



TRUTH,
RECONCILIATION
AND REPARATIONS
COMMISSION

THE GAMBIA

REPORT

VOLUME 1

COMPENDIUM (PART B)
**RECOMMENDATIONS
FOR PROSECUTION**

REPORT

VOLUME 1

COMPENDIUM (PART B) RECOMMENDATIONS FOR PROSECUTION

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1. INTRODUCTION

- 0.1 The Republic of The Gambia (“The Gambia”) is the smallest non-island country in mainland Africa with a population of approximately 2.488,118.¹ It is in the western most part of Africa surrounded by The Republic of Senegal on all its borders except at the western part which is to the Atlantic Ocean. The Gambia gained its independence from the United Kingdom of Great Britain on February 18, 1965 and became a Republic in 1970.
- 0.2 The First President of the country, **Alhagie Sir Dawda Kairaba Jawara (“Sir Dawda Jawara”)**, led the country from independence in February 1965 until July 22, 1994, when his government was overthrown by young officers and men of The Gambia National Army led by **Lt. Yahya Abdul-Aziz Jemus Junkung Jammeh (“Yahya Jammeh”)**.
- 0.3 Under **Sir Dawda Jawara’s** leadership, The Gambia was known for its impressive human rights record and had the reputation of being the human rights capital of Africa. The Gambia is host of the Secretariat of the African Commission on Human and People’s Rights and whom of the the African Charter on Human and People’s Rights known as the “Banjul Declaration” which was adopted and submitted to the Organisation of African Unity and finally adopted on June 28, 1981. In this context, the African Centre for Democracy and Human Rights Studies is hosted in The Gambia.
- 0.4 **Yahya Jammeh** and a group of young military officers staged a bloodless *coup d’etat* on July 22, 1994, and overthrow the People’s Progressive Party (PPP) government of **Sir Dawda Jawara**. The Junta suspended the country’s Constitution and started to rule by Military Decree.² Former President, **Sir Dawda Jawara**, members of his family, some cabinet ministers and numerous sympathisers went into exile in the UK and elsewhere. **Yahya Jammeh** and his fellow coupists established the Armed Forces Provisional Ruling Council (AFPRC) claiming to be “*soldiers with a difference*”. They promised to return the country to civilian rule “*as soon as we have set things right*”³
- 0.5 **Yahya Jammeh** and the AFPRC ruled The Gambia until December 31, 1996. During this period, the military Junta set up a National Consultative Committee (NCC) to embark on a nationwide consultation process with Gambians to establish a new constitutional order.⁴ In 1996, in response to national and international pressure, **Yahya Jammeh** retired from the army and held presidential elections to which he contested under the banner of the Alliance for Patriotic Reorientation and Construction (APRC). During the elections, the soldiers controlled the polling process and **Yahya Jammeh** won becoming the second elected President of the Republic of The Gambia. The main opposition candidate Abubakar NM Ousainou Darboe (“Ousainou Darboe”) of the United Democratic Party (UDP) fled to the Senegalese Embassy for fear for his life. The opposition alleged that the elections were not free and fair, citing various violations of electoral laws.⁵ A new constitution was adopted in 1997 which brought the country back to constitutional rule. The new Constitution gave more power to the President and adopted a system of elections which would ensure his continuous victory.

1 <https://www.worldometers.info/world-population>

2 Decree No:1,1994

3 The New York Times 28th August 1994 by Howard W. French

4 Programme for Rectification and Transition to Democratic and Constitutional Rule, 24 October 1994

5 <http://www.ipsnews.net/1996/>

0.6 From the outset, **Yahya Jammeh** intended to entrench himself in power. He termed all those he perceived as opposed to his government as “enemies” and dealt with them severely. He established and perfected a dictatorship. In 2010, **Yahya Jammeh** decided that he wanted to be crowned King of The Gambia which would have effectively dispensed with the need for elections for him to remain in power. He sent out chiefs around the country to rally support of the people for his coronation.

In his bid to remain in power, **Yahya Jammeh** created the “Junglers”, a hit squad that intimidated and eliminated perceived opponents of his and his APRC party. The Junglers hid the bodies of those they killed in various locations including Yahya Jammeh’s farms and old wells around the country. **Yahya Jammeh** also established the National Intelligence Agency to spy, harass and gather information on opponents, often through arbitrary arrest, unlawful detention and torture. He moulded the justice sector institutions to rubber stamp and secure judicial sanction of his dictates against those he perceived to be against him. **Yahya Jammeh** publicly threatened to send opponents to “*my five star hotel*” referring to the notorious Mile II Central Prison located in Banjul where detainees and prisoners were subjected to extreme acts of physical and psychological abuse and where “*for the prison officers, death of prisoners is nothing. They always say: death of a prisoner is better than an escape*”⁶

1.8 During **Yahya Jammeh**’s 22-year regime, the people of The Gambia were gripped by total fear of him, the NIA and his notorious Junglers. Dissent or criticism of **Yahya Jammeh**’s regime was severely punished. He controlled the state institutions, its resources - human, financial, administrative and logistics - in whatsoever manner he wished. **Yahya Jammeh** terrorized, harassed, intimidated, manipulated and punished those who were opposed to him and he entrenched a culture of fear to ensure support and compliance. **Yahya Jammeh** also “*built around himself a cult following, and convinced many that he possessed supernatural powers*”⁷ in order to have complete control over the people of The Gambia.

1.9 The longer **Yahya Jammeh** stayed in power, the more brazen he became. He would often publicly often insult political and religious leaders. He would hire and fire civil servants at will without any consequences. He openly boasted that he could hire and fire anyone he wished as he had two million Gambians to choose from.⁸

1.10 Between July 1994 and December, **Yahya Jammeh** and his co-perpetrators named herein committed serious crimes and human rights violations against the people and residents of The Gambia. These include the unlawful killing of between two hundred and fourteen to two hundred and fifty (214-250) people, arbitrary arrests and unlawful detentions/imprisonment of hundreds of people, rape and sexual violence against men and women, inhumane and degrading treatment and torture of hundreds of victims.

1.11 Presidential elections were held in The Gambia on December 1, 2016. In a surprise defeat, **Yahya Jammeh** lost to a coalition of parties and opposition candidate, **Adama Barrow** was elected as the third President of the Republic of The Gambia. Having initially conceded

6 Testimony of Ansumana Manneh of the 8th June 2020, lines 1330-350
 7 Commissioned report to the Gambia’s Truth Reconciliation and Reparations Commission to the TRRC by Abdoulaye Saine page 30 para 83
 8 Gambia OGN v 7.0 January 2014

defeat, **Yahya Jammeh** subsequently backtracked a week later and rejected the results of the election. Refusing to step down, he challenged the election results at the Supreme Court citing “*serious and unacceptable abnormalities*”.⁹ forgetting that had previously dismantled the Supreme Court in order to avert any electoral challenges should in case he won the elections. He used the National Assembly to institute a state of emergency. The leadership of the Economic Community of West African States (ECOWAS) finally negotiated **Jammeh**’s exit from power and his settlement into exile in Equatorial Guinea.

1.12 The new government of The Gambia established the Truth Reconciliation and Reparations Commission (“TRRC”) to investigate and establish the truth about the human rights violations that took place during **Yahya Jammeh**’s 22-year regime, help bring about healing and reconciliation and to make recommendations for prosecution of those who bear the greatest responsibility for the violations committed.¹⁰ This document sets out the broad contours of the recommendations for prosecution against **Yahya Jammeh** and his co-perpetrators as envisaged by the TRRC Act.¹¹ The underlying facts, context and legal characterisation of the violations committed by **Yahya Jammeh** and his co-perpetrators in The Gambia between July 22 1994 and January 2017 are described and set out below:

2. HISTORICAL BACKGROUND

2.1. On July 30, 1981, **Kukoi Samba Sanyang (Dr. Manneh)** led a group of rebels in an attempted *coup d’état* of the government of **Sir Dawda Jawara**. Pursuant to a defence pact that was signed between The Gambia and Senegal, the latter intervened to restore the lawful and legitimate government of **Sir Dawda Jawara**. The rebels opened the Mile II Central Prison and provided arms, which they had seized from the Field Force armoury, to young men who were willing to go out and fight. Many people died in the process. The rebels went on a rampage leading the looting of many stores and businesses in the Greater Banjul Area (GBA). The Senegalese forces quickly regained control within about four (4) days and **Kukoi** and a small group of rebels fled the country to Guinea-Bissau. Others were captured and detained.

2.2. Before the attempted coup, The Gambia did not have an army and the security of the country was entrusted to the Field Force comprising a paramilitary unit of the police which had about five hundred (500) men in 1980¹² Many of the Field Force personnel participated in the attempted coup and were captured and detained. The inadequacy of the country’s security became very apparent.

2.3. In 1982, The Gambia signed the Kaur Declaration with the Republic of Senegal, which created the Senegambia Confederation. The confederal capital was in Dakar, Senegal and **Abdou Diouf**, the Senegalese President became President of the confederation and **Sir Dawda Jawara** became its Vice President.

9 Gambian President Yahya Jammeh rejects election result | The Gambia | The Guardian
 10 The TRRC Act 2017
 11 Section 15 of the TRRC Act 2017
 12 A Week of Mayhem: The July 30 Insurgency in the Gambia / Akpojevbe OMASABJUWA-Modu Lamin TARRO

- 2.4. The Gambian Armed Forces (GAF) was created following the enactment of The Gambian Armed Forces Act in 1985 in order to address the security vacuum. In the meantime, as part of the confederal arrangements, The Gambia also created a Gendarmerie (a French system of Armed Military Police). The Gendarmerie was to be organized, trained and led by the Senegalese Gendarmerie who were stationed in The Gambia.¹³ The Gendarmeries was responsible for providing security for the president, VIPs and government installations. Throughout the duration of the confederation, The Gambian Gendarmerie was under the leadership of the Senegalese Gendarmerie Commander in Banjul. The confederation also created confederal military battalions comprised of both Gambian and Senegalese Units.
- 2.5. In August 1991, Senegal abruptly withdrew its forces from The Gambia thereby bringing an end to the Senegambia confederation. The Gambia suddenly became responsible for the internal security of the country and its borders. The country quickly reorganized itself and a new leadership was established for the Gendarmerie and the Army.
- 2.6. **Yahya Jammeh** enlisted in The Gambia National Gendarmerie (GNG) in 1984 and served as a guard at State House and later as security for **President Sir Dawda Jawara**. During the time of the confederation and even afterwards, he was frequently involved in disciplinary problems. On several occasions, he escaped being sacked from the Gendarmerie.
- 2.7. In 1992, The Gambia embarked on a re-organization of its security forces. As part of the re-organization, the leadership of the army fell on a young Gambian officer called **Maba Jobe**. For reasons of his relatively young age, the government decided to bring in the Nigerian Army Training Assistance Group (NATAG) led by Colonel Abubakar Dada to take over the command and re-organization of the army. The Nigerian commander recommended the disbanding of the gendarmerie. It is believed that the Nigerians felt that a gendarmerie was not in line with the traditional British system which both The Gambia and Nigeria were accustomed to and should therefore be eliminated¹⁴ The government duly complied and disbanded the GNG and re-designating it to the Tactical Support Group (TSG) within The Gambia Police Force. A section within the Gendarmerie was moved to the army to become the Military Police Unit of the Army. **Lt. Yahya Jammeh** who was the commander of the Unit also moved to the Army and became the first head of its Military Police Unit.
- 2.8. Problems and dissatisfaction continued to prevail in the army as soldiers complained that they were being treated as second class to Nigerian soldiers who were sometimes inferior to them in terms of training.¹⁵ During a training exercise at Kudang, a group of young Gambian officers started entertaining the idea of overthrowing the Sir Dawda Jawara government. The general dissatisfaction in the army deepened especially among the junior officer corps and led them to start planning a *coup d'etat*. Rumours of this impending coup were rife in town.¹⁶ July 21, 1994, the day when the then **President Sir Dawda Jawara** was to return to The Gambia from an overseas trip, was the chosen date for the planned coup to be commenced from the airport when the President landed. This information leaked and **Yahya Jammeh** was disarmed at the airport while waiting for the President's plane to land. **Yahya Jammeh**

13 Dwyer, Maggie (2017). "Fragmented forces: The Development of the Gambian Military"
 14 Testimony of Ebrima Ismaila Chongan of 7th January 2019
 15 Testimony of Alagie Kante of 14th of January 2019; Testimony of Sanna Sabally of 24th April 2019.
 16 Testimony of Ebrima Ismaila Chongan of 7th January 2019

- and his fellow coupists were not arrested. The Nigerian commanders of the army planned to have them arrested the next day.¹⁷
- 2.9. In the early hours of the following morning of July 22 1994, **Lt. Yahya Jammeh** and his colleagues **Lt. Sanna Sabally, Lt. Edward Singhaty and Lt. Sadibou Hydera** led other junior officers and men of The Gambia National Army (GNA) and staged a bloodless coup d'etat that brought the thirty-year regime of **Sir Dawda Jawara to an end. Sir Dawda Jawara**, members of his immediate family and some senior government officials had to leave the country. They were escorted out of the country by a US Navy vessel which was on a visit in The Gambia.¹⁸
- 2.10. At the outset, the coup did not have an identified leader. Hours later after the coup had already succeeded, **Lt. Yahya Jammeh**, the most senior officer amongst the architects of the coup was announced as their leader and Chairman of the new Armed Forces Provisional Ruling Council (AFPRC) and **Lt. Sanna Sabally** as its Vice Chairman. They co-opted **Lt. Yankuba Touray** as its fifth member.
- 2.11. In justifying their coup, the military Junta claimed that they were "*soldiers with a difference*". This was perhaps in reaction to the suspicions of Gambians about military governments and the general criticisms against military coups and the dismal record of military governments in Africa.
- 2.12. Prior to the July 22, 1994 *coup d'etat* which the Junta dubbed "*the July 22nd revolution*", The Gambia enjoyed an unblemished human rights record. In addition to boasting of consistently having one of the best human rights records in Africa, it was the host to important human rights institutions of the African Union.
- 2.13. Contrary to its claim of being soldiers with a difference, the Junta started differently by suspending the country's 1970 Constitution. It suspended the country's 1970 constitution and started ruling by decree. Some of these decrees granted the Junta draconian powers. Although, Decree Number One (1) did not suspend human rights provisions of the constitution, it allowed some other decrees for example which ousted the jurisdiction of the courts in certain human rights related issues and also suspended the writ of *habeas corpus* in the instance of a member of the force being detained and several other remedies.¹⁹
- 2.14. The Junta demonstrated so much raw power against the civilian population for instance Vice Chairman **Lt. Sanna Sabally** was notorious in his show of brute force especially against road users perceived to be obstructing his convoy which often travelled at break neck speed intimidating other road users.
- 2.15. **Lt. Sanna Sabally's** orderlies and guards in his convoy would deliberately shoot the tyres of any vehicles on the road which were perceived to be obstructing his convoy. Drivers of vehicles seen obstructing the convoy were mercilessly beaten.²⁰ The public were helpless

17 Testimony of Abubacarr Sulayman Jeng, 15th January 2019, paras 298 – 306, Testimony of Amadou Suwaneh, 9th January 2019 lines 586-594
 18 Testimony of Momodou Lamin Gassama lines 845-846,1074-2237
 19 State Security (Detention of Armed and Police Personnel) Decree No. 3 1994
 20 See Testimony of Sanna Sabally of 24th April 2019, lines 2250 to 2296 on Abdoulie Tekanyi

in the face of this onslaught and could not do anything apart from stand by and watch **Lt. Sabally** developed a reputation of a brutal, no compromise soldier. The convoy attacks on civilians instilled great fear in the people. However, this was not limited to **Lt. Sabally** alone. **Lt Yahya Jammeh** also adopted a similar style.

