The Daily Observer* on the, the Managing Director, **Dida Halake** asked him to resign from The GPU position and when he refused, **Dida** said to him, you are fired.²⁰⁹
158. He then became a volunteer at The GPU, Media Monitoring Unit, which researched and investigated press freedom violations and other media developments in The Gambia. If there were any such cases he would send a report to the then GPU, President **Ndey Tapha Sosseh** who in turn would send it to International Press Freedom Organization if there was a need for a publication to expose certain harassments or violations against journalists. This was what he was doing until he had to go into hiding in connection with The GPU six (6) saga. He was in hiding for five days at the house of the aunt of **Ndey Tapha Sosseh** before crossing into the provinces and then subsequently to Senegal. He then joined **Ndey Tapha Sosseh** in mounting a campaign in the international media to get their colleagues in detention in the Gambia to be released.²¹⁰

TESTIMONY PA MOMODOU FAAL

159. **Pa Momodou (Modou) Faal**, a journalist and media consultant with over twenty (20) years in the profession testified to the Commission on the July 16, 2019.
160. He told the Commission that he joined *Sud FM*,²¹¹ a sub-branch of the Senegalese Radio, in 1998. As an independent radio station, they covered both government and opposition stories. He added that through their sources, they heard that the **Yahya A.J.J Jammeh** government was not pleased with *Sud FM*’s coverage as they would also interview opposition leaders such as **Lamin Waa Juwara**. At that time in journalism, everyone wanted to interview **Waa Juwara** and he would always give a good story.²¹² The witness told the Commission that the management of *Sud FM* remained firm and persisted with the same kind of stories. At *Sud FM* he worked with **Omar Barrow** the Red Cross volunteer who was killed on April 10, 2000 by security forces during the April 10/11 Student Demonstrations.

209 Witness Testimony Buya Jammeh, 10th July 2019, lines 512 – 585
 210 Witness Testimony Buya Jammeh, 10th July 2019, lines 588 – 664
 211 The Radio station was one of the first private radio station in Gambia located at Banjul
 212 Witness Testimony Pa Momodou Faal 16th July 2019 line 153-158

161. Narrating the events that led to the killing of **Omar Barrow** he told the Commission, that Omar was his mentor.²¹³ On April 9, 2000, he was then a young reporter **Omar Barrow** informed Him about a student demonstration that was to take place on April 10 and requested the witness to Cover the demonstration. He advised him to be careful and told him that he would be at the Red Cross. In addition to being a journalist **Omar** was also a humanitarian volunteer at Red Cross.²¹⁴ On the day of the demonstration i.e. on April 10, 2000, **Omar** called to tell him that he was already at the Red Cross and informed him that: “*the station will contact you, they will call you so that when the demonstration starts, you will go live. We are going live. I would be at the Red Cross; I would not be on the ground. I would be at the Red Cross to volunteer to help the students.*” He **Pa Momodou** told him: ‘*Ok, no problem.*’²¹⁵
162. Later he got a call from **Omar** and went to The Gambia Technical Training Institute (GTTI), Where students were gathered. The security forces were going towards the students. At that point the radio station called him and asked him to send live reports, which he did without disclosing his actual location for safety reasons. From GTTI, he moved to Westfield, still on live coverage. He explained that he was also interviewing students, and everything was going live on air. He then saw soldiers coming towards the students who were demonstrating, and they started firing at the students and saw the students running for their lives. Some fell and he saw some were casualties.²¹⁶
163. While he was doing his coverage he saw the then Army Commander, **Baboucarr Jatta**, arrive and the students surrounded him, which he reported live. Then as he was moving towards Gambia Radio & Television Services, (GRTS), he stopped reporting as he suspected that some soldiers were following him as he had revealed his identity by reporting live while on the ground. He ran into GRTS and their **Alagie Modou Joof** and **Jainaba Nyang** senior reporters at the station locked him in a toilet and when soldiers arrived searching for him, they denied he had come to their office. They saved his life.²¹⁷ After staying in hiding for thirty (30) minutes he left GRTS.
164. He then met someone who told him that **Omar Barrow** had been killed. Upon hearing the news, the witness said he was devastated and angry and went to Radio Gambia at Mile 7, where he met his boss, **Peter Gomez**, who had asked him if he had heard the news of Omar’s death which he responded in the affirmative. From there he made his way to the mortuary at the Royal Victoria Teaching Hospital, RVTH. When he arrived, he saw them taking **Omar Barrow’s** body to the mortuary.²¹⁸ He remembered seeing blood on his blue shirt, but he could not confirm seeing gunshot wounds. He later learnt from the Red Cross that **Omar Barrow** had been shot by security forces while assisting students.²¹⁹ **Omar Barrow’s** death had a serious impact on him. Whenever he entered the *Sud FM* studio, he would think of him. He could no longer cope and resigned in 2000 from *Sud FM* to join *The Independent* newspaper.
165. The witness told The Commission that journalists at the Independent newspaper faced harassment because the government felt that *The Independent* was an opposition paper as

213 Witness Testimony Pa Momodou Faal 16th July 2019 line 211
 214 Witness Testimony Pa Momodou Faal 16th July 2019 line 254
 215 Witness Testimony Pa Momodou Faal 16th July 2019 lines 259 to 263
 216 Witness Testimony Pa Momodou Faal 16th July 2019 line 319
 217 Witness Testimony Pa Momodou Faal 16th July 2019 lines 325 to 337
 218 Witness Testimony Pa Momodou Faal 16th July 2019 line 409
 219 Witness Testimony Pa Momodou Faal 16th July 2019 line 430

The Independent used to carry critical news stories about the government. Several journalists working at *The Independent* including **Dr. Baba Galleh Jallow**, **Alhagie Yorro Jallow**, **Alagie Mbye** and **Lamin NB Daffeh** were frequently called for questioning or arrested and detained by the police or NIA after which they would be released.²²⁰ In 2002 he moved back to *Sud FM* and, at the same time, worked as a freelance journalist for other organisations and *The Point* newspaper.

166. **Pa Momodou Faal** told the Commission about an incident at Banjul Albert Market. Together with his colleague **Ousman Ceesay**, they reported on a commotion and rumours of an abortive coup of **Ndure Cham** the CDS. One of the officers alleged to be part of the coup was chased through the market. **Ousman Ceesay**, who was recording, was manhandled and beaten by two soldiers and his recorder confiscated.²²¹
167. He also told The Commission about the shutdown of *Sud FM*, which happened sometime in 2007. He was was hosting a civic education program when some plain-clothes officers came to the station and told them they had orders from the top²²² to shut down the station. While he was live on air, the station manager, **Pap Jumai Charreh** came, whispered in his ear that there was an order to shut down the station. He asked for the microphone and then informed the public that the security forces were there, and they said they got orders from the top to shut the station. The witness informed the Commission that *Sud FM* in Senegal was shut down by Senegalese authorities on the on the same day, but they reopened the next day. However, *Sud FM Gambia* never reopened its doors. He added that government sources told them that the then Information Minister **Neneh MacDouall-Gaye** was responsible for the shutdown.²²³
168. Narrating the Freedom Newspaper online saga to the Commission he said that there were two **Pa Momodou Faal’s** in the media-himself and one who worked for GRTS. He received a call from the then Director General of NIA **Harry Sambou** who said to him: “*we have one Pa Modou name here, hope it is not you?*” He answered “*no, it’s not me; I have no connection with Freedom.*” But the witness said he was disturbed by the call and did not feel safe. Therefore, he informed his wife and left The Gambia for Senegal.²²⁴ He stayed in Senegal, for some time but was later informed that the other **Pa Modou Faal** was arrested and tortured. Pa Momodou Faal was also one of The GPU Six (6).

TESTIMONY OF HONOURABLE MADI CEESAY

169. Former reporter and Deputy Editor Gambia News and ReportMagaize (1995- 2006), former General Manager *Independent* newspaper, former GPU President (2005-2008), former second Vice-President WAJA (2005-2008) and Africa Representative IFJ (2007-2008) founder Media Agenda (research and training of journalists) and founder Daily News (2009), awardee International Press Freedom Award by the Committee for the Protection of Journalists (CPJ), 2007 for National Assembly Member for the United Democratic Party (UDP)²²⁵ testified to the Commission on July 17, 2019.

220 Witness Testimony Pa Momodou Faal 16th July 2019 lines 458 to 471
 221 Witness Testimony Pa Momodou Faal 16th July 2019 T lines 532 to 562
 222 Under the Yahya A.J.J Jammeh regime from the Top meant orders from Yahya A.J.J Jammeh
 223 Witness Testimony Pa Momodou Faal 16th July 2019 lines 601 to 636
 224 Witness Testimony Pa Momodou Faal 16th July 2019 lines 1017 to 1031
 225 (710) TRRC MADI CEESAY DAY 67 PT1 17.07.19 - YouTube9:08-12:48/1:27:41 accessed 110.2021

170. The **Hon. Madi Ceesay** narrated his various experiences with the security services agents of the Jammeh administration and militants of the APRC.²²⁶ He described himself as a political reporter who covered and reported on mostly political events. He narrated his various incidents starting with a murder charge that was levelled against him while doing a coverage at Chamoi Bridge in the Upper River Region (URR.). He and about eighty (80) members of the UDP delegation were charged with murder of **Alieu Njie** an APRC militant who had died in an incident between APRC militants and UDP supporters. He was eventually dropped from the case at the Banjul High Court. The second was an attempt to kill him in 1998. The convoy of the First Lady **Tutti Faal Jammeh** was passing and his vehicle was shot at by the Convoy. He saw a soldier draw out a gun and aim directly at him. They reported the matter to the Bundung Police station. The vehicle was searched by a mechanic and the bullet removed from the car but nothing came out of the matter. He did not pursue it also as he knew that the journalists were perceived as enemies of the state who deserved to be: *“buried six (6) feet deep, jobless as they are illegitimate sons of Africa.”* His life was attempted at and no serious attempt was made to carry out an investigation.
171. He described the arson attacks against the media as a deliberate attempt to silence the media. The actualisation of the threat of burying journalists six feet deep was seen in the murder of **Deyda Hydara** in 2004. Despite these violations no serious attempt was made to investigate the crimes and no person indicted. In the case of **Deyda Hydara** a *“so called investigation”* was carried out. This was not a serious investigation into the matter. On the first year anniversary of **Deyda Hydara’s** death they and their international delegates from WAJA and IFJ were stopped from visiting the site where **Deyda** was killed. This was an affront to *The GPU* on a day when they were there, they were commemorating the life of **Deyda Hydara** and should not have happened.
172. On March 27, 2006, he received a call from Lamin Njie a staff of the *The Independent* newspaper advising him not to go to *The Independent* newspaper offices as **Musa Saidykhan**, the Editor in Chief was picked up at night. He told the caller that he would be the last person to stay away as he had a responsibility to search for **Musa Saidykhan** to know his whereabouts. He went to the office and was arrested by two men in plain clothes who identified themselves as coming from the **office of the President**. He knew that they were from the NIA. He was taken to the PIU in Kanifing. When he got there, he found the entire staff at the PIU. Everyone who came there staff or outsider was arrested and detained at the PIU. The entire Police hierarchy was there starting from the IGP, **Ousan Sonko**. They were called one by one for interrogation. He was left alone on the bench. Juldeh, the caretaker rushed to tell him that they had taken the keys. *The Independent* was closed and sealed for two (2) years.
173. He was taken to the NIA Headquarters in Banjul. As soon as he got to the NIA he knew that **Musa** was there as he heard him crying bitterly for help as he had a stomach ache. He was ignored. No one came to help him. He sat helplessly on the bench for about three (3) hours. From three (3) p.m. till around six (6) p.m. when **Musa** was brought from the cell. **Musa** told him that he was arrested by armed men from his home late in the night, scaring his wife and children. They were taken to Banjul Police Station and held incommunicado for five days. They had access to showers but could not have a change clothes. In the cells they found an old man who had been detained for several years without ever being taken to court. On the sixth (6) day they were taken upstairs for interrogation. The reason for their arrest was

226 [\(710\) TRRC MADI CEESAY DAY 67 PT1 17.07.19 - YouTube: 16.03- /1:27:41 accessed 110.2021](#)

- the mis-reporting in their paper that **Samba Bah** a cabinet minister was a part of the foiled **Ndure Cham** coup. The paper wrote an apology and the Minister said that he was satisfied by the corrigendum. Even though this was done the writer, **Lamin Fatty** was taken to Court and charged and fined.
174. When they were released from the Banjul Police Station they were abducted by the NIA. Both he and **Musa Saidykhan** were detained at the NIA. The cell was very small and to sleep he had to coil up or stand. On the fifth (5) day he was joined by a Senegalese Army Officer called **Napel** who was picked up at the airport on accusations of having connections with the Casamance rebel leader. He was later taken out to share a cell with **Musa Saidykhan**. At the NIA both he and **Musa Saidykhan** were severely tortured. He was tortured twice. Between three (3) to four (4) a.m. **Musa Jammeh (Malia Mungu)** and **Tumbul Tamba** in mufti would come accompanied by six (6) to eight (8) soldiers in uniform. During their tortures they were on light detention meaning that they were not in cell but in an open area. His name was called as he walked, he was beaten.
175. The witness said they were also subjected to tortures, usually by 7 to 8 soldiers wearing Gambia national Army uniform led by **Musa Jammeh (Malia Mungu)** and **Tumbul Tamba**. He said that their names were called out and as they came out of the reception area where they were moved to after a week in detention, *“they start kicking and slapping us, so we knew actually we should psychologically be ready for torture, personally I quickly was prepared for a torture. So, I wasn’t surprised that I was going to be tortured, so I wouldn’t have any shock to that extent. So we have been slapped, kicked then taken behind – if you enter the NIA there is a building a storey building then between that building another building there is a space dumped with sand. So, this Seven (7), Six (6), Eight (8) Soldiers will follow us they will push you to the the ground and then they start beating and these beatings will continue until Musa or Tumbul will ask them to stop”*²²⁷. He said that whenever **Musa** orders the beatings to stop, he would ask questions like *“who do you work for?”* and is never satisfied by the witness’s response that he only works for *The Independent* newspaper, thus he would order that they be beaten again²²⁸. He said that *“I was very careful when the beatings were taking place I had always covered my head with my hands so that my head is protected and nothing happens to my eye and actually the only part of my body that is exposed to the humiliation and the torture was my back”*²²⁹.
176. Madi told the Commission that at one point **Musa Saidykhan** told him that they should try to escape otherwise they would be killed. He said **Musa** broke the window to try to escape but **Tumbul** and **Musa Jammeh (Malia Mungu)** rushed in, grabbed him and took him away and when he saw **Musa** again, he was in a bad state, *“when I say ‘he broke his hand’ I mean let me put it this way they broke his hand for more than two (2) times because of the beatings, I don’t know how they were beating him but when he came back he was in a very bad status and I can see his hand was broken and he didn’t have any medical attention at that time. So, he has to spend the night with that very serious pain the following day and that went on I think for 2, 3 days and then one day he was taken away in the afternoon and he came back, when he came back he told me that “They took him to the military medic or*

227 Witness Testimony Madi MK Ceesay, 17th July 2019 lines 788 – 853

228 Witness Testimony Madi MK Ceesay, 17th July 2019 lines 843 – 862

229 Witness Testimony Madi MK Ceesay, 17th July 2019 lines 914 – 918

whatever” something like that”²³⁰. According to the witness, they did not stay in detention much longer after the second beating but they were kept until their injuries healed before they were exposed to a panel. One day they were taken to the conference room which was occupied by many high ranking officers including the **IGP Ousman Sonko, CDS Lang Tombong Tamba, Harry Sambou** Director General, NIA, **Hydara** and **Captain Lamin Saine** who also worked for the NIA, as well as **FRI Jammeh** Police Advisor at the time.. According to the witness, they were told that they must see themselves “as partners to the government and we must not be tarnishing the image of the government by our writings and that what happened to us should stay there we must not talk about it after our release”. He said they were released, about a week later after about twenty one (21) or twenty two (22) days of detention. **Musa Saidy Khan** left the country to go into exile while he stayed on to continue his media work.

D. VIOLATIONS AGAINST WOMEN IN THE MEDIA

177. **Ndey Tapha Sosseh** a former GPU President, (2008-2011)- the first and only female to be elected to the position- former Secretary General GPU, (2005-2008) former Editor in Chief at the *Daily Observer* (June, 2000 - January 2005) former assistant editor (1999-2000), sub-editor (1998-1999), and columnist “Women in Development.” She started her journalistic career in 1996 with the electronic media at Radio 1 FM under the tutelage of **George Christensen**. As a student in the UK she was attached to the Birmingham Post and was writing articles for the paper.
178. In her testimony to the TRRC on July 11, 2019, she told the Commission that when she started work at the TRRC she heard of other journalists who were regularly harassed. However even though *The Daily Observer* premises were guarded by security personnel, and they required everyone to submit identification on arrival according to her: “...I really have not captured the magnitude of other seriousness of what these threats meant and in a way, I was really cushioned or cocooned by senior journalists who had very few women who were in the Newsroom...”²³¹ The senior journalists included **D.A. Jawo** and **Baba Galleh Jallow** who also assigned **Gheran Senghore** and **Aliou Badara Sowe** to take her to the Courts and other places of interest to prepare her for her role. **Gheran Senghore** also told her about the mosquito infested cells at the NIA so that she would know that there were dire consequences for falling foul of the government.
179. Even though the *Daily Observer* was pro-Government during her time as Assistant Editor, she was never personally questioned about her decisions. There were times when her bosses would think that she was doing an outstanding job but should be a bit softer. When she became: “Editor in Chief I knew at the time before taking up the appointment that Management had changed and critical journalists had left. By critical journalists, I mean people who are open-minded and who could basically dissect information to try to get to the bottom of it.”²³² She had to do a lot of negotiations with the Managing Director **Sheriff Bojang**. He made several calls before she took up the position of Editor-in-Chief. “Self censorship was not directed at me but possibly sometimes at my Managing Director,

230 Witness Testimony Madi MK Ceesay, 17th July 2019 lines 1054 – 1060
 231 Witness Testimony Ndey Tapha Sosseh 11th July 2019 lines 225 - 235
 232 Witness Testimony Ndey Tapha Sosseh 11th July 2019 lines 303 – 308

{*Sheriff Bojang*}, who was also a personal friend. He knew that I could be erratic sometimes. I could write a story that I was told not to write. So he never directly told me not to write a story; he could convince me to wait on a story or try to get more information, but he never directly told me not to write something and I would not listen anyway.”

180. As a young person and first woman to be the Editor-in-Chief of a newspaper in The Gambia, She took her role as Editor-in-Chief very seriously. She resisted the pressures of the environment of harassment and intimidation that was prevalent at the time.²³³ She did not give former **President Yahya A.J.J. Jammeh** the amount of media attention that he sought because she regarded him as an attention seeker who engaged in so many things beyond just running the State in his proper role as President.²³⁴ She developed a relationship with reporters who felt that they were being censored. Some of them would keep their stories until Friday when she was in charge for them to be published. Sometimes she received information that her bosses were not happy about a particular story.
181. **Efforts to extradite her to The Gambia:** **Ndey Tapha Sosseh** told the Commission that around 2011, the Gambian Foreign Minister, **Momodou Tangara** met with the Malian Foreign Minister to request the extradition of the witness. He told his colleague that **President Yahya A.J.J. Jammeh** was not happy that the Malian government was harbouring a dissident who was working to destabilize the government in the Gambia. His colleague promised that they would look into the matter but also requested that they write officially. The letter was not written but the Ministry of Foreign Affairs warned her to be careful. It did not stop at the first request and two other requests were made. However, the Malian government had no intention of sending her back especially by 2013.
182. **Statelessness:** **Ndey Tapha Sosseh** also told the Commission about her statelessness. As a frequent traveler as Coordinator of WAJA her passport became full within two years. She applied for a new one with the help of a friend who deposited the request. She said that unbeknown to her and the person who had deposited the request for a new passport, she was on a blacklist. He was called to say that the passport was ready and should be picked up. When he turned up, the person who was supposed to arrest him was his former student. The immigration officer asked him, “Do you know this woman?” And he said, “Yes.” He said, “You should leave quickly because we were instructed to arrest the person who came to pick up the passport; she is on a blacklist.” She engaged the services of a lawyer, but immigration insisted that she collect the passport in person. She said that the lawyer advised that she should not come back as the government was still looking for ways to get her. This affected her work as part of her terms of reference required her to travel frequently. She resorted to having dual citizenship based on advice given by the Malian Foreign Ministry. Her husband is Malian and she was eligible for citizenship through marriage. She acquired Malian citizenship in 2013 and now had a passport for her travels.
183. **Wanted Person:** In the same year, 2013, she was a panelist in a meeting organized by the Africa Capacity Building Foundation in Zimbabwe. Her visa was affixed to her Malian passport. As soon as she landed in Harare, “upon stepping out of the airport to get into a vehicle to go to the hotel, I was stopped by plain clothes State Security who asked me whether

233 Witness Testimony Ndey Tapha Sosseh 11th July 2019 lines 339 – 345
 234 Witness Testimony Ndey Tapha Sosseh 11th July 2019 lines 355 – 359

I was a Gambian too. I said 'Yes.' I have been asked this question in several airports, but this was the day I was to learn why. Apparently, I was on an international wanted persons list at the request of The Gambian Government. They alleged I was trying to destabilize the Government. I was detained at the airport."²³⁵ She was released following the intervention of the Malian Authorities and the event organizers. She decided to buy a ticket and return to Mali. From then, she was careful which countries she visited. She was also advised not to take flights that had stops in Banjul as her name on the passenger list even though she was en transit could lead to her arrest.

184. **Reprisals:** Ndey Tapha Sosseh further told the Commission how her mother's house was broken into twice: "...they broke into my mum's house, turned around all the furniture, jewellery, all her wardrobes and the mattresses. I believe that they were possibly looking for information or documentation related to me. This is my belief. They claimed that it was not them, but nothing was taken. There was money and jewellery in the house, but they were not taken. So, clearly, it was not theft; it was an attempt to look for something."²³⁶
185. **Attempts on her life and others:** **Dr. Amadou Scattered Janneh**, had put her in touch with a former jungler (whose name she provided on a Protected Information Sheet) whom he had met at Mile II Prison. **Ndey Tapha** met the jungler in Dakar and interviewed him at the bequest of **Dr. Amadou Scattered Janneh**. The interview was traumatic. He narrated the following incidents:
- i. **Unlawful killing of Deyda Hydara:** *The former President Yahya A.J.J. Jammeh gave the orders to the junglers to kill Deyda Hydara.*
 - ii. **Journalists on hit list:** *"there was a list of journalists that should be dealt with. By dealt with, he meant killed. and that on that list for what I remember, certainly I was there, Demba Jawo was there, Baba Galleh Jallow, Deyda Hydara who was already killed, and some other journalists."*²³⁷
 - iii. **Foiled plan to kill Demba Jawo and Ndey-Tapha Sosseh at Sindola:** *At an event that had taken place In Sindola, Kanilai, attended by D.A. Jawo and herself they were ordered to kill the two of them. However Major Kalifa Bajinka interacted with them and then told the Junglers that it was a case of mistaken identity. The person they saw him talking to was not Ndey Tapha Sosseh but her sister and the other person was also not Demba Jawo. They cancelled the operation.*
 - iv. **Tampering with car to cause accident:** *"They knew my car and he also told me the number plate and the type of car. They wanted to infiltrate my garage. They had somebody in there... and they had instructed them that the next time my car goes there, they should loosen the ball of the steering wheel so that I would lose control. He confirmed to me that this was what they did to Mai Fatty, the current Adviser to the President and that this is why he had an incident."*²³⁸
186. **Attempt to set her up.** The jungler also informed her that sometime in mid-2008, they had Planned to set her up by putting drugs in her bag. She was in Conakry for a WAJA event on Collective bargaining and they trailed her to her hotel. After knowing the hotel and the

235 Witness Testimony Ndey Tapha Sosseh 11th July 2019 lines 1048 – 1053
 236 Witness Testimony Ndey Tapha Sosseh 11th July 2019 lines Lines 1162 – 1167
 237 Witness Testimony Ndey Tapha Sosseh 11th July 2019 lines Lines 1211 – 1215
 238 Witness Testimony Ndey Tapha Sosseh 11th July 2019 lines Lines 1286 - 1295

room that she was staying in and they alerted the security and had already worked with somebody in the hotel to plant drugs in her bag. That way she would be arrested for possessing and smuggling drugs. This would boost the government's request for her extradition to The Gambia.²³⁹

187. In addition to her journalism she joined **Dr. Amadou Scattered Janneh** (former Minister of Information and others to set up the Coalition for Change, The Gambia (CCG) in 2011. CCG was a civil, human and political rights organization, which brought together a cross-section of The Gambian community at home and abroad. The group which was a non-partisan organisation was established to challenge the dictatorship and restore basic freedoms in The Gambia through nonviolent action. **Ndey-Tapha** Sosseh as the secretary general and spokesperson of the CCG had an important role to play in ensuring that Gambians at home and abroad had access to adequate and unbiased information about the repressive political environment in which they were living. The activities of the CCG landed **Dr. Amadou Scattered Janneh** in jail and three printers who were not members of The CCG in prison simply for printing 100 Tee shirts with the words end dictatorship now they.
188. The members of CCG including y were charged with sedition and planning to overthrow the Government of The Gambia. Counts four of the four charges levelled against them reads: "*Seditious act contrary to Section 52 (1) (c) of the Criminal Code, Cap 10, Volume III, Laws of The Gambia, 2009, the particulars stated that Dr. Amadou S. Janneh, Modou Keita, Ebrima Jallow, Micheal Ucheh Thomas and others at large on or about 26th May 2011 in diverse places in the Republic of The Gambia, intent to cause or bring into hatred, contempt or to excite disaffection against the person of the President or the government of The Gambia, printed and distributed 100 T-shirts carrying statements to wit: Coalition for Change The Gambia, End Dictatorship Now. Jan 19 2012.*" Unfortunately Ucheh died at Mile II Prison from pneumonia he was not taken to hospital for treatment.
189. While **Dr. Scattered Jammeh** was in prison he was able to communicate with Ndey Tapha. He would send out messages concerning information about the prisoners that were beaten and the conditions of the prisons. The witness would make sure that information was out. She said that in 2012 **Dr. Amadou Scattered Janneh** sent her an SMS stating that prisoners were worried by the statement of the former president that he was going to execute death row inmates. When she responded, **Dr. Amadou Scattered Janneh** indicated that he had written the list of names of about 44 death row inmates on his body. She later learned that eight inmates, including **Tabara Samba**, were executed.
190. **Ndey Tapha Sosseh** said: "*I drafted a Statement and I contacted Amnesty International and The organisations that I worked with Article 19 and other groups. I contacted RADDHO because There were two (2) Senegalese nationals. Again, I tried to raise the alarm because these people Thought that I could help them... Prisoners were frightened for their lives. Everybody assumed that they were the next target.*"²⁴⁰ Due to international pressure the remaining prisoners on death row were not executed.
191. On the impact of her experiences at the hands of the government, she testified that it was difficult, but she also believes her circumstances were better than many others who had to be in exile. She said she was fortunate to have a supportive family and a job with a regional

239 Witness Testimony Ndey Tapha Sosseh 11th July 2019 lines Lines 1250 – 1259
 240 Witness Testimony Ndey Tapha Sosseh 11th July 2019 lines 1674 – 1745

organization. She said that “I ended up spending up all my money in fighting Jammeh. Eventually, when I got married, I also used my husband’s money in fighting Jammeh. I would literally beg him to pay for the legal fees of people that he did not even know. For me, it was necessary.”²⁴¹

191. In Mali, she was able to host many people who were running away from The Gambia for fear of their lives until they got back on their feet. Some found asylum abroad and some stayed in Mali until the change of Government in 2017. Among the people she hosted were: “*security personnel, police, army, and close protection officers of the former President*” who all stayed in her house...one of them particularly was running from Jammeh. He claimed Jammeh used to attack him physically and even stabbed him. He was directly fleeing from Jammeh, others were fleeing prosecutions relating to unfair trials that they were named in. Journalists one of whom was running away because he was linked with undertaking an investigation in relation to the disappearance of Chief Manneh.”²⁴²
192. **Ndey Tapha Sosseh** was forced to stay outside The Gambia for nine years from 2009 to 2017. However, she was still engaged in her media advocacy work and being part of several organisations advocating against the human rights violations happening in The Gambia. She said she had to cut off contact with journalists as they were being harassed for speaking to her through the electronic media. However, the organisations she worked with, such as the WAJA still held activities in The Gambia, although she could not attend them.