- 2.16. From the first day of the coup, many top public servants were arrested, placed in military trucks paraded around town to humiliate them and then taken to prison or detained elsewhere without any legal process. At some stage, the Junta members under the leadership of **Lt. Sanna Sabally** went to the prison and tortured some of them.²¹ Senior security officers were also arrested and detained at the horrible security wing of Mile II Central Prison. They were not taken before any court of law to sanction their detentions. On 5th September 1994, **Lt. Sanna Sabally** led his colleagues (except **Yahya Jammeh**) to Mile II Central Prison and brutally tortured some of the senior security officers detained there.²²
- 2.17. Having tortured and humiliated the detained soldiers and senior members of the public service, **Lt. Yahya Jammeh** and his Junta members set an example to anyone be it in the army or elsewhere as to what could happen to them if the Junta's authority was challenged.
- 2.18. On November 10, 1994, members of the Junta learned that their colleagues were planning to launch a *counter-coup*. They went to Yundum Barracks to try to talk to the soldiers against the idea. That evening, they received information that the alleged coupists were carrying on with their plan regardless. Members of the Junta under the leadership of **Capt. Sanna Sabally and Capt. Edward Singhatey**²³ laid an ambush in the early hours of November 1, 1994 at Yundum barracks and captured the leaders of the attempted coup. They were tortured mercilessly and detained in Mile II Central Prison. They also executed two (2) officers and three (3) Non-Commissioned officers (NCOs) who were captured.
- 2.19. Later that that afternoon, members of the Junta took the remaining six (6) detained officers and senior Non-Commissioned Officers to the forest and executed all six (6) of them. All the eleven (11) soldiers who were killed were buried in unmarked graves in Yundum Barracks. This incident brought about a lot of fear in the Army.
- 2.20. From the beginning, it was obvious that **Yahya Jammeh** did not wish to give up power.²⁴ However, as a result of pressure from both within the country and outside, in particular development partners, the government yielded to the demand to make arrangements for the restoration of democratic rule in the country. It established a consultative committee to establish a timetable for the return to democracy and also a new constitutional framework for return to constitutional rule.
- 2.21. The consultative committee recommended return to constitutional rule after a transition period of two years of military rule. However, disagreements started to emerge among members of the Junta with **Capt. Sabally** advocating return to the barracks while **Capt. Yahya Jammeh** and his supporters in the Junta wanted to retain power.

21 Testimony Edward Singhatey of 16th October 2019, lines 1960-2051
 22 Ebrima Ismaila Chongan, testimony of 7th January 2019 para 1063-1230 General Mamat Cham, testimony of 16th January 2019 para 2235-2374 ; Abou Jeng testimony of 15th January 2019 1614- 1695
 23 By this time the Junta members had promoted themselves to Captain rank.
 24 Letter of Lawyer Ousman Sillah of 30th August 1995, Title the last Hurdle-Part 111 addressed to Captain Yahya AJJ Jammeh

- 2.22. **Capt. Yahya Jammeh** and his colleagues planned to get rid of **Capt. Sanna Sabally** and his friend **Capt. Sadibou Hydara**.²⁵ On or about January 27, 1995, **Capt. Sanna Sabally** and **Capt. Sadibou Hydara** were arrested at State House in Banjul on the false allegation that they pointed their weapons at **Capt. Yahya Jammeh** with the intention of killing him.²⁶ They were taken to Mile II prisons where they were detained and tortured mercilessly.²⁷ A few months later **Capt. Hydara** died in Mile II and **Capt. Sabally** was imprisoned for nine (9) years after a court martial.²⁸
- 2.23. The **Jammeh** government did not tolerate dissent. **Ousman Koro Ceesay**, a young, charismatic and brilliant economist who served as Minister of Finance had a disagreement with the Junta and he was brutally assassinated by **Capt. Edward Singhatey, Capt. Yankuba Touray, Capt. Peter Singhatey** and junior soldiers under their command.²⁹
- 2.24. The Junta disbanded the National Security Service and created the National Intelligence Agency (NIA). The decree establishing the NIA gave it investigative authority similar to a traditional police force.³⁰ With its draconian powers, it became a much-feared institution to be used later by **Yahya Jammeh** as his main instrument of oppression and torture.
- 2.25. The Junta also clamped down on all forms of demonstrations or civil protests over its rule. In 1995, some supporters of the former PPP regime planned to carry out a demonstration at the US Embassy at Kairaba Avenue, they were swiftly arrested and detained at the NIA headquarters and at the military barracks in Fajara where they were mercilessly tortured.³¹ Many of them lost their lives soon after their release almost a year later as a result of the injuries.³² Innocent civilians who happened to be in the vicinity of the Embassy were also wrongfully picked up and treated the same as the PPP supporters.³³
- 2.26. In 1996, **Yahya Jammeh** promoted himself to Colonel of The Gambia National Army and retired from the armed forces and became a civilian in order to contest the presidential election that was slated for December 1996 as part of the restoration of the democratic process. He established the APRC Party. During the campaign, the AFPRC militants and soldiers harassed and intimidated the newly formed opposition United Democratic Party (UDP) members. During the 1996 Presidential Elections Campaign, the soldiers ambushed the members of the UDP Denton Bridge in Banjul. The supporters were returning from a nation wide campaigning. They were severely beaten with fists, gun butts, whips and boots by trampling upon them. Their party TEE shirts were removed and burnt. Two people died as a result and many sustained serious permanent injuries.³⁴

25 Testimony of Edward Singhatey of 21st October 2019, lines 17-166
 26 Testimony of Edward Singhatey of 21st October 2019 lines 522- 613
 27 Testimony of Sanna B Sabally of 25th April 2019, lines 1022-1266, 1319-1427, 1505-1574,
 28 Testimony of Sanna B. Sabally of 25th April 2019, lines 1615-1626
 29 Testimony of Alhagie Kanyi of 28th February 2019, para 906- 126 Yankuba Touray has been convicted for the murder of Ousman Koro Ceesay by the High Court in Banjul on 14 July 2021
 30 Decree No: 45, adapted into the Laws of the Gambia 1990, vol 4, Cap 1703
 31 Testimony of Sainey Faye 13th February 2019, para 36- 566; testimony of Momodou Cadi Cham
 32 Testimony of Omar Sainey Faye of 13th February 2019, 826-840
 33 Statement of Adama Ceesay (Case No. 1273) 2nd November 2020 and Ousman Jallow (Case No. 72), 15th February 2019
 34 Testimony of Dr. Sheriff Ceesay 13th June 2019 , para 107-313; Testimony of Edward Singhatey, 21st October, para 1112-1152; Testimony of Omar Jessy 12th June 2019 para 174-395

- 2.27. **Yahya Jammeh** won the 1996 elections. From then onwards, he continued his *modus operandi* of intimidating Gambians with the intention of instilling fear to entrench himself in power. His first step was to neutralise the established politicians by banning them from participating in politics. Those who protested were arrested, detained and tortured. He also eliminated all senior security officers who could possibly challenge his authority by imprisoning and torturing them.
- 2.28. The media remained defiant and challenged **Yahya Jammeh's** actions. In response, **Yahya Jammeh** passed laws that limited freedom of expression and increasing the legal impediments to the media. In addition, he used his the Junglers to attack journalists and set some media houses on fire. Those who published articles that were critical of him faced dire consequences. He ordered the Junglers to burn Radio 1 FM and in the process the owner **Mr. George Christensen** sustained severe burn injuries. They also attacked the Independent Newspaper and set its premises on fire. The Junglers, on the orders and direction of **Yahya Jammeh**, also assassinated veteran Gambian journalist **Deyda Hydara** who published a column called “*Good Morning Mr. President*” which was very critical of the President.³⁵
- 2.29. In addition to killing **Deyda Hydara**, **Yahya Jammeh** caused the enforced disappearance of Daily Observer journalist **Chief Ebrima Manneh**. **Manneh** who was last seen in the custody of state agents in 2007. The Gambia Press Union kept a record of the number of incidences of arrest and detention of Gambian journalists by state agents under the command and control of **Yahya Jammeh**. They note that there had been over 140 instances of arrests of journalists.³⁶
- 2.30. In many instances, the victims were tortured after arrests. In fact, it was common practise that journalists arrested and taken to Mile II Central Prisons in a case in which **Yahya Jammeh** was interested were almost invariably taken to the NIA and tortured by the Junglers as a matter of routine. The Freedom Newspaper saga led to arrests, unlawful detention and severe torture of many journalists and readers of the paper.³⁷
- 2.31. Non-Gambian journalists who crossed **Yahya Jammeh's** line were deported. Due to the treatment of journalists in The Gambia, many of them also fled the country. There was a point when there were more Gambian journalists living in exile than there were in the country. This *modus operandi* instilled so much fear in the hearts of Gambian journalists. Many had to resort to self-censorship instead of risking being arrested, detained and tortured.
- 2.32. Many students also fell victim to the deteriorating human rights record of the regime, in particular the rights violations by the security agents of the state. There were several instances when students were killed and raped. In the year 2000, a Gambian student **Ebrima Barry** died in the hands of the Fire and Rescue Service personnel. The students became dissatisfied with the slow pace of the investigations. On April 10 and 11 of 2000, the students protested the killing of **Ebrima Barry** and the rape of **Binta Manneh**.³⁸ In quelling the protest, **Yahya Jammeh** ordered the security forces that “*they should take care of these*

35 Testimony of Pap Baboucarr Sainey of 18th July 2019 lines 721-727

36 Testimonies of Saikou Jammeh 8th and 9th of July 2019

37 Testimony of Malick Mboob of 2nd July, 2019 lines 457-463, Testimony of Lamin Cham of 8th July, 2019 lines 661-668, Testimony of Kebba Kanyi of 16th November 2020.

38 Testimony of Binta Manneh of 20th August 2019, lines 106-165

- bastards in whatever form*”³⁹ and as a result 13 students, one red cross volunteer were shot and killed, a child died in the stampede and another succumbed to gunshot injury to the head. After a Commission of Inquiry into the killing of the students, **Yahya Jammeh** promulgated an Indemnity (Amendment) Act 2001 which granted those responsible for the killing’s immunity from prosecution.
- 2.33. **Yahya Jammeh** used the NIA to abduct, arrest, detain and often times torture his opponents. Torture at the NIA against perceived enemies of **Yahya Jammeh** was almost routine as hundreds of victims who passed through there were tortured as a matter of course. The notorious *Bambadinka (crocodile hole)* became the most dreaded detention cell due to its terrible conditions and filth.
- 2.34. **Yahya Jammeh's** attacks against the civilian population of The Gambia was intended to instil such fear in the hearts of the people so that his rule may not be challenged by anyone. He succeeded. In 2008, the Amnesty International publication “*Fear Rules*”,⁴⁰ catalogued the factors that led to the complete state of fear and paranoia among public officials and The Gambian people in general.
- 2.35. **Yahya Jammeh** did not spare his own family members who he perceived as opponents. Sometime around 2005, he ordered the killing of at least 5 of his family members. At the time when rumours of coups were rife and in order to nip it in the bud, **Yahya Jammeh** dealt very harshly with any one he suspected of being involved in planning a coup.
- 2.36. In 2005, more than sixty-seven (67) West African migrants including forty four (44) Ghanaians, nine (9) Nigerians, two (2) Togolese, two (2) Senegalese and an Ivorian among others arrived on Gambian shores on their way to Europe. They were swiftly arrested by the police who suspected them to be illegal migrants. Although some of them escaped, the rest were processed as such at Barra Police Station where they were taken to and booked. However, after receiving instructions from Banjul, the illegal migrants who were transported to Banjul were labelled and treated as mercenaries planning a coup against **Yayha Jammeh**. **Yahya Jammeh** ordered their execution without first conducting an investigation. Some migrants were detained at the Banjul Police station and later released after about a year in detention. The remaining migrants were however, executed by the Junglers who were under the command and control of **Yahya Jammeh** and pursuant to his orders. Some of these killings occurred in places owned and controlled by **Yahya Jammeh** or where the general public would not ordinarily have access to.⁴¹
- 2.37. During the 2006 **Colonel Ndure Cham** attempted/planned coup, suspects were taken before a Panel consisting of NIA agents, military personnel and police officers. The suspects were all tortured at the NIA. Evidence was fabricated and used against them to convict them of treason and . In 2009, the same thing was done with regards to the alleged coup of **Lt. Gen. Lang Tombong Tamba**⁴²and **Navy Capt. Sarjo Fofana**. Torture and fabrication of evidence became a system **Yahya Jammeh** employed using NIA operatives. The fabricated evidence

39 Testimony of Lalo K Jaiteh of 26th September 2019, lines 498-499

40 <https://www.amnesty.org/en/documents/afr27/003/2008/en/>

41 Testimony of Omar Jallow (Jungler Oya) 23rd July 2019 409-617, Testimony of Malick Jatta 23rd July 2019 lines 173-458

42 Testimony of Lang Tombong Tamba of 14th December 2020 lines 1501-1510

or forced confessions were used to prosecute perceived opponents of **Yahya Jammeh** to send them to his infamous five star hotel, Mile II Central Prison using the justice sector institutions to give it a cloak of legality.

- 2.38. In March 2006, **Yahya Jammeh** ordered that **Daba Marena, Lt. Ebou Lowe, Lt. Alieu Ceesay, Warrant Officer Alpha Bah** and **Staff Sgt. Manlafi** Corsecretly murdered and their killings covered up by a false statement issued by **Yahya Jammeh's** colleagues⁴³, that fed lies to the public.
- 2.39. The Junglers killed many people perceived as opponents of **Yahya Jammeh**, on his orders. They attempted to assassinate **Lawyer Ousman Sillah**⁴⁴ who survived the shooting. **Yahya Jammeh** bragged that his soldiers do not miss, implying that the job was not done by his men. He also ordered the killing of **Ndongo Mboob**⁴⁵ **Sulayman Ndow (Saul), Mahawa Cham**⁴⁶ and many others.
- 2.40. In all, the Junglers under the command, control and direction of **Yahya Jammeh** tortured and killed scores of people.
- 2.41. Believing that his aunt was killed by witchcraft, **Yahya Jammeh** ordered the arrest of women and men suspected of being witches and wizards who were then taken to different parts of Kanilai (his home town) where they were detained, ill-treated, tortured and sometimes subjected to sexual violence. Some Guineans witch doctors were brought into the country and authorised, under armed military escort, to identify and “treat” alleged witches and wizards often by force or under the threat of force. Hundreds of people were apprehended and given a poisonous herbal concoction which was rubbed into their eyes and private parts. Approximately forty-one (41) people died in the process and many of the victims suffered long term physical and mental health consequences as a result of the ill-treatment.
- 2.42. **Yahya Jammeh** wanted to dominate all aspects of Gambian life. Dressing up and depicting himself as a man of God who carried the Quran, a sword and prayer beads), **Yahya Jammeh** started to interfere in religious matters, manipulating the members of the Supreme Islamic Council (SIC) and positioning himself as a religious/spiritual leader. Through the SIC **Yahya Jammeh** dictated important religious matters such as prayer dates for Muslims and ordered those Muslims who dared to pray on a date different from the one he chose to be arrested. Religious clerics who preached Islamic teachings that were different from his views were also arrested. He persecuted many Muslims who espoused a different brand of Islam compared to the one he believed in. In a village called Ker Mot Ali, the government forced at least 34 families to flee to Senegal as they were practising a different brand of Islam.⁴⁷
- 2.43. As part of his plan to entrench himself in power, **Yahya Jammeh** wanted to be seen as someone who possessed supernatural powers. He falsely claimed that he had “*received a mandate from God*” to cure HIV Aids and other diseases. **Yahya Jammeh** made a public declaration on National Television and interviews with international media such as the BBC

43 Then Inspector General of Police Ousman Sonko and then Director General of the NIA Harry Sambou

44 Lawyer Ousman Sillah breaks his silence /Opinion/ Mamos Media LTD (mamostv.tv)

45 Testimony of Malick Jatta 23rd July 2019 lines 42-43

46 Testimony of Omar Jallow (Jungler Oya) 24th July 2019 lines 920-924

47 Testimony of Yunusa Ceesay 29th January 2020 lines 1476-1482

and Aljazeera. Many persons who were affected with the virus submitted to the programme, out of hope of being cured except the first batch of participants who were coerced into the programme. During their treatment, these patients were subjected to unlawful detention, torture, sexual violence, and inhumane and degrading treatment. Victims were required to stop taking prescribed anti-retroviral drugs and many who underwent this president's alternative treatment programme (PATP) died. None barring one, without providing any evidence, still claims to have been cured. Those who challenged the veracity of this programme, including senior United Nations officials were sanctioned. Those who left the programme had to go back to conventional treatment. From the testimonies of the witnesses before the Commission it was said that approximately 31(Thirty-One) known people died as a result.⁴⁸

- 2.44. In totality, the unlawful killings carried out under the orders of **Yahya Jammeh** and for which he bears legal responsibility amount to between Two Hundred and Fourteen (214) and Two Hundred and Fifty (250) people. The other violations including unlawful detention, torture, inhumane and degrading treatment cannot be counted because of their frequency and huge number of people involved.
- 2.45. Widespread and systematic sexual and gender-based violence (SGBV) characterized **Yahya Jammeh's** 22-year rule as President of The Gambia. Sexual violence was often perpetrated either as the main objective of certain human rights violations or it was used as an instrument of repression, torture and punishment. Some of the more appalling incidents include (i) the sexual violence and abuse of participants of scholarship pageants and “protocol girls”; (ii) rape and/or sexualized torture by state security officials of male and female detainees including political opponents; (iii) violations committed as part of the infamous purge of “witchcraft” and (iv) sexual violence during “the Presidential Treatment Program.” These violations were perpetrated by **Yahya Jammeh** directly and by security agents and senior officials of his government.
- 2.46. The crimes/grave violations outlined above committed by **Yahya Jammeh** and security and government officials under his authority shock the human conscience. The context and widespread nature of the crimes and their gravity clearly are such that they amount to crimes against humanity. Moreover, the provision of section 19(3) of the TRRC Act envisage the applicability of crimes against humanity in The Gambia and the non-applicability of immunity for such crimes.

3. DEFINITION OF CRIMES AGAINST HUMANITY

- 3.1. Crimes against humanity, is defined by the Statute of the International Criminal Court (Rome Statute) as particularly heinous offenses in that they constitute a serious attack on human dignity or grave humiliation or a degradation of human beings. Crimes against humanity are not isolated or sporadic events. They are part either of a state or organizational policy or of a wide practice of atrocities tolerated or condoned by a government or a de facto authority. The crimes of murder, extermination, torture, rape, persecution on political, racial, national,

48 Testimony of Fatou Jatta 15th July 2020, Protected Information Sheet (PIS) Exhibit 146, Testimony of MH 49 20th July 2020, PIS Exhibit 149, Testimony of MB15 21th July 2020, PIS Exhibit 1L51, Testimony of MK83 22nd July 2020 PIS Exhibit 152A.

ethnic, cultural, religious or gender grounds and other inhumane acts reach the threshold of crimes against humanity only if they are part of a widespread or systematic attack against a civilian population with knowledge of the attack. Isolated inhumane acts of this nature may constitute grave infringements of human rights, or depending on the circumstances, war crimes, but may fall short of falling into the category of crimes against humanity.

4. CONTEXTUAL ELEMENTS OF CRIMES AGAINST HUMANITY

4.1. From July 22, 1994 until he was democratically ousted from power by The Gambian people on December 2, 2016, **Yahya Jammeh** committed massive serious crimes against The Gambian people. These crimes were an attack directed against the civilian population with knowledge of the attack. The attacks were committed pursuant or in furtherance of a state or organizational policy of the government of The Gambia and/or the NIA to commit the attacks against the civilian population. The crimes enumerated in this document were committed as part of the **Yahya Jammeh** government’s attack against the civilian population in The Gambia and should be read together with this section to establish their objective and subjective elements.

(a) THE CONDUCT OF YAHYA JAMMEH

The NIA and Junglers involved the commission of multiple crimes proscribed under Article 7 of the Rome Statute directed against the civilian population

4.2. The violations identified in this document were committed by **Yahya Jammeh**, state security agents including NIA officers, the Junglers, other members of the armed forces and senior officials of his government. These crimes are proscribed under Article 7 of the Rome Statute. They include murder, rape and other forms of sexual violence, torture, inhumane and degrading treatment, enforced disappearance and persecution. These crimes were directed at a civilian population. Where the victims were serving military personnel, it took place at a time when they were unarmed and needed to be treated as civilians. In almost all instances, the crimes were committed against unarmed persons who were already in custody or under the control of a state agent or organization i.e. the NIA or the Junglers.

(b) THE NIA AND/OR THE JUNGLERS ACTED PURSUANT TO AN ORGANIZATIONAL POLICY

4.3. The evidence received by the Commission establishes that perceived political opponents of the **Yahya Jammeh** regime who were arrested and detained were routinely subjected to torture⁴⁹ sexual violence⁵⁰ and/or other inhumane acts⁵¹ by state security agents including NIA agents and the Junglers. Several victims were subsequently killed.⁵² Essentially, it was an NIA organizational policy to carry out torture of detainees.

49 Testimony of Momodou Hydera of 4th February 2021, lines 570-591

50 Testimony of FB17 4th August 2019

51 Batch Samba Jallow (Victim) of 28th January 2019, para 395-991

52 Testimony of Malick Jatta 22nd July 2019 lines 828-832, Testimony of Omar Jallow (Oya) 23rd July 2019 lines 485-516

- 4.4. Torture was a policy for the NIA⁵³ There were special rooms called “*torture chamber*” or “*talk true*” and “*Bambadinka*” cells which were specifically used as places for torture.⁵⁴ The NIA also had special torture equipment such as electrocution machines, iron bed and the wall/floor shackles and other items for the purposes of torturing victims.⁵⁵
- 4.5. Murder and enforced disappearances of civilians were also part of the organizational policy of **Yahya Jammeh’s** government. The evidence reveals that persons who were handed over to the Junglers were either disappeared, killed and/or tortured. The confession made by **Yahya Jammeh** to **Saikou Jallow** clearly indicate that he was using the Junglers to disappear and kill civilians or unarmed soldiers.⁵⁶
- 4.6. The existence of the state or organizational policy to commit the crimes enumerated herein is demonstrated by the repetitive recurrence of the same types and pattern of violations often by the same set of people (NIA and Junglers) with impunity and/or the protection of **Yahya Jammeh**. All the Junglers and the NIA personnel were salaried state officials who were working for and in state institutions under **Yahya Jammeh**.
- 4.7. The existence of the state or organizational policy to commit the crimes enumerated herein is demonstrated by the repetitive recurrence of the same types and pattern of violations often by the same set of people (NIA and Junglers) with impunity and/or the protection of **Yahya Jammeh**. All the Junglers and the NIA personnel were salaried state officials who were working for and in state institutions under **Yahya Jammeh**.
- 4.8. The statements of **Yahya Jammeh** also demonstrate that there was a state policy to torture, kill or disappear **Yahya Jammeh’s** opponents. He has made utterances to the effect that he would send his opponents “*six feet deep*”⁵⁷ or to his “*five star hotel*”⁵⁸ which are clear indications of these policies.
- 4.9. Finally, none of the crimes committed by the NIA personnel and the Junglers were ever investigated over a period of 22 years. This is so in spite of rife public knowledge/rumours about certain crimes implicating them. In some instances, the evidence known publicly about these crimes are quite compelling. The deliberate failure by the relevant state institutions to investigate and actions taken to cover up these crimes also show that the crimes were committed pursuant to a state or organizational policy. The killing of the West African migrants is an important example. In this case, even where the government pretended to be investigating, it ensured that all the relevant evidence (i.e. station diaries) was concealed or destroyed. This would not have been possible if the crimes committed were not done pursuant to a state or organizational policy instituted by **Yahya Jammeh**.

53 Testimony of Basiru Sey 14th January 2021 lines 186-244, Testimony of Ousman Sowe Director of NIA present 7th January 2021 lines 212-215

54 Testimony of Ousman Sowe Director of NIA present 7th January 2021 lines 598-630

55 Testimony of Ousman Sowe 7th January 2021 lines 860- 916, Testimony of Nogui Njie 29th October 2019 lines 676-702

56 Saikou Jallow claims in his testimony that Jammeh told him that he could have caused Solo Bojang to disappear. This is an implicit admission that he used enforced disappearance as a tool to deal with his perceived enemies. Friday 28th may 2021 lines 267-272

57 Testimony of Isatou Njie Saidy 3rd October 2019 lines 1230-1238

58 Testimony of Ansumana Manneh 8th June 2020 lines 247-268

(c) **The crimes committed were part of a widespread or systematic attack directed against a civilian population**

- 4.10. The crimes committed by **Yahya Jammeh**, state security agents and senior officials of his government were committed as part of a widespread and systematic attack against the civilian population of The Gambia. The widespread nature of it is demonstrated by the number of victims involved and the period of time covered by the violation. The real victim population of the violations by **Yahya Jammeh** and his henchmen will never be known but available evidence suggests that the total number of known victims of unlawful killings stands at between two hundred and fourteen (214) to two hundred and fifty (250) and there were hundreds of victims of other crimes including torture, sexual violence and other inhumane acts. The victims come from all over The Gambia as well as at least sixty-seven (67) non-Gambians from many countries in West Africa also demonstrate the widespread nature of the crimes.
- 4.11. In addition to the widespread nature of the crimes committed by **Yahya Jammeh** and his henchmen against the civilian population, the crimes were also carried out systematically. Firstly, the crimes targeted mainly those persons who were perceived to be opposed to **Yahya Jammeh** who wanted to defy his authority or threatened his position as President of The Gambia or his economic interests. Almost all the victims share such similar characteristic – they were actual or perceived opponents of **Yahya Jammeh** personally or politically. In addition, the manner in which the violations occurred also followed particular defined patterns. Often times, the victims were arrested, taken to the NIA or Mile II Central Prison where they would be detained, interrogated and tortured or handed over to the Junglers to be killed and or sexually assaulted. For those who would be prosecuted, evidence will be obtained unlawfully or by fabrication and used to secure their conviction by a compliant judge (*mercenary judge*) who are often instructed to do so.
- 4.12. This pattern of conduct by **Yahya Jammeh** and his henchmen was carried out pursuant to an organizational policy to carry out those crimes. Without such organizational policy, it would not have been possible for the NIA, Junglers and other state officials to perpetrate these crimes with impunity.

(d) **YAHYA JAMMEH AND HIS CO-PERPETRATORS KNEW THAT THEIR CONDUCT WAS PART OF A WIDESPREAD OR SYSTEMATIC ATTACK DIRECTED AGAINST A CIVILIAN POPULATION**

- 4.13. **Yahya Jammeh** either directly ordered or knew that the criminal conduct by the NIA and the Junglers were carried out on his behalf. He therefore knew that the acts were carried out as part of a widespread or systematic attack against the civilian population. Both the Directors General of the NIA and the commanders of the Junglers directly reported to **Yahya Jammeh**. He knew the activities they were involved in and often received reports from them and gave them directions or orders. For instance, in the killing of **Deyda Hydara**, **Yahya Jammeh** was heard giving orders to **Tumbul Tamba**; in the attempted killing of **Lawyer Ousman Sillah**, **Gen. Sulayman Badjie (Saul)** said he refused to “finish off” Sillah when he had the chance because he refused to kill for **Yahya Jammeh**; the killings by the Junglers who are known to be a killer squad that worked for **Yahya Jammeh**; the killing of **Hon. Ousman**

Koro Ceesay, and the killing of the West African migrants was covered up. All these show that **Yahya Jammeh** was aware of the crimes committed by the NIA, the Junglers and other state agents/officials under his directions and orders and he did nothing about them.