SARATA JABBI DIBBA

193. **Sarata Jabbi Dibba** a former First Vice President of The GPU (2008),²⁴³ Columnist at *The Point newspaper* joined the paper as a trainee reporter in 2002. Her Women’s Column *She She She* published every Friday and she was assigned all programmes related to women at *The Point newspaper* responsible for conducting interviews and writing about women’s issues or articles that empower women. Testifying via video link from the UK, on July 18, 2019 Sarata narrated her experiences as a female journalist to the Commission. 194. She was the only female member The GPU Six (6) and ended up being imprisoned at the notorious Mile II Central Prisons on six counts of sedition and defamation in 2009. She told the Commission about her arrest and detention at the NIA. **Edrissa Jobe (Alagie Morr)** asked he to Log into her email as they wanted to know her conversation with **Ndey Tapha Sosseh**. After Reading the email he said to her “**Ndey Tapha** is seated in Mali and you are here with your child”. They kept her there all day and then released her on bail They were at the NIA for three days she had to report at seven (7) a.m. and go home at seven (7) p.m. before being remanded into custody. During her remand in 2009 Sarata Jabbi Dibba a breast-feeding mother spent one night in the remand wing with her baby in a cell on her own. After her conviction and sentencing, Sarata spent two nights **with her baby in a cell of the main female wing**. She described the cell as very small for the number of people that were there: “*it was a very horrible night because the mattress was only for 1 person. It was a single mattress so I spent the night with my baby on that mattress. It was just a thin mattress and the bed net was not in a very good condition, it got some holes and it was not big enough to prevent the mosquitoes coming in. So I did not sleep the whole of the night, I was fanning my*

241 Witness Testimony Ndey Tapha Sosseh 11th July 2019 lines 1867 – 1870

242 Witness Testimony Ndey Tapha Sosseh 11th July 2019 lines 1796 – 1840

243 Witness Testimony Sarata Jabbi 18th July 2019 lines 108-114

baby, he did not sleep either because he was kind of moaning and I try to breastfeeding him and I was very hungry.”

195. On the third day, the suckling baby was taken away from her by the Child Welfare Services of the Social Welfare Department. Her baby was taken to the orphanage even though she had a family who could take care of the baby. This was emotionally traumatic and in her words she stated that she felt “*devastated, I felt helpless. I could not help him as the mum*”. The baby was kept in the orphanage for three days, then he was brought to her for breast feeding. Sarata stated that she was heartbroken and in pain as she was denied to breastfeed her baby for three days and the baby denied the right to breastfeed on demand. The baby was eventually released to the family but had to be brought twice a day from their home to the Prison to be breastfed. The situation persisted until she was given a Presidential pardon 28 (twenty eight days) into her two year prison term.
196. After she was released, she went to Burkina Faso to attend a conference and after that he attended a Human Rights Conference in Ireland and she successfully applied for asylum.

FATOU JAW MANNEH

197. **Fatou Jaw Manneh** submitted a statement to the TRRC on **January 10, 2020 Incident ID 822**. A former report of *The Observer Newspaper* (the first female) and strong writer against the former **President Yahya A. J.J. Jammeh** was arrested at the Banjul International Airport on March 28, 2007. She had just arrived from the USA to attend her father’s forty day charity. When She presented her passport to the immigration officer she was arrested and taken to the NIA in Banjul. Two NIA officers and a driver drove her away in a white pickup truck. She later found out that the officers were **Aziz Hydara**, and **Ansumana Kinteh** and the driver was **Foday Camara**. At the Westfield Junction in Serekunda they picked up **Alagie Ngum** another NIA Officer.
198. At the NIA, she saw her luggage that she had not seen at the airport. They searched her luggage and as they flipped through her underwear: “*they giggled and made crude remarks as they went through some of my underwear. they kept saying “Limbirr limbirr” or “lambarr lambarr;” it was my first time hearing such a phrase. Apart from feeling violated by the invasion of my privacy, I made nothing of it. It was just male instinct, I thought. But their behavior caused a heavy apprehension in my mind. I couldn’t stop feeling I might be a target for rape.*” These thoughts were based on her recollections of what had happened to: “*my former boss Kenneth Best of the Daily Observer went through at the NIA’s hands. Dr. Ebrima Ceesay, Justice Fofana, Dr. Baba Galleh Jallow, Abdoulie Sey, Alagi Yorro Jallow, and many other journalists who fled in fear of their lives.*” These thoughts made her go from being afraid to being alert.
199. At around 2 a.m. when the NIA officers completed their search and satisfied themselves that the white talcum powder in her luggage was not drugs, they took her to the front gate. There, the security on guard duty, named **Momodou Jallow** was documenting the items in her hand luggage. After he finished he took her to a room behind the counter. According to **Fatou Jaw Manneh**: “*it was bare except for a torn couch, a window with broken glasses, and a*

torn dusty mosquito net. “Mosquitoes buzzed with frightening ferocity around me.” The guard later brought her a half a loaf of Tapalapa bread wrapped into a dusty brown paper bag with a boiled egg and mayonnaise or butter inside. She could not sit still for even a moment thanks to those hungry mosquitoes. It was when she noticed that there was a male detainee sleeping on the bare tiny sponge mattress. It looked old and dirty. She shared detention with him but one day she overheard him reporting her to an NIA officer in Jola that she taking pictures of the NIA, but the officer never paid him attention. She had a small disposable camera with her.

200. Around three (3) am she told **Momodou Jallow** that she needed to use the bathroom. He showed her the way to a very old two-story building on the left. The bathroom “*was very dirty and really dusty with cobwebs, and stank. The toilet bowl was brownish with dirt*”. After using the toilet as she came out of the bathroom, she realized that the security guard did not go back to his post but was waiting at the entrance to the bathroom. He came up close to her and called her “**Jaw!**” a name that was only used by people who knew her well. This happened to be the case as they had gone to school together and he knew her family. This immediately gave her some relief. She was further reassured when he told her that he was on night duty for the next two weeks and would inform her family about her whereabouts.
201. She used him to smuggle out information to her brother **Salifu**. She went back “to the bathroom and using the paper wrap from her bread, she wrote down the telephone number of **Musa Jeng** a member of Save The Gambia Democracy Project (STGDP) a USA based organisation established to restore democracy in The Gambia and the email address of **Dr Cheikh Tijan Gadio**, the then Minister of Foreign Affairs in former President Abdoulaye Wade’s government in Senegal. The **STGDP** and **Cheick Tijan Gadio** through his Senegalese counterparts **Alioune Tine** of Raddho, who is now Amnesty International West Africa head and **Ousman Dioma Njie**, a human Rights Lawyer in Senegal, played an important role in mounting international pressure and awareness about my situation.
202. There was also strong media attention in The Gambia. *The Foroyaa* newspaper were informed about what transpired at the airport when she was pulled out of the line and published the story the next day in the front page of *The Foroyaa newspaper* with a photo and captioned: “*Where is Fatou Jaw Manneh?*” The publication alerted the public to her attention and she had several visitors coming to the NIA daily to check on her including members of The GPU members even though she did not know so then. These included: **Madi Ceesay**, then the President of GPU, the late **Suwaibou Conateh**, **Sam Sarr**, **Halifa Sallah**, **Emil Touray** and **Fabakary Ceesay** of The Foroyaa Newspaper years, **Pap Saine** and **Buya Jammeh** of The Point newspaper and **Dawda Faye** and **Sori Camara** and **Omar Jallow (OJ)** and **Lawyer Ousainou Darboe**. They also followed the court process.
203. She was summoned to the office of the Director of NIA. A guy walked in with **Aziz Hydara**, one of her arresting officers and they took her to the computers in the administration offices to look for articles that might implicate her in breaking the law. At this stage she felt that: “*they were just fishing for some false charges that could land me into trouble.*” Later, some senior staff assembled and they took her to an interrogation room. The interrogation panel was headed by **Lamin Saine**. She noticed that he was blind. According to **Fatou Jaw Manneh** he wanted her: “*to agree with him that I wrote false information against*

the government, that my articles were tarnishing the image of the country and that of the President. One of the articles that really got under their skin was an interview I did with the *Independent Newspaper* with **Abdoulie Sey**, “*Dame of The Flaming Pen*” in 2004²⁴⁴. They insisted that she should tell them who interviewed her but she refused and told them an editor of the paper interviewed her online, and that she sent her articles to an email address for the editor, but she had no idea which one of the paper’s editors published the articles

204. **Saine** warned that they did not take the security of the country lightly. She in turn told them That she did not take my citizenship and security lightly, either and “warned each of them that if anything happened to me, they would pay the consequences. If I would die at their hands, I would go down with them. I made it clear to them that my arrest was not founded on any genuine premise” She went on to ask **Saine** how he would feel if this was his daughter that was in the same situation. **Fatou** knew she was trapped, but she had to make it clear that: “I wouldn’t be just buried quietly without trace. I promised myself not to show fear or shed a tear and I never did”.
205. By this also her family had acquired the services of **Lawyer Lamin Jobarteh** to represent her in the case. Around 9/10 pm of her first day in detention, when almost all staff had gone home, **Momodou Jallow** gave her his phone to talk to her brother, **Salifu**. She told him that apart from the mosquitoes and the sleeplessness she was fine. She briefed him about the interrogation and the accusations that they were trying to pin on her.
206. International pressure mounted. On the third day, after more than seventy two (72) hours in detention she was taken to the Kanifing courts, escorted by **Alagie Ngum**, an NIA staff or officer who was sympathetic to her plight and advised her to run away. He told her: “*If you run, I can always say we could not find you.*” This was not possible of course as they had confiscated her passport. She had to assure him she was fine otherwise apart from the mosquito bites and exhausted from the sleepless nights and the inconvenience she not scared. **Alagie** later took it upon himself during her trial to renew her passport and IDs of my sons. He was reported by one **Jaiteh**, an immigration officer as a result, he was detained at the NIA for three (3) weeks and fired afterwards.
207. The trial dragged on for eighteen months. Her lawyer started skipping court dates and at one point he advised her to flee. She told him that if he could not represent her anymore, he should add another lawyer to the team or she would represent herself. **Lawyer Lamin Camara** was then added to her legal team to stand in the place of **Lawyer Lamin Jobarteh** when he was unable to appear in court. On the sixth (6) day in detention she was suddenly taken to court. According to the witness, **Fatou Jaw Manneh**: “*It was my bail hearing. I saw a distant cousin of mine Lamin Sanyang, currently a councilor for the Sukuta area. He signed my bond using his home as surety before my brother appeared in court. I was released from detention but was taken to court for a year and a half — 18 months to be precise.*”
208. After the bail from detention, things became worst for **Fatou Jaw Manneh**. She was charged with writing false information, sedition, and tarnishing the image of the country. According to her statement: “*It was never lost on us — my family, sympathizers and me — that Chief Manneh had disappeared and Deyda Hydara had filed a constitutional challenge to the sedition laws affecting the press in the courts when he was gunned down in 2004.*”

244 The article is attached to this statement as appendix

*Jammeh had made no secret of targeting journalists.” She had to be going from one Court to the other from Kanifing to Banjul. After claiming that her case files went missing, the prosecution called witnesses to testify against her. These were the NIA operative **Ansumana Kinteh** and one **Basiru Gassama** who was brought in from nowhere to serve as prosecution witnesses. **Basiru Gassama** testified that he knew me as the niece of **Ansumana Manneh**, a former general of Guinea Bissau and that I wrote bad things about **Yahya Jammeh** and the country. During cross-examination, my lawyer exposed **Basiru Gassama** to be an unreliable witness with mental issues and argued that his witness testimony must be struck. **Ansumana Kinteh** was compelled to testify that I did interviews and the articles were found on me. The articles were retrieved from one of the administrative offices from **Leeze’s** computer at the NIA. **Nfally Jabang** a State House military intelligence officer visited the NIA daily and reported back to the President and two NIA female officers **Fatou Sanneh** and **Isatou Gibba**, were put on my monitoring detail at her at her brother’s Salifu’s home.*

209. According to **Fatou Jaw Manneh** in her witness statement: *“After eighteen months of the kangaroo trial, I was back at the court on the 18th of August 2008”*. Magistrate Buba Jawo convicted her on the four charges of sedition, publication of seditious words, publication of false information, and uttering seditious words. For the first count, she was sentenced to a fine of D Eighty Thousand Dalasi (D80,000) in default of which she would serve one-year imprisonment with hard labor. For the second count, a fine of Seventy Thousand Dalasi (D70,000) in default of which she would serve one-year imprisonment with hard labor. For the third count, a fine of Forty Thousand Dalasi (D40,000), in default of which she would serve one-year imprisonment with hard labor. And for the fourth count a fine of Sixty Thousand Dalasi (D60,000), in default of which she would serve one-year imprisonment with hard labor. The fines totaled Two Hundred and Fifty Thousand Dalasi (D250,000) in default of which she was to be jailed for four years with hard labor. Magistrate Even though Magistrate Buba Jawo handed down such a stiff penalty against her, it did not stop the former **President Yahya A.J.J. Jammeh** from firing him as he wanted a more stringent outcome of the case.
210. Despite lawyer **Lamin Jobarteh’s** leniency plea against the custodial sentence if thy fine could not be paid, the verdict stood and prison and police officers were standing by me ready to take her to prison. The verdict was read at 2:30 and the money was to be paid in two and a half hours’ time. The GPU paid Sixty Thousand Dalasi (D60,000) and the outstanding amount was paid my family and friends including Ebou Jobe and Buba Cham. Her brother Pa Ousman Manneh was saying: *“Sainey Manneh’s child will not go to jail just like that. Baba ran around doing favors for people all his life. His daughter cannot just be picked up and thrown into jail. God won’t let that happen.”*
211. The trial took a toll on her and family both emotionally and financially. Her sons were traumatized. Her mum could never understand what was going on, she saw it as a serious conspiracy but prayed to God that her daughter would disentangle herself out of it at the end of the day. According to **Fatou Jaw Manneh**: *“the whole family went bankrupt. I lost my residence and residency in the USA, fell behind my school debts, lost all my belongings, and the list could go on and on. Immediately after I left the country, the regime seized my land in Sukuta Salagi, destroyed the fences, and also took the lands of my brothers and cousins. None could say a word because they were told that the President was very mad at me. We later realized it was given to AMRC (Assets Management & Recovery Corporation). I am*

still following up the issue. The current Land Minister allocated me a 50 × 25 meters piece of land, but I am still pursuing the matter.”

212. A week after the trial, a friend’s husband, drove her to Dakar where she stayed for six months to renew her green card for her return to the US. I had to undergo medical checkups and everything else to renew the card. I flew to London to see my sons, then flew back to the US in January 2009. In Dakar, **D A Jawo** took her and **Buba Baldeh**, a former parliamentarian Minister in the Jawara government and Managing Director of *The Daily Observer* newspaper, who would later die in exile and Jammeh would refuse his remains to be returned to the Gambia for burial to visit **Lawyer Mai Ahmad Fatty**, and the head of Gambia Moral Congress (GMC) party. **Mai Fatty** was recuperating in Senegal from a brutally staged car accident back in the Gambia. She saw him strapped from the neck down and this haunting image has never left her mind. It depicted the *“horror surrounding the affairs of journalists during the Jammeh regime was troubling as journalists were rounded up daily, detained, and harassed constantly. Many journalists would go through endless harassments from the Jammeh government. Some stayed, some died, some ran into hiding and some of us in the West sharpened our pens to continue the fight”*.
213. During this period she had support of the STGDP, the US State Department under Condolezza Rice issued a statement on her behalf that the State Department was closely monitoring the developments, the British Ambassador Philip Sinkinson, the Committee to Protect Journalists (CPJ), International Federation of Journalists, (IFJ), Amnesty International, Pen America, Raddho, MFWA (Media Foundation For West Africa, US State Department Press Defenders, the Deyda Hydera foundation who sent her Twenty Thousand Dalasi (D20,000) through **D A Jawo** whilst she was in Dakar regularizing her US papers for and **Malick Jeng** who helped fund the return trip through the Journalists defense fund.

E. THE GPU SIX (6) CASE

214. In response to disparaging remarks made against the late **Deyda Hydera** by the former **President Yahya A.J.J. Jammeh** in a television interview with **Kebba Dibba** on GRTS. The GPU were not going to let it lying down and after consultations with the executive members of The GPU and the elders group **Sam Sarr** and the late **Swaebou Conateh**, The GPU President who was then out of the country drafted a response which her colleagues modified and published. The former GPU President during her testimony to the TRRC on July 11, 2029 told the Commission that she knew that there would be a reaction but she did not expect it to go that far.
215. Excerpts from the electronic version of the statement were read by the Deputy Lead Counsel **Horeja Bala Gaye** for the benefit of the Commission to know what the contents were. This was a Publication of the statement in the Point Newspaper: *GPU Reacts to Jammeh’s Statement on Deyda Hydera, Press Freedom. Monday, June 15, 2009*²⁴⁵. In the statement The GPU expressed: *“its shock and disappointment over the inappropriateness of the provocative statement of the Head of State, President Jammeh on GRTS, Tuesday night in relation to the death of veteran Gambia journalist Deyda Hydera. It is rather unfortunate*

245 [\(691\) TRRC DAY 64 Ndey Tapha Sosseh PT1 11.07.19 - YouTube1:03:21-1:09:14/1:28:37 accessed 10.10.2021](#)

and the Union is indeed saddened that this is the second (2) time that Head of State has so chosen to discuss the death of Deyda Hydara. He again has dwelt on the issue of character assassination and ridicule” --- the Union went on to remind President Jammeh that “it is difficult to presume that The Gambia Government is concerned over the death of Deyda Hydara unless and until The Gambian government and its relevant security institutions are seen to be determined and resolved to seriously commit themselves in a professional manner, to embark on investigating the events that led to the death of our dear colleague and brother.” Reminding the Head of State, that the government of the Gambia and its relevant security apparatus of their primary responsibility to ensure the protection of every Gambian life the Union went on to say that “mere statements, speculation or ridicule on the events leading to the death of Deyda Hydara, cannot and will not be accepted as exoneration of The Gambian Government neither by the Union, the International Journalist Associations or members of the family of Deyda Hydara or any interested parties.” They called on the government to conduct an investigation into the death of **Deyda Hydara** within the shortest possible time and where they were unable to do so due to lack of resources or expertise to publicly acknowledge this and call on other states and international policing and security institutions such as Interpol who already have a desk at the police headquarters to take over the investigations.

216. The Union also pledged to keep Deyda’s image alive on their website with the question “who killed **Deyda Hydara** to “haunt the perpetrators of this heinous crime. The killing of **Deyda Hydara** had “motivated true journalists to remain, steadfast, truthful and committed to speaking in defense of the weak and the vulnerable.” The proof of this last statement was soon to be tested. When *Foroyaa* first published it, there was no reaction, but when *The Point* also published it, “all hell broke loose.” The security agents went to The GPU and asked for **Ndey Tapha Sosseh** and when they could not get her they arrested the staff from the papers that had published the statement. **Pap Saine and Ebrima Sawaneh** were picked up from *The Point* as well as **Pa Modou Faal**, the treasurer of The GPU and **Sarata Jabbi Dibba**, the Vice President GPU and from *Foroyaa* they arrested **Sam Sarr** Managing Editor and a reporter and Secretary General of The GPU, **Emil Touray**” A seventh person **Abubakarr Saidykhan** was also picked up from the *Foroyaa* for recording the arrest of **Sam Sarr**
217. The arrested journalists and editors were taken to the NIA for questioning. When **Buya Jammeh** the media monitor of The GPU called **Ndey Tapha Sosseh** who was then in Mali to inform her about the arrests she advised him to leave the office and take important equipment and material with him. For his safety she asked him to go to her aunt’s house as a safe house until they knew what to do next. She then called Article 19, Amnesty International and journalists’ associations including the National Union of Journalist (NUJ), Simpex and Editors Forum in Dakar and other media rights groups so the news went out immediately. She then mounted an international campaign on major global media platforms to put international pressure on the government. ECOWAS and the AU were also lobbied and it emerged that many heads of states did not know what was happening in The Gambia. The campaign provided an opportunity to not only spread the news about the journalists but about the human rights abuses that were going on in the country.

218. The situation was particularly disconcerting as **Sarata Jabbi Dibba** was a breastfeeding mother. A baby Muhammed campaign was started in Accra with about fifty (50) Women’s Rights Groups signing a petition to the AU informing them that in The Gambia if you had an issue with the law and you had a baby, the baby could end up going to prison with you. A diaper campaign was also mounted to flood Mile II Prison with diapers to call attention to baby Muhammed. At this point **Lawyer Lamin Camara** who was the lawyer for the case had advised **Ndey Tapha Sosseh** against her coming. Her colleagues also advised against her coming as they thought it was best that she stays outside and advocate for their release. This she did. To the extent that one of the detainees told her that they were asked: “Can you please tell Ndey to keep quiet? If she does, we are going to release you. The Head of State is really upset that she is talking so much.” When it was realized that the government were unhappy about the global public attention that the case had attracted The GPU President decided to do more interviews and for the space of almost three (3) months she did an interview a day.”
219. By the time the legal team had also expanded to include **Lawyer Antouman Gaye** and others. The lawyers knew from the start that the odds were stacked against them. They promised that they would do their best, but they knew that the journalists would most likely be convicted. “They were convicted and sentenced to two years imprisonment and fined two hundred thousand Dalasi, in default of which they would be liable for another two years in jail. They did not serve their full jail term however. They were released after twenty seven (27) days in prison during Ramadan on a presidential pardon.”
220. **Abubakarr Saidykan** told the Commission that the trial lasted for three to four months. They were represented by Lawyer **Antouman Gaye, who at one time walked out of court due to frustration and in protest against the hostility of Justice Wowo.**²⁴⁶ Justice Wowo was replaced by **Justice Fagbenle**. In his judgement he acquitted and discharged **Abubakarr Saidykhan** on a no case to answer submission²⁴⁷
221. **Pa Momodou Faal** explained to the Commission that on the day they were released from Prison they saw the Director General of Prison **David Colley** and his assistant, the then Inspector General Police, **IGP Ensa Badjie**, the then Interior Minister **Ousman Sonko** and the then Permanent Secretary of Interior **Mawdo Touray**. They addressed them and said, ‘we are sorry for all that happened, but you have presidential pardon. We will call GRTS and we will want everyone to speak and thank the president’. They were paraded on TV and made to say, ‘thank you, Mr. President, for pardoning us,’ and that’s where we stopped.²⁴⁸ This experience had a serious impact on him and his family. He lived in a state of fear every day. He also could no longer pay for his wife’s university education. He also had difficulties travelling out of the country. He narrated an incident in July 2016, after identifying himself as a journalist with immigration at the airport, the NIA officer in charge was called and he was interrogated.

246 Witness testimony Abubacarr Saidy Khan 10th July 2019 lines 577-589
 247 Witness testimony Abubacarr Saidy Khan 10th July 2019 lines 611-616
 248 Witness Testimony Pa Momodou Faal 16th July 2019 lines 1868 to 1880

F. KILLING OF DEYDA HYDARA

223. The killing of **Deyda Hydara** on December 16, 2004 is described as the apex crime against journalists in this country. The media fraternity took it seriously it was: “an attack against us as **Deyda Hydara** was one of us”. This was the position that was expressed by The GPU executive and the various journalists that testified at the TRRC.
224. Two of the Junglers **Malick Jatta** and **Aliou Jeng** confessed to his killing when they testified at the Commission. A third jungler told **Ndey Tapha Sosseh** in an interview that the former **President Yahya A.J.J. Jammeh** had ordered his killing.²⁴⁹ **Malick Jatta** testified that in 2004, they were all summoned for normal patrol at Kanilia. When they all converged, **Tumbul Tamba** said to them, “*Today we are going for the magic pen*” he stated that normally they will use quotes to conceal their operations but he did not know what it meant then.²⁵⁰
225. Then **Malick Jatta**, **Aliou Jeng** and **Sanna Manjang** boarded **Tumbul Tamba’s** vehicle and they headed to the Kombos.²⁵¹ When they arrived at Kanifing, they drove into a garage, parked the vehicle and boarded a taxi Benz 200.²⁵² **Tumbul Tamba** was the driver, **Sanna Manjang** sat on his right, **Aliou Jeng** and **Malick Jatta** sat in the back seat.²⁵³ According to **Malick Jatta**, the said garage belonged to **President Yaya A.J.J. Jammeh**.²⁵⁴ They drove up to Traffic Lights and stopped. **Malick Jatta** testified that **Tumbul Tamba** was in communication over the phone with the President saying, “*Yes Sir, and Your Excellency.*” He believed that **Tumbul** was receiving instructions from the **President** at that point.²⁵⁵ This was confirmed by **Aliou Jeng** who told the Commission that **Tumbul** was indeed communicating with someone on the phone, but he could not recall what was said.²⁵⁶
226. **Malick Jatta** testified that the group of **Kawsu Camara (Bombardier)** and one of the commanders, **Manlafi Corr**, were also driving in a Mercedes Benz V-Boot 190 taxi. **Bai Lowe** was **Bombardier’s** driver and **Michael Correa** was in **Manlafi Corr’s** team.²⁵⁷ The groups were communicating with each other and sharing information with **Tumbul Tamba**.²⁵⁸ According to **Malick Jatta**, they trailed a small vehicle around Westfield, close to the Police Garage. **Tumbul Tamba** drove opposite the vehicle then said: “*Gentlemen the driver is the idiot.*” He stated that he thought that meant the man was “a rebel.” He believed that **Tumbul** referred to the target as a rebel to motivate them because they had accepted the responsibility to protect the territory and its people. When the order was made by **Tumbul Tamba** to shoot, a shot came the front passenger seat as the car kept moving and **Tumbul** shouted you better shoot and all of them shot the vehicle.²⁵⁹
227. **Aliou Jeng** informed the Commission that **Tumbul Tamba** removed the pistols from underneath his chair, gave it to them and ordered **Manjang** and **Malick** to shoot and asked him to stand down.²⁶⁰ **Malick Jatta** confirmed that he, **Aliou Jeng** and **Sanna Manjang** shot

249 Witness Testimony Ndey Tapha Sosseh 11th July 2019 lines Lines 1211 – 1215
 250 Testimony of Malick Jatta 22 July 2019 line 755-756 page 34 44.
 251 Testimony of Malick Jatta 22 July 2019 772-777 page 35 / Testimony of Aliou Jeng 1509
 252 789-793 page 36 / 1404-1417 Testimony of Aliou Jeng
 253 Testimony of Malick Jatta 22 July 2019 line 798-799 page 36 / Testimony of Aliou Jeng 8th August 2019 line 1516-1521
 254 Testimony of Malick Jatta 22nd July line 816-819
 255 Testimony of Malick Jatta 22nd July 2019 line 828-832
 256 Testimony of Aliou Jeng 8th August 2019 line 527-531
 257 Testimony of Malick Jatta 22 July 2019, line 839-863 page 39
 258 Testimony of Malick Jatta 22nd July 2019 881-883
 259 Testimony of Malick Jatta 22nd July 2019, line 900-933
 260 Testimony of Aliou Jeng 8th August 2019 line 1533- 1550

the vehicle and **Tumbul** gave the order to shoot the target.²⁶¹ Initially **Aliou Jeng** denied playing a role in the shooting but he changed his statement when he realised that he had made two conflicting statements and he admitted that he lied in his statement because he thought that **Malick Jatta** would not reveal the truth. He then admitted that he was given a pistol, however he maintained that he did not shoot.²⁶² When confronted with the video testimony of **Malick Jatta** on the issue, he confessed that he lied to the Commission, on the hope that: “*Malick Jatta will not tell the truth.*”²⁶³ After apologising to the Commission for lying under oath, he finally admitted that he did shoot at **Deyda Hydara’s** vehicle.²⁶⁴

228. After the execution of **Deyda Hydara**, they drove to the same garage, boarded **Tumbul’s** vehicle and drove back to Kanilai²⁶⁵. **Malick Jatta** told the Commission that the following day, **Tumbul** gave him an envelope containing some dollars, saying “*this is a token of appreciation from the Big Man*”. He stated that he is certain that the money came from the president because **Tumbul** did not have the means to provide them with such an amount and in dollars. *In his own words he said, “When I change it I cannot remember is a long time but I believe I have scored more than D50, 000 (Fifty Thousand Dalasi)”*.
228. **Malick** confirmed that every one of them received an envelope, however he did not know how much the others received because they were ordered not to discuss the issue, even among themselves.²⁶⁶ Contrary to **Malick Jatta’s** confession on the subject, **Aliou Jeng** however denied receiving any money after the operation²⁶⁷. The testimony of **Aliou Jeng** in this regard cannot be believed as he had previously lied about the shooting.²⁶⁸
229. In an attempt to cover up the murder, the government released a statement condemning the killing, as reported in the Daily Observer newspaper of 24th December 2004. The headline reads, “*Government Condemns Shooting as a Cowardly Act*” and it goes on to say “*The Government of The Gambia is saddened by and concerned about the shooting to death of Mr. Deyda Hydara, Proprietor of The Point newspaper. The Government vehemently condemns this cowardly act and pledges to do its utmost best to apprehend the culprits and bring them to book. The Security Agencies are already conducting investigations and the public is urged to provide any information they may have on the incident to see that justice is done.*” **Malick’s** reaction to this was that the statement was a complete cover-up.²⁶⁹
230. The media fraternity reacted with shock and consternation to this crime. **Deyda Hydara** was well respected in media circles not only in The Gambia and abroad. He fought relentlessly for media rights and many believed that his death was sponsored by the state for his stance against the draconian media laws and his column “*Good Morning Mr. President*” and “*the Bite*”.
231. **Sarata Jabbie Dibba** told the Commission that when she received the news about **Deyda’s** killing she went to the Banjul Mortuary Upon arrival, she told she “*Deyda, lying in a pool of blood.*” According to her, **Deyda’s** body was “*wrapped in a white cloth which had bloodstains*

261 Testimony of Malick Jatta 22nd July 2019 line 943-955
 262 Testimony of Aliou Jeng 8th August line 1588-1676
 263 Testimony of Aliou Jeng 8th August line 1944-1958
 264 Testimony of Aliou Jeng 8th August line 2085-2127
 265 Testimony of Malick Jatta 22 July 2019 line 928-955 page 42-43 / Testimony of Aliou Jeng 8th August line 2027-2029
 266 Testimony of Malick Jatta 22 July 2019 line 976-1004 page 44-45
 267 Testimony of Aliou Jeng 8th August 2019 line 2210-2216
 268 Testimony of Malick Jatta 23rd July 2019 line 74-76
 269 Testimony of Malick Jatta 23rd July 2019 line 77-86 page 5

on his forehead, his chest and tummy as well.”²⁷⁰ Deyda’s death had a very big impact on journalists and had created a big vacuum in the media fraternity. **Deyda** was like an uncle to her. He gave her the opportunity to become a good journalist and trained her in media and reporting. She described Deyda as “being a guy who had a great heart in empowering women and young people.”²⁷¹ He was a brave man that would never relent until he got what he wanted to achieve as far as the safety and welfare of the journalists were concerned. She also opined that she believed that the **Yaya A.J.J Jammeh**, was responsible for **Deyda**’s death. She based this belief on Jammeh’s anger about *The Point Newspaper*, publishing Deyda’s picture daily with the headline “*Who Killed Deyda Hydara?*” If he was not responsible, I do not think that the slogan should disturb him, the witness asked.²⁷²

232. **Ndey Tapha Sosseh** told the Commission that on the morning of Deyda’s killing **Sheriff Bojang** the Managing Director of the Daily Observer came knocking hard at their door to tell her the news about **Deyda**’s death. He told her that he was going to the mortuary. When she told him: ‘*I am coming with you.*’ He said, “*No, I do not think you should go to the Mortuary.*” When she asked ‘*Why?*’ He said, “*I do not think you want to see that.*”²⁷³
233. She got dressed and went to The GPU office, where there was an emergency meeting of The GPU executive. . She found **D. A. Jawo** , **Madi Ceesay**, **Cherno Jallow**, **Sam Sarr** and the late **Swaebou Conateh** in the meeting. She joined them although she was not an executive member of The GPU at that time. A members’ meeting was convened to decide on the next steps to be taken by the media to express their grief and show support and stand in solidarity with **Deyda**’s family. The decisions reached were to hold a media blackout and a solidarity march. They also wrote a letter to the **National Security Council** requesting a meeting.²⁷⁴ The senior editors of The GPU were very mindful of the situation at the Observer and told her: “*Ndey, we would understand if The Daily Observer Management does not allow you to do a news blackout and to take the positions that we are taking.*” This statement was informed by the pro-government stance of the management.
234. The decision was that the newspapers would publish a one front page story about the death of **Deyda Hydara** and all the other pages would be stories on **Deyda**. She did not say anything but at that point in time, she was determined to stand in solidarity with The GPU. She did not tell management about her decision but she was able to get the support of the printers not to print the earlier version of the paper that they had been sent but to print the blackout version. She was suspended for this action. The suspension was verbal but she never returned to *The Daily Observer*. Instead, she concentrated all her energies in the activities of The GPU.
235. The first was a **Meeting with Security Chiefs** at the office of the **Vice President Isatou Njie Saïdy** and all the service chiefs were present as well as the Minister of Information, **Amadou Scattered Janneh**. The GPU senior executive present were: **DA Jawo**, **Madi Ceesay**, **George Christensen**, **Sam Sarr**, **Swaebou Conateh**. The GPU expressed their concern about the security of media houses and journalists particularly in respect to their personal safety. They complained about the intimidations, the harassment and physical

270 Witness Testimony Sarata Jabbi 18th July 2019 lines 139-153
 271 Witness Testimony Sarata Jabbi 18th July 2019 lines 160-169
 272 Witness Testimony Sarata Jabbi 18th July 2019 lines 184-186
 273 Witness Testimony Ndey Tapha Sosseh 11th July 2019 lines 378 – 382
 274 Witness Testimony Ndey Tapha Sosseh 11th July 2019 lines 393 – 396

assaults that journalists were subjected to from security personnel when covering public events, the death threats amongst others. The Vice President told them that what they wanted was practically impossible as the government could not provide a uniformed policeman as personal protection for each journalist. This was not what The GPU were asking for they wanted assurances from the government that their concerns would be addressed especially as “*the apex crime*” against journalists had just been carried out. At the meeting they were told that the government was investigating the matter. At this time they had no reason to doubt that this was not the case but even at the global level killings against journalists were rarely investigated.

236. One of the issues discussed at the meeting of the Security Council meeting was the solidarity March that The GPU planned to carry out to protest against the killing of their colleague and to show solidarity and support for the family of **Deyda Hydara**. At that point “it was a no” and the march was refused. Later they got back to The GPU and gave permission for the march to take place but with conditions. These were that (i) only journalists were allowed to march, (ii) they should follow a particular route from Arch 22 to police headquarters and then to the Ministry of Interior (iii) there should be no chanting of slogans. In effect it had to be a silent march. Later The GPU learnt that the decision to exclude the public was based on the fact that the orders had been issued to shoot at the journalists if they did not comply with the conditions of the march. As they did not want to risk shooting a civilian who was not a journalist they were banned from participating. This decision only known to The GPU when **Vincent Jatta** the Army Commander at the time was dismissed the day after for not giving the order to his men to shoot at the protesting journalists.
237. The solidarity march was held in the atmosphere of a strong military presence. **Ndey Tapha Sosseh** told the Commission: “*They had surrounded us on all sides. It was as if we were going to war, coming into Banjul there were tanks everywhere. From the Arch, near the Court, along the route. ----- my mother who was out of town heard this information and told me, I can’t ask you not to go, because I know that you will, but please don’t be on the front line.*” When she saw the images and saw me on the front line: “*she told me you know you would have been the first to die.*” It was something that needed to be done and she did it because as Editor in Chief of a paper it could have been her and she also had a personal reason as **Deyda** was her mentor.²⁷⁵
238. The GPU and its partners West African Journalists Association (WAJA), International Federation of Journalists (IFJ) and Article 19 had organized a regional event in commemoration of the death of **Deyda Hydara**. The two day event was a regional seminar that took place in Banjul at the Kairaba Hotel from their delegates would visit the site where **Deyda** was shot behind the PIU in Kanifing and thereafter the delegates would go to his home to extend condolences to the family. When they got to the site, there was a huge police presence there and they were told that they go not access the site. There was a standoff with **Madi Ceesay** and **Ramatoulie Charreh** a female reporter had her equipment smashed. The journalists from other countries particularly the delegates from Franco phone Africa could not understand why the restriction. It was normal for them to visit sites of fallen journalists and for them to record the activities e.g. the site of Norbet Zongo in Burkina Faso.

239. Eventually after about two years the government completed its investigations and published an **NIA** report which essentially blamed **Deyda** for his own death. This was not acceptable

275 (685) TRRC DAY 64 Ndey Tapha Sosseh PT1 11.07.19 - YouTube 48:54-52:23/1:28:37 accessed 1.10.2021

and the feeling among The GPU was that if they could not have unraveled the circumstances surrounding the death of **Deyda Hydera** they should have sought international support. In addition there was a strong feeling that the killing was ordered by the former **President Yahya A.J.J. Jammeh**.

G. FREEDOM NEWSPAPER SAGA

240. Dozens of people were arrested in connection with *The Freedom* newspaper on line saga. Many of them were not journalists. The arrested persons included a sitting member of the National Assembly the **Hon. Duta Kamaso** and a child **Alagie Kebba Kanyi, Malick Mboob** Protocol Officer at the Royal Victoria Hospital (RVTH) , **Pa Modou Faal**, then Sports News Anchor at GRTS, **Wurah Bah**, an internet café operator at Westfield, **Musa Sheriff**, proprietor of *The Voice* newspaper then working with *The Point* newspaper, **Lamin Bojang, Fa kebba Ceesay, Yorro Bah, Amelia Camara, Lena Secka**, from Medical Research Council (MRC), **Harry Joof**, and **Cherno Camara** from Gamtel, **Haddy Darboe, Baboucarr Sanyang and Lamin Cham**.
241. The brutal crackdown on innocent persons was caused by the government's desire to deny people of their right to access information and also as a crackdown on Freedom of Expression. Gambians were being fed a version of the news that was completely controlled by the government and any media outlet that provided alternative information was harshly dealt with. In this case Freedom newspaper online and its Proprietor and Managing Editor, **Pa Nderry M'bai** were outside the clutches of the government and its agents as they were based in the USA. This irked the former President **Yahya A.J.J. Jammeh** and the subscribers and audiences to the radio bore the brunt of his anger.
242. Pa Nderry M'Bai's email account was hacked and information including names and email addresses of people who subscribed to *The Freedom* newspaper online were retrieved by the NIA²⁷⁶. A notification was put on *The Freedom newspaper* stating that **Pa Nderry M'bai** (proprietor and editor of the of Freedom Newspaper) had stopped publishing and joined his Brother **Ebou Jallow** to pledge allegiance to the **APRC** Government. The names of all subscribers and their details were published including their details –telephone numbers and email addresses. The notice also asked those persons whose names were on the list to report to the nearest police station. A public notice was also made on Radio Gambia.
243. At the time of his arrest in 2006 **Lamin Cham**, was a reporter for the BBC African service. **Lamin Cham** told the Commission that he had never communicated with **Pa Nderry M'Bai**, so he was confused about why he was arrested and detained.²⁷⁷ He was arrested and taken to the NIA. On the night of his arrest one of the guards allowed him to make a phone call. He made two important calls one to a friend whom he was with before his arrest and the other to the BBC Africa Service, who then contacted the British High Commission, who then started making inquiries about the witness's whereabouts.²⁷⁸

276 Witness Testimony Lamin Cham 8th July 2019 lines 624-632
277 Witness Testimony Lamin Cham 8th July 2019 lines 661-668
278 Witness Testimony Lamin Cham 8th July 2019 lines 704-707

244. No one told him why he was detained and he was not provided with any food nor given access to a lawyer. The next day **Muhammed Hydera**, the then Deputy Director of the NIA, asked him if he knew why he had been brought in. When the witness Lamin Cham responded that he did not know the reason. Hydera told him, “you will find out in good time,” and left. At around two (2) he was escorted to a yard still within the premises of the NIA and placed in some sort of ring of men.²⁷⁹ Before he knew what was happening a group of eight drunk soldiers led by **Tumbul Tamba** and **Musa Jammeh (Malia Mungu)**, both are now deceased, started beating him: “they used rubber chains to beat him and stamped on his back, legs and feet. They beat him until he bled profusely as a result of the beating”.²⁸⁰ During this torture, they asked why he was congratulating one Omar Bah and who James was. They also asked him: “How much is the BBC paying you?”, “Why do you lie?”, “Why can't you make a report without mentioning Jammeh?” He had no idea what they were talking about, but they still went on beating him.
245. After a while, **Musa Jammeh (Malia Mungu)** shouted in Mandinka, “*I told you we have to kill this man or else he would not talk*”.²⁸¹ The witness told the Commission that he was scared as **Malia Mungu** was known to be a vicious man and the notorious general in **Idi Amin's** army. If there was a “**Malia Mungu**” for Idi Amin then **Musa Jammeh** was the “**Malia Mungu**” for **Yahya Jammeh**. In addition to his fear he observed that during his interrogation **Musa Jammeh (Malia Mungu)** would leave the room to answer calls from someone.²⁸² He did not know who the caller was but he presumed that it was the former **President Yahya A.J.J. Jammeh**.
246. After this he was then taken to a room where he found **Muhammed Hydera** and **Nuru Secka**, the then Director of Operations at the NIA. **Muhammed Hydera**, who was leading the interview, told the witness it was better to cooperate; otherwise, the men would come back to torture him. He proceeded to ask the same questions the witness had earlier been asked. The witness said he kept repeating the same answers as he had no idea what **Muhammed Hydera** was talking about. The Panel that interviewed those connected to *The Freedom newspaper online* case was the same panel that was set up after the March 2006 attempted coup led by Ndure Cham. The panel included NIA officials, police and state guard personnel. From the police, the witness recognized one person also named **Lamin Cham, Abdoulie Ceesay**, still serving in the police force at the time of the testimony, and **Lamin Ndow**.²⁸³
247. **Lamin Cham** told the Commission that though **Nuru Secka** could visibly see that he had been tortured, he did not say anything. He just wrote down the witness' responses. The police officers on the panel were shocked when they saw the state in which he was after his first torture and added that much later, he learnt that the police officers had abandoned the panel in protest of the brutality meted out on the witness and the other detainees. He specified that the police officers he mentioned were not part of the torturers.²⁸⁴
248. When they were done questioning him, the witness was taken back to the reception, where he was helped by his fellow detainees, **Duta Kamaso, Lamin Fatty** and **Malick Mboob**.

279 Witness Testimony Lamin Cham 8th July 2019 lines 769-784
280 Witness Testimony Lamin Cham 8th July 2019 lines 811-815
281 Witness Testimony Lamin Cham 8th July 2019 line 948
282 Witness Testimony Lamin Cham 8th July 2019 lines 957-965
283 Witness Testimony Lamin Cham 8th July 2019 lines 1155-1163
284 Witness Testimony Lamin Cham 8th July 2019 lines 1177-1179

He was terrified because, during his torture, **Tumbul Tamba** stated that they knew that the witness and **Ebrima Sillah** were responsible for sending out government secrets.²⁸⁵ **Malick Mboob** consoled him by telling him he had also been tortured, including by having a gun shoved into his mouth.²⁸⁶ The detainee and some other male detainees were kept in the same cell as the **Hon. Duta Kamaso**. Even though this was inappropriate the Hon. Duta nursed their wounds after their tortures.

- 249 The next day, due to the seriousness of his wounds he was taken to the Military Hospital, also known as the State Guard Hospital, where he was hospitalised. He believed he was taken to the Military hospital attempt to conceal his wounds from the general public. His presence at the NIA was being kept a secret just as the detention of **Lamin Fatty** and **Malick Mboob**, who had been missing for quite some time and he did not know they were being detained at the NIA. He was surprised to see them there. In addition to taking him to the Military Hospital his friend had been to the NIA twice to enquire about him and they denied having him in their custody. In addition to **Duta Kamaso**, **Lamin Fatty** and **Malick Mboob**, he saw one **Lamin Bojang**, a small boy not more than ten (10) years who had been horrendously tortured and one soldier by the name of **Buba Jammeh who were all detained** in connection with this “*Freedom Newspaper thing*.”²⁸⁷
250. Two days after his first torture, **Tumbul Tamba** and three other individuals came back for the him and tortured him again for about ten (10) minutes. He was then ushered into a room where he again found **Muhammed Hydara** and **Nuru Secka**. He also saw cables and other gadgets he could not identify. He was terrified as he thought they would use them on him, but they did not. He was questioned again and then **Muhammed Hydara** told him he could go back to sleep.
251. On June 4, 2006, five (5) days after being in detention, **Nuru Secka** told the witness to call someone to bail him. His neighbour, **Alkali Jarjusey**, did and he left the NIA premises after having. He was told to report every day to the NIA, which he did for a month and every single time he went, he would call the British High Commission before and after leaving the NIA premises.
252. During his unlawful detention, the witness **Lamin Cham** was made to be part of an operation to locate and arrest one **Omar Bah** and was forcibly taken to his house to have it unlawfully searched. They also made him go through his emails and checked for any link to the *Freedom Newspaper*.²⁸⁸ The witness told The Commission that the effects of his detention made him leave the country as he was afraid for his life. He went to London, where friends helped him do a course at the London School of Journalism. He then moved to Dakar to continue his exile. Unfortunately, it was difficult for him to secure an English-speaking job in Dakar. He continued to suffer as he lost income and his dignity. He was well known around and suddenly, he was made an enemy of the state. He finally returned to The Gambia in early 2012, a completely different man. He still has not recovered psychologically nor in terms of resources and said, “*I am still a broken man from that experience*.”²⁸⁹

285 Witness Testimony Lamin Cham 8th July 2019 lines 1020-1022

286 Witness Testimony Lamin Cham 8th July 2019 lines 1014-1017

287 Witness Testimony Lamin Cham 8th July 2019 lines 1126-1144

288 Witness Testimony Lamin Cham 8th July 2019 lines 1315-1318

289 Witness Testimony Lamin Cham 8th July 2019 lines 1434-1438

253. In concluding his testimony to the TRRC, Lamin Cham decried the repressive laws that are detrimental to the progress of journalists in The Gambia and that even though many have been removed, there still exist loopholes that people in power can exploit.²⁹⁰ He expressed disappointment at the slow pace of reforms of the current government and the fact that “*the evil forces that perpetrated these atrocities against people are still very much alive*.”
254. Other people that were arrested, detained and seriously tortured at the NIA in connection with the Freedom online newspaper saga include **Malick Mboob**, Public Relations Officer, at the Royal Victoria Hospital (RVTH) **Lamin Bojang** an employee of Medical Research Council (MRC) and **Alagie Kebba Kanyi (Kebba)** a fifteen (15) year old school boy.
255. **Malick Mboob** testified before the Commission on July 15, 2019 he was taken to the NIA Counter Terrorism Unit. He was asked to write a statement, which he did. Apparently his statement was not what they wanted to receive. He was threatened that he would be given ‘the *VIP treatment*’ if he did not change his statement. He still maintained that he would not change the statement because he knew nothing of what they were accusing him of.²⁹¹ At that point, **Tumbul Tamba** asked **Ismaila Jammeh** to escort the witness downstairs for the *VIP treatment*. He was led downstairs by **Musa Jammeh (Malia Mungu)** and **Ismaila Jammeh**. On their way, the other Junglers who were standing along the corridor followed them down stairs.
256. He described the place where he should be given the *VIP treatment* as: “*It is a ring shape, circular and moulded with bricks. Musa Jammeh (Malia Mungu) asked me to sit on the ground, and I complied immediately. He asked me to remove my suit. I was left with my shirt. He repeated the same questions that were asked in the conference room. He said he was giving me my last chance. I told them, ‘to go ahead and kill me or torture me, but I am not going to change my statement.’ When Musa Jammeh (Malia Mungu) got fed up with repeating the questions and getting the same answer. He said, ‘okay, since you did not want to change your statement, we will bury you alive... We will fire you but before talking about the bury aspect.’*”
257. **Musa Jammeh (Malia Mungu)** asked one of the guys holding an AK47 to cock his gun and fire at him. He said the man cocked the gun but did not pull the trigger and **Musa Jammeh (Malia Mungu)** asked him to stop. He asked him again, “*Malick, are you ready to change your statement.*” When he refused and told them: ‘*no, go ahead and do whatever you want to do, but I am not going to change my statement.*’ Then he said: “*okay, then let us bury him alive.*” He was not buried however instead he was beaten again. Musa told the guy with the spade to beat him. They cut down branches from the trees around them and beat him.²⁹² He was beaten by all the others, except **Musa Jammeh (Malia Mungu)** and **Ismaila Jammeh**.
258. The beatings went on for about thirty (30) minutes but stopped when **Musa** received a phone call and stepped aside to answer it. **Ismaila Jammeh** took the opportunity to whisper to him that the call was from State House. He didn’t know if it was from the former **President** or not. Ismaila also told him: “*we were asked to torture you but not to kill you, but the way things are going we may kill you...he told me when Musa returns, pretend you are dead*”

290 Witness Testimony Lamin Cham, 8th July 2019 lines 1476-1492

291 Witness Testimony Malick Mboob 15th July 2019 lines 69-72

292 Witness Testimony Malick Mboob 15th July 2019 lines 83 – 151

when they are beating you so that they can leave you.” When **Musa** returned after the phone call, he asked them why they stopped beating him. They did not say anything. According to **Malick, Musa Jammeh** asked them to continue beating him and they resumed the beating. It was at that point, that he decided to take **Ismaila Jammeh’s** advice and just pretend that he was dead. He said **Musa Jammeh (Malia Mungu)** warned them that: “if you kill him, I will arrest all of you.” From the tortures. He was taken back to his cell. When he got inside the cells, he said his co-detainees were scared because he was bleeding all over his body and they did not know who would be next.