- 4.14. The violations enumerated herein are a course of conduct involving the multiple commission of acts proscribed in Article 7 of the Rome Statute committed against the civilian population or soldiers who are *hors combat* and in custody and carried out in furtherance of a state policy.
- 4.15. On the basis of the above, it may be concluded that the magnitude, seriousness and widespread and systematic nature of the crimes committed by **Yahya Jammeh** and his henchmen against the civilian population of The Gambia amount to crimes against humanity.

5. IDENTIFICATION OF PERSON(S) CONCERNED

- 5.1. **Yahya Abdul Aziz Jemus Junkung Jammeh (“Yahya Jammeh”)** is the former President of The Gambia. He was the President and Commander in Chief of the Armed Forces and at some stages also served as Minister of Defence as well as the Chief Custodian of the Constitution of The Gambia.
- 5.2. **Yahya Jammeh** was born in Kanilai village in Foni Kansala in the Western Region of The Gambia on May 25, 1965. **Yahya Jammeh** attended Kanilai Primary School in Kanilai and St. Edward’s Primary School in Bwiam. He took the GCE O’ levels in 1983 at Gambia High School. In 1984 he joined The Gambia National Gendarmerie, but later moved to The Gambia National Army following the disbanding of the Gendarmerie. As part of his officer training, he attended the Military Police Officers Basic Course (MPOBC) at Fort McClellan, Alabama, in the United States of America and in 1994 obtained a Diploma in Military Science.
- 5.3. **Yahya Jammeh** served under various military units in The Gambia National Army. From 1984-1986 he was in the Special Intervention Unit, 1986-1989 the Gendarmerie Training School (Escort Training Instructor); 1989-1990 Presidential Guards (in charge of Presidential Escort); 1991 served as Officer commanding in the Mobile Gendarmerie and in 1992 was Officer Commanding The Gambia National Army Military Police, up till July 22, 1994 when The Gambia National Army toppled **Sir Dawda Jawara** and his PPP administration in a bloodless coup.
- 5.4. After the July 22, 1994 coup, **Yahya Jammeh** was selected by his fellow coupists to become the Chairman of the Armed Forces Provisional Ruling Council (AFPRC) which was the ruling body of The Gambia. At the time the **Sir Dawda Jawara** regime was toppled, **Lt. Yahya Jammeh** and the Council members promoted themselves from Lieutenant to the rank of Captain and in 1996 **Yahya Jammeh** as Commander in Chief of the Armed Forces promoted himself to the rank of Colonel and then retired from the army.

- 5.5. **Yahya Jammeh** became President on January 1, 1997 and ruled The Gambia until December 2, 2016 when he lost to **Adama Barrow** in the presidential election. Former **President Yahya Jammeh** left The Gambia for Equatorial Guinea into exile on January 27, 2017.
- 5.6. The co-perpetrators of the crimes committed by **Yahya Jammeh** are contained in Charts annexed to this report.
- 5.7. Persons who have committed acts or crimes that are part of Crimes against humanity are not entitled to amnesty as per Section 19 of the TRRC Act. This therefore means that they must be prosecuted. Annex Chart A contains a list of all persons who committed crimes against humanity, the type and number of violations they committed. Any prosecution of these people shall take into account the nature of the violations they have committed.
- 5.8. Chart B contains names of individuals who committed acts which did not amount to crimes against humanity. These individuals may be considered for amnesty or prosecution in the regular courts or the Special Criminal Court.

6. JURISDICTION(S) AND ADMISSIBILITY JURISDICTION

- 6.1. The numerous crimes committed by **Yahya Jammeh** and his co-perpetrators include unlawful killings, sexual violence, torture, enforced disappearance, persecution including through arbitrary arrests and unlawful detentions. The Gambia being the state where the crimes have been committed naturally has primary jurisdiction for the prosecution of the crimes committed in the country because it is the location where the crimes have been committed.
- 6.2. As stated below, the crimes committed by **Yahya Jammeh** and his co-perpetrators were not only committed against Gambian nationals. Some of the victims are nationals of other West African States such as Ghana, Nigeria, Senegal, Ivory Coast and Togo.
- 6.3. Each of these states whose citizens were killed in The Gambia would also have jurisdiction under their domestic laws to prosecute **Yahya Jammeh** for those crimes committed against their citizens in The Gambia. Whilst The Gambia can prosecute **Yahya Jammeh** for all the crimes committed in her territory, Ghana for instance will also have jurisdiction to prosecute him for the unlawful killings of approximately forty-four (44) Ghanaians who were killed by **Yahya Jammeh's** killer squad the Junglers in The Gambia. Similarly, Togo also has jurisdiction to prosecute **Yahya Jammeh** for the killing in The Gambia of two of its citizens. A prosecution by each state of the violations against its citizens in The Gambia would lead to a fragmented approach to the prosecution of the serious violations of human rights and grievous crimes that were committed by **Yahya Jammeh** and his co-perpetrators over a period of 22 years while in power in The Gambia. Additionally, these crimes taken by themselves may not meet the threshold of crimes against humanity and would instead amount to penal code offences such as murder. It would not be surprising if some countries would not be interested in prosecuting the violations against their citizens in The Gambia

simply because the cost of investigating a single crime or two by a former president with the view to prosecuting him would be prohibitive and thereby discourage any such action.

- 6.4. The crimes committed by **Yahya Jammeh** have both a domestic and an international character. In making a decision on forum of prosecution, one has to also consider the nature and type of the laws and the legal regime under which **Yahya Jammeh** and his co-perpetrators would be prosecuted. To prosecute him under domestic law only would mean that some of the crimes charged would not have the full international character and contextual recognition that they should be accorded. In other words, the crimes charged should reflect the proper legal and contextual characterisation under international criminal law.
- 6.5. In this regard, a purely domestic prosecution of **Yahya Jammeh** in The Gambia would lose some significant value. This is because, up until recently⁵⁹, The Gambia did not have any domestic law on torture, rather the law on assault applied which does not carry some of the significant nuances that would be found in the crime of torture. For instance, to charge genital electrocution, (a violation that was frequently meted out on **Yahya Jammeh's** opponents) as an assault would amount to a gross understatement of the nature, quality and character of this very egregious violation. For this and many other reasons prosecutions grounded on domestic law, especially in The Gambia would not convey the full import of the violations and crimes committed by **Yahya Jammeh** and his co-perpetrators.
- 6.6. As discussed in paragraphs 2.44 - 4.15 above, the crimes committed by **Yahya Jammeh** and his co-perpetrators amount to crimes against humanity as defined in the Rome Statute. It is important that for any criminal prosecutions that the perpetrators are charged with the full compendium of the crimes they have committed and in their proper characterisation. The Gambia has not yet domesticated the Rome Statute. As such the laws on crimes against humanity are not applicable domestic laws. To prosecute **Yahya Jammeh** for any crimes other than crimes against humanity would seriously undermine/diminish the seriousness and character of the violations he committed and possibly distort the historical record of the nation. In this context, the charges must be grounded on crimes against humanity and any domestic prosecution should be based on the relevant international laws as domesticated or established in a specialised statute created for that purpose.

The following options could be considered, bearing in mind the inappropriateness or disadvantages that come with some of them.

OPTION A

PROSECUTION IN THE GAMBIA - PURELY DOMESTIC TRIBUNAL

- 6.7. In view of the fact that The Gambia does not have the relevant applicable international laws in its books, any full and proper prosecution of **Yahya Jammeh** in The Gambia must necessarily be based on some newly created regime that will import all the relevant international crimes, rules and norms. There are some examples around the world from which one can draw to create such laws for example, in the year 2000, when the United Nations established a transitional administration in East Timor, it set up a Serious Crimes Unit to investigate the

crimes committed in that country from 1975 to 1999 to be prosecuted before the Special Panels for Serious Crimes.

- 6.8. The Gambia (which has primary jurisdiction over the crimes) has a Special Criminal Court⁶⁰ to deal with serious criminal cases. This tribunal can be used to prosecute **Yahya Jammeh** and his co-perpetrators. However, the relevant applicable laws should be the appropriate international crimes which carry the definitional seriousness and proper contextual characterisation of the crimes. This would mean the creation of a new statute mainly for the prosecution of **Yahya Jammeh and his co-perpetrators** which will include all the relevant international crimes that could be prosecuted under the circumstances i.e. crimes against humanity.
- 6.9. It must be noted that there are numerous potential dividends for prosecuting **Yahya Jammeh** here in The Gambia. First it allows him to be indicted for the full rubric of the international crimes he has committed and for victims to have access to the proceedings. Additionally, this could bring about new infrastructure for the judiciary, training of local judicial personnel, transfer of knowledge and systems etc. A purely national prosecution outfit comprised solely of Gambians using for instance the Special Tribunal could also help develop local expertise. However, there are significant problems in attempting to prosecute **Yahya Jammeh** in The Gambia in a purely domestic setting which cannot be disregarded. These include lack of capacity not just from among judicial staff, but also from the necessary support staff as well as lack of the necessary infrastructure and financial constraints. More significantly, the political fallout that could result from that must be considered. This point is addressed further below.

OPTION B

- PROSECUTION IN THE GAMBIA - INTERNATIONALISED TRIBUNAL

- 6.10. A better approach than Option A above would be to establish an internationalised tribunal in The Gambia comprising of Gambians and other nationalities, (such as the East Timor, Cambodia or Sierra Leone Model). This approach will enable the participation of Gambians and non-Gambians and can lead to greater exposure and training of Gambian judicial personnel and appropriate funding mechanism for the purpose. There may be concerns however that prosecution of Yahya Jammeh in The Gambia is likely to engender more conflict or polarisation of The Gambian people which must be avoided in order for greater reconciliation, unity and cohesion of the various communities in the country. In the Sierra Leone situation, it was believed that prosecuting Charles Taylor in Sierra Leone, in a region where he was still very popular, would be fraught with security and other associated risks, and his trial was held in The Hague. The same calculus applies here. However, in this instance, it is more likely to cause instability and social discord among the people who need to reconcile and move on.

⁶⁰ The 1997 Constitution of the Gambia provision 134

OPTION C

- PROSECUTION ABROAD IN A NEIGHBOURING INTERNATIONALISED TRIBUNAL

- 6.11. The case of Yahya Jammeh can be prosecuted internationally in a neighbouring country in which The Gambia being the most affected can play a leading role. Such an approach was taken in the prosecution of former Chadian President **Hussein Habre** who was prosecuted in Senegal for the crimes he had committed in Chad. Such prosecutions can be done under the umbrella of either the Economic Community of West African States (ECOWAS) as many of the victims of unlawful killings by **Yahya Jammeh** are West Africans. Alternatively, it can be done under the umbrella of the African Union (AU). Such prosecution is likely to receive more international recognition and less likely to suffer the weaknesses that have been identified in the nationalised arrangements.
- 6.12. Senegal, Ghana and Sierra Leone could be potential contenders to host such an internationalised tribunal to prosecute **Yahya Jammeh** and his co-perpetrators for their crimes. Senegal is an option due to its close proximity to The Gambia where the crimes were committed which gives it easier and closer access to the evidence (some of which are in fact in Senegal). Additionally, Senegal has the necessary infrastructure in place which was used to prosecute **Hussein Habre**. It should not be difficult to arrange to use those facilities under the auspices of ECOWAS or AU. Ghana is another option as not less than forty-four (44) Ghanaians have been unlawfully killed by the **Yahya Jammeh** government in The Gambia. Sierra Leone is much closer and has the necessary facilities in the former Special Court for Sierra Leone premises even though much of it is in a dilapidated state. Considering the possibilities under this option, an internationalised court in Dakar Senegal under the aegis of ECOWAS or AU is the better option.

OPTION D

- PROSECUTION AT THE INTERNATIONAL CRIMINAL COURT (ICC)

- 6.13. The ICC has jurisdiction over crimes against humanity committed in the territory of any of the member states of the court. The Gambia is a member state of the ICC which gives the court complementary jurisdiction over such crimes committed in the country. This means that if The Gambia is unwilling or unable to prosecute the crimes committed by **Yahya Jammeh**, the ICC has the mandate to step in and prosecute same. In this context, The Gambia may refer the case to the ICC pursuant to Article 14 of the Rome Statute. Further, a failure to investigate and prosecute **Yahya Jammeh** in The Gambia or in any other forum, would trigger the ICC to step in and investigate and prosecute the case pursuant to Article 17(1) of the Statute, if the case would be admissible before the ICC.
- 6.14. Admissibility of the case before the ICC would depend on: (a) whether the crimes committed are those that fall within the jurisdiction of the Court (i.e. whether they are, in this context crimes against humanity)? (b) Whether there have been genuine efforts to investigate and prosecute the crimes (i.e. whether The Gambia has been unwilling or unable to investigate and prosecute the crimes?) and (c) whether the crimes are of sufficient gravity to warrant

ICC intervention. Therefore, a case would be admissible at the ICC, if the case is crimes against humanity of sufficient gravity to warrant ICC intervention which has not been genuinely investigated or prosecuted. The crimes catalogued below are far too numerous and serious. Approximately, between two hundred and fourteen (214) to two hundred and fifty (250) people have been unlawfully killed and hundreds of people tortured and many more unlawfully detained or imprisoned and national treasury looted. Comparing these to the Kenya cases, it is crystal clear that these cases have reached ICC gravity threshold.

- 6.15. This means that if The Gambia does not comply with its international obligations to genuinely investigate and prosecute **Yahya Jammeh** and his co-perpetrators for the crimes against humanity, they committed in The Gambia during his 22-year rule, the ICC has the mandate to step in and do it.
- 6.16. However, ICC prosecution of **Yahya Jammeh** has its own downsides. ICC jurisdiction over the relevant crimes start from June 2002 and of many of **Yahya Jammeh's** crimes occurred before the cut-off date for ICC jurisdiction. These include: (i) the torture of senior officers of the security forces on September 4, 1994, (ii) the extra-judicial execution of eleven (11) soldiers of The Gambia National Army (GNA) on November 11, 1994, (iii) the assassination of **Hon. Ousman Koro Ceesay**, (iv) the unlawful detention and torture of PPP demonstrators in 1995 (v) the attack and torture of UDP supporters and unlawful killing of two of them at Denton bridge in 1996; (vi) the unlawful killing of **Lt. Almamo Manneh** and **SGT. Momodou Dumbuya** in 2000 and (vii) the unlawful killing of fourteen (14) people students during the student demonstration of April 10-11, 2000. These crimes are so significant and ought to be prosecuted. An ICC case would not include these crimes. As such, prosecuting **Yahya Jammeh** and his co-perpetrators at the ICC should be a last resort.
- 6.17. The Commission has taken into account all of the above options and the advantages and disadvantages of each option. The Commission is unanimous in its recommendation that option C is the best option i.e. prosecuting **Yahya Jammeh** and his co-perpetrators in an Internationalised Tribunal in a country in the West African sub-region (other than The Gambia) under the aegis of ECOWAS and/or the AU.