259. In his testimony to the Commission on October, 22, 2020, **Lamin Bojang** narrated his torture. He told the Commission that he was taken to a solitary place behind the building at the beach side. He observed that one of the men wanted to kick him so he dropped on the ground. He was placed in a ring where the beating started. He was “kicked, stamped upon and beaten with sticks and something plastic for a while to the extent he could not feel pain any longer then afterwards he was taken upstairs, then someone ordered them to stop and he was dragged back to the interrogation room. He had lacerations all over his back, and head.”²⁹³ He recognised **Sanna Manjang, Modou Jarjue (Rambo)** and **Malick Jatta** as part of the group that tortured him. He knew for certain that **Malick Jatta** was among the torturers when he heard a voice saying: “LB if you don’t speak the truth we will kill you.” He recognized the voice as that of **Malick Jatta**, a Jungler from Tujereng.
260. After his ordeal, he told his fellow detainees to brace themselves for torture. He also recalled a situation when **Modou Jarjue (Rambo)** and **Sanna Manjang** came for journalist **Buba Jarjue, Malick Mboob and Lamin Cham** were all tortured by the Junglers. He informed the Commission that all the other detainees were tortured except **Pa Modou Faal** because he had personal relations with **Tumbul Tamba**. He informed the Commission that it was the **Hon. Duta Kamaso** who nursed their injuries. After their first night, he did not see **Haddy Darboe** because she was detained at the conference hall and he wouldn’t know if she was tortured, but she was granted bail with some of the others and asked to be reporting to the NIA on daily basis.
261. When he was taken back to interrogation room he was threatened that more torture would follow if he does not tell the truth. He stated that they wanted him to tell them he was supplying information to **Pa Nderry** so as to produce the evidence to impress the **President**. The deputy director of the NIA **Momodou Hydara** was leading the panel. **Lamin Ceesay** was leading with the questions and almost everyone in the panel asked him questions. Other members of the panel were **Lamin Cham**, and **Boto Keita** from the GPF, **Lt. Musa Jammeh (Malia Mungu)**, **W.O.2, Nfally Jabang** from the State Guards and **Abdul Aziz Hydara, Lamin Hydara**, and **Nuru Secka** from the NIA and **Ousman Jackla Ceesay** (Internet café operator).²⁹⁴
262. This assumption was based on the information that he received from **Malamin Ceesay**, one of the panellist that the Panel had no evidence against those arrested and had given the list to the NIA Director to be passed on to the President. However, this was not done. Instead they tried to prevail on them to accept that they were informers. **Nfally Jabang** tried to make him change the statement he had made at the police station and compel him to sign a confession

293 Testimony of Lamin Bojang 22nd October 2020 line 462-572
294 Testimony of Lamin Bojang 22nd October 2020 line 414-435

that he was communicating with **Pa Nderry**. They made up a confessional statement and asked him to sign it which he refused to do; **Musa Jammeh (Malia Mungu)** also tried to prevail on him to sign the statement to no avail.²⁹⁵

263. **Alagie Kebba Kanyi (Kebba)** testified to the Commission on November 16, 2020. He narrated how he was lured out of his house at night under the pretext that he had a parcel from his brother. He was dragged out of his father’s car and four (4) men started beating him as soon as he got into the car. They were hitting and punching him and even the driver would at some point turn and hit him on the face. This continued until they got to Banjul. They were hitting him everywhere their hands could reach, on the face, stomach, and his chest. At some point one of them would ask a question and when he tried to answer, another one will slap him and say: “you are not to talk”. His face was covered with blood. He was in agony.²⁹⁶ The journey lasted for about thirty (30) minutes but he felt like he was in the vehicle for a longer time. He was just a child and the whole situation was bewildering. He was just a fifteen (15) year-old against four (4) grown men. The beating stopped when they got to the NIA. He had sustained some injuries and he was bleeding from the nose and mouth. He had blood all over his face. He must have broken a bone and his face was swollen.
264. **Kebba** further narrated that by the time they got to the NIA, he did not have why he was arrested. He could remember all the questions they asked but none of them made sense to him but the ones he could remember was “Who his parents were? What was their political affiliation? What party they belonged to? What part of the country they are from? “Who he was working with?” The questions confused him further. They accused him of been a computer hacker and working with someone to sabotage the government. They talked about the **Freedom Newspaper** and said he was working with them. He indicated that the people that interrogated him were different from the ones that brought him in.²⁹⁷ At the NIA he was pulled out of the vehicle and the four (4) men handed him over to other two men who continued beating him while they walked into the NIA. He was thrown into a cell and they left. The cell was extremely bright and he could not tell what time of the day it was and he was extremely dirty and uncomfortable. There were many mosquitoes and he had to use his shirt to cover himself, but he could not sleep the whole night and he was in pain.
265. The following morning he was interrogated. His injuries were visible to the persons questioning him but they did not provide him with any medical treatment, He could not see his parents and he did not have access to a lawyer. He was interrogated without taking cognisance of his rights as a child. According to the witness, they treated him in the same manner as an adult suspected of a crime. The only time he spoke to his parents was when he was released. He later found out from an old security man that the leader of the group that arrested him was **Tumbul Tamba** who later lived in his neighborhood. During that period, he was terrified of his torturer.²⁹⁸
266. **Harry Sambou**, Director General of the NIA during the Freedom online newspaper saga confirmed the tortures and told the Commission that the incident coincided with the 2006 failed Ndure Cham failed coup d’état and the mood at the NIA was that they were dealing with dissidents who wanted to overthrow the government. As a result, the civilians were

295 Testimony of Lamin Bojang 22nd October 2020 line 574-699
296 Testimony of Kebba Kanyi 16th November 2020 line 228-301
297 Testimony of Kebba Kanyi 16th November 2020 line 307-436
298 Testimony of Kebba Kanyi 16th November 2020 line 443-480

viewed in the same light as the alleged coup plotters. Even the teenager **Alagie Kanyi** was not shown any mercy. According to **Harry Sambou**, once a matter was linked to a suspect, the individual was tortured to confess or in certain cases, tortured just for the sake of it even after a confessionary statement was obtained. He agreed that the NIA was used as a torture chamber and the Junglers were the instruments of torture that the former **President Yahya A.J.J. Jammeh** used as a tool to deal with his enemies. He informed the Commission that he had tried to negotiate with the former **President Yahya A.J.J. Jammeh** for the release of the persons detained in connection with the Freedom Newspaper online saga was dismissive of his request and refused.

H. TESTIMONY OF FATOU JAGNE SENGHORE

267. **Fatou Jagne Senghore** of Article 19, a human rights defender serving on several boards and committees of media and human rights institutions in Africa: including Chair of the Board of Directors of the Gambia Radio and Television Services (GRTS), Member of the Governing Board of the Pan African Network of Human Rights defenders, Member of the Technical Drafting Team for the Revising of the Declaration of Principles on Freedom of Expression in Africa (2018 -2020) recipient of many awards and distinctions for her human rights work particular on the Gambia and researcher and publisher on human rights testified to the Commission on May 6, 2021.
268. She told the Commission about the role she played at the personal level and that the organisations that she worked for - Institute for Human Rights and Development in Africa (IHRDA) and Article 19 had played in supporting journalists and media organisations in The Gambia. For her the defining moment in her human rights career was: *was the April 10 and 11 2000, demonstration when a group of students protesting against the alleged rape of a female student in police custody in the Gambia were brutalized and dozens of them killed. The fear of many affected families and the indifference of opinion leaders that followed such a sad incidence made her to realise how important the challenges of working in human rights in the Gambia were, but it had increased my resolve to stand up and defend human rights. With a group of colleagues, we created a coalition of human rights defenders to support the victims and their families and to hold the government to account²⁹⁹. We tried to support the victims, raised concerns on the state of affairs and got involved in some of the court cases³⁰⁰* This narrative is corroborated by Emmanuel Joof, Chairperson National Human Rights Commission in his testimony to the TRRC on May 20,2021.
269. The confusion and pressure pushed the government to pass the indemnity bill to cover up and entrench impunity, instill fear among the public and embolden the security forces. The National Coalition of Human Rights Defenders published a statement to denounce the adoption of the Bill³⁰¹
270. A few weeks after the incident she attended a meeting of the African Commission on Human and People's Rights (ACHPR) in Algeria, and took part at the Session with the management of the IHRDA (the organisation she was then working for) and made a public statement about the killings of students in the Gambia. This attracted some attention as it was the first

299 The Group met on April 11 and adopted a declaration and later set up the coalition
 300 (714) EMMANUEL DANIEL JOOF TRRC PT2 20.05.21 - YouTube 1:08:01-1:10:12/2:03:49
 301 Gambia: Public Condemn Government's Rejection Of Commission Report - allAfrica.com

time a statement about the appalling human rights situation in the Gambia was made before the ACHPR.

271. During that time, a lot of pressure was on judges and lawyers and human rights organizations. A case in point, was the case of **Muhamed Lamin Sillah**, the spokesperson of the Coalition. He was arbitrarily detained and maltreated. His case dragged and was later brought before a judge³⁰². He subsequently left the Country after his release. This incident is also corroborated³⁰³
272. When she joined ARTICLE 19 in 2002 she oversaw ARTICLE 19's work with the ACHPR that culminated in the adoption of the Declaration of Principles on Freedom of Expression and the establishment of the Special Rapporteur on Freedom of Expression. Throughout her human rights career, she has paid special attention to The Gambia, using all possible avenues of her work to expose the violations in the international and African media and before regional and international human rights institutions. With her team, they were able to provide trainings and protection to many Gambia journalists and human rights defenders who were persecuted during the repressive regime of **Yahya Jammeh**. The trainings were conducted in The Gambia and in Dakar and hundreds of journalists and human rights defenders benefitted from the capacity building programmes from 2002 to date.³⁰⁴
273. She told the Commission that since the military coup d'état of 1994 that brought President **Yahya Jammeh** to power, the human rights record of The Gambia has sharply deteriorated. Journalists, political opposition leaders and freedom of expression advocates have been the most affected. The Gambia, that was once considered the capital of African Human Rights was turned into an extremely oppressive context for journalists and vocal human rights defenders. Until the recent change, The Gambia was ranked as the worst violator of press freedom and fundamental rights in the West Africa region.
274. The number of Gambia journalists who fled the country since 2006 for security reasons was estimated to be more than 100. This has had a major chilling effect on media practitioners and freedom of expression advocacy work in the Gambia. The State had resorted during those difficult years to different means of repression ranging from murder, torture, and forced disappearances, physical assaults, destruction, arbitrary closure of media outlets and systematic intimidation and harassments to silence influential and critical voices. The killing of Editor **Deyda Hydara** in 2004 and the enforced disappearance of **Ebrima Manneh** in 2006 increased the climate of fear that already existed.
275. Besides the direct attacks on the media, opposition leaders, and citizen were also targeted. In addition, problematic legislation was used to further muzzle and suppress freedom of expression. These include the Criminal Code (Amendment) Bill 2004, which widens the definition of libel and expands the class of actions, or expressions that attract criminal liability, and the Newspaper Amendment Act 2004, which imposes exorbitant fees for registration of media outlets. The provisions on seditious and treasons have also been constantly used to reduce to silence critics and legitimize imprisonment. Between 2005 and 2013 other laws were passed to tighten the space (see: A19 response below)

302 BBC News | AFRICA | Gambian rights activist released
 303 (715) EMMANUEL DANIEL JOOF TRRC PT2 20.05.21 - YouTube 1:10:53-1:12:27/2:03:49
 304 More than hundred journalists and activists benefited from our programme over the years.

276. Despite the existence of numerous commercial radio stations, the coverage of the national news and current affairs has remained during the twenty two (22) years, the prerogative of the government broadcaster, the GRTS. Private broadcasters were obliged to relay integrally the pro government news provided by the national broadcaster, GRTS which did not provide a platform for individuals to air their views or cover any event or news that could be critical of the state. Far from being a public service GRTS was a mouthpiece of the Head of State. Most of its programmes were propaganda in favour of the then ruling **President**. Evidence has shown that even during elections, the opposition was not afforded free and equitable access. The Gambia was then the only country in the West Africa region without truly independent private radio stations. In the past, radio stations who attempted to provide a platform for public debate on issues of National interests have been silenced.³⁰⁵ In The Gambia, basic coverage of the news used to take journalists to prison. The level of intolerance of critics and professional coverage by media was a major challenge. In most cases, the NIA (now State Intelligence Services: SIS) known for its hostility and brutality against journalists and critics was the instigator of most of the arrests. It carried out its activities without following due process and in most cases maltreated detained journalists.
277. As a result, many highly trained professionals left the country after being subjected to arbitrariness or due to the oppressive nature of the regime and the lack of opportunity to freely exercise their trade, express their views and opinions Many media outlets critical of the government have been closed arbitrary.
278. Since the December, 2016 election, this situation has changed as many stations de facto are opening up the airwaves to other voices and new broadcasting outlets both televisions and radios stations established. But these fragile gains will only be fully safeguarded if an adequate legal framework is put in place.
279. **Fatou Jagne Senghore**, told the Commission that ARTICLE 19 has been working on freedom of expression issues in the Gambia for more than a decade using a multipronged approach including capacity building, helping local actors to network with regional mechanisms and others partners, support victims and their families, document cases of violations, denounce, analyze laws and policies and issue press releases and statements to get more media interest in the region and engage the ACHPR and other regional bodies such as ECOWAS to address the situation.

(i) PUBLICATIONS OF LEGAL ANALYSIS AND SUBMISSIONS

- *In 1998 ARTICLE 19 conducted a mission and published its first report: unfinished business, highlighted the free speech impediments.*
- *In 1999 we published a Memorandum on the National Media Commission (NMC) bill drafted to stifle press freedom and to control the media through a registration scheme*

³⁰⁵ Radio one FM and citizen FM have been reduced to silence because of their programme aimed at enlightening the general public. Radio one had in the past a programme called Sunday news hour where people could phone in to discussed issues that affect them. It was burn down, and since then, its operations are almost ineffective. Citizen FM, another radio station had a daily programme in which it used to summarise the content of the newspapers in the local languages. Due the low literacy level and the cost of news print media, this programme was so popular. This attempt was seen as empowering the local communities who could not read or afford to buy a newspaper. The licence of the radio was cancelled and the equipment ceased without any warrant. Later the courts ruled in favor of the radio station, but the owner could not continue its programming due to the numerous other huddles the authorities put on his way. The owner subsequently died. In mid-August 2012, Taranga FM a community radio was raided and arbitrarily shot down by security officers and its license confiscated.

- *During the first IFEX meeting in Dakar in September 2002, The GPU under the leadership of Demba Jawo and Pa Nderri Mbai the then Secretary General mobilized support from IFEX to adopt a resolution on the draft NMC. According to the Fatou Jagne Senghore: “as a member of the Council, I represented ARTICLE 19 during the close door discussions and put the case forward and advocated for more support the Gambia.*

281. In 2004 Article 19 analysed the NMC Bill and supported The GPU and Journalists like Deyda Hydera (killed in December 2004), **Demba Jawo, Alagi Yorro Jallow and Swaebou Conateh** who challenged before the Supreme Court. In 2012 they published an “*Analysis of Selected Laws that Inhibit Expression*”:
282. An assessment on the state of freedom of expression, institutional framework that prepared the ground for the setting up of a media and communication faculty at the University of the Gambia was conducted under an EU assignment

(ii) MEDIA OUTREACH

283. At the personal level **Fatou Jagne Senghore** made regular media intervention in Senegal and in international media to raise concerns on the situation of the Gambia over the years. Their team in Senegal set up a platform with Ouestaf media³⁰⁶ to share news including in French to facilitate interaction with decisions makers and journalists interested in covering the Gambia and worked with Senegalese artists to produce song on impunity a first to raise awareness in Senegal on the dire situation in the Gambia³⁰⁷ after the execution of the nine (9) Mile II Prison death row inmates They also supported Gambia Artists in exile in Senegal to network and continue its work.

They also partnered with individuals organisations in The Gambia, Senegal and beyond including **Yen a Marr, Amnesty particularly the Senegal office, RADDHO, Ligue Senegalese, the African Editors Forum, South African Editors Forum**, our freedom of expression networks especially **IFEX, Senegalese editors** and all Journalists who supported Gambian when it was needed most, particularly: **Madiambal Diagne, Mathatha Tsedu, Mamoudou Ibra Kane, Fadel Barrow, Malal Talla, Cheriff Moumina Sy, Tidiane Sy.**

(iii) MEETING WITH OFFICIALS

284. From 2003 to 2016, she engaged the government through the Ministry of Justice on matters of concern. From 2003 and later, she met the Attorney General (AG) and Minister of Justice, Sheikh Tijan Hydera on the media laws. In 2009, after the arrest of politicians and journalists including **Halifa Sallah and Pap Saine** and the witch hunting exercise she met the Solicitor General, **Hawa Bah**, along with **Ndey Tapha Sosseh**, the then President of the GPU to raise concerns over freedom of speech and the persecutions of journalists. In October 2011, with a delegation of African Journalists and free expression organizations, they held a meeting with the then AG and Minister of Justice, **Edward Gomez** on the state of freedom of expression

³⁰⁶ Hamadou Tidiane Sy is the founder and Director of E-jicom, a journalism, communication and digital media school based in Dakar. He is also the founder of the award-winning online media organisation Ouestaf News (ouestaf.com).
³⁰⁷ [Xuman & Djily Bagdad & Tiat & Ombre Zion - Against Impunity \(HD\) - YouTube](#)

and the arrests of activists. In October 2012, she held a meeting with the AG and Minister of Justice, Lamin Jobarteh in Cote d'Ivoire during the ACHPR session after the executions of the inmates and subsequent arrest of journalists. In October 2016, she met AG and Minister of Justice Mama Fatima Singhateh in her office to raise the question of the political detainees, the harsh sentence against them and the killing of Solo Sandeng.

(IV) DIRECT SUPPORT TO VICTIMS OF REPRESSIONS

285. ARTICLE 19 supported journalists and HDRs at risks in the Gambia or in exile in Dakar (computer, accommodation, health ...) and legal support in Gambia through our lawyers and in Senegal for their asylum application. Many former senior government officials including ministers in exile in Senegal also benefited from our support. Below are some key cases:

- (i) *They supported the resettlement of **Abdoulie John, Sainey Marenah, Abdoulie Jobe, Sanna Camara** in Dakar, provided support to **Iman Baba Leigh** who was detained and torture for months who resettled in USA and we provided security advise and support to his family based in the Gambia. (**Pa Abdou Sarr, deceased** now). **Yusupha Mbye**, one of the April 10 victims. in the Gambia or in exile in Dakar (computer, accommodation, health ...)*
- (ii) *They hosted **Alagie Abdoulie Ceesay, the Manging Director of Taranga FM** in Dakar from April to November 2016, after he escaped from the hospital while in Prison after being arrested and tortured and charge with multiplies offenses include sedition with the help of **Sohna Sallah** of DUGA. He was provided with accommodation, psychological and medical assistanc before he was granted asylum in Canada and is now studying there.*
- (iii) *They worked with partners including Senegalese RED Cross, CSOs and Caprec. Hundreds of victims received support, counseling, and medical care, for many years they provided relief to journalists, politicians, security and other victims persecuted. In many instances, they supported the resettlement of refugees in Senegal. ARTICLE 19 and Caprec have work together on many of the cases to complement each other expertise.*
- (iv) *For many years, Senegalese CSO, the media and the government provided valuable political support that has enable to Gambia refugees to find some relief.*

THE COALITION AND THE ELECTION

286. At no point in time was the importance of a free media more recognized as a cornerstone of democracy and play an important role in influencing political discourse during elections as during the 2016 elections. Prior to the 2016 elections, Article 19 conducted 4 missions (April, July and October, and during the campaign, to monitor the situation. They held meetings with officials, diplomats, media, CSOs and lawyers and also visited victims and affected families. To bring the opposition on a democratic platform she took part in many other initiatives led by Gambian in the Diaspora, coordinated Gambians in the Diaspora including

Jeggan Grey Johnson of the Open Society Foundation. She worked with Gambians based in Dakar to provide support to the coalition and hosted their delegation and facilitated access to local and international media among others and provided briefing to most international media visiting The Gambia during the elections. She also facilitated access of the Coalition to the Senegalese and international media few days leading to the polls as access to local media was limited. When the Coalition won, she facilitated most of the first interviews with Senegalese media and may others.

287. Just after the election, before the impasse, she coordinated the hosting of President Barrow at Kairaba hotel with her colleagues **Ndey Tapha Sosseh** and **Aisha Dabo** who was on the ground to set the offices with the hotel management and her **Personal Assistant Aissata Diallo Dieng**. The Gambian online media played a significant role in raising awareness and exposing the violations and supporting the coalition. For so long, it filled the gaps and provided platforms to dissidents and oppositions members.

THE IMPASSE

288. When Former president Yahya Jammeh rejected the results, **Demba Jawo, Aisha Dabo, Ndey Tapha Sosseh** and **herself** had an emergency meeting in her house in Dakar that night to assess the situation, and decide on how they would help with the communication and media campaign to keep the narrative focused on the elections won peacefully by the people of Gambia. She first called Banjul to check on the members of the coalition and their safety and plans. They then mobilised their contacts in Senegal and the region to get support and to ensure that victory will not be diverted and to send the focus one the narrative of the peaceful change.

THE MEDIA AND ADVOCACY DURING THE IMPASSE

289. **Mamadou Ibra Kane** of TFM organised a special Edition that night in which she participated and gave her perspective of the situation. They also facilitated contact for **President Barrow** to be called. **Ndey Tapha Sosseh, Demba Jawo and Aisha Dabo** persuaded him to participate in the programme. His message changed the narrative and headlines of the news in Senegal that night as his tone was more reassuring and media amplified his condemnation of the decision by Jammeh. **Mankeur Ndiaye**, former Senegalese Minister of foreign affairs was also on the programme, he rejected the position of **Jammeh** and reiterated that Ecowas will not accept the plans to reverse the results. From there, the marathon started. She did the morning edition on RFI and most of the team were on the different media across to ensure we send a clear the message. After that night, they realised that the hard work was starting again and this time, it will be more on the political side and the communication needed to be readapted to the new circumstances.

290. With the uncertainty and Jammeh' perseverance, many Gambians started to leave the country by the day to seek refuge in Senegal, it was tense and difficult moments. They helped the activists such as Gambia Has Decided who arrived in Dakar and linked them with other local activists and the media to ensure that we all speak one voice and as many as possible. I frequently was in touch with the coalition members, especially, **Halifa Sallah** for

the media and political updates to ensure that they kept to the reality on the ground in their interactions with the media they got updates from the senior members of the coalition. They also received regular and independent updates from their local contacts. **President Barrow** was also accessible on the phone.

291. Those were tense and difficult moment, due to the many imperatives that one needed to be taken into account; the security of the country was at stake, we needed to always talk with authority, convince our supporters and get others on board as many were convinced that Jammeh has the right to reject the results and call for new elections and be allowed to get judges to hear his case. The abuses by the parliament of its authority and the overall legal manipulation at that time, gave President Jammeh false hope that he could stay, it also put the lives of Gambians and the stability of the country at risk.
292. Human rights organisations and most countries across the world supported Gambia but were concerns by the prospect of an open conflict. A senior Gambian diplomat that **Fatou Jagne Senghore** contacted during the impasse who did not want to resign at the beginning told her that Jammeh was in a destructive path and wanted the “*deluge after him*”. Luckily, this never happened because the world stood in solidary with The Gambia and did not turn a blind eye. A great lesson for all of us in this country that should guide the transition and push us to succeed.

I. ANALYSIS OF THE EVIDENCE

293. The 1997 Constitution of the Gambia, being the Supreme law of the land, guarantees the following rights under Chapter IV from Sections 18, 19, 21 to 25 and Section 33:
- *Protection of the right to life*
 - *Protection of the right to personal liberty*
 - *Protection from inhumane treatment*
 - *Protection of deprivation of property*
 - *Right to privacy*
 - *Provision to secure protection of the Law and fair trial*
 - *Freedom of speech, conscience, assembly, association and movement*
 - *Protection from discrimination*
294. Considering the foregoing, pursuant to sections 17 of The Constitution, the above-mentioned rights are to be upheld by all organs of the government and shall apply to all persons within the jurisdiction of The Gambia.
295. The Gambia is also party to numerous international instruments such as the ACHPR, ICCPR, UDHR, CRC, ACRWC and CAT. Together with other recognized protocols, reports by special rapporteurs and general comments, these instruments provide for the protection of the rights abovementioned.
296. Preliminarily, looking at the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child, the rights of baby **Muhammed of Sarata Jabbi Dibba** can be said to have been violated. This is because the judicial process and security agents did not consider the best interest and wellbeing of the child while convicting and

sentencing **Sarata**, which inadvertently affected the baby as well. Not only was the baby taken to Mile II Central Prisons with his mother, where he spent three days, but he was then forcefully removed from her at seven months and breastfeeding, affecting his nutrition and wellbeing.

297. Between 1994 to January 2017, three journalists had died extrajudicially. **Omar Barrow** was shot and killed by security personnel during a protest. **Deyda Hydara** was shot by agents of the state due to his critical writing about the government. In both cases, the government was implicated by evidence given and additionally, through their conduct of not upholding the duty of the state to investigate and charge the perpetrators.
298. Additionally, the disappearance of **Chief Ebrima Manneh** occurred while he was in the custody of Gambian state agents. While it is uncertain as to what happened to **Chief Manneh** and his actual whereabouts to death, there is evidence that after his arrest by NIA officials, he was moved around in different loctions and since that time no one had set eyes on him nor heard from him. **Chief Manneh** is said to be dead and this may have also occurred due to the VIP treatment received as a detainee. Despite the state denying having **Chief Manneh** in custody, they also failed to investigate his disappearance as reported by his family and colleagues. The evidence shows that the right to life of the mentioned journalist was violated and the state failed in its obligation to investigate the perpetrated crimes.
299. There were numerous testimonies by journalists as to their arrest and detention. They also buttressed numerous arrests and detention of other journalists that are not a part of this list or have passed away. As the GPU mentioned, there are about 140 reported cases of arbitrary arrests and detention. On many occasions, if not all, the process of arresting and subsequent detention was carried out without due process of the law. Persons arrested were picked by plain-clothed officers who refused to identify themselves or provide a warrant. Often detainees were not informed about why they had been arrested until the passing of the three-hour threshold of informing them why they had been arrested. On some occasions, the journalists were not informed of their rights and were detained for more than 72 hours without being arranged at court or officially charged with an offence. Victims of such acts were also never compensated for the ordeals that they had gone through. Because of these acts, the government failed to guarantee the right to liberty and security of persons of the journalists.
300. Section 21 protects all persons from being subject to torture or inhumane and degrading punishment or other treatment. The Gambia is also party to the UN Convention Against Torture which prohibits torture and degrading treatment. While these laws were fully in place, it did not stop the state and its agents, especially the NIA, from involving in torturous acts against journalists they had arrested and detained. **Malick Mboob, Buya Jammeh, Lamin Cham, Lamin Bojang and Alhajie Kebba Kanyi** all testified as to how The Junglers physically beat them while in detention at the NIA. **Alieu Badara Sowe** shared the story of being stripped down to his underwear and teased by security personnel. Additionally, **Sarata Jabbi Dibba** gave evidence regarding her forced separation from her 7-month-old son while in prison, which affected her psychologically and emotionally, manifested by her demeanour while testifying. It is also important to note that most detainees attested to being woken up at around 2-3 am and questioned and beaten. This constitutes sleep deprivation which is also a form of torture.

301. Further, from the testimony of Mr. Cherno Marena, on the theme” Examination of the Justice Sector Institutions: How they contributed to the violations of rights between 1994 to January 2017”, where he testified on March 25, 2021, it could be cited that there are have been abuses of pre-independence laws that were excessively abused by Jammeh, one of which is “giving false information to a Public Officer” and such provision hinders freedom of speech. He stated that there are a few legislations in the laws of The Gambia that attained notoriety in their use against public officials. He furthered that these were not laws necessarily put in place by Jammeh, safe for the Criminal Code, the offence of “Giving false information to a Public Servant,” which was later amended to “Public Servant” to include the President. As such, he told The Commission that the Criminal Code was pre-independent legislation. Since 1993, if the legislative intent was to discourage the transmission of false information instead of its implementation based on which it was created, it was mainly used by Jammeh’s government against whistleblowers, which could include journalists who exposed wrongdoings of the previous government. He also added that even journalists were heavily against said legislation. They believe that it is inimical to freedom of speech and information by reason of the abuse of the legislation.³⁰⁸
302. Additionally, journalists testified about having to leave the country and go into exile for their safety. Many had received threats in advance, which basically had them leaving in fear and some still felt unsafe in neighbouring Senegal. This, coupled with being away from one’s family, not being able to work and almost being homeless as in the case of **Buya Jammeh**, can be assessed as a traumatic situation and cruel punishment for being a journalist. From this analysis, it can also be said that most arrested journalists were tortured either physically, mentally or emotionally.
303. **Buya Jammeh**, in his testimony, provided that police had confiscated and smashed some of his equipment in 2001. Other journalists also testified about witnessing their colleagues’ equipment getting seized or destroyed at the solidarity procession for **Deyda Hydara**. More so, certain media houses had been invaded and shut down, making staff and owners unable to access the property. While there could be claims that the properties were confiscated or destroyed due to their owner’s violating laws, the due process to determine such was not taken in any of the mentioned cases making the acts of the state agents ultra vires. There are also allegations of the destruction of private properties during the arson attacks on *The Independent*, *Radio1 FM* and the domicile of **Ebrima Sillah**. While these do not constitute compulsory possession of the property, the owners were deprived of their properties which were destroyed. The state also failed in its obligation to investigate and pursue these arson cases.
304. Searches of the person or home of an individual are only warranted by a court of law or in situations in which delays may cause prejudice. The police and NIA officers engaged in the searches of homes of journalists and detainees without any warrant or the need for urgency. As per the testimony of **Ndey Tapha Sosseh**, despite her not being in The Gambia, her mother’s house was forcefully searched twice, destroying items while turning them over. **Abubacarr Saidykhan**’s house was forcefully broken into and there is testimony of the house of one Saliou Mbowe’s house getting searched at 2 am using tear gas. These searches were arbitrary, unlawful, and employed excessive force resulting in property damage.
305. Journalists such as **Malick Mboob** and **Sarata Jabbi Dibba** were also made to open their emails for the NIA to read their private conversations with others. It must also be noted that none of these searches can reasonably be said to have been done in the interest of national security, public safety and the economic wellbeing of the country. As such, they can be deemed as violations of the victims’ right to privacy.
306. The right to fair trial of journalists was also at risk during this time. According to the testimony of **Abubacarr Saidykhan** and **Sarata Jabbi Dibba**, their trials were particularly difficult as they were treated as guilty criminals even before the matter was decided. While they were afforded the right to counsel, getting informed about their charges, there was much speculation regarding the independence of the judiciary. Section 120(3) & (4) of The Constitution provides for the need to have an independent judiciary free from all and any interference. There was a lot of doubt cast on the judiciary at the time due to the demeanor of judges in court during the trial of journalists and in the sentences afforded to journalists, which are generally believed to be disproportional. Therefore, if section 24 is read together with section 102 (3) & (4), it is clear that the right to a fair trial of journalists such as **Bruce Asemota**, **Pap Saine** and the GPU 7 had been violated.
307. Section 33 of The Constitution further provides for freedom from discrimination which provides for equal protection before the law; however, as stated above, journalists were hardly treated impartially by agents of the executive and certain members of the judiciary they encountered. This was always based on their opinions and can therefore be classified as a violation of their right to freedom from discrimination.
308. The right to freedom of speech, conscience, assembly, association and movement are enshrined under section 25 of the Constitution. Freedom of speech includes freedom of the press, giving them the right and opportunity to write and publish articles, broadcast shows impartially while being critical of the government. These laws were not protected and fulfilled by the Jammeh regime as journalists were constantly harassed, attacked, arrested, detained, tortured, threatened, deported, exiled, charged, convicted and in some cases killed in an extrajudicial manner. This made it difficult for most to exercise their freedom of speech due to fear for their own lives and safety. In some cases, media houses were forcefully shut down to prevent them from broadcasting or printing freely. Without much explanation, it is clear that there cannot be any freedom of speech and press in an intimidating and life-threatening environment.
309. There was also interference with journalists’ freedom of thought, conscience and belief, as narrated by **Malick Mboob**, that even the questionnaires they had to fill out while detained required them to provide information such as their tribe, the party they belong to and voted for in the last election. As manifested in the GPU 7 case as well, journalists were arrested based on their affiliations. This is a clear violation of the rights of the journalist and a giant hurdle to their right to freedom of expression and association.
310. Due to the volatile situation of journalists in The Gambia, many had to seek protection in foreign lands and were unable to come back home to The Gambia. This created an infringement on their right to freedom of movement into The Gambia.

308 Witness Testimony Cherno Marena 25th March, 2021 lines

311. The 1997 Constitution of The Gambia Chapter 111 dealing with Citizenship clearly spells out who a Gambian citizen is. Yet efforts were made to deny Ndey Tapha Sosseh, Pap Saine, Alhaji Yorro Jallow and Baba Galleh their citizenship rights. In the case of Ndey Tapha Sosseh by denying her a passport and for Pap Saine, Alhaji Yorro Jallow, Baba Galleh Jallow and Demba Jawo questioning their nationality.

J. FINDINGS

From evidence of the witness testimonies, the Commission notes the consistency of the witnesses in narrating the incidents of harassments, arbitrary arrests, unlawful detentions and torture of media practitioners who the **Jammeh** regime perceived as its enemies. All the witnesses who testified about this theme speak about the same incidents with a great degree of similarity. It may thus be concluded that the witnesses are very credible and that their testimonies in general ought to be believed. The Commission finds that:

1. There was a very short period of cooperation between the Jammeh government and the media. It appears to the Commission that from the outset, **Yahya A.J.J. Jammeh** viewed freedom of expression and of the press as a real and credible threat to his tyrannical rule. He therefore devised means to muzzle and silence the media. With the failed charmed offensive towards the media of the early days, former **President Yahya A.J.J. Jammeh** resorted to other means to deal with journalists.
2. **Former President Yahya A.J.J. Jammeh** used a multi pronged approach in dealing with the media. It is obvious from the evidence that **Jammeh** did not want or entertain any criticism of himself or his government from any quarter. The over 140 arrests and detentions of media practitioners shows a deep-seated intolerance for freedom of expression and the media exercising its functions of promoting public participation, accountability, and democracy as he viewed this as a threat to his power.
3. **Former President Yahya A.J.J. Jammeh** used the law (the existing colonial legislation or drafted new laws of a draconian character) to silence or muzzle the media. Attempts to silence the media through legal means included making changes to the relevant laws and also making the requirements more stringent as in Decree Number 4 that essentially banned political expression. The aim was to tighten the legal noose around the necks of media practitioners by making legal conditions for registration more difficult for newspapers and/or other media platforms, making fines/penalties for violations much stiffer and criminalising certain acts that ought not to be made criminal in a progressive democratic society. The ultimate objective of all these being to ultimately instil fear in the hearts of media practitioners in the country and deter them from being critical to him.
4. This did not faze the media fraternity as they resisted by being openly defiant as in the case of the *Foroyaa* newspaper-**Halifa Sallah** and **Sidia Jatta** who were eventually arrested, detained, prosecuted and convicted for distributing their newspaper when they were banned from so doing.
5. A consistent pattern of conduct by former **President Yahya A.J.J. Jammeh** which points to a trend that any citizen who dared go against him or his wish or state publicly a view or share information that may be construed as poor portrayal/critical of his government would be branded an enemy who had to be dealt with.
6. Most if not all media practitioners who were arrested and detained at the NIA (which is part of the Office of the President) were tortured. The tortures were mostly carried out by Junglers brought in from State House. This could not have happened without the direct involvement of **Former President Yahya A.J.J. Jammeh** himself. This consistent pattern of torture at the NIA of journalists who **Yahya A.J.J. Jammeh** considers as his enemies demonstrates a state or organizational policy to torture persons involved in cases that **Yahya A.J.J. Jammeh** had an interest in.
7. **Former President Yahya A.J.J. Jammeh** was prepared to go to any length in his attacks on the media. The treatment of the broadcast media which had a deeper reach and more easily accessible to the masses was more stringent than that of newspapers. The arson attacks on (i) *Radio 1 FM*, causing injury to the owner, George Christensen, (ii) the home of Ebrima Sillah former *BBC* Correspondent and (iii) the closure of *Citizen*, *Sud FM* and *Teranga* radio stations including the harassment, arrests and detention of Abdoulie Ceesay proprietor of *Teranga Fm* show that Jammeh was intolerant to the broadcast media.
8. **Former President Yahya A.J.J. Jammeh** was also brutal to the print media. The evidence on the attacks of *The Independent* newspaper, the attacks on **Ebrima Ceesay** and the enforced disappearance of **Ebrima Chief Manneh** are just examples of the extent he would go to silence journalists and media houses he viewed as his enemies.
9. **Deyda Hydara** might have caused great discomfort to **Former President Yahya A.J.J. Jammeh** through his column “*Good Morning Mr. President*” which he used as a platform to effectively criticise then **President Jammeh** and his stoic efforts that finally led to the repeal of the National Media and Communications Act. These two activities caused **Yahya A.J.J. Jammeh** to order his junglers to assassinate **Deyda Hydara** in 2004. The Junglers have testified before The Commission and confirmed that they carried out the assassination on **Yahya A.J.J. Jammeh’s** orders.
10. **Former President Yahya A.J.J. Jammeh’s** hatred for the media could not be more exemplified than by his visceral hatred for **Pa Nderry M’bai** who for more than a decade made it a preoccupation to constantly reveal the most scandalous secrets of the **Jammeh** government. Due to the fact that Pa Nderry M’bai was abroad and out of Jammeh’s reach he devised several means to silence him including by blocking internet access to the **Freedom Online Newspaper** site and attacking known users of the site. The alleged hacking of the **Freedom Online Newspaper** and the subsequent arrests and brutal tortures of individuals who were discovered to have used the site further shows the extent to which **Jammeh** would go to deal with his perceived enemies, especially those in the media. The Commission further finds that the evidence given by of the witnesses is credible including the inclusion of **Pa Nderry M’bai** as the number two person on **Yahya A.J.J. Jammeh’s** spiritual hit list.
11. In addition to enforced disappearances, unlawful killing or arson attacks, **Yahya A.J.J. Jammeh** also used other means such as deportation to silence the media. The Commission notes the instances of at least seven deportations of journalists from the Gambia including **Kenneth Best** and the making of conditions so untenable that many journalists left the country.

12. The government of the day had very little respect for the journalists' commitment to keeping their source. Journalists including **Pap Saine, Alieu Badara Sowe, Bruce Asemota** and others were frequently questioned about their source and where they refused to divulge the source they were arrested and detained. Whistleblowers would be too scared to pass on information to reporters in confidence; individuals, businesses and governments would be able to get away with whatever they wanted without the scrutiny the press - or fourth estate provides.
13. Even though **Former President Yahya A.J.J. Jammeh** was not present neither did he directly participate in the following crimes, the Commission concludes that **Yahya A.J.J. Jammeh** is ultimately responsible for the crimes for the following reasons: The confessions by the Junglers that they carried out the criminal acts on the orders of **Yahya A.J.J. Jammeh** through their senior officers at State House who in turn ordered the Junglers to carry out the acts.
 - ii. *The fact that Yahya A.J.J. Jammeh knew that Junglers who were directly under his command and control committed criminal acts publicly complained about and failed to have them investigated and prosecuted.*
 - iii. *In the case of the murder of **Deyda Hydara** and the arson attack on Radio 1 FM, the confessions of the Junglers and in particular the confessions of **Bai Lowe** that they carried out these acts with the knowledge of **Yahya A.J.J. Jammeh** and on his orders and the fact that he **failed** to respond to complaints about these acts also show that he had foreknowledge about the violations and gave orders that they be done.*
 - iv. *The failure of the government to genuinely investigate the crimes and in the case of **Deyda Hydara** the efforts of the NIA to cover up the crime of **TheJunglers** by fabricating false evidence seeking to paint **Mr. Hydara** in poor light and blame him for causing his own death in the hands of a jealous civilian.*
 - v. *Statements by Yahya A.J.J. Jammeh trivializing the value of investigating the **Deyda Hydara** case show that he had something to hide about that case.vi. The arrest and detention of the GPU Executive (**Emil Touray, Pap Saine, Sarata Jabbi, Pa Modou Faal and Sam Sarr**) when their President **Ndey Tapha Sosseh** wrote an open letter to Yahya A.J.J. Jammeh asking him to do a proper investigation of the death of **Deyda Hydara** and to desist from smearing the name of the deceased journalist.*
 - vii. *Statements by **Yahya A.J.J. Jammeh** calling journalists names with the intention of reducing their standing in the society as well as pitting journalists against members of the public.*
 - viii. *Amendments or creation of laws that are repressive in character aimed at silencing journalists.*
 - ix. *The numerous arbitrary arrests, unlawful detentions, inhumane and degrading treatment, physical assaults and and tortures that were carried out by state agents (**NIA and Junglers**) who were under the direction and control of the Office of the*

- President or the President himself – effectively under **Yahya A.J.J. Jammeh**.*
- x. *The numerous pardons that **Former President Yahya A.J.J. Jammeh** had given to journalists who had been arbitrarily arrested, detained and tried or convicted under unjust laws by complaint judges including, **Halifa Sallah, GPU and others** show that **Yahya A.J.J. Jammeh** was in charge and knew everything that was going on.*
14. *All these put together establish clear indicia by which responsibility for these crimes / human rights violations can be placed squarely on the shoulders of **Yahya A.J.J. Jammeh and the Junglers**.*
15. ***Lamin Cham** in his testimony indicated that when he was tortured at the NIA, **Foday Momodou Hydara and Nuru Secka** subsequently interviewed him. He however did not attribute any responsibility for his torture on these two individuals. The Junglers in their testimonies confessed to having carried out these tortures. As such, the Commission makes no adverse finding against **Foday Momodou Hydara and Nuru Secka** about these tortures.³⁰⁹*

K. RECOMMENDATIONS

THE COMMISSION RECOMMENDS THAT:

1. **Former President, Yahya A.J.J. Jammeh** should be investigated and prosecuted for the murder of **Deyda Hydara**, the disappearance of **Chief Ebrima Manneh**, the arson attacks on **Radio 1 FM** and **The Independent** newspaper and torture of all journalists and other persons mentioned in relation to the Freedom Online Newspaper issue.
2. An investigation be carried out for the purpose of prosecuting the Junglers who participated in the murder of **Deyda Hydara**, arson attack on **Radio 1 FM**, attacks on **The Independent** newspaper and torture of the journalists and other persons mentioned in relation to the Freedom Online Newspaper issue bearing in mind any recommendations for Amnesty that may be made in relation thereto.
3. A study be carried out on the Criminal Code and the Criminal Offenses Bill 2020 and the Criminal Procedure Bill 2019 with a view to removing/repealing or amending any provisions contained in it that are repressive or unduly restrictive or inimical to freedom of expression and of the press in a democratic society.
4. There should be a review of domestic laws relating to the media and carry out a comprehensive review of the regime with a view to bringing the Gambia's laws regulating the media in line with international standards and international best practice. Such a review shall include the National Media and Communication Act 2002, The Newspaper Registration and Broadcasting Act, and the Information and Communication Act 2009,

³⁰⁹ Testimony of **Lamin Cham**, 8 July 2019, lines 895-912

The government should:

5. With immediate effect, repeal all repressive legislation, including legislation that does not comply with international and regional human rights law, particularly the Information and Communication (Amendment) Act 2013 and Criminal Code (Amendment) Act 2013; being criminal libel and defamation. The Newspaper Act;
6. Take all necessary steps to ensure that all journalists are able to freely exercise their right to freedom of expression without fear of arrest, detention, intimidation, or harassment.
7. Ensure media and freedom of expression provisions contained within the Constitution comply with international standards, as outlined under article 19 of the International Covenant on Civil and Political Rights (ICCPR).
8. Provide comprehensive training and reform of the security sector to understand journalism and the importance of freedom of expression in a democratic government.
9. Issue a standing invitation to all UN special procedures, including the Special Rapporteur on freedom of opinion and expression.
10. Finalize a comprehensive reform agenda for laws restricting media freedom and freedom of expression, in line with the recommendations of the National Media Law Committee, transparently and with the full and effective participation of civil society, and submit this to the National Assembly without delay the draft Media law that provides for an independent regulation.
11. Repeal Section 173A of the Information and Communications Act 2009 (as amended 2013).
12. Reform the Criminal Code to fully protect media freedom and freedom of expression, in particular by decriminalising sedition and defamation, ensuring that individuals' reputational interests can only be safeguarded through civil litigation, in conformity with international human rights law.
13. Ensure media independence, including through reforms to Chapter IV of the Information and Communications Act 2009 and the repeal of the Newspaper and Broadcasting Stations Act 1994 (as amended in 2004), in particular, to ensure that broadcast content regulation is within the competence of an independent regulatory body applying standards in compliance with international human rights standards, and ensure the establishment of an independent public service broadcaster and the transformation of the GRTS into a public service broadcaster.
14. Review and reform legislation providing for government secrecy, such as the Official Secrets Act 1922, to bring it in line with international human rights standards.
15. Reform or replace Decree 81 (1996) on NGOs to comply with international human rights law, particularly Article 22 of the ICCPR.
16. Harmonise national legal provisions with international standards on freedom of expression under the ICCPR inter alia by repealing section 173A of the Information and Communications Amendment Act (2013) and by amending sections 25 (4) and 209 of the Constitution.
17. Protect the right to freedom of expression by repealing the Seditious Act and the Official Secrets Act
18. Protect freedom of expression by ensuring that all provisions of the Information and Communications Act of 2013 are brought into conformity with article 19 of the ICCPR.
19. Fully implement the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity.
20. Consider libel, defamation and media-related offenses, in general, as civil and not criminal offences, and as such, in the event of prosecution, should be The Newspaper and Broadcasting Stations Act 1944 (as amended 2004) be repealed and replaced to reflect the current trends in Information and Communication technology.
21. Ensure the full implementation of the Access of the Information Act.
22. Accept in totality the submissions and recommendations on the way forward of legal position papers from Article 19 and the GPU on media law reforms in the country.
23. Accept the November 2017 proposals of Article 19 on The Gambia: draft regulatory guidelines on media ownership.
24. Continue making progress in implementing ECOWAS Court of Justice decisions on ending impunity for crimes against journalists, in particular by ensuring persons responsible for the 2004 murder of Deyda Hydera, the 2006 enforced disappearance of Ebrima Manneh, and 2006 torture in custody of Musa Saikyhan, are brought to justice and implement the decision of the ECOWAS court decision of 2018 which called for the repeal of harsh media laws including sedition, insult, false news and criminal defamation;
25. Engage in comprehensive reforms to laws limiting the right to freedom of peaceful assembly to bring them into compliance with international human rights law, in particular the Public Order Act (repealing Sections 5 and 167), repealing Sections 15(A) and 72 of the Criminal Code, and the Indemnity Act;

ATTACK ON POLITICAL OPPONENTS

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OVERVIEW

1. When the military Junta took over the country, they made it known that they will not tolerate any form of criticism against their rule. The Junta justified the coup by alleging that the government of Sir Dawda Jawara was corrupt and government officials lived lavish lifestyles at the expense of the people. They presented themselves as saviours that had come to redeem the country from corrupt and selfish rule and espoused a doctrine of “accountability, probity and transparency”.
2. To entrench themselves and consolidate power, they set out to crush any form of opposition by unlawfully arresting, torturing and detaining prominent Ministers and politicians and of the former government like Omar Amadou Jallow (commonly known as OJ Jallow), Alhajie Mamadou Cadi Cham (M.C. Cham) and others in the aftermath of the coup.
3. This trend intensified in October 1995 with massive arrests of over fifty prominent politicians and ordinary civilians. Some of the detainees were severely tortured at the National Intelligence Agency (NIA) and at Fajara Barracks by personnel of the State Guard and NIA. They were subsequently detained in inhumane and degrading conditions in an old store at Fajara Barracks for over a year without following due process of the law. Comments made by soldiers and NIA officers during the torture sessions suggests that they were carrying out the orders of the military Junta. The mounting pressure from opposition parties on the Junta forced them to release the detained politicians in November 1995.
4. The military Junta resigned from the Army and formed a political party. The AFPRC announced its decision to transition to civilian rule, leading to the establishment of the Alliance for Patriotic Re-Orientation and Construction (APRC). The AFPRC/APRC wanted to win the elections at any cost, so they set out to do the following:
 - a) *Delay the movement of the UDP, seen as APRC’s biggest threat in the polls, at the start of the campaign to limit their progress.*
 - b) *Arrest members of the UDP during the campaign trail to intimidate and instil fear amongst its supporters.*
 - c) *Attack and beat supporters of the UDP party. Some of the supporters that were arrested and unlawfully detained in different locations were Sainey Sabally, Seyaka Sonko, Kamesseng Jammeh and Lamin Waa Juwara.*
5. The PPP, NCP and GPP were banned from contesting the 1996 election. Prominent Gambian lawyer Ousainou Darboe, the leader of the newly formed Democratic Party (UDP) in 1996, was detained without serious justification before he was later released. In September 1996, supporters of the UDP were attacked at Westfield by APRC supporters and by soldiers who ambushed them at Denton Bridge and subjected them to brutal torture them in the presence of Yankuba Touray and Edward Singhatey, then junta members. Two persons died as a result of the torture. These were Kebuteh Jaffuneh and a young unidentified woman. Many sustained permanent injuries. The APPRC won a landslide in the 1996 election which many observers concluded was not free and fair.