7. DETAILS OF CRIMES COMMITTED BY YAHYA JAMMEH AND HIS CO-PERPETRATORS

- 7.1 Over a period of twenty-two (22) years starting from July 22, 1994, **Yahya Jammeh** and his colleagues (members of the AFPRC) and other co-perpetrators- committed very serious crimes against the people of The Gambia. From the outset, **Yahya Jammeh's** motive was to retain and entrench himself in power at all costs. He would do anything to ensure that he did not lose his newly acquired power, which he later developed into a fully-fledged dictatorship. After having suspended the constitution in the military coup in 1994, **Yahya Jammeh** and his colleagues passed numerous military decrees that enabled him to rule The Gambia the way they wanted to. He created a justice system that would offer judicial endorsement of his unlawful actions and a penitentiary system that would harshly punish his opponents. These set out the road to a violent dictatorship that would soon follow, and for

22 years **Yahya Jammeh** and his enablers unlawfully killed, sexually violated, tortured and unlawfully detained numerous Gambians and non-Gambians alike to create so much fear in Gambian society, which would in turn enable him to retain power for as long as he wanted. Any person **Yahya Jammeh** perceived to be his enemy was severely dealt with whenever he thought that such was necessary. No person or institution could do anything about it.

- 7.2 Through a system of patronage, **Yahya Jammeh** completely rendered the public service as his personal fiefdom by appointing to it numerous unqualified people who did whatever **Yahya Jammeh** wanted. Yahya Jammeh's control of the public service was so complete that he was effectively the sole decision maker in the service. Whatever he wanted was what was done. His mere pronouncements were treated almost like law. **Yahya Jammeh** was the alpha and the omega. The whole country was gripped in fear as he did whatever he wanted. Any challenge or suspected challenge to his authority was often met with violence.

7.3 Below is a description of the crimes committed by Yahya Jammeh and his co-perpetrators between July 22, 1994 and January 16, 2017.

A. TORTURE OF SECURITY DETAINEES ON 6 SEPTEMBER 1994

1. Even though the July 22, 1994 coup d'état that brought **Yahya Jammeh** and the AFPRC in power did not face any resistance, **Yahya Jammeh** and his colleagues arrested and detained senior security officers at Mile II Central Prison. These arrests and detention were *ab initio* unlawful. However, the AFPRC Junta passed a Decree on State Security (Detention of Armed and Police Personnel) Decree No. 3 1994 legalising the unlawful arrests and detentions. The Decree allows that Vice Chairman of the AFPRC to detain a person deemed to be a security threat for a period of 6 month and also to renew such detention as he deemed fit.
2. Up to 29 senior security personnel were detained under this regime. On September 6, 1994, members of the Junta Vice Chairman **Lt. Sana B Sabally**, **Lt. Edward Singhatey** (Minister of Defence), **Lt. Sadibou Hydara** (Minister of Interior), **Lt. Yankuba Touray** (Minister of Local Government and Lands), **Lt. Peter Singhatey** (Commandant of Gambia National Army Training School (GNATS) brother to **Lt. Edward Singhatey**) together with their orderlies and guards **Private Baboucarr Njie (Njie Ponkal)**, **Baba A Njie** and **JCB Mendy** assigned to **Sanna Sabally**), **Mustapha Touray (Churro)**, **Lamin S. Marong** and **Lamin Senghore (Pa Senghore/Assassin)** (assigned to **Edward Singhatey**), **Private Zackaria Darboe**, **Alfusainy Suso** and **Lamarana Jallow** (believed to be assigned to **Lt. Sadibou Hydara**), **Ensa Mendy** and **Jali Madi Suso**(assigned to **Lt. Yankuba Touray**) went to Mile II Central Prison between 11:30pm and 1am. These senior officers demanded that the cells at the Security Wing be opened and they be given access.⁶¹
3. The members of the Junta did go to the prison the previous night, but the officer who had the keys to the Security wing, **Mr. Momodou Jobarteh** had wind of the plan of the Junta and decided to absent himself. The members of the Junta did not have access to the Security Wing. They left disappointed but returned the next day and quickly arrested **Mr. Jobarteh** and detained him in the Security Wing.⁶² That night, the members of the Junta except **Yahya**

61 Testimony of Ebrima Ismaila Chongan of 7 January, 2019, lines 1063-1176

62 Testimony of Ebrima Ismaila Chongan of 7 January, 2019, lines 1072-1079

Jammeh returned to Mile II Central Prisons together with Lt. **Peter Singhatey** and their orderlies. They demanded access to the Security Wing which was swiftly opened.⁶³

TORTURE AND MOCK EXECUTION OF CAPT. MAMAT O. CHAM

4. Led by Vice Chairman **Lt. Sanna B. Sabally**, **Lt. Edward Singhatey** yelled twice “*where is Capt. Mamat O. Cham?*” and demanded that his cell be opened. The prison officers opened **Capt. Cham’s** cell. The orderlies and security guards of the Junta members attacked **Capt. Cham** in his cell hitting him with their rifles and kicking him. He was taken out, handcuffed and beaten as they took him out of the block to the court yard. They continued beating and kicking him as they moved to the court yard. **Lt. Edward Singhatey** put a pistol in the mouth of **Capt M.O. Cham** and played Russian roulette with the safety catch of the pistol. **Capt. Cham** was very scared thinking that any minute the gun will explode in his mouth. As this was being done, the Junta members and their orderlies fired shots in the air simulating an execution.⁶⁴**Capt. M.O. Cham** sustained serious injuries. He was then transferred to Security Wing No 1.

TORTURE AND MOCK EXECUTION OF RSM BABOUCARR JENG

5. The members of the Junta returned to Security Wing No: 4 and called for **RSM Baboucarr Jeng**.⁶⁵ **Baboucarr Jeng** was the most senior Regimental Sergeant Major (RSM) in the army. Members of the Junta, in particular **Lt. Edward Singhatey** yelled out his name asking “*where is RSM Jeng?*” His cell was identified and opened by the prison officers. The orderlies of the Junta members stormed his cell and started beating and hitting him with their rifles. He was handcuffed and removed from the cell. **Lt. Edward Singhatey** kicked him hard and RSM Jeng fell to the floor injuring his neck. They dragged him out of the cell block to the court yard just like they did **Capt. M.O. Cham**. **Lt. Yankuba Touray** insulted **RSM Jeng’s mother** and put a pistol in his mouth and played Russian roulette with it. **RSM Jeng** was tortured severely by the Junta members and their orderlies. He sustained serious injuries re-injuring his fragile neck which was healing from a previous accident. They fired shots in the air simulating his execution. They then took **RSM Jeng** to Security Wing No:1.

TORTURE AND MOCK EXECUTION OF ASSISTANT INSPECTOR GENERAL OF POLICE EBRIMA ISMAILA CHONGAN

6. Next, they came for **Ebrima Chongan** who was at the time of his arrest the Assistant Inspector General of Police. He was hitherto the Deputy Commander of the Gendarmerie and therefore the boss of both Junta Chairman **Lt. Yahya Jammeh** and **Lt. Sadibou Hydara** who were both from the Gendarmerie. **Lt. Edward Singhatey** shouted “*where is Ebrima Chongan?*” The prison officers opened **Chongan’s** cell and the orderlies and Junta members attacked him. They hit him with whatever they had-fists, rifle butts and boots. They handcuffed him and dragged him out of the cell and took him to the court yard as they beat him mercilessly. At the court yard, after beating him, **Lt. Sanna Sabally** asked **Mr. Chongan** to “*say your*

63 Under the Prisons Act Cap 20:01 S31 rules the Security wing is not to be opened after 7pm.
64 Testimony of Ebrima Ismaila Chongan, 7 January 2019, lines 1112-1129; Testimony of Gen. M.O. Cham , 16 January 2019, lines 2240-2296
65 RSM Baboucarr Jeng was involved in a car accident and injured his neck. He had to keep his neck on braces to stabilize it.

last prayers” and **Chongan** responded ‘*No, am not saying any last prayers if I die, I am going to heaven anyway you murdered me*’.⁶⁶ The Junta members performed their mock execution and took **Mr. Chongan** to Security Wing Number 1, just like those before him.⁶⁷

7. The Junta members and their orderlies returned to the Security Wing No: 4 and made the detainees there believe that their colleagues had been executed. They promised to return for the remaining detainees. This had serious psychological torture on the detainees to the extent that one particular detainee started acting mental.
8. **AIG Ebrima Chongan, Capt. M.O. Cham** and **RSM Jeng** were kept incommunicado for a long time at the Security Wing No: 1 under horrible conditions that were unfit for humans. After about four months Security Wing Number 1 was cleared for new occupants. **AIG Ebrima Chongan, Capt. M.O. Cham** and **RSM Jeng** were returned to Security Wing Number 4 as **Capt. Sana B. Sabally** Vice Chairman of the AFPRC and **Capt. Sadibou Hydara** Minister of Interior were brought in and detained there. Soon afterwards, their orderlies and security guards were also brought in and detained there.
9. Some members of the Junta and their orderlies in particular **Lt. Edward Singhatey** were very drunk on the night of September 6, 1994 when they mercilessly tortured their superiors at Mile II Central Prisons. Even though some of them were drunk, this would not absolve them from responsibility because they took alcohol as Dutch- courage to be able to torture their superiors. This is so because the Junta members went to the prison the night before and could not have access to the Security Wing. Their return there the next day must have been planned during which they developed the necessary animus to commit the tortures. As such, it may be concluded that going to the prison drunk to torture their superiors included the plan to take Dutch courage. Despite their drunken state they are still responsible for the torture.
10. **Yahya Jammeh** was aware that his colleagues went to the prison and tortured the detainees. As Commander-In-Chief of the Armed Forces and Chairman of the AFPRC, he had a responsibility to investigate and punish all those involved in this crime. He failed to do so.
11. In the premises, all members of the Junta **Lt. Yahya AJJ Jammeh, Lt. Sana B. Sabally, Lt. Edward Singhatey, Lt. Sadibou Hydara, Lt. Yankuba Touray, and Lt. Peter Singhatey** including their orderlies **Private Baboucarr Njie aka Njie Ponkal, JCB Mendy, Mustapha Touray (Churro), Lamin Marong, Lamin Senghore (Pa Senghore/Assassin), Private Zackaria Darboe, Ensa Mendy and Jali Madi Suso** are responsible for the torture and inhumane treatment of **Capt. Momat Cham, AIG Ebrima Chongan** and **RSM Baboucarr Jeng** at Mile II Central Prison on September 6, 1994.

B. TORTURE AND INHUMANE TREATMENT OF POLITICAL DETAINEES AT MILE II CENTRAL PRISON

After the overthrow of the Sir Dawda **Jawara** government, in addition to the top security officers in the country, the Junta members also arrested former politicians including the ministers in the previous regime. Former Ministers including **Omar Amadou Jallow (OJ Jallow)** were arrested and detained at the Mile II Central Prison.

66 Testimony of Ebrima Ismaila Chongan of 7th January 2019, lines 1176-1180
67 Testimony of Sana B. Sabally, 25 April 2019, lines 2741-2764

13. The day, before November 11, 1994, Lt. **Sanna Sabally** led some members of the Junta and their orderlies to Mile II Central Prison. He ordered that the political detainees be brought to the court yard. He organized seats to be brought for the Junta members who sat down and watched as he orchestrated the humiliation, torture and maltreatment of the political detainees. He would order them to crawl and they would be taunted and beaten as they do so.
14. **Lt. Sanna Sabally** ordered that **OJ Jallow** be brought to the centre of the courtyard where he got members of his security detail, in particular **JCB Mendy** to force him to crawl and to beat **Mr. Jallow**. **JCB Mendy** did as ordered.⁶⁸
15. Later **Lt. Edward Singhatey** arrived and joined the Junta members in enjoying the show. After a while, **Lt. Edward Singhatey** talked to **Lt. Sabally** to stop the beating and the humiliation of the former ministers which he did.⁶⁹
16. This incident amounted to torture and inhumane treatment of **OJ Jallow** and the other former ministers present including senior state elders like Alhagie Alieu Badjie (Kama). **JCB Mendy** accepted pushing **OJ Jallow** but denied beating him. It is quite clear in the face of the evidence that **JCB Mendy** is not being truthful as he wants to save himself from responsibility. In conclusion, **Sanna Sabally** and **JCB Mendy** are responsible for these crimes. However, **Yahya Jammeh** was informed about it by **Edward Singhatey**⁷⁰ and as commander in chief he failed to investigate or punish the perpetrators. As such, **Capt. Yahya Jammeh** also bears criminal responsibility for the crimes.

C. TORTURE, INHUMANE TREATMENT AND EXTRA-JUDICIAL EXECUTION OF 11 SOLDIERS ON NOVEMBER 11, 1994

17. On November 10, 1994, members of the Junta received information that the soldiers at Yundum and Fajara barracks were planning a counter coup. That morning, **Capt. Sana B. Sabally** (Vice Chairman of the AFPRC), **Capt. Edward Singhatey** (Minister of Defence), **Capt. Sadibou Hydera** (Minister of Interior), **Capt. Yankuba Touray** (Minister of Local Government and Lands), **Capt. Peter Singhatey** (Commandant GNATS) and their orderlies went to Yundum barracks to talk the soldiers out of their plan to overthrow the AFPRC government.⁷¹
18. The group had a meeting with the officers and men at Yundum Barracks and advised them not to attempt a counter coup.
19. Members of the Junta and their orderlies could not go to Fajara Barracks as previously planned. After the visit at Yundum barracks, they returned home.
20. Sometime in the evening, **Capt. Sanna Sabally** received a call from **Buba Jammeh (Kanilai)** who informed him that the soldiers at Yundum Barracks were preparing for a coup and have already started issuing weapons to themselves.