6. Even after evolving from military to civilian rule, the characteristics of the AFPRC remained unaltered and ruthless attacks on the opposition continued to pervade undiminished. From 2001 to 2006, the government of Yahya Jammeh used its institutions and supporters to violate the rights of the leaders of the opposition parties and their supporters. The leaders and members of the UDP lived in constant fear without much protection from the law.
7. When some former PPP Ministers decided to speak in defence of their party and show defiance against what they believed was an unlawful action of the military to usurp the constitutional order through a coup d’état, the junta decisively sought to neutralise the PPP by arresting and detaining its executive members as well as ordinary PPP supporters. Bystanders who had nothing to do with the demonstration were also arrested, detained and tortured. Any dissent, especially from the PPP top brass, was seen as an attempt by the old guard to unsettle and destabilise the new regime and the junta employed heavy-handedness so as to crush the PPP.
8. Prominent PPP politicians like M.C. Cham and others were “humiliated, dehumanized, disgraced,” by soldiers to break their resolve and spirits. During their detention at Mile II prison, the political detainees at the Remand Wing had little freedom, liberty and access to social amenities. The detention conditions were sub-human and degrading and this was deliberate to punish the detainees. The arrests and unlawful detention of the former PPP ministers at the Mile II prisons were the beginnings of a much bigger plan to crush any form of opposition to the Junta’s reign. The Junta did not honour its promise of handing over power to a civilian government. Instead, they launched a campaign to persecute members of the opposition parties to intimidate them and instil fear in the opposition and the population at large.
9. Other political parties also suffered from the brunt of Jammeh’s attack against politicians. On Saturday March 31 2012 at Sabach Njaien Village in the Sabach Sanjal District, North Bank Region of the Gambia over sixty persons were arrested at the home of Hon. Ousman Touray the former Councillor and the NRP Candidate in the National Assembly. The arrests came in the wake of the National Assembly Election for Sabach Sanjal Constituency. The arrested persons both men and women were physically assaulted and detained at Farafenni Police Station. One of the women suffered a miscarriage in the police station and was not given medical attention. They were detained at the police station under inhumane and degrading conditions and arraigned before the Farafenni Magistrates’ Court on Tuesday 3rd April 2012 on trumped up charges of resisting arrest and fighting with the police. They were granted bail in the sum of D500. The case against them did not proceed. The NRP Candidate, Mr. Ousman Touray, was denied bail and eventually taken to court and charged and fined D50,000 (Fifty Thousand Dalasis).
10. In April 2016 the brutal crackdown against UDP continued. On Thursday April 16, 2016, the top executive of the party including, the UDP Leader, Ousainou Darboe were arrested and detained. Several other peaceful demonstrators were severely wounded by security forces led by officers from the Police Intervention Unit (PIU) for holding a peaceful demonstration demanding to see ‘Solo Sandeng dead or alive’ and the release of about 25 demonstrators who had been arrested on Thursday April 14 2016. Those arrested included Fatoumatta Jawara, Fatoumatta Camara, Modou Ngum, Nokoi Njie, Solo Sandeng, Kafu Bayo, and

Ebrima Jabang who were protesting for electoral reforms. Some of them including Solo Sandeng were taken to the NIA where they were seriously tortured. Solo Sandeng died while in custody at the NIA. His matter is currently before the courts. The three women (Fatoumatta Jawara, Fatoumatta Camara and Nogui Njie) were detained at the NIA for 14 days before being moved to Mile II Central Prisons where they met other UDP women including Jukuna Susso.

11. Following the arrests of the Ousainou Darboe and other prominent members of the UDP in April 2016, the “Kalama” revolution was born as women mobilised to stand against and condemn the brutality of the state. On May 9 2016, the PIU arrested members of the “Kalama” revolution and detained them without due process of the law. The crackdown on these women was intended to crush them in the same violent manner as the April 16 incident.
12. Following a politically motivated prosecution, the UDP supporters were subsequently convicted and sentenced to imprisonment for three years for holding a demonstration without a permit among other charges. They were eventually released on bail after spending nearly eight months in prison by the Gambia Court of Appeal on 5 December, 2016, pending the hearing of their appeal of the three-year jail term that was handed down by the High Court in July, 2016. The decision to them grant bail came in the wake of former President Yahya Jammeh’s election defeat to opposition coalition candidate Adam Barrow on December 2, 2016 and his surprising announcement conceding power after ruling the country for 22 years.

GROSS HUMAN RIGHTS VIOLATIONS CRUEL, INHUMANE AND DEGRADING TREATMENT

13. Immediately following the coup in 1994, the former PPP Ministers were arrested and detained. Even when they were released, the military kept tight control over them. Periodically, the likes of MC Cham and O.J were subjected to persistent harassment and arrests by the APRC. On some of these occasions, the former Ministers were humiliated and treated in degrading manner. The Junta was determined and embarked on a systematic and sustained campaign of terror against high profile politicians, in particular, former PPP Ministers.

ATTACK ON RIGHT TO FREEDOM OF ASSEMBLY

1995 Arrests and Detention of Opposition Members

Torture at the NIA

Torture at Fajara Barracks

14. The junta passed several Decrees in relation to detentions. In addition to Decree No. 57, the National Security (Detention of Persons) (Amendment) Decree 1995, Decree No. 59, was also passed, specifically dealing with the issue of bail of persons arrested and detained and not released after ninety days, when brought before a court.¹

¹ National Security (Detention of Persons) (Amendment) Decree 1995, Decree No. 59

15. The National Security (Detention of Persons) (Amendment) Decree 1996, Decree No. 66, was also passed in January 1996, giving the Minister of Interior powers, where necessary and where he is satisfied that a person’s continued detention is necessary, to extend the detention of any person in the interest of the security of The Gambia.²
16. In other words, even after Court, in the unfettered exercise of its discretion to grant the accused persons bail, a constitutional as well as statutory right, and at common law, a Decree enacted by the junta, overrode a court order and the detainees continued to languish in detention in deplorable conditions. This phenomenon continued as a normalised practice unabated until 2016, where the courts will grant bail and only for the NIA and the Police to override those orders and detain at will, defying judicial decisions.
17. Owing to the pressure from the international community³ and the opposition parties ahead of the 1996 elections,⁴ the military Junta finally decided to release the detainees, after keeping them for about one year and three months. A delegation of Imams led by Imam Abdoulie Fatty, Baboucarr Jatta and Major Ann visited the detainees to inform them that the Chairman had decided to release them.

HUMAN RIGHTS VIOLATIONS FROM 1996

ATTACKS ON OPPOSITION DURING 1996 ELECTION CAMPAIGN

18. After suffocating the PPP party, the junta set up the APRC (Alliance for People’s Reorientation and Construction), in order to transition to civilian rule. They set a date for presidential and parliamentary elections, and banned the PPP and its leading political figures from contesting in the 1996 election.
19. According to Ousainou Darboe, this was because “Yahya Jammeh did not want to have any opposition that would threaten his chances or his position. He wanted to make sure that he had an easy passage to reclaiming the Presidency. It was Mr. Darboe’s premise that any person willing to lead a party consisting of the PPP, GPP and NCP was certainly going to be a formidable force, and Yahya Jammeh would fight against such a person and party by any means and at all costs.⁵ This became manifestly evident during the election campaign in 1996. The evidence presented before the Commission was that the 1996 campaign was largely characterized by intimidation of UDP supporters by the APRC controlled state-machinery. This was done in most cases using State resources and institutions. Ousainou Darboe testified that from the start of the campaign, the APRC intentionally delayed the party’s campaign at the North Bank Region, which caused a lot of problems when the UDP started its campaign in the same region. Sainey Sabally, a prominent member of the UDP party, was arrested in the North Bank, which followed the arrest of the chief security officer of the UDP, Seyaka Sonko, in Kerewan. The UDP entourage had a large following with two trucks, called “Democracy” and “Human Rights”, occupied mainly by youths. When Ousainou Darboe went to see the Commissioner about these issues, he was advised to reduce

² National Security (Detention of Persons) (Amendment) Decree 1996, Decree No. 66,

³ Testimony of Batch Samba Jallow 28th January 2019 line 1382-1385 BJ

⁴ Testimony of Ousainou Darboe 10th June 2019 line 523-534

⁵ Testimony of Ousainou Darboe 10th June 2019 line 573-582

the people in his entourage. During that meeting, the Commissioner was on the phone with someone, who told him: “If they do not agree, shoot them”. He believes that that person was the IGP, FRI Jammeh.⁶

20. Baboucarr Jatta, then CDS, sent them security from the soldiers under Captain Suwareh, the Commissioner of NBD at the time. However, instead of protecting them, the soldiers were intimidating and harassing them.⁷ APRC supporters reportedly attacked UDP supporters in Essau.⁸
21. Sainey Sabally is the brother of the former Vice President, Saihou Sabally, and he was arrested for organising a UDP campaign.⁹ He believes that this was done to intimidate and frustrate UDP supporters, as it was also at the same time Mr Kemesseng Jammeh was also arrested¹⁰.

SEYAKA SONKO

22. During the 1996 presidential election campaign, Seyaka Sonko, was UDP’s security coordinator and adviser. During the tour, the UDP received threats and had disturbing encounters with the security forces and APRC youth militant groups acting under the instructions of Baba Jobe.
23. While the UDP supporters were in Kerewan during the campaign trail, Baba Jobe led APRC militants, including Modou Pika Jallow of the APRC Youth Action Group, threatening that they wanted to arrest Ousainou Darboe because his campaign was causing them problems. The day after this encounter with Baba Jobe in Kerewan, Seyaka Sonko reported to Kerewan police station when he received information that the police were looking for him. He was accompanied by Dr. Sesay and Mariam Jack Denton on the instructions of Ousainou Darboe. Sonko was arrested at Kerewan police and transferred to Farafenni police station by one Captain Ceesay Njie. Later on, he was transferred to Janjanbureh prison where he was detained alongside Kemesseng Jammeh and Sainey Sabally. He was kept incommunicado at Janjanbureh for four months.
24. During his detention, he was subjected to inhumane and degrading treatment. He was locked in a store without any ventilation and the place was infested with rodents and spiders and the food served was unsuitable for human consumption.
25. He and other UDP detainees were charged before the Farafenni Magistrate’s Court. They were granted bail by Magistrate Borry S. Touray. A day after his release on bail, he was called and instructed by Kairaba police station to report to the station. He was rearrested and taken back to Janjanbureh prison. Later, they were moved to Mile II central prison and later the police headquarters in Banjul where he was granted another bail by his brothers.

6 Testimony of Ousainou Darboe 10th June 2019 line 737-778
 7 Testimony of Ousainou Darboe 10th June 2019 line 848-854
 8 Testimony of Ousainou Darboe 10th June 2019 line 864-885
 9 Testimony of Kemesseng S.M Jammeh 14th March 2019 line 799-806
 10 Testimony of Kemesseng S.M Jammeh 14th March 2019 line 818-832

26. Kemesseng Jammeh testified that on 23rd September 1996, during the campaign for the 1996 presidential election, he was arrested at his home by two police officer on the orders of the Officer Commanding (OC) Lower River Region (LRR) and taken to Jarra Soma police station.
27. He was held at the station until around 3:00p.m when he was transferred to Janjanbureh prison. During his detention at Jarra police station, he was neither informed of the reason for his arrest nor given access to legal services. He was also not told where he was being taken. The police simply told him that they were acting on instructions.
28. Upon arrival at Janjanbureh, he was handed over to a prison officer called Jarra, who ushered him into a cell occupied by Lamin Waa Juwara, a fierce critic of the military Junta at the time. He was surprised to find Waa Juwara there because they had seeking information regarding his whereabouts from the state. The cell was very small with poor ventilation. There was a blanket spread on a concrete slap to serve as his bed and another blanket to cover himself with. The quality of the food they were served, rice, paap or *cherreh* was very poor and vastly sub-standard.
29. According to Kemesseng Jammeh, following the visit of his party members to Janjanbureh prison, the whereabouts of Waa Juwara’s detention was disclosed to the public by the party.¹¹ Revealing the terrible prison conditions, Kemesseng Jammeh said that they were locked inside their cells from 5:00p.m until the following morning at 8:00a.m.¹² However, after the Farafenni attack in November 1996, they were kept incommunicado, and without access to visitors or food from outside, for a long time.¹³ After two months of detention, Kemesseng Jammeh was given access to a lawyer and the reasons for his detention were explained to him. He was taken to Farafenni in January 1997 along with Sainey Sabally, the UDP coordinator for the NBR, and Seyaka Sonko, the UDP chief of security. When they were leaving Janjanbureh prison, they were told that they were going to court. Instead, they were taken to Farafenni.
30. Meanwhile, Waa Juwara remained at Janjanbureh prison. When Kemesseng Jammeh, Sainey Sabally and Seyaka Sonko arrived in Farafenni Police Station, they were put in a small, dark, narrow and smelly cell with very poor ventilation. The station officer, Secka, was kind enough to ask Sainey Sabally to send someone home to bring a mattress, which they used to spread on the floor. Food was supplied by Sainey Sabally’s family in Farafenni.¹⁴ When they were leaving Janjanbureh prison, they were told that they were going to court. Instead, they were taken to Farafenni. Their family members were able to visit them in Farafenni.¹⁵
31. The following day, they appeared in court before Magistrate Borry S. Touray, accused of being involved in an altercation in Farafenni with the July 22nd Youth Movement. Kemesseng Jammeh could not recall the particulars of the three counts they were charged with, however,

11 Testimony of Kemesseng S.M Jammeh 14th March 2019 line 378-432
 12 Testimony of Kemesseng S.M Jammeh 14th March 2019 line 355-357
 13 Testimony of Kemesseng S.M Jammeh 14th March 2019 line 367-377
 14 Testimony of Kemesseng S.M Jammeh 14th March 2019 line 378-432
 15 Testimony of Kemesseng S.M Jammeh 14th March 2019 line 378 - 432

- the charges included destruction of a fence and criminal damage of a vehicle.¹⁶
32. Kemesseng Jammeh said that he was surprised by the charges, as he had not been to Farafenni for about two years at that time of the alleged offence. He and his co-accused pleaded not guilty and were granted bail with the help of their lawyer. While he was still under arrest and detention, his party maintained him as their candidate for the parliamentary election for Jarra West Constituency in 1996, and submitted his name at the IEC. After his nomination, he went back to court. While preparing for his campaign, he was re-arrested at his home in Jarra Si-Kunda and again taken to Janjanbureh prison. He believed that he was arrested because he was a UDP candidate in the upcoming election.¹⁷ He won the election against Baba Jobe, the APRC candidate and key Jammeh ally at the time, and served at the National Assembly from 1997 to 2001 as the Minority Leader.¹⁸
33. When he was re-arrested, his party objected strongly and threatened that they will not participate in the election, if he and others were not released. This led to his release along with Seyaka Sonko and Sainey Sabally from the Janjanbureh Police Station in January 1997, just a week before the election. He testified that he was not tortured in detention; however, his family went through emotional stress during his ordeal. During his detention, he made a note of about nineteen political detainees, and the party pressured government to release them as a pre-condition for the UDP's participation in the elections. All the political detainees were released, except Lamin Waa Juwara.¹⁹
34. Lamin Waa Juwara testified about his arrest in 1996. He was arrested and detained for one year. He had no idea why he was arrested. Subsequently, he was accused of having a telephone conversation with ex-President Jawara who was in exile, of which Juwara admitted, as he wanted to update Jawara about the situation in the country at the time. First, after arresting him at his home in Brikama, he was transferred to Yundum Police Station before he was later moved to Janjangbureh prison. He confirmed his movement from one detention centre to another until he reached Janjangbureh, at that particular period, he complained of the terrible detention conditions as being the least conducive to human habitation and over crowdedness. He was neither charged with any offence neither not taken before any court of law before his detention. In all of his numerous arrests, the only time he recalled being taken to court was in the Brikama Mosque case, when he was arrested and tried together with the Imam Ratib of Brikama, Imam Alhagie Karamo Touray which occurred years later.
35. A newspaper report, the 11th to 17th September 1997 edition of The Gambia News and Report Magazine, detailed his detention and described him as the "Man of the Year". It was shown to the witness, and he confirmed that he was aware of the report. The report said he was taken to Janjanbureh in the middle of the night, and his family was not aware of it. It also stated that he was put in solitary confinement for six weeks, and had no sense of time because it was very dark in the cell, where there was no bedding and he was not allowed to have a bath. While in detention, he wrote a letter to President Jammeh, which he later described as cheap propaganda.²⁰

16 Testimony of Kemesseng S.M Jammeh 14th March 2019 line 378 – 432
 17 Testimony of Kemesseng S.M Jammeh 14th March 2019 447-518
 18 Testimony of Kemesseng S.M Jammeh 14th March 2019
 19 Testimony of Kemesseng S.M Jammeh 14th March 2019 Lines 570-608
 20 Testimony of Lamin Waa Juwara 13th February 2019 lines 405-538

36. The witness was shown The Gambia News and Report magazine by Mr. Conateh, published between 27th August to 2nd September of 1996 with the headlines "When will Waa be set free" while an article inside the newspaper captioned: "Be fair and just to Waa Juwara, free the man now". He confirmed that he did hear about the article. The article stated that Waa Juwara was a victim of the government and had been detained without trial. His family visited Janjanbureh prisons and were told he was not there. The witness confirmed these facts and stated that the reasons for his arrest was the government wanted to know his relationship with the newly formed UDP. Secondly, it was because he had intended to contest in the Presidential election. While in detention, he was severely beaten and tortured. When the witness was shown pictures showing his injuries, he reacted by saying, "I am so angry that this is the situation that existed and honourable citizens can be treated like this, even animals will not be treated this way. So really seeing these things today has make (sic) [had made] me a completely different person."
37. He stated that Momodou Bojang, the then Commissioner of Janjanbureh was involved in his torture. Before traveling abroad, Mr. Bojang apologised to him for what he did and he forgave him. The witness confirmed that he was awarded the "Man of the year" award that year. He was released after thirteen months in detention.²¹
38. When the UDP campaign convoy arrived at Westfield on the 22nd of September 1996, supporters of the party wearing T-shirts and party colours were assaulted. Ousainou Darboe stated that he received reports that a pregnant woman who was wearing a UDP T-shirt was also assaulted. The UDP was on the campaign trail, and was supposed to have a rally in Banjul. However, when their convoy reached the Kanifing area in the early evening, with some of the party members decided to go home apparently from exhaustion while others continued to Banjul.²² The assault on the UDP supporters was corroborated by Dr. Sheriff Ceesay of Kololi Clinic who testified that he attended to a pregnant woman reportedly assaulted. The lady was about five months pregnant; she was a bit shaken by the incident, but she showed no physical injuries on her body.²³
39. The two trucks carrying UDP supporters, "Democracy" and "Human Rights" and other vehicles in the UDP convoy, mainly comprising of youths, were stopped by soldiers upon arrival at Denton Bridge.²⁴ There were also some women in the group.²⁵ Armed soldiers surrounded the convoy and started spewing insults at them. Being the first vehicle to arrive at the bridge, the people in the "Democracy" truck were asked by the soldiers to alight, and they refused. The soldiers then turned to the driver, and asked him to drive the vehicle into the sea. The driver refused, and they pounced on him and started beating him and hitting him with their gun butts. They fired gun shots, and soldiers climbed on the truck and started beating the UDP supporters, forcing them to get disembark from the vehicles carrying them. They were ordered to remove their T-shirts²⁶ Amadou Sanneh testified that soldiers were very aggressive, and that they shot at the tyres of the vehicles, while one of the soldiers shot

21 Testimony of Lamin Waa Juwara 13th February 2019 lines 405-538
 22 Testimony of Ousainou Darboe 10th June 2019 line 907-929
 23 Testimony of Sheriff Ceesay 13th June 2019 393-396
 24 Testimony of Amadou Sanneh 11th June 2019 line 456-464
 25 Testimony of Omar Jarsey 12th June 2019 line 232-235
 26 Testimony of Omar Darboe 12th June 2019 line 292 309OD/ Testimony of Omar Jarsey 12th June 2019 line 174-186 OJ

at the vehicle.²⁷ This was around 10:00pm.²⁸ When Amadou Sanneh’s group arrived, the soldiers had surrounded the convoy, and they forced them to alight by force. They marched them to a place off the road near the police post at the bridge, and made them sit on the ground.²⁹ According to Omar Jassey, during the commotion, he tried to escape and a soldier threatened to shoot him, if he ran. A soldier kicked him on the groin and he fell.³⁰ AFPRC member Yankuba Touray was giving orders to the soldiers, and some of the victims also reported seeing Almamo Manneh, Edward Singhatey and the IGP at the time FRI Jammeh, at Denton Bridge.³¹

40. The soldiers asked them to take off their UDP shirts and lie flat on the ground. Thereafter, they started walking all over their bodies and beating them with horse pipes and sticks from nearby trees, while stamping on their backs.³² This was done in the presence of Yankuba Touray.³³
41. Omar Darboe, in his testimony, described the incident as follows: “When they forced us off the vehicle, we all undressed. Where they took our clothes I cannot attest to that. I was a witness; I was watching the soldiers. Two or three soldiers were getting sticks from a “Neem” tree. At that time, we were all lying down; everybody was lying on the ground prostrate. They were jumping on us, stamping on us; they were hitting us with their gun butts. After they did all of that, they took sticks and hit us. So as they were stamping us with their boots, my shoulder was dislocated. I was lying down, and my whole body was aching because of that beating I have never experienced in my whole life, that day. I witnessed something that I have never seen in my whole life that day. My spirit was gone, my eyes were open; but where I was, my spirit was gone.”³⁴
42. The soldier made a bonfire and threw their T-shirts and a drummer’s drums into the fire.³⁵ They then forced them to board a truck, where they were packed like sardines.³⁶ The soldiers then started arguing about whether to force the driver to drive into the river or over the bonfire³⁷. Eventually, the vehicle drove over the bonfire, as it took them to Marina Parade in Banjul and parked near the Atlantic Hotel.
43. There, again they were forced out of the vehicle, and restarted beating them with hosepipes, rubber pipes, gun butts and kicking³⁸. According to Omar Darboe, he saw Yankuba Touray when they arrived in Banjul, dressed in a Yahya Jammeh campaign T-shirt and he told them: “If you join a shameless ship you will anchor at a disgraceful harbour”, before ordering the soldiers to beat them mercilessly.³⁹ Amadou Sanneh also testified that he saw Yankuba Touray, and that their beating went on for about thirty minutes.

27 Testimony of Amadou Sanneh 11th June 2019 line 473-475
 28 Testimony of Omar Darboe 12th June 2019 line 414-415/ Testimony of Omar Jarsey 12th June 2019 line 204
 29 Testimony of Omar Darboe 12th June 2019 line 456-464
 30 Testimony of Omar Jassey 12th June 2019 line 314-335
 31 Testimony of Amadou Sanneh 11th June 2019 line 503-530/ Testimony of Omar Jassey 12th June 2019 line 314-335
 32 Testimony of Amadou Sanneh 11th June 2019 line 538-561/ Testimony of Omar Jarsey 12th June 2019 line 276-279
 33 Testimony of Amadou Sanneh 11th June 2019 line 566
 34 Testimony of Omar Darboe 12th June 2019 line 311- 320
 35 Testimony of Omar Jassey 12th June 2019 line 339-347
 36 Testimony of Amadou Sanneh 11th June 2019 line 601-602
 37 Testimony of Amadou Sanneh 11th June 2019 line 588-594
 38 Testimony of Omar Darboe 12th June 2019 line 417-429 / Testimony of Omar Jassey 12th June 2019 line 362-366 /
 Testimony of Amadou Sanneh 11th June 2019 line 601-614
 39 Testimony of Omar Darboe 12th June 2019 line 425 -428

44. All of them sustained bodily injuries, ranging from bruises to lacerations and swellings, and that Yankuba Dibba, then director of GFPA, sustained a broken hand from the beating.⁴⁰ Omar Darboe testified that after the beatings, he was lying down close to a lady who had a serious cut on her chest, which appeared to have been caused by a military knife (bayonet). He said two soldiers came close to the lady, and called her “F”, but she did not respond. One of them held her hands while the other held her feet, and they went dragged her away. He could not tell whether the lady was alive or dead.⁴¹ After, some the soldiers told them to disperse, and told them to run for their lives, while chasing and beating them. ⁴²
45. Seedia Sagnia, an elderly person, refused to run and the soldiers pounced on him and beat him up severely. He died about three years after the incident, and Amadou Sanneh believes that their mistreatment on that fateful day must have contributed to the old man’s untimely death.⁴³ Subsequently, most, if not all the soldiers’ victims had to walk on foot up to their homes in Bakau and other places in the Kombos. Most of them were treated at Kololi Clinic, as testified by Dr. Ceesay.
46. Dr. Sheriff Ceesay testified that on the 23rd of September 1996, in the morning at around 10:00am, he started receiving injured individuals at his Kololi Clinic, all of whom were victims of the 22nd September Denton bridge reported assault by soldiers on UDP supporters. In the subsequent days, he treated about one hundred and fifteen (115) patients, whose average age was twenty seven (27) years old. The youngest were two girls, both sixteen years (16) old. The oldest was a sixty-year (60) old man from Kiang. The two female teenagers were among the most serious cases. The majority of his patients had superficial injuries mainly on their back and their limbs; mostly on the upper limbs caused likely from raising the arm to protect themselves from the beatings. May be 50 percent of those injuries sustained were in that category.⁴⁴
47. The injury on the backs suggest that the assailants were standing over the victims, and beating them and the injury on their arms suggest that they were trying to protect themselves, according to Dr. Ceesay. The man had injuries at the back of the shoulder girdle and the upper part of the throat, the females had injuries on their buttocks. About two (2) or three (3) patients had secondary sepsis. By the time they arrived at the clinic, they were discharging not just blood and serum, but also on their faces; some of it stuck to their shirts or clothes.
48. Some patients, Dr. Ceesay stated, had broken limbs and hands. Three (3) required x-rays because of suspected lung injuries⁴⁵. Most of the of the victims also narrated to him how they were tortured, which essentially corroborated his medical diagnosis.⁴⁶ Fifty-nine-year old drummer, Butay Boy, who was renowned in the UDP campaign team, was viciously beaten. His torturers concentrated on his fingers, and he also sustained injuries to the chest. When he came to the clinic, he was put on drips straightaway, and needed resuscitation.

40 Testimony of Amadou Sanneh 11th June 2019 line 614-632
 41 Testimony of Omar Darboe 12th June 2019 line 443-461
 42 Testimony of Omar Darboe 12th June 2019 line 395-397/ Testimony of Omar Jassey 12th June 2019 line 635-636
 43 Testimony of Amadou Sanneh 11th June 2019 line 637-645
 44 Testimony of Sheriff Ceesay 13th June 2019 line 136-174
 45 Testimony of Sheriff Ceesay 13th June 2019 line 192-207
 46 Testimony of Sheriff Ceesay 13th June 2019 line 217-249

49. Luckily, his breathing improved. He was admitted for about four (4) days, but died two weeks after he was discharged. He stated that he recorded the names of all the individual that he attended to in his clinic during that time. The list of individuals treated at Kololi clinic as a result of the 22nd September was admitted in evidence as Exhibit 52 containing the names of 119 United Democratic Party supporters registered at Kololi Clinic for treatment from the 23rd to 24th September 1996.

50. The testimony of Dr Ceesay corroborated the evidence of the witnesses as to the manner in which they were tortured, and the injuries inflicted on them. All the witness accounts were consistent with the fact that they were ambushed and attacked by members of the armed forces, who were at that time under the control of the Junta. From the testimony of witnesses, the attack on the UDP militants was intentional, deliberate and calculated to unleash grotesque physical violence on them.

51. NATURE OF VIOLATION - TORTURE

52. ADVERSELY MENTIONED PERSONS- YANKUBA TOURAY, ALMAMO MANNEH, EDWARD SINGHATEY AND FRI JAMMEH.

53. Omar Jallow testified that he was also arrested again in 1996 for publishing an article in a newspaper. They took him to Banjul police station and released him after 24 hours later. The following day, he was re-arrested again and taken to the police headquarters and after five days, he was asked to provide a surety to which he refused and told them that he had not committed a crime. After a week, Dodou Joof ‘Capi’ and Pa Mbye who was the CMC came to the station and begged him to leave the station. That was his fourth arrest.⁴⁷

54. In 1998, he was sitting it with his childhood friends Kebba Keita and Alieu Koroma when they were arrested and accused of beating up Sarata Faal’s husband. He stated that Sarata’s husband was his friend who he had a good relationship with. When the matter proceeded to court, Sarata confessed that she was paid to lie against them. They were represented by Osainou Darboe and Ida Drammeh. He stated that it was a ploy to get his arrested and Ensa Badjie who was at that time the head of Tallinding Kujang station was amongst the officers that arrested them. The charges were trumped up by the Ministry of Justice which was then headed by Mr. Joof.⁴⁸ Sanna Sabally arrested him on about 4 to 5 occasions, during those times, Sanna ensured that he was tortured in the presence of his children. On one occasion, Sanna brought down Sir Dawda’s picture and stamped on it. Sanna usually came with Sadibou Hydara and Batch Samba Jallow. Once they came and met him talking to the children’s Quranic Teacher and Sanna pointed his AK47 at him and asked him to get up and he complied under compulsion. As he was getting up, Batch Samba Jallow kicked his legs and he fell down and they started slapping, kicking him and then put him in the truck and took him away. Three days after his release, while he was sitting with his friends, they came back for him. Samba Jallow rushed onto his friend Alieu Koroma and beat him up, breaking his nose. They beat him up and threw him in the truck. His daughter Rugi then

47 Testimony of Omar Amadou Jallow 28th January line 524-535
 48 Testimony of Omar Amadou Jallow 28th January line 640-677

started insulting them and Samba Jallow told her “You will not insult me because this is the third time your father will never come back here alive.”⁴⁹ His nine-year old son at that time, Alieu, was affected by the situation. His school reported that he was always drawing a gun. When asked why, the boy said he wanted to kill the people that come to arrest his father. He stated that he sent the boy to the United Kingdom for his wellbeing. He added that he was arrested over twenty-two times. Whenever he organised a press conference, he would be arrested by the authorities. During the Baffour Commission of Inquiry, he challenged the prosecutor of the Commission, Bright Acquete and this landed him in serious trouble. He was picked up and taken to Mile II prisons. Every morning, he was escorted from Mile II to attend the proceedings of the Commission and returned to prison. He was represented by lawyer Ousainou Darboe at the Commission.⁵⁰

55. The only time he was prosecuted successfully by the State was when he was arrested and the authorities sent Edward Sambou, the current Director of Finance of the Gambia Police Force, to go and pick up his wife, his passport and some documents. He informed Edward that he had two hunting guns and Edward told him that that was not what they asked him to pick up. Two months later, his house was searched again and they found the two hunting rifles owned by O.J. He was charged and prosecuted at the Kanifing Magistrates’ Court for illegal possession of firearms. He was represented by Lawyer Ida Drammeh in that trial.⁵¹

56. Omar Jallow testified that his wife was arrested twice and taken to the NIA. The first time was on Tobaski day when he was in detention. His wife was arrested on suspicion of going to a Marabout in Casamance, Senegal. She was detained for a day. The second time she was arrested, she was detained at the NIA. Three of his friends were also detained at the NIA. His friend, Omar Jatta, who named a child after him, was arrested after the christening of the child. The four individuals were severely tortured. Omar Jatta still has a scar from the electrocution he went through and suffered broken limbs due to the extreme torture he was subjected to. Daba Marenah threw hot tea on Omar Jatta’s face because he was seen to be very argumentative which irritated them. Bakaray Manneh and Jabel Ceesay were also seriously tortured and he had to take latter to America for medical treatment. Bakary Manneh still limps as a result of the torture. Momodou Jallow died a week after the torture.⁵² He stated that the President at one point offered him money and position but he declined both.⁵³ He presented the list of seventeen incidents in which he and his close associates were arrested and same was admitted in evidence as Exhibit 14.

57. PERSONS ADVERSELY MENTIONED SANNA SABALLY, SADIBOU HYDARA, BATCH SAMBA JALLOW AND DABA MARENAH.

49 Testimony of Omar Amadou Jallow 28th January line 683-710
 50 Testimony of Omar Amadou Jallow 28th January line 722-728
 51 Testimony of Omar Amadou Jallow 28th January line 729-746
 52 Testimony of Omar Amadou Jallow 28th January line 749-782
 53 Testimony of Omar Amadou Jallow 28th January line 807-828

AMADOU SANNEH

- 59. Amadou Sanneh testified that on the September 24 1996, he was approached by two NIA officers at the Continent Bank in Banjul, who asked him to go collect his vehicle at their premises. One of the officers was Mr. Jeng, and they took him to the NIA headquarters at Marina Parade. However, when they arrived at the entrance, they collected his personal belongings and took him inside. He was subsequently held in a cell with two detainees, who used carton paper on the floor as their mattress. There was a five litre container, which they shared as a urine pot; as such the stench of urine was very strong in the cell. The cell was infested with mosquitoes, and sometimes the good guards will provide mosquito coils to help fend them off. Later, he was moved to a room that looked like an office. When his brother, Njundu Sanneh, came looking for him at the NIA, he was detained for one night by one NIA officer called Foday Barry.
- 60. He stated that he was detained for eighteen (18) days, and on the date of the election, he was in detention and as such he was not able to vote in the 1996 general election.⁵⁴ During that time, he was still suffering from the injuries he sustained from the night of beating at Denton Bridge, near the Atlantic Hotel in Banjul, on September 22nd. At the NIA, he was not given any medical aid; and only allowed to have bath once a day, while he wore the same clothes throughout his detention.
- 61. He was not also allowed to have any visitors, and the food provided at the NIA was very poor. When he was being released, they threatened him that if he revealed his ordeal to anyone, he would be rearrested.⁵⁵ A single-page NIA report captioned “Case of Amadou Sanneh” was admitted as exhibit 48. According to the said report, he and some other UDP supporters were arrested on the 22nd of September 1996 at Denton Bridge by soldiers and handed over to the Police. The report also stated that the soldiers identified the supporters with UDP flags, wearing T-shirts and caps and asked them to disembark from the vehicles. As per the report, the people arrested were Amadou Sanneh, Seedia Sagnia, Bakary Daffeh and Yankuba Dibba, all of whom were released, except for Amadou. It also stated that they were not told the offence Amadou Sanneh committed, and that they could not trace the soldiers that arrested him. It concluded by recommending for his detention under the Security Detention Act.
- 62. It is worth noting that the said report was neither signed nor dated. However, the witness attested that it was a report prepared by the NIA while he was in detention. The witness confirmed that he was arrested after the Denton Bridge incident. Therefore, the contents of the report are false. The testimonies of the other witnesses regarding the incident of the 22nd September were very different from what was stated in the report. Additionally, this confirms that the witness was kept in detention without any criminal charges, which was a violation of his right to liberty.
- 63. Dr. Ceesay testified that two days after the 13th of June 1997 incident, five individuals came into his clinic. One of them had a penis injury which he did not reveal earlier. When the patient stripped, Dr. Ceesay said that he was quite horrified at what he saw, which seemed plausibly consistent with evidence of torture. The patients told him that they were tortured at

54 Testimony of Amadou Snneh 11th June 2019 line 688-781

55 Testimony of Sheriff Ceesay 13th June 2019 line 820-845

the NIA. One of them could barely walk, and he suspected that the patient had a punctured lung. The other had a serious wounds on his back. The one with the penis injury also had horrific injuries running from his shoulder blade down. There were about ten stripes on his back which had developed into Hematoma. He could not walk or stand, and there were two dimples on his thigh. His case was quite serious, and led to him using crutches.⁵⁶

- 64. He stated that one of the men who came to his clinic was a thirty-five year old. When the man came in, he did not say a word; he just showed him his scars. Three days later, he came back and told him that he was kidnapped by four NIA officers. They pinned him down and one of them tore off his trousers, exposing his penis. Then, they put a lighter flame on the tip of his penis. The man told him: “Doctor, I have never experienced any pain like that in my entire life.” He added that the man was so embarrassed, that he could not tell him the first time he came to the clinic. His injuries affected his sexual function, and there was a dent in his penis. The incident occurred on the 9th of June 1997, but he reported to the clinic on the 19th June.⁵⁷ He presented a list of patients he treated in 1997 and it was admitted as Exhibit 52. The list contains the names of six United Democratic Party Supporters seen and registered at the Kololi Clinic on June 13 1997.

HUMAN RIGHTS VIOLATIONS AFTER 1996

DISRUPTION OF THE UDP CONGRESS IN BRIKAMA

- 65. On June 8 1997, personnel from the Police Intervention Unit, led by Officer Commanding of the Brikama Division, ASP Gibba, interrupted the UDP’s first constituency congress for Kombo Central in Brikama Santanba cinema, by ordering the delegates to cease the meeting and disperse. Soon afterwards, the police proceeded to arresting some UDP prominent members and supporters and in the process manhandled them by using unreasonable and disproportionate force. Facts disclosed that the OC claimed that he was simply acting on executive directives. What this reveals is that as early as mid 1997, barely six months into a supposed democracy after the military transition, Jammeh and his people were preoccupied with cementing his place in power by attacking all forms of credible opposition to his rule.
- 66. Those arrested at the congress included Shyngle Nyassi (UDP National Assembly candidate for Foni Kansala), Wassa Janneh (Kombo Central), Yusupha Cham (Kombo North), Bolong Sanneh (Kombo Central constituency Secretary), Dembo Arra Sanneh, Sarjo Kunjang Sanneh and Nfansumana Bojang (Sumuna). They were taken to the National Intelligence Agency (NIA) Headquarters in Banjul where they were severely tortured.⁵⁸

SEY KUNDA ALKALO DISPUTE

- 67. Yaya Jarjusey was appointed as Chief of Jarra West by Yaya Jammeh in 1998.⁵⁹ However, the 1997 constitution expressly provides that Chiefs and Alkalolu must be elected by their constituents and not by political appointments.

56 Testimony of Sheriff Ceesay 13th June 2019 line 487-558

57 Testimony of Ousainou Darboe 10th June 2019 line 317-347

58 Testimony of Abubacar N.M Ousainu Darboe, lines 1092-1112

59 Testimony of Yaya Jarjusey 19th May 2021

68. After the Alkalo of Si-Kunda passed away, the people chose Alagie Sarro as the new Alkalo. They also paid rates and taxes to him. In contrast, Chief Yaya Jarjusey and the Governor appointed another person as the Alkalo. In effect, Yaya Jarjusey, appointed an Alkalo in violation of the constitution and also usurped the powers of the people of Si-Kunda by disregarding their choice and imposing a person he was politically affiliated with.
69. Yaya Jarjusey instructed Mansa Konko Aear Council to reject the rates and taxes collected by the new Alkalo in Si-Kunda. The villagers also, in defiance, refused to pay to the other Alkalo. The villagers were seen to be supporters of Kemesseng Jammeh and the UDP hence the political interference in terms of ensuring that Yaya Jarjusey's choice prevailed as the Alkalo.
70. In the dispute that ensued, some residents of Si-Kunda that refused to pay rates to Yaya Jarjusey's choice, were taken to the Jarra West District Tribunal which Jarjusey chairs for failure to pay rates and taxes. Yaya Jarjusey sentenced them to Janjanburreh prison for forty days.⁶⁰ Alagie Sarro, who was in his seventies, was among those sentenced to prison.
71. According to Kemesseng Jammeh, in 1999 a dispute arose in his village relating to the position of Alkalo and this led to the arrests and detention of his family members and some villagers for forty days. He attributed the arrests and detention of the villagers and his relatives to their membership of the UDP.
72. He lamented the severe impact of the arrests and detention of his family members and the villagers on their farming. He said that these individuals were farmers and being detained during the rainy season when they were supposed to working on their farms hugely affected productivity and yield that year.
73. Following a decision by the Supreme Court declaring that the President's appointment of Chiefs, instead of Chiefs being elected into office by the yard owners, was a violation of the 1997 constitution, the President, through the Governor, informed Yaya Jarjusey of his termination of Chief.⁶¹
74. Yaya Jarjusey's appointment was unlawful. Therefore, the decisions and powers he made and exercised while sitting as Chairman of the Jarra West District Tribunal were unlawful. Remarkably, Jarjusey sentenced the Si-Kunda villagers to Janjanburreh prison for over forty days even though he lacked the legal powers under the constitutional to exercise the said powers. He admitted before the TRRC that his actions were unlawful and apologised to the people of Si-Kunda.
75. Yaya Jarjusey was a dominant political player in his region and as a prominent Jammeh ally, he persecuted those he perceived to be influential members of the opposition. At the height of Jammeh's powers, Jarjusey was among the Chiefs that mobilised local communities to call for Jammeh's coronation as King.

60 Testimony of Yaya Jarjusey 19th May 2021

61 Testimony of Yaya Jarjusey 19th May 2021

KASIM FADERA

76. Kasim Fadera, a prominent UDP supporter in Jarra Soma, testified to the Commission that he was arrested in his home at 2:00a.m on April 26 2008 by NIA operatives and taken to Mansa Konko police station where he was detained.⁶²
77. The following day on April 27, he was escorted by Dembo Ceesay and taken to the NIA headquarters in Banjul where he was booked and detained.⁶³ On April 28, he was removed from the cell and taken to Demba Sowe who was the Director of Operations at the time. Demba Sowe him that his detention was in relation to a canteen issue in Jarra Sowe and demanded to know whether he was going to vacate the said canteen or not.⁶⁴
78. During his detention at the NIA, Kasim Fadera was one day removed to the cell and taken to another part of the complex where he was wrestled to the ground by two very strong men, Modou Jarjue and one Faye. He was assaulted and his knew was dislocated.⁶⁵
79. On May 1, he was escorted by the NIA back to Mansa Konko police station. He was then taken to the Governor's office who called Chief Yaya Jarjusey regarding the same canteen issue. He stated that the Chief ordered for his detention in a cell at Jarra Soma police station.⁶⁶ According to Kasim Fadera, his arrest and detention was instigated by Yaya Jarjusey because of his membership of the UDP and strong opposition to Yahya Jammeh in Jarra. He believes that this was a means to persecute him for being a staunch opposition in the area.
80. On April 12 2014, Kasim Fadera was arrested again in his home by three NIA operatives, Sulayman Jaiteh, Wonto Darboe and one Jallow and detained.⁶⁷ Kasim Fadera believes that he was subjected to constant harassment, intimidation and unfair treatment because he was a staunch UDP supporter in Jarra and a strong critic of Jammeh and his APRC government.⁶⁸ He accused Yaya Jarjusey of being the chief protagonist behind all his troubles with the police and the NIA.⁶⁹ He claims that when Jarjusey failed in his attempts to make him switch allegiance from UDP to the APRC, he (Jarjusey) embarked on a campaign of terror and victimisation against him.⁷⁰ He accused Jarjusey of being vindictive and as Chief, he yield enormous power and used his powers and vast network of connections in government, especially with the police and the NIA to victimise anybody perceived to be a strong opposition member or anybody Jarjusey sees as hindrance to his economic interests in Jarra.⁷¹ For his part, Jarjusey denies Fadera's allegations against him and instead claims the latter was responsible for his troubles with the law because he broke the law.⁷²

62 Testimony of Kasim Fadera 18th May 2021

63 Testimony of Kasim Fadera 18th May 2021

64 Testimony of Kasim Fadera 18th May 2021

65 Testimony of Kasim Fadera 18th May 2021

66 Testimony of Kasim Fadera 18th May 2021

67 Testimony of Kasim Fadera 18th May 2021

68 Testimony of Kasim Fadera 18th May 2021

69 Testimony of Kasim Fadera 18th May 2021

70 Testimony of Kasim Fadera 18th May 2021

71 Testimony of Kasim Fadera 18th May 2021

72 Testimony of Yaya Jarjusey 19th May 2021

OTHER INCIDENTS OF VIOLENCE AGAINST OPPOSITION

81. **Abubacar N.M Ousainu Darboe** testified that “on the run up to 2002 elections the harassment continued unabated. Momodou Sanyang known as Dou Taylor was arrested and severely maltreated, as a man he was not ashamed to show some of us what they did to his genitals. He was a resident of Brikama, one of our supporters from Kiang West. He was arrested and taken to the NIA and he claimed that he was electrocuted on his genitals, and in fact he showed us his genitals and it was all sore and I think by the time he got to the hospital, it was just too late, he died.”⁷³ According to Mr Darboe, “the NIA is responsible for his death.”⁷⁴

ATTACK ON SABACH NJAYEN

82. Ousman Touray was a candidate in the 2011 parliamentary election. Following his defeat, he was arrested by security officers including O.C Gorgui Mboob and the S.O Fanding Ceesay. When he was being arrested, the police from Sabach Njian police station came with the area Chief, Alagie Sait Gaye.

83. Ousman, who has served as the councillor for Sabach Sanjal constituency for five years for the APRC, later fell out with the Chief appointed by Jammeh. At the end of his first term as councillor, he wanted to serve a second term. However, APRC ticket to serve a second term. As a result, at the insistence and mobilisation of the local constituents, he sought to contest as an independent candidate, much to the vexation of the APRC. This was the beginning of his troubles with the authorities.

84. Three paramilitary trucks came to arrest him. They were dressed in full riot gear. Gorgui Mboob rushed to him and grabbed him by the shoulders from behind. After using force to arrest Ousman, his brother Manjang Ceesay expressed his dissatisfaction to the PIU. His intervention infuriated Gorgui Mboob who hit Ousman on his forehead causing injury. Ousman was dragged from his home and into the PIU pickup. In the mayhem that ensued, two PIU fired three shots in the air to intimidate and scare the villagers who were protesting Ousman’s arrest. Mboob then mobilised another PIU group to arrest the villagers, including women. In the end, over forty villagers were arrested. While he was being driven to Farafenni, he was beaten in the pickup. During the beating, he was hit in the left eye, causing the eye to swell.

85. Following the arrest of Ousman Touray, the PIU and police descended with brute force on the villagers in Sabach Njian. Over fifty men were arrested and detained in a tiny cell in deplorable conditions.

86. In her testimony before the Commission, Fatou Secka, said that on the day in question, after the PIU arrested and took away Ousman Touray, the PIU and police were entering people’s

⁷³ Testimony of Abubacar N.M Ousainu Darboe lines, 1855-1862

⁷⁴ Testimony of Abubacar N.M Ousainu Darboe, line, 1867

houses and arresting them.⁷⁵ Her husband and her co-wife were arrested inside their house.⁷⁶ She said that both were severely beaten and manhandled during the arrests.⁷⁷

87. Fatou Secka said that when she was arrested, she had her three year old child cradled on her back and she was also four months pregnant.⁷⁸ Despite her condition, she was manhandled and subjected to inhumane and degrading treatment and as a result, she suffered a miscarriage.⁷⁹

88. She added that while the village were praying in the mosque, the PIU and police entered the mosque and arrested them. The brutal response of the PIU was a result of their claims that they were attacked by the Njian villagers. Men, women, including pregnant and nursing mothers were arrested and detained along with their infant children. When they were transported to a police station, the women were kept outside, under a tree, for three days and exposed to the elements and the terrible weather. Five of the detained women were pregnant and one was heavily pregnant. One pregnant detainee had a miscarriage as a result of what she underwent. One delivered a few days after her release and gave birth to a still born. The rest of the pregnant women all subsequently lost their babies due to the extreme traumatic experience they went through in the hands of the security forces. The women also allege that one of the police officers threatened them with rape during their detention.

89. In her testimony before the Commission, Marget Touray said that she was arrested when she was nursing a baby.⁸⁰ She accused the PIU and police of treating her and the other women terribly.

90. Ousman Touray was charged before the Farafenni Magistrates’ Court. He was remanded at Janjanbureh prison before securing bail.

LANDING NYASSI

91. Landing Nyassi, nephew of UDP stalwart and parliamentary candidate Syngle Nyassi, was a special protection officer for uncle because of the risks he faced. Both men came from Foni, the same area that Jammeh hailed from. The fact that they were members of the opposition UDP was seen as a betrayal and this scorned the APRC. In both the 1996 and 2001 presidential elections, both men suffered in the hand of APRC supporters in Foni.

92. After the 2001 presidential election, the Nyassi family were attacked and their house set on fire in a deliberate and callous arson attack by APRC supporters. APRC supporters, incensed by their membership of the UDP, attacked their compound in Daruhairu, Brikamain while Syngle Nyassi was away. The APRC attackers used gallons of petrol and poured it all around the perimeter of the compound and lit fire with the intention of engulfing the whole compound and the people inside in fire. However, the managed to extinguish the fire before it caused serious damage or claim lives.