68 Testimony of JCB Mendy, 18 March 2019, lines 1017-1081
 69 Testimony of Edward Singhatey, 16 October 2019, Lines 1960-2000
 70 Testimony of Edward Singhatey 16th October 2019, lines 2024- 2032
 71 Testimony of Baboucarr Njie, 15 April 2019, Lines 901-954

21. Members of the Junta and their orderlies converged at State House in Banjul to hold a meeting with **Yahya Jammeh** and plan a response to the threat. During their meeting, the members of the Junta and **Capt. Peter Singhatey** agreed that they would crush the counter coup.
22. They members of the Junta and their orderlies co-opted some soldiers from the State Guards Battalion in Banjul. They informed the soldiers that a counter coup was in the making and that they were going to attack Yundum Barracks and Fajara Barracks to crush the coup.⁷²
23. The group led by Vice Chairman **Capt. Sanna B. Sabally** left State House in Banjul and drove in a convoy to Yundum Barracks. They stealthily entered the camp and disarmed the sentry men and replaced them with their own sentries.
24. **Yahya Jammeh** called the Communication Centre and told them that there were some members of the coup plot who may come to the Communication Centre. **Yahya Jammeh** ordered that they be shot and killed when they arrive.
25. **Lt. Basiru Barrow** was the leader of the planned counter coup. On the early hours of November 11, 1994, **Lt. Basiru Barrow** arrived at Yundum Barracks. He fell in an ambush and was swiftly arrested, stripped of his uniforms and severely beaten to near death by the members of the Junta and their orderlies and security guards.⁷³
26. **Lt Abdoulie Dot Faal, Lt. LF Jammeh, Lt. Momodou Lamin Jarju, SGT. Cham Joof and Pte. Abdoulie J. Darboe** arrived at Yundum Barracks from Fajara Barracks in a vehicle driven by **Pte. Mafugi Sonko** to find out what was holding up the planned coup. As they arrived at Yundum Barracks, they too fell in an ambush by the loyalists. **Lt. LF Jammeh** got out of the vehicle and ran away from his ambushers as they fired shots at him. **Lt. Jammeh** escaped, but his colleagues got arrested. They were stripped off their uniforms and made to crawl while they were being severely beaten. **Lt. Abdoulie Dot Faal** received the worst beating. He was so badly beaten that his jaw was broken and he was unable to walk by himself.⁷⁴
27. After capturing many of the suspected coupists that came to Yundum Barracks, the loyalist forces (members of the Junta, their security guards and orderlies and members of the State Guards) decided to go to Fajara Barracks. They were joined at Yundum Barracks by the Chief of Defence Staff (CDS) **Baboucarr Jatta**.
28. On their way to Fajara Barracks, the loyalist soldiers took the captured prisoners to Mile II Central Prison where they were kept on remand. Among those captured and detained were **Mafugi Sonko** and **Abdoulie J Darboe, Lamin Babai Manneh, Omar camara, Abu Trawally, Nyang Cabareh, Kairaba Camara, Ballo Saidykhan and Seedy Manjang**.⁷⁵
29. The loyalist soldiers stormed Fajara Barracks and after some intense exchange of fire, they managed to overrun the barracks. **Capt. Sanna Sabally** ordered that the arrested prisoners who were detained at Mile II Central Prison be brought to Fajara Barracks. **Capt. Sanna**

72 Testimony Of Sanna B Sabally of 25th April 2019, lines 3093-3234, Edward D Singhatey of 21st October 2019, lines 2770-2962

73 Testimony of Ensa Mendy of 28th March 2019 , lines 413-566

74 Testimony of Abdoulie J Darboe of 26th February 2019, lines 370-459, Testimony of Sanna B Sabally of 25th April 2019 lines 3456-3488

75 Testimony of Abdoulie J Darboe of 26th February 2019 , para 547-498 Testimony of Mafugi Sonko of 11th March 2019, para 384- 433

- Sabally** communicated with **Capt Yahya Jammeh** and they agreed that the ring leaders of the coup be executed⁷⁶.
30. The arrested prisoners were paraded at the field. The senior officers were segregated from the junior officers and **Capt. Sabally** ordered that the senior officers be shot. Both **Lt. Abdoulie Dot Faal** and **Lt. Basiru Barrow** were hit by the bullets while many others escaped including **Sgt. Alhagie Cham Joof** (“**Sir Jackal**”) and **Lt. Momodou Lamin Jarjue**.⁷⁷
31. Many witnesses suggest that **Abdoulie Dot Faal** and **Basiru Barrow** did not die at Fajara Barracks, but due to the injuries they sustained, they were near death. They were loaded in a truck which carried the other prisoners and taken to Yundum Barracks by the Junta members and their loyalist soldiers.⁷⁸
32. When the group arrived at Yundum Barracks, more arrests were made as soldiers returned to the barracks. **Alhagie Kanyi** who arrived in the barracks and joined the ranks of the loyalist soldiers was told by **Capt. Sanna Sabally** that they the people from Jarra wanted to be President so he should go to the truck to see what was in it. **Kanyi** went up the truck and saw **Abdoulie Dot Faal** and **Basiru Barrow** almost near death but still breathing. **Alhagie Kanyi** shot them both. **Abdoulie Dot Faal** and **Basiru Barrow** eventually died as a result of their injuries.
33. **Fafa Nyang** was also arrested as he entered the camp. He was stripped naked and detained in the cells. Later, **Capt. Sanna Sabally** had a conversation with **Yahya Jammeh** who was in State House in Banjul. The witnesses overheard **Capt. Sabally** saying “*Yes sir, yes sir, we would do that sir*”. Soon afterwards, **Sanna Sabally** ordered that **Fafa Nyang** be brought from the cell. He was brought by **Pte. Alagie Kanyi** and **Pte. Baboucarr Mboob**. They and other soldiers were beating and kicking **Fafa Nyang** who was stripped semi naked with his hands tied behind his back. **Capt. Sanna Sabally** ordered **Fafa Nyang** to go and join his friends and ordered the loyalist soldiers to kill him. **Capt. Edward Singhatey** shot **Fafa Nyang**. As he fell down struggling, **Pte Lamin Kolley** fired two shots on him killing him. **Fafa Nyang** was buried in the Barracks in an unmarked grave together with **Lt. Abdoulie Dot Faal** and **Lt. Basiru Barrow**.⁷⁹
34. Sometime later, in the early afternoon of November 11, 1994, **Capt. Sanna Sabally** ordered that **Sgt Basiru Camara** and **EM Ceesay** be killed. They were brought out of the cells and shot by **Capt. Edward Singhatey, Alhagie Kanyi** and **Baboucarr Mboob**.⁸⁰
35. The members of the Junta and their loyalist soldiers left the barracks and went to State House in Banjul to report to **Capt. Yahya Jammeh** the events of the day. While at State House, the Junta members had a meeting. They agreed that their previous common plan was to kill the ring leaders which was not done as several officers were arrested and detained at Yundum Barracks. They agreed among themselves to return to Yundum Barracks and execute them. As they were leaving **Capt. Yahya Jammeh** ordered that they kill all the ringleaders and take no prisoners.

76 Testimony of Sanna B Sabally of 25th April 2019 para 3706- 3716/

77 Testimony of Sanna B Sabally of 25th April 2019 para 3606-3657/ Testimony of Mafugi Sonko 11th March 2019, para 589-587

78 Testimony of Mafugi Sonko of 12th March 2019, para 43-170, Testimony of Abdoulie J Darboe of 26th February 2019 , para 715-1007

79 Testimony of Alagie Kanyi of 28th February 2019 para, 432-554/Testimony of Baboucarr Mboob of 9th April 2019, para 366- 598/ Testimony of Ensa Mendy of 28th March 2019, para 618-763

80 Testimony of Alagie Kanyi of 28th February 2019 para 740- 768/Testimony of Edward D Singhatey of 17th October 2019 para 1451-1469

36. The Junta members and their orderlies and security guards together with **Capt. Peter Singhatey** returned to Yundum Barracks. They were later joined by CDS **Baboucarr Jatta**. While at the camp, the Junta members together with **Capt. Peter Singhatey, CDS Baboucarr Jatta** and **Lt. Marong** had a meeting at the Anteroom during which **Lt. Marong** (a lawyer by training) informed the Junta members that it would be unlawful to kill the detained prisoners who should be court martialled instead. The Junta members agreed among themselves to ignore **Lt. Marong**.
37. They ordered **Alhagie Kanyi** and **RSM Papu Gomez** to remove all the senior NCOs and officers from the cells and placed them in a Land Rover pick up vehicle. The two soldiers tied up the captured soldiers and placed them in the vehicle. **Alhagie Kanyi** joined them at the back of the vehicle as they drove them to the forest in Brikama. On the way, **Alhagie Kanyi** bayoneted some of the prisoners injuring them severely. When they arrived at the firing range in Brikama Forest, the Junta members together with **Capt. Peter Singhatey, CDS Baboucarr Jatta**, their orderlies and security guards and **Baboucarr Mboob** got the prisoners to kneel down and **Sanna Sabally** and **Edward Singhatey** ordered that they be executed. Six officers were gunned down and killed by the Junta members and their loyalist forces who stood in an extended line and all of them fired at the victims whose hands were tied behind their backs. These victims include: (1) **Lt. Gibril Saye**, (2) **Lt. Abdoulie Bah “Achopin Chopin”**, (3) **Lt. Bakary Manneh (“Nyancho”)**, (4) **Lt. Buba Jammeh**, (5) **Lt. Momodou Lamin Darboe**, and (6) **Cadet Amadou Mbackeh Sillah**.
38. The dead bodies of the unlawfully executed soldiers were taken to the Yundum Barracks where they were buried in unmarked graves together with the bodies of **Sgt. Basiru Camara** and **E.M. Ceesay**. In total the members of the Junta and their loyalist soldiers unlawfully killed eleven (11) officers and men of The Gambia National Army on November 11, 1994.
39. **Capt. Yahya Jammeh, Capt. Sanna Sabally, Capt. Edward Singhatey, Capt. Sadibou Hydara, Capt. Yankuba Touray, Capt. Peter Singhatey, and Major Baboucarr Jatta** together with their orderlies and security guards participated in the torture and inhumane treatment of soldiers arrested and detained at Yundum Barracks on November 11, 1994 and also unlawfully killed eleven of them. All the persons mentioned above bear criminal responsibility for these crimes as they were all willing participants in a common plan to kill the victims.

D. UNLAWFUL ARREST, DETENTION AND TORTURE OF CAPT. SANA B. SABALLY AND CAPT. SADIBOU HYDARA

40. **Yahya Jammeh** and **Sanna Sabally** had a fall out. **Sanna Sabally** kept insisting that they should hand over power to civilians and return to the barracks, but **Yahya Jammeh** and **Edward Singhatey** wanted to remain in power. As a result of this push and pull, **Yahya Jammeh** and **Capt. Edward Singhatey** planned to purge **Capt. Sabally**. **Yahya Jammeh** and **Capt. Edward Singhatey** planned to arrest **Sanna Sabally** and frame him as planning to overthrow **Yahya Jammeh**. To make the plan plausible, they decided to implicate **Sana’s** closest associate in the Junta-**Sadibou Hydara** as also a participant in their imagined coup attempt. At this time, **Sana Sabally** had recently returned from a tour of the provinces. When he returned, **Edward Singhatey** hounded him to return to the armoury all the weapons

he had taken with him to the tour. **Capt. Sanna Sabally** was a weapons expert. **Edward Singhatey** wanted to be sure that by the time they implemented their plan **Sana** would not possess any heavy weapons. **Capt. Sanna Sabally** returned the weapons as demanded by **Capt. Edward Singhatey**, then Minister of Defence.

41. **Capt. Yahya Jammeh** and **Capt. Edward Singhatey** devised a common plan that they would invite **Capt. Sanna Sabally** and **Capt. Sadibou Hydara** to State House for a meeting at the office of the President knowing full well that the protocol required that their arms would not be carried into the office where the duo would be arrested by **Capt. Edward Singhatey** and his orderlies and guards supported by the close protection personnel of the Chairman **Capt. Yahya Jammeh**.
42. **Capt. Yahya Jammeh** and **Capt. Edward Singhatey** ensured that their men were briefed and prep to arrest **Capt. Sanna Sabally** and **Capt. Sadibou Hydara** when they come to his Office. On the morning of January 27, 1995, **Capt. Sanna Sabally** and **Capt. Sadibou Hydara** were invited at the Office of the President to discuss the report of the Transitional Consultative Committee. **Capt. Yahya Jammeh** orchestrated the things in a way that the duo will arrive almost together. **Sana** was the first to arrive and as soon as he entered the security zone at the office of the President, he was grabbed by the soldiers who were assembled for that purpose while **Capt. Edward Singhatey** pointed a weapon at him. They wrestled him down, tied him up and stripped him off his uniforms to his bare underwear. Moments later, **Sadibou Hydara** arrived and they arrested him in similar fashion. **Capt. Sanna Sabally** and **Capt. Sadibou Hydara** were quickly transported to Mile II Central Prison and locked up in the Security Wing without any paperwork.
43. **Capt. Yahya Jammeh** then rewarded **Capt. Edward Singhatey** by appointing him Vice Chairman of the AFPRC-the second most powerful position in the country. After that, **Capt. Edward Singhatey** was completely beholden to **Capt. Yahya Jammeh**.
44. The day after the arrest of **Sanna Sabally** and **Sadibou Hydara**, **Capt. Edward Singhatey** went to Mile II Central Prison with a team of torturers comprising **Alhagie Martin** (then bodyguard and orderly to **Yahya Jammeh**), **Lamin Senghore** (Assassin”) and orderlies. **Singhatey** and his team tortured **Sanna Sabally** and **Sadibou Hydara** mercilessly, beating them with a hammer and electrocuting them on their genitals. Their screams in agony could be heard all over Mile II Central Prisons. Meanwhile the government had issued a statement indicating that **Sana** together with **Sadibou Hydara** entered **Capt. Yahya Jammeh’s** office and pointed their pistols at him to kill him. **Capt. Yahya Jammeh** alerted a security team who stormed the office and quickly arrested **Sanna Sabally** and **Sadibou Hydara**.
45. **Capt. Edward Singhatey**, **Alhagie Martin** and his team of torturers visited Mile II Central Prisons a many times and subjected **Sanna Sabally** and **Sadibou Hydara** to the most brutal forms of torture imaginable. Also, during these torture sessions, the cries and screams of the victims could be heard all over Mile II Central Prison. Afterwards, the duo would be taken to the NIA for more torture sessions. **Sanna Sabally** claims that he was tortured more than sixty-six (66) times.

46. **Sanna Sabally** and **Sadibou Hydara** sustained serious injuries from their tortures. As the duo refused to make the requested confession, the tortures continued. In one torture session at the NIA, **Sanna Sabally** stated that he was made to wear female underwear and forced to have sex with **Sadibou Hydara** which they refused to do and were subjected to further serious torture including hammering and by genital electrocution. To add the pressure to **Sanna Sabally** in order to extort a confession, the NIA also arrested two females who were closely connected with **Sanna Sabally** and sexually assaulted them at the NIA just to add the pressure of **Sanna Sabally**. They wanted **Sanna Sabally** and **Sadibou Hydara** to confess and to confirm the publicised narrative of their intention to kill **Yahya Jammeh**.
47. The injuries sustained by **Sanna Sabally** and **Sadibou Hydara** were very serious and **Sadibou Hydara** could not survive it. He died some months later while still in detention. To cover up the cause of his death, the government issued a certificate claiming that he died of hypertension when in reality he died as a result of the injuries sustained from his torture.
48. The orderlies and security guards of **Sanna Sabally** and **Sadibou Hydara** including **RSM Baboucarr Sanyang** were also arrested and detained. They were subjected to beatings in order to obtain evidence that would implicate **Sanna Sabally** and **Sadibou Hydara**. **Sanna Sabally** was eventually tried and convicted by court martial on fabricated evidence and sentenced to 9 years imprisonment. Despite some initial resistance **Yahya Jammeh** authorised that **Sanna Sabally** be released from prison a long while after completing his sentence.
49. **Capt. Yahya Jammeh**, **Capt. Edward Singhatey** together with their orderlies and security guards including **Alhagie Martin** and **Lamin Senghore** are responsible for the unlawful arrest, unlawful detention /imprisonment, torture and sexual violence of **Sanna Sabally** and **Sadibou Hydara**. **Capt. Yahya Jammeh** and **Capt. Edward Singhatey** are also responsible for the unlawful killing of **Sadibou Hydara**.

E. ASSASSINATION OF HON. OUSMAN KORO CEESAY

50. **Ousman “Koro” Ceesay** was a young and bright economist who was head hunted by **Yahya Jammeh** to assist the Junta. He was appointed Permanent Secretary Office of the President/ Chairman and a few months later having impressed **Yahya Jammeh** he was appointed Minister of Finance.⁸¹
51. **Koro’s** family were not comfortable with him working with the Junta and tried to persuade him to quit. However, **Koro** was determined to serve his country. He encountered problems with **Capt. Edward Singhatey** who threatened to kill him.⁸² **Koro** impressed **Capt. Yahya Jammeh** with his performance in office leading to a swift promotion to Minister of Finance. Meanwhile, **Capt. Edward Singhatey** who felt that his position was under threat from **Koro**, harboured resentment for him.⁸³

81 Testimony of Demba Njie 27th February 2019 lines 963-965

82 Testimony of Bajen Ceesay Jaiteh, 17th April 2019 lines 124-137

83 Testimony of Demba Njie, 27th February 2019 lines 974-987

52. A few months into his appointment in June 1995, there were a lot of rumours that **Koro** was at loggerheads with the Junta as he intended to divulge certain financial irregularities in the address of the Finance Minister's Budget Speech.⁸⁴ At this time, there were funds received by the government from Taiwan as well as from Libya. The Junta members shared among themselves part of the funds from Taiwan and part of the funds from Libya were to be given to the rebels in the Casamance region to assist them in their fight to secede from Senegal. **Koro** was against both these activities and wanted to disclose them to the public as financial malpractices or irregularities. **Capt. Yahya Jammeh, Capt. Edward Singhatey, Capt. Peter Singhatey** and **Capt. Yankuba Touray**⁸⁵ devised a common plan to silence **Koro** by assassinating him. They planned to lure **Koro** to the residence of **Yankuba Touray** (then Minister of Local Government and Lands) to kill him there.
53. On June 25, 1995, **Capt. Yahya Jammeh** was to travel to Addis Ababa to attend an AU Summit. **Capt. Edward Singhatey** instructed his subordinate **BK Jatta** to pick up **Alhagie Kanyi** and **Pa Alieu Gomez** and bring them to his residence at Cape Point. When they arrived, **Captain Edward Singhatey** together with his brother **Captain Peter Singhatey** briefed the group that they were going to "get rid of a fucking cunt." **Capt. Edward Singhatey** and **Capt. Peter Singhatey** drove the soldiers **Jatta, Gomez** and **Kanyi** to the residence of **Capt. Yankuba Touray** and briefed them as to what to do when the Minister arrives who they were going to pick up from the airport. In the meantime, **Capt. Yankuba Touray** had arranged with his security guards to remove members of his family from the house and take them to the residence of **Capt. Edward Singhatey** for a party. At this time **Capt. Edward Singhatey** was to become the acting Head of State.
54. **Capt. Edward Singhatey** and **Capt. Peter Singhatey** left for the airport to see off Chairman **Yahya Jammeh**. **Capt. Yankuba Touray** was already at the airport, but he sent his vehicle to his home to move his family to **Capt. Edward Singhatey's house**. **Capt. Yankuba Touray** also ordered his guards and orderlies to go on a patrol along the beach to scout for some ships carrying arms and ammunition into the country leaving the house empty in preparation for their plan to assassinate **Koro**.
55. After **Yahya Jammeh's** flight departed, **Capt. Peter Singhatey, Capt. Yankuba Touray** and **Capt. Edward Singhatey** arrived at **Yankuba's** house together with **Koro**. **Capt. Edward Singhatey** and then dismissed his orderly and guards and asked them to return to his residence. **Capt. Peter Singhatey** was the first to arrive and had already taken up position inside the house. **Edward Singhatey** came after with **Koro** and signalled to **Alhagie Kanyi** to escort the Minister inside the house. As soon as **Koro** entered the house **Capt. Peter Singhatey** hit him with a pestle. **Capt. Edward Singhatey, Capt. Yankuba Touray** and the rest of the team **Pte. Alhagie Kanyi, Pte. Pa Alieu Gomez** and **Pte. BK Jatta** all took turns to bludgeon **Ousman Koro Ceesay** to death.
56. In order to cover up their crime, **Capt. Edward Singhatey, Capt. Yankuba Touray** and **Capt. Peter Singhatey** moved the body of **Koro** into his official vehicle and drove off with it. They ordered **Alhagie Kanyi** and the rest of the team to clean the house.⁸⁶

84 Testimony of Bajen Ceesay Jaiteh, 17th April 2019 lines 194-215

85 Yankuba Touray has been convicted of the murder of Ousman Koro Ceesay and sentenced to death by hanging on 14 July 2021.

86 Testimony of Alagie Kanyi, 28th February 2019 lines 1144-1146

Capt. Edward Singhatey, Capt. Yankuba Touray and **Capt. Peter Singhatey** drove up to the forest outside Jambur and placed **Koro's** body in the driver's seat as if the car had an accident and then set the car on fire. **Koro's** body was charred beyond recognition.

57. Upon his return from Addis Ababa, **Capt. Yahya Jammeh** visited **Koro's** family to extend his condolences. He promised the family that the death of **Koro** will be investigated and no stone will be left unturned.⁸⁷ However, he later instructed the then Minister of Interior to "go slow on the investigations." As a result, no investigation was carried out and the police officers -Obang and Mbye -who attempted to do so were dismissed from their jobs.
58. **Capt. Yahya Jammeh, Capt. Edward Singhatey, Capt. Yankuba Touray, Capt. Peter Singhatey, Pte. Alhagie Kanyi, Pte. BK Jatta** and **Pte. Pa Alieu Gomez** are responsible for the unlawful killing of **Ousman Koro Ceesay**.

F. UNLAWFUL DETENTION, INHUMANE TREATMENT AND TORTURE OF PPP DEMONSTRATORS 1995

59. In 1995 supporters of the former PPP government organized a demonstration near the US Embassy at Kairaba Avenue. The NIA got wind of the planned demonstration which was to be carried out without a permit. The NIA personnel went to Kairaba Avenue and waited for the people coming to attend the demonstration. Dressed in civilian clothes, they mingled with the demonstrators and were able to identify many of the people who came to attend the demonstrations and arrested them.
60. Many of those arrested were first taken to Kairaba Police Station and later transferred to Fajara Barracks. As the intelligence officers arrested more participants and interviewed them, they gathered more information about organizers of the demonstrations and others who intended to participate. With this information, the intelligence officers rounded up more PPP sympathisers and took some to the NIA Headquarters in Banjul and the others to Kairaba Police Station and then later to Fajara Barracks.
61. At the time **Batch Samba Jallow**, a teacher was believed to be an opposition to APRC, **Sainey Faye**, a businessman and supporter of the PPP and many other PPP supporters including **Seedy Sanneh, Omar Jatta, Mama Jawara, Njundu Jawara, Lamin Kanaji, Alhagi Mori Kebba Saidykhan, Lang Hawa Sonko, Foday Ceesay, Sheriff Beyai, Omar Bah, Lamin Gassama, and Masanneh Sanneh**, were among those arrested from various locations and taken to the NIA Headquarters in Banjul. They were physically tortured at the NIA Headquarters by NIA officers including **Daba Marena** (deceased) **Musa Saidykhan, Foday Barry, Baba Saho, Salmina Drammeh, and Musa Kinteh**.
62. **Batch Samba Jallow** was badly beaten, electrocuted, forced to drink urine and when he refused **Baba Saho** hit on the genitals with a stone. He suffered serious injuries. He was later transferred to Fajara Barracks where most of the detainees were kept.

87 Testimony of Bajen Ceesay Jaiteh, 17th April 2019 lines 538-539

63. The other PPP supporters who were arrested and detained at the NIA were also beaten and electrocuted.
64. The tortures were carried out with the objective of obtaining confessions from the PPP supporters that were demonstrating without a permit with the intention of bringing down the government. Part of **Yahya Jammeh's** strategies against his opponents was to torture them to confess to certain crimes and the confessions used against them in court to secure their convictions.
65. Over seventy (70) other PPP supporters were arrested and detained at Fajara Barracks. These include **Alh. Momodou Cadi Cham (MC Cham), Raif Diab, Alhagie Housainou Njai, and OJ Jallow**. They were all kept together (male and female)-without any segregation in an old and dirty hangar. There was no bed or beddings and the detainees were compelled to sleep on the floor on dirty tarpaulin that was found there which had not been cleaned for years.
66. While there about twenty soldiers including **Almamo Manneh** and **Baboucarr Bah, Musa Jammeh (Malia Mungu), Sgt. Gomez (Hitler) and Kawsu Camara (Bombardier)** were sent from State House to go and torture and humiliate the detainees. On one occasion, the soldiers brought out all the detainees and made them to lie down on their bellies. The soldiers walked on the backs of the detainees with their heavy military boots while beating them at the same time. One of the women who was detained was attacked and kicked by **Almamo Manneh** so badly that she bled.
67. **OJ Jallow, Housainou Njai** and **MC Cham** were singled out for torture by the soldiers led by **Musa Jammeh (Malia Mungu)**. **Bubacarr Bah** slapped **OJ Jallow** across the face so badly that **OJ Jallow's** eye got permanently damaged.⁸⁸ **Housainou Njie** and **MC Cham** were also beaten and kicked by the soldiers who subjected many of them to mock executions. They were threatened frequently by **Almamo Manneh** and **Bubacarr Bah** who would tell them that they were waiting for the order of the Oga/Boss (Capt. **Yahya Jammeh**) to kill them and cut them into pieces and throw them to the dogs. This caused the detainees great fear and anguish as they genuinely believed that they would be killed.⁸⁹
68. After a while, the female detainees-**Koso Taylor, Mama Jawara and Adama Ceesay**- were transferred to Banjul Police Station where they were detained. The male detainees remained at Fajara Barracks under inhumane conditions. They were not allowed or given the facilities to shower or to change clothes. They would all lie on that tarpaulin like sardines. The hangar was hot and did not have enough ventilation. They remained in that condition for months.
69. The military gave the detainees very little food. All of them would share whatever was provided in a big bowl. Eating with their bare hands, each detainee would find space around the bowl to be able to reach the food. Almost all of them became malnourished as a result.
70. After months in detention the authorities allowed the families of the detainees to be bringing them food. The physical condition of detainees then started to improve. They were neither allowed visitors nor visits to the hospital. They were also not allowed to consult with lawyers.

88 Testimony of Omar Amadou Jallow (OJ Jallow), 28th January 2019 lines 347-353
 89 Testimony of Omar Amadou Jallow (OJ Jallow), 28th January 2019 lines 353-355

71. After about one year in detention, the detainees were taken to court and charged with treason. **Capt. Yahya Jammeh** had to be lobbied quite intensely by then Army Commander **Baboucarr Jatta** who had constantly complained to him that the conditions of detention of the PPP demonstrators were inhumane as the Fajara Barracks did not have suitable facilities for detention of civilians.
72. For over a year in detention under inhumane conditions without trial, **Yahya Jammeh** would not allow the detainees to be released. However, after a few appearances in court the State withdrew the charges against them due to pressure from the international community.
73. Capt. **Yahya Jammeh** and his State Guards personnel including **Almamo Manneh** (deceased), **Bubacarr Bah, Musa Jammeh (Malia Mungu)** (deceased), **Sgt. Gomez (Hitler)** and **Kawsu Camara (Bombardier)** were responsible for the persecution, sexual violence and torture of the PPP supporters who were arrested, mistreated and unlawfully detained at Fajara Barracks in 1995 and 1996.

G. ATTACK ON UDP SUPPORTERS AT DENTON BRIDGE 1996

74. In 1996, after two years of military rule, the AFPRC Junta allowed elections to take place to return the country to civilian rule. **Capt. Yahya Jammeh** first promoted himself to Colonel and then retired from the army to contest the elections as a civilian.⁹⁰
75. Having crippled and banned the former PPP politicians from participating in politics, **Rtd. Col. Yahya Jammeh** cleared the way for little or no challenge to him as elections loomed. A group of Gambians came together to form the United Democratic Party (UDP) under the leadership of **Lawyer Ousainou Darboe** to challenge **Yahya Jammeh** in the 1996 elections.⁹¹
76. Just before the elections, many UDP supporters were going to Banjul to welcome their party flag bearer **Ousainou Darboe** who had just completed a provincial tour. When they arrived at Denton bridge, they were ambushed by soldiers of The Gambia National Army led by **Edward Singhatey, Yankuba Touray** and **Peter Singhatey** as the group was about to cross the Denton Bridge into Banjul.
77. The soldiers got the UDP supporters to disembark their vehicles and forced them to lie on the ground on their stomachs. In their heavy boots, the soldiers walked on the backs of the UDP supporters, trampled on their bodies and beat them mercilessly. **Kebutay Jaffuneh** was a drummer for the UDP. He was beaten very badly. He suffered serious injuries and died as a result of those injuries soon afterwards.⁹²
78. An unknown female who lived in Tobacco Road in Banjul had also joined the UDP group to welcome **Ousainou Darboe**. She was caught in the ambush. As she was wearing a t-shirt

90 Testimony of Omar Amadou Jallow, 28th January 2019 lines 360-361

91 Testimony of Abubakar NM Ousainou Darboe, 10th June 2019 lines 554-558

92 Testimony of Abubakar NM Ousainou Darboe, 10th June 2019 lines 1052-1057

with the photo of **Ousainou Darboe** and the UDP logo, a soldier stuck a knife into her chest and ripped out her breast. She died soon afterwards.