⁷⁵ Testimony of Fatou Secka 6th May 2021

⁷⁶ Testimony of Fatou Secka 6th May 2021

⁷⁷ Testimony of Fatou Secka 6th May 2021

⁷⁸ Testimony of Fatou Secka 6th May 2021

⁷⁹ Testimony of Fatou Secka 6th May 2021

⁸⁰ Testimony of Marget Touray 6th May 2021

93. Landing Nyassi was abducted by soldiers in his village of Sangajor, Foni, in 2011 and taken to the old PPP bureau in Brikama that became the base for the July 22nd Movement and Green Boys. Landing, a nephew of the UDP stalwart Syngle Nyassi, was detained there for some time before being released after his uncle reported the matter to the Brikama Police Station. After the announcement of the 2001 presidential election results, even before the UDP leader Ousainou Darboe reacted to the results to either concede or reveal intention to challenge, the security forces started rounding up UDP supporters. Landing was at home when about fifteen pick-ups, all government vehicles, driven by soldiers, police, PIU, immigration and prison officers and Green Boys, came to their home to arrest Syngle Nyassi. Among the entourage who came to arrest his uncle, he only recognised one Wombul, son of the Alkalo of Daruhairu and a soldier called Saihou Badjie.
94. Furious that Syngle Nyassi, who was hiding in one of the houses, could not be found, the team of security forces asked who “Landing Nyassi” was and when he responded in the affirmative, he was manhandled and thrown at the back of one of the waiting pickups. He was driven to Brikama and during the drive, he was beaten all over his body. Saihou Badjie used a pestle like wooden stick to hit him on the head. When they arrived in Brikama and he was ushered into a hall, he found a large number UDP supporters there who were also arrested. Inside the hall, him and Sankung Gibba, whom he was arrested with, were asked to kneel down and raise their hands up. Empty coca cola bottle caps were spread on the floor into the hall and Landing and Sankung were ordered to kneel on the caps while beating them at the same time.
95. During his detention, he was subjected to severe torture by his unknown captors, resulting in serious permanent injuries. He was ordered to do the “crocodile walk” while pelting him with stones and beating him with objects. Someone hit him so hard on his private parts that he suffered continued to experience extreme pain even after the incident. The detention place was neither a police station nor a lawful detention facility. It was a premises occupied by the July 22nd Movement and the Green Boys. This means that some military personnel were colluding with the Green Boys to carry out covert arrests and detention of political opponents and others considered enemies of Jammeh and the APRC.

JOY COKER SONKO

96. Joy Coker Sonko’s uncle was the UDP candidate in the 2006 councillorship elections in Essau. He lost to the APRC candidate. Even though was below eighteen and thus ineligible to vote at the time, she was arrested by Jawo, S.O of Essau station on grounds that she was reportedly part of a group of people that threw stones at APRC supporters in Ndoфан village, Nuimi.
97. Joy tried to resist arrest as she protested her innocence but she was dragged by the police into a vehicle. Her head hit the vehicle as she was forced in and injured herself, causing a swollen face. She was placed in a cell and her face was immersed in a “chamber pot” filled with smelly urine. She was kept there for four days without being allowed to shower. This traumatic experiences led to Joy dropping out of school due to fear of being rearrested by the police and subjected to the same ordeal.

ARRESTS OF UDP EXECUTIVE AND SUPPORTERS IN APRIL 2016

98. Concerned by the authorities’ failure to respond to letters from the UDP, the party’s youth wing, organised and mobilised itself to stage a peaceful demonstration demanding electoral reforms.⁸¹ On April 14 2016, the UDP youth President, Solo Sandeng, led a peaceful march of UDP protesters from Serrekunda Bambo towards Westfield, holding banners and calling for free and fair elections and term-limits for the president.⁸²
99. While the members of the UDP youth wing were protesting, the PIU was deployed to disperse the protesters.⁸³ As a result, the PIU descended on the protesters with ferocious brutality and force. As it is always the case, the state was prepared to use all its might to crush dissent and heavily crack down on the opposition marching for changes to election laws. The protesters were heavily beaten and bundled into trucks and taken to the PIU headquarters in Kanifing. From the PIU, they were taken to Mile II prison and subsequently to the NIA, Jammeh’s torture chamber where they were severely tortured.⁸⁴
100. The protest was a peaceful march and it was intended to draw Jammeh government’s attention to the need to introduce electoral laws that will ensure free, fair, credible and transparent elections. Despite the peaceful nature of the protest, with people holding banners and displaying their intended message, the PIU and military police attacked the protesters with force and manhandled them.⁸⁵
101. Following the arrests of Solo Sandeng and other UDP supporters on 14 April 2016 for protesting without a permit, Sandeng’s family enquired his whereabouts from some police stations within the Greater Banjul Area but without any success. The authorities did not disclose anything about Solo Sandeng.
102. The failure of the police to be transparent following the highly publicised arrests on social exacerbated the volatile political atmosphere during that period. As for Solo Sandeng’s family and UDP supporters, the news reaching them regarding the fate of those arrested were gravely concerning. This was partly because of the state was determined to avert such public displays of discontent against Jammeh’s government and the fact that Solo Sandeng, who had previously been arrested numerous times for his political activism, was seen as a thorn and a strong voice against Jammeh’s self-perpetuation agenda.⁸⁶
103. The disturbing facts and circumstances surrounding the arrests on 14 April prompted the UDP executive committee to hold an emergency meeting to discuss the party’s response to the events. When news started spreading that Solo Sandeng died in state custody as a result of severe torture, the UDP executive, its supporters and Sandeng’s family gathered at the house of Ousainou Darboe, party leader.⁸⁷

81 Testimony of Kemesseng S.M Jammeh 14th March 2019 lines 799-806
 82 Testimony of Kemesseng S.M Jammeh 14th March 2019 lines 799-806
 83 Testimony of Kemesseng S.M Jammeh 14th March 2019 lines 799-806
 84 Testimony of Kemesseng S.M Jammeh 14th March 2019 lines 799-806
 85 Testimony of Kemesseng S.M Jammeh 14th March 2019
 86 Testimony of Fatoumata Sandeng 29/12/12 Line 195 - 200
 87 Testimony of Fatoumata Sandeng 29/12/12 Line 268 - 273

104. The UDP leadership held a press conference amidst news of the Solo Sandeng's death in state custody. Ousainou Darboe announced their plans to stage a peaceful demonstration along Kairaba Avenue to demand that Solo Sandeng be produced by the state.
105. After the press conference, the UDP executive comprising of Kemesseng Jammeh, Fakebba Colley, Femi Peters, Alhagie Modou Sanneh, Lamin Dibba, and supporters led by their leader Ousainou Darboe, marched along Kairaba Avenue and chanting "we need Solo Sandeng dead or alive" and holding up placards expressing similar messages.⁸⁸ When the crowd reached Kairaba Avenue, they were surrounded by paramilitary officers who started kicking and beating them with batons, gun butts and throwing tear gas at them. The PIU also used rubber bullets to subdue and arrest the demonstrators. The demonstrators were ruthlessly assaulted and thrown inside military trucks.⁸⁹
106. According to witnesses, there was no warning from the PIU prior to being attacked and assaulted. Due to the vicious nature of the PIU tactics in confronting the UDP demonstrators, Ousainou Darboe sustained an injury to his head and there was blood flowing down the collar of his shirt. Kemesseng Jammeh was also wounded on the back of his hand and Lamin Jatta on his head. The other UDP demonstrators were also beaten but their injuries were less serious.⁹⁰
107. This chaotic scene showing the full force and assault of the PIU on the UDP leadership was captured in still images. One such image depicting what happened was admitted in evidence and marked as Exhibit 185. Some bystanders and supporters from Ousainou Darboe's house were also arrested, beaten and forcefully thrown onto the waiting PIU truck. Those arrested included Fakebba Colley, Juguna Suso, Fanta Darboe, Balangkang Momodou Fatty, Ismaila Ceesay and others. Women were among those arrested and violently assaulted. Some of these women were not even on the streets. They were inside Ousainou Darboe's residence and security personnel, entered Mr Darboe's house and arrested them while subjecting them to the same brute force meted out against the executive members who were demonstrating on the streets. Disturbingly, some of the women were sexually assaulted by security personnel.⁹¹
108. According to Yankuba Sonko, the IGP at the material time who is now Interior Minister, the arrests and assault were carried out by soldiers. He said that Superintendent Jeng was in charge of the PIU officers at the time. When the arrested UDP members were taken to the PIU headquarters, they were interrogated and asked about their party affiliation.⁹²
109. The Inspector General of Police Yankuba Sonko, the director of the NIA Yankuba Badjie and the Minister of Interior Ousman Sonko were all present at the PIU headquarters.⁹³ Their presence reasonably suggests that Jammeh was being updated as the events unfolded and in particular the security services' response to the demonstrators.

88 Testimony of Binta Nyabally 14/10/19 Line 329-340/ Testimony of Fatoumata Sandeng 29/12/12 Line 289-292

89 Testimony of Binta Nyabally 14/10/19 Line 340 -367/ Testimony of Ismaila Ceesay & Yaya Jammeh 29/12/20 Line 193 - 201

90 Testimony of Kemesseng Jammeh 14th March 2019 lines 1052- 1065

91 Testimony of Kemesseng Jammeh 14th March 2019 lines 1052- 1065

92 Testimony of Ismaila Ceesay & Yaya Jammeh 29/12/20 Lines 363 - 375

93 Testimony of Kemeseng Jammeh 14th March 2019, line, 1085- 1095

110. Yankuba Sonko testified that medical attention was provided to some of the victims that were severely injured. At around 6:30p.m on the evening of April 16, the detainees including Ousainou Darboe, Kemesseng Jammeh, Fakebba Colley, Femi Peters, Alhagie Modou Sanneh, Lamin Dibba, Yaya Jammeh, Ismaila Ceesay, Modou Fatty, Juguna Suso, Fanta Darboe and Ebrima Ceesay were all transferred from the PIU headquarters in Kanifing to Mile II Central prison and detained at confinement wing number 5 without been charged with any offence. The following night, the detainees were called one after the other and mugshots of them holding cards with their names were taken.
111. According to Kemesseng Jammeh, about forty UDP members were arrested and detained on 16 April, including women. At Mile II, the detainees were forced to eat "horrible" food at Mile II.⁹⁴
112. Ousainou Darboe and his co-demonstrators were subsequently charged with protesting without a permit under the Public Order Act of the country's Criminal Code.⁹⁵ When arraigned in court, their application for bail was rejected and they were remanded in custody at Mile II prison.
113. During their trial at the High Court, there was always a heavy presence of paramilitary officers within the High Court complex and its immediate vicinity. The PIU harassed UDP supporters who wanted to attend the trial of their party's leadership by requesting to see their ID cards before they were allowed into the court premises and sometimes blatantly turning them away, especially if they wore yellow, as that was seen as manifestly displaying UDP colours.⁹⁶
114. On July 20 2016, Ousainou Darboe and his nineteen co-accused, were sentenced to three years in prison for protesting without a permit, unlawful assembly and other related offences. Despite the offences being largely misdemeanour and thus not serious crimes, court imposed custodial sentences rather than fines. Following the defeat of Jammeh in the presidential election by the opposition coalition of which the UDP was central, the Court of Appeal released Mr. Darboe and the others on 5 December 2016 on bail.⁹⁷ The prosecution and eventual conviction of Mr. Darboe and the UDP executive were seen as tacit attempts by Jammeh to weaken the party in the run up to the December 2016 presidential poll. In that vein, the whole process was seen as politically motivated.
115. Despite the 1997 constitution of The Gambia expressly providing for freedom of assembly and association, these fundamental rights and freedoms were limited by the Public Order Act which mandatorily requires groups or individuals that intend to use the public address system or hold a demonstration must prior apply and obtain a permit from the Inspector General of Police (IGP).

94 Testimony of Kemeseng Jammeh 14th March 2019 line 1113 -1142

95 See section 25 of the Public Order Act

96 Testimony of Binta Nyabally 14/10/19 Line 450 -458

97 <https://www.refworld.org/docid/58b033fb13.html> (Amnesty International Report 2016/2017- Gambia

ARRESTS OF UDP SUPPORTERS IN MAY 2016

“KALAMA REVOLUTION”

116. On May 9, 2016, Sukai Dahaba, a UDP supporter, distributed T shirts with the inscription, ‘Kalama Revolution’ and brooms and calabash. They used the broom to sweep the ground while chanting Yahya Jammeh should go.⁹⁸
117. According to Sukai Dahaba, the calabash and the broom were traditional symbols signifying calls for change. The women marched from the High Court in Banjul holding calabash and brooms in defiance of Yahya Jammeh and his authoritarian government.⁹⁹ They were chanting “release Ousainou Darboe, release Solo Sandeng”.
118. As they reached the PIU Headquarters, the PIU came out chasing them and some of them were arrested. According to Binta Nybally, the PIU were led by the head of the Anti-Crime Unit at the time.¹⁰⁰
119. Sukai Dahaba stated that the officers insulted her and one of them kicked and beat her with his combat boots. She had to use her hands to prevent being hit on the stomach as she underwent a medical operation shortly before the incident and was still recovering from going the operation.¹⁰¹
120. According to Kaddy Samateh, whose husband Modou Ngum was among the UDP group arrested in April 16, while she was running away from the PIU, an officer hit her with a baton and she fell on the ground. As she was trying to recover from her stumble and evade capture, the PIU officer continued pushing her and as a result she fell into a drainage hole, more commonly called “gutter” in Gambia. Two PIU officers jumped inside the “gutter” and continued mercilessly beating every part of her body until she was rescued by her husband’s nephew called “baby police” who tried to help her escape.¹⁰²
121. However, she was unable to get away from the PIU because she was too weak and exhausted from the heavy beatings. Her condition was even more complicated and fragile considering that she had only delivered a baby only a few weeks before the incident. After been removed from the “gutter”, she was caught by another PIU officer who forcefully grabbed her from the back, wrapped his hands between her legs and lifted her up and threw her into the truck, exposing intimate parts of her body such as her inner thighs.¹⁰³ After her arrest and while inside the truck, the PIU continued kicking, beating and insulting those arrested. One officer threatened that they will teach them a lesson they will never forget and accused them of wanting to oust the president Jammeh.¹⁰⁴

98 Testimony of Binta Nybally 14/10/19 Line 470 - 492
 99 Testimony of Sukai Dahaba 31/12/20 Line 357 - 360
 100 Testimony of Binta Nyabally 14/10/19 Line 493 -502
 101 Testimony of Sukai Dahaba 31/12/20 Line 357 - 360
 102 Testimony of Kaddy Samateh 30/12/20 Line 138-155
 103 Testimony of Kaddy Samateh 30/12/20 Line 157-177
 104 Testimony of Kaddy Samateh 30/12/20 Line 190 - 222

122. All the arrested women were taken to a hall in the PIU headquarters. Some of the arrested women were Amie Bayo, Fatoumatta Sarr, Lili Bojang, Sukai Dahaba and Isatou Saïdy. One NIA officer, Bintou Manga, obtained their statements. Subsequently, the PIU brought in Modou Sarr, Solo Kurumang, Jerreh Fatty, Yaya Jammeh and others UDP supporters. One officer, Binta Jammeh, asked them why they hated former president Yahya Jammeh and promised to release them if they switched political allegiance and accepted Yahya Jammeh.¹⁰⁵
123. On the evening of the arrests of the “Kalaba” revolution women, Kaddy Samateh’s new born baby, Baby Aisha, was brought to the station so that she could be breastfed because she was not feeling well. According to Kaddy Samateh, this order was given by Yankuba Sonko, the IGP. Baby Aisha had the same baby clothes and cloth used to wrap her on her mother’s back, until they were released.¹⁰⁶
124. The following day on May 17 2016, other UDP supporters including Mariama Sandeng, Binta Nyabally and others were also arrested.¹⁰⁷ They were taken to a cell where they spent the night without food and water.
125. Later in the evening, two PIU officers wearing masks to cover their identities took away Mariama Sandeng. Binta Nybally testified that she was raped by two PIU officers one of whom she identified by his surname Sanneh.¹⁰⁸ She was not sure if the other female detainees also suffered the same sexual and gender based violence ordeal.¹⁰⁹
126. According to Kaddy Samateh, there was no mosquito net or beddings in the room that the detainees were kept. There was neither ventilation nor proper food. One of the officers, “Baby police”, a relative of her husband, tried to smuggle pampers by concealing them inside his trousers. Unfortunately, he was caught and punished. Kaddy further testified that while in detention, she used pampers because she was bleeding and urinating blood. She complained to the authorities about her worsening condition but they failed to provide her with sanitary pads she so desperately needed.¹¹⁰
127. After five days in detention, Kaddy Samateh’s group was arraigned before the Kanifing Magistrates’ Court. The group was so inhumanely treated and there was no consideration given to the welfare of baby Aisha who would be held by her mother Kaddy even while in the dock throughout the proceedings. They were detained for eleven days and during this period of detention, Kaddy Samateh was detained while breastfeeding her infant baby. The detainees were forced to carry out chores such as cleaning, cooking and washing of utensils at the PIU headquarters. The group was denied bail by the Magistrates’ Court. However, they were subsequently granted bail by the High Court.¹¹¹
128. During her detention, Kaddy was not allowed to go outside with her baby to get fresh air. As a result of the congested environment and poor hygienic conditions, baby Aisha developed

105 Testimony of Kaddy Samateh 30/12/20 Line 267-272
 106 Testimony of Kaddy Samateh 30/12/20 Line 330-375
 107 Testimony of Binta Nyabally 14/10/19 Line 658 - 693
 108 Testimony of Binta Nyabally 14/10/19 Line 708 -730
 109 Testimony of Binta Nyabally 14/10/19 Line 708 -730
 110 Testimony of Kaddy Samateh 30/12/20 Line 458-471
 111 Testimony of Kaddy Samateh 30/12/20 Line 472- 503

rashes and dry skin under her armpits and on her neck. These conditions were consistent with exposure to extreme heat.

129. On one occasion, teargas was thrown in the room where the detainees were kept which affected the baby's breathing for some time. Days after been granted bail by the High Court, the group, including Kaddy Samateh, was rearrested by ASP Almami Manga (now Superintendent) who used profanity against the women during the arrests and ordered them to board a truck.
130. Kaddy Samateh and her baby Aisha, Lili Bojang, Fatoumatta Sarr, Amie Bayo and Isatou Saidy were all taken to the police headquarters in Banjul and placed in a cell. Later that day, Amie Bayo, Fatoumatta Sarr and Isatou Saidy were released but Kaddy Samateh, Lili Bojang and Baby Isha remained in detention until the following day when they were released having spent the previous night there and almost the full day on the day of their release.
131. According to Kaddy Samateh, Superintendent Almami Manga detained her and her baby in a small room with little ventilation. The baby was agitated and kept crying until one of the officers intervened and pleaded with Superintendent Manga to open the cell. She was not charged with any new offence and she was detained for almost two days in terrible conditions with her baby until she was released for the second time on police bail.
132. During that detention period, they were not even provided with water to drink or bath as a result, the baby develop cracks under her armpits and on her neck to the extent that she was scared to wash her after they were released. Kaddy Samateh also testified that her baby, Isha's name was on the charge sheet as one of the accused persons and even when the baby's name was called in court like the other accused persons, Kaddy will lift the baby the dock for the Magistrate to visibly see her. The case was later withdrawn by the State.
On 3rd June 2016, while delivering his speech at a political rally in Talinding, Yahya Jammeh had this to say about the UDP demonstrators: "If they think they can take over the country, "I will wipe them out and nothing will come out of it. First demonstrators were all by Mandinkas. Second demonstrators were all Mandinkas and two Fulas. Fulas, you also join the group "welcome to hell". He referred to the mandinkas as foreigners, threatening to kill them one by one and place them " where even a fly cannot see them" . This statement made by Jammeh was condemned by the Special Adviser of the United Nation of as a Secretary General on the Prevention of Genocide as irresponsible, dangerous divisive and it serves to incite violence against a community based on their identity" . Over the years, Jammeh has used state resources and personnel's to attack the opposition and often make tribal and derogatory remarks that has since caused animosity and ethnic divide in the Gambian politics.

FINDINGS

THE COMMISSION FINDS THAT:

1. During the 1996 election campaign, the APRC created a militant youth group called July 22 Movement. As the name plainly suggests, it was derived from the date the AFPRC took over power. The July 22nd Movement enjoyed the protection of the leadership of the

APRC giving it latitude to terrorise members of the newly formed UDP supporters and other opposition supporters with complete impunity.

2. From the early days of the APRC, the justice sector institutions such as the Ministry of Justice, Police and the Judiciary were used to suppress and intimidate the members of the opposition parties. The politically motivated prosecution of Kemesseng Jammeh and others in Farafenni in 1996 during the campaign in relation to an alleged altercation with members of the July 22 Movement in which only the opposition members were charged and prosecuted, before the court later dismissed the case for lack of evidence.
3. The July 22 Movement later evolved into the Green Boys. Their main objective and operations were promoting Jammeh's political agenda. Some members of the Green Boys were recruited in the security services and armed forces such as the Police, Prisons, Army and Immigration to act as spies for Jammeh and his ruling APRC party.
4. A group of armed soldiers led by Edward Singhatey and Yankuba Touray, executive members of the newly formed APRC, attacked UDP supporters travelling in a convoy to a political rally in Banjul. They were ambushed at Delton Bridge and subjected to the most brutal assault by soldiers during that campaign period. This happened in the presence of Singhatey, Touray, FRI Jammeh and Almamo Manneh. The severe beatings led to the deaths of two UDP supporters shortly afterwards. Even though Edward Singhatey denied being present, the Commission believes the credibility of witnesses as to his presence at the scene of this brutal incident.
5. Lamin Waa Juwara was victimised in relation to the Brikama mosque dispute in 1997 even though he had connection with the issues. While he was being taken to Mile II prison, he was seriously beaten by members of the July 22 Movement under the orders of Baba Jobe.
6. Some UDP supporters were arrested, detained and severely tortured by the NIA in 1997. One of the victims was subjected to extreme sexualised torture, leading to a permanent dysfunction of his manhood. The Commission however, was unable to ascertain the persons responsible.
7. In the 2011 incident involving NRP supporters, the Police, under the supervision of Gorgui Mboob, are responsible for the physical assault, psychological trauma and detention of Hon. Ousman Touray and sixty other persons under inhumane and degrading conditions. Those arrested included six pregnant women who were exposed to extremely harsh conditions. As a result of these conditions and the trauma experienced, some of these pregnant women suffered miscarriages.
8. Between 1996 and 2016, opposition members were at risk of being arrested at any time and place without any due process or access to a lawyer. Most of them were subjected to cruel and inhumane treatment and some disappeared without any trace. Often, the State denied knowledge of the whereabouts of individuals who were arrested by its agents. In cases where State agents violated the rights of opposition supporters, no action was taken to punish or prevent such violations in the future. Consequently, the State was complicit in the systemic violation of the rights of the opposition, especially the UDP.

9. The PIU and the NIA are responsible for the arbitrary arrests, detention, physical assaults, torture and inhumane and degrading treatment of the UDP supporters arrested in April and May 2016.
10. The PIU brutally dispersed the protesters throwing tear gas into the crowd without warning. The protesters were arrested, manhandled and some of the women were sexually assaulted.
11. The detention of Kaddy Samateh and her infant baby Aisha and other women at the PIU for eleven days and being subjected to forced labour was a violation of their fundamental rights and freedoms. Their subsequent arrest and detention at Banjul Police Station by Superintendent Almami Manga without any order while on a court bail was a violation of their rights and an affront to the sanctity of the rule of law.
12. The Public Order Act was over the years used by the Police as a weapon to restrict and suppress the freedom of movement and association of opposition parties.
13. The Commission is satisfied that during the PIU attacked peaceful protesters on April 14 2016 and threw tear gas into the crowd without warning. The protesters were arrested, manhandled and some women were sexually assaulted. They were transferred from the PIU headquarters to Mile II prison without being charged with any offence.
14. During the trial of the UDP protesters, a defiant group of UDP women started the “Kalama revolution” with brooms and calabash as traditional symbols calling for an end to dictatorship. This movement was crushed on the May 9 2016 with brutal force, leading to the arrests and unlawful detention of about forty protesters.
15. Kaddy Samateh and her infant baby Aisha were detained at the PIU in violation of the law and their subsequent arrest after bail by Superintendent Almamo Manga without a court order was a violation of their fundamental rights.
16. Yahya Jammeh used derogatory remarks against the Mandinka ethnic group who were predominantly members of the UDP and incited violence against them. This contributed to the deeply rooted political divide on tribal grounds in The Gambia.

RECOMMENDATIONS

THE COMMISSION RECOMMENDS AS FOLLOWS:

1. To prosecute Edward Singhatey and Yankuba Touray for the torture and inhumane treatment of the UDP supporters at the Denton Bridge in September 1996.
2. To take administrative and internal disciplinary measures against Superintendent Almami Manga for unlawfully detaining an infant and her mother without a court or other lawful order.

3. There should be a comprehensive review of the Public Order Act by the National Assembly with a view to amending it to be in line with international human rights instruments and customary standards.
4. To develop an effective training manual for the Police on crowd control and the use of force during riots and protests.
5. There should be a comprehensive review of the Public Order Act with the view to amend it to bring it in conformity with international human rights standards.
6. Develop a training manual on crowd control and use of force by the Gambia Police Force, specifically the PIU.
7. Administrative and internal disciplinary measures should be taken against Superintendent Almami Manga for unlawfully detaining an infant child and her mother in an adult detention facility, without a court order or other lawful order.
8. The spirit of reconciliation anchored on social cohesion, harmony and mutual co-existence regardless of political differences should be pursued and strengthened in communities across the country.
9. Consideration be given to passing of legislation to criminalise hate speech and making derogatory remarks against any ethnic group.