79. As leaders of the group that went to the bridge, **Edward Singhatey**, **Yankuba Touray** and **Peter Singhatey** are responsible for the tortures of scores and murder of two UDP supporters around Denton Bridge in Banjul sometime in December 1996.
80. The UDP protested this ill-treatment and its leader Ousainou Darboe expressed the Party's disapproval of the matter in the press.
81. **Yahya Jammeh** did not cause this matter to be investigated or prosecuted. **Edward Singhatey**, **Yankuba Touray** and **Peter Singhatey** remained his staunchest and closest henchmen and supporters during the time. For his failure to cause this matter to be investigated and prosecuted, **Yahya Jammeh** also ought to bear responsibility for these serious crimes of unlawful killings, persecution, torture and inhumane treatment of UDP supporters at the Denton Bridge in December 1996.
82. This was the beginning of over twenty (20) years of persecution of UDP supporters by **Yahya Jammeh**.

H. ATTACKS ON THE MEDIA

83. The media, often regarded as the fourth estate is very important in a democratic society. It is the medium through which many people can publicly express dissent or criticism of a government. **Yahya Jammeh** 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 can influence public participation and accountability in the democracy of the country and he saw the media as a potent threat to his self-perpetuation in power. At the outset, **Yahya Jammeh** realised that controlling or influencing the media was necessary for him to establish and cement a dictatorship and perpetuate himself in power. In order to assert control Yahya Jammeh first changed the rules that govern media houses while at the same time he tried to build a cosy relationship with them. This backfired as **Halifa Sallah and Sidia Jatta** of the Foroyaa Newspaper defied the new rules and published their newspaper. They were quickly arrested and prosecuted.⁹³
84. From this time onwards, **Yahya Jammeh** begun his strategy of persecuting journalists and operators of media houses who he perceived to be against his rule. From 1994 to December 2016, first, as Chairman of the AFPRC and then as President of the Republic of The Gambia **Yayha Jammeh** persecuted Gambian journalists and severely violated their human rights. During his rule, The Gambia was consistently ranked as one of the worst places for journalists ranking only above Eritrea and Equatorial Guinea.
85. **Yahya Jammeh** labelled journalists as “*illegitimate sons of Africa*”, referring to them as “*dead and rotten horses*”, and called upon people not to buy newspapers because journalists

⁹³ The duo were convicted but given a suspended sentence. (See testimony of Lamin K. Mboge 30th March 2021 lines 101-156-who was the Presiding Magistrate, of Banjul Magistrates Court

were not patriotic and should be left to starve to death. **Yahya Jammeh** also consistently used the law against journalists, stating that he did not believe in killing journalists, but will hang them using the law and sending them to jail until they get old and became useless to society. **Yahya Jammeh** also enhanced many taxes on the media to the point that those operating in the media businesses were barely making enough to keep their heads above water.

86. **Yayha Jammeh** jailed, threatened, tortured, disappeared, or killed journalists and/or owners of media houses. **Yahya Jammeh** and his agents limited freedom of expression to instil fear in everyone, including the media, whether print or broadcast. The Gambia Press Union recorded one hundred and forty arrests and detentions of journalists between 1994 to 2016. In most cases, journalists who crossed his line were detained arbitrarily, harassed, intimidated and/or tortured and, in the case of **Chief Ebrima Manneh**, disappeared.
87. **Arrests and torture of journalists by Yahya Jammeh include:**
 - a. *Musa Saikyhan reporter and Madi M.K Ceesay, Managing Director of the Independent Newspaper at the time and taken to the NIA Headquarters where they were tortured and detained for three weeks.*
 - b. *Dodou Sanneh filed a petition to the Office of the President to say that GRTS wrongfully terminated his services. The NIA arrested and tortured him.*
 - c. *Lamin Fatty was arrested, detained at the NIA for three months and tortured.*
 - d. *Alhagie Ceesay was tortured at the NIA due to a WhatsApp message he sent to a lady containing a caricature where a gun was pointed at an image of then President Yahya Jammeh.*
 - e. *Alhagie Jobe, Deputy Editor of the Daily Observer Newspaper was chased while driving home from work in July 2013. He was arrested, taken to the NIA and tortured.*
 - f. *Omar Bah was arrested in July 2001 and tortured in connection with the treason trial of Lt. Landing Sanneh.*
 - g. *Momodou Gassama was also arrested and tortured at the Kanifing Police Station.*
 - h. *Radio One FM was set on fire by the Junglers. Its proprietor George Christensen sustained severe burns during the attack and some of his equipment was damaged.*
 - i. *The Independent Newspaper was attacked and burnt by the Junglers in 2004.*
 - j. *In 2004, following a report of Ebrima Sillah, on some misunderstanding between The Gambia and Guinea Bissau at the time, the Junglers went to Ebrima Sillah's house at night and set it on fire with him, his wife and his child sleeping inside. Luckily they escaped.*
 - k. *Kenneth Best, founder and Managing Director of the Daily Observer was picked up by the authorities in October 1994 and detained for several days, during which his staff could not ascertain his whereabouts. He was then taken to the airport and deported without any due process.*⁹⁴

⁹⁴ Testimony of Demba Ali Jawo of 9th July 2019, lines 360 - 365

- l. *Several non-Gambian journalists were unceremoniously deported without any due process. They include Rodney Sieh, a Liberian man and Cherno Ojuku Sesay, a Sierra Leonean.* =
 - m. *Sulay Musa, a Nigerian, was expelled for celebrating the death of General Sani Abacha (former Nigerian President)⁹⁵.*
 - n. *Other journalists such as Muhammed Mboyo, Chekeluba Kenneth Chukwu, Macouma Colley, Pa Winton and Elecote were also deported.⁹⁶ Muhammed Mboyo, was tortured at the NIA before his deportation. Other foreign journalists such as David Somas and Justice Fofana left the country on their own accord following pressure from the government and arrests.⁹⁷*
 - o. *Yahya Jammeh ordered the unlawful killing of Deyda Hydara in 2004 because Deyda constantly criticized him in his column “Good Morning Mr. President” in the Point Newspaper entitled*
 - p. *Chief Ebrima Manneh, a Daily Observer newspaper reporter was arrested by security forces and disappeared. He was last seen in 2007 at Police Stations in Sare Ngai, in Upper River Region.*
88. **Yahya Jammeh** carried on a systematic pattern of attacks against the media and media practitioners for political reasons. He targeted those media practitioners he believed were against his rule or were critical of him. This discrimination and deliberate targeting of media practitioners on political grounds for over 22 years renders his crimes against them one of persecution. As such, **Yahya Jammeh** is responsible for the persecution of Gambian journalists between 1994 to January 2017 by unlawfully arresting, harassing, detaining, deporting, torturing, forcing them into exile, killing and disappearing them.

I. UNLAWFUL KILLING OF STUDENT PROTESTERS ON APRIL 10-11, 2000

89. The April, 10 and 11 2000 student demonstrations were sparked by the death of **Ebrima Barry** a student who was tortured by Fire Service personnel and the rape of **Binta Manneh** a student by a Police Intervention Unit (PIU) officer. The Gambia Student’s Union (GAMSU) decided to demonstrate to bring publicity to these issues after a lack of investigation, trial and punishment of the perpetrators and attempts to communicate with the authorities failed.
90. The demonstrations which occurred in different parts of the country during the two days, quickly morphed into a violent riot. **Yahya Jammeh** was away on a mission in Cuba and ordered that the demonstrators be shot as he indicated that they should be taken of in any way. The students were attacked, beaten, arrested, detained, tortured and shot. Seventeen (17) people comprising Thirteen (13) students, 1 journalist/Red Cross volunteer and two (2) three (3) year old boys one of whom was shot in the head were recorded to have been fatally shot by security forces comprising of PIU officers and soldiers. One student who was not shot, died after being detained and tortured by security forces. An indeterminable number

95 Testimony of Demba Ali Jawo of 9th July 2019, lines 415 - 430

96 Testimony of Demba Ali Jawo of 9th July 2019, lines 430-445

97 Testimony of Demba Ali Jawo of 9th July 2019, lines 473-483

of people were injured through the actions of the security forces including serious gunshot wounds which has maimed and incapacitated many victims who are still suffering in pain as a result of want of proper medical treatment.

91. Following the aftermath of the demonstrations, allegations that **Yahya Jammeh** gave the order to shoot the students were denied by the authorities who shifted the blame to the students who were accused of being armed and also using the demonstrations as a political ploy for a change of government. The reality was that **Yahya Jammeh** brutally and mercilessly crushed the demonstration as he would anyone, he perceived to be a threat to his administration. Sixteen people, mainly children were brutally murdered.
92. After the atrocities, a Commission of Inquiry was set up that year but it failed to make a thorough investigation. To make matters worse, witnesses from the security services who testified before the commission, blatantly lied and fabricated evidence to cover up and conceal what really happened. Notwithstanding this, the Commission came up with adverse findings against the perpetrators including security forces and students alike as well as recommendations for prosecution and institutional reform. However, before the recommendations of the Commission could be implemented, the government passed the **Indemnity Act 2000** to prevent the investigation and prosecution of those security officers involved as well as members of the executive resulting in absolute impunity for the perpetrators occasioning a great miscarriage of justice. The victims of the April 10 and 11, 2000 are still waiting for justice after more than twenty (20) years. The Indemnity Act was just a mere legal impediment **Yahya Jammeh** put in place to shield himself and his subordinates from justice.
93. **Yahya Jammeh** and heads of the security agencies including **Baboucarr Jatta (Chief of Defence Staff)**, **Ousman Badjie** (Minister of Interior), **Baboucarr Sowe (Crime Management Coordinator of the Police)** and **Momodou Ceesay** of the PIU as well as **Vice President Isatou Njie-Saidy** bear responsibility for the killings of the 17 civilians on April 10 and 11, 2000 along with **Abdou Njie (Giri)**, **Gorgui Mboob**, **Inspector Darboe**, **Modou Lamin Fatty**, **Abdoulie Bah**, **Modou Cham**, **Modou Gajaga**, **Cpl Lamin Camara**, **Capt. Wassa Camara**.
- ## J. UNLAWFUL KILLING OF LT. ALMAMO MANNEH AND SGT. MOMODOU DUMBUYA
94. **Lt. Almamo Manneh** was a member of the State Guards. In January 2000, **Yahya Jammeh** received information that **Lt. Almamo Manneh** and **Lt. Landing Sanneh** were planning a coup against him. **Yahya Jammeh** planned with **Lt. Ousman Sonko (State Guards)** and **Ismaila Jammeh** (orderly to President **Yahya Jammeh**) to arrest the coupists. **Lt. Almamo** was lured to Bund Road by **Ousman Sonko** and other members of the GNA and killed under the orders of **Yahya Jammeh**.
95. **Yahya Jammeh, Ousman Sonko, and Ismaila Jammeh** planned and organized the killing of **Almamo Manneh** which was carried out by the group sent out to lure him to Bund Road.

96. After the killing of **Almamo Manneh**, **Momodou Dumbuya** believed that he was the next to be arrested and dealt with by the members of the State Guards. He ran from State House and was pursued by the State Guard Personnel. They caught up with him at the beach behind the Albert Market in Banjul and shot him dead. His body was dragged to State House and later taken to Yundum Barracks where both of them- **Momodou Dumbuya** and **Almamo Manneh** were buried.
97. The evidence available does not reveal who actually shot **Momodou Dumbuya**. The Commission notes however, that **Yahya Jammeh** ordered no investigation into the killing of either **Almamo Manneh** or **Momodou Dumbuya** and that nobody was arrested on account of this matter.
98. In view of the fact that **Momodou Dumbuya** was killed in connection with the **Almamo Manneh** planned coup, and in view of the fact that they were pursued on the orders of **Yahya Jammeh**, he was aware of and at minimum condoned their killing. **Yahya Jammeh** should also bear responsibility for both the killing of **Almamo Manneh** and **Momodou Dumbuya**.⁹⁸

K. PRESIDENT YAHYA JAMMEH'S DEATH SQUAD – THE JUNGLERS

99. The twenty two (22) years of **Yahya Jammeh's** dictatorial rule was characterised by heinous human rights violations ranging from enforced disappearances, torture, unlawful killings, arbitrary arrests and detentions. These were systemically carried out by the state security apparatus such as NIA, police and the military, pursuant to a state orchestrated policy, to deliberately silence any form of opposition and threat to **Yahya Jammeh's** reign.
100. In order to entrench himself in power, **Yahya Jammeh** set up a special group within the army without any legal basis for its operations and given the sole task of repressing anyone considered to be a critic or threat to his administration. This clandestine group of soldiers were loyal to **Yahya Jammeh** and carried out all his orders without questions. Their operations were generally covert in nature and they worked directly under the control and supervision of former President **Yahya Jammeh** and **Gen. Sulayman Badjie (Saul)**. They carried out extra judicial killings, arbitrary arrests, as well as sexual and gender-based violence and torture on behalf of **Yayha Jammeh** with total disregard for the functions of the armed forces which is to defend the people and not oppress them. The existence of this group was an open secret in the army, despite their covert nature. The Junglers, or Patrol Team as they were known, were the special squad of the President and he used them as a tool to eliminate those he considered threats to his power.

⁹⁸ The evidence on these two killings is not conclusive. Further investigations is required on this before deciding to prosecute them.

101. Below are details of the killings that the Junglers carried out on behalf of **Yahya Jammeh**.
- i. **UNLAWFUL KILLING OF DEYDA HYDARA, DECEMBER 2004**
102. **Deyda Hydara** was a veteran journalist and co-owner of the Point Newspaper. His paper carried an editorial written by him called “*Good Morning Mr. President*” in which he often raised issues critical of **Yahya Jammeh** especially the National Media Commission Bill that **Yahya Jammeh** was promoting at the time. **Yahya Jammeh** believed that **Deyda Hydara** was an obstacle to his plans to entrench himself in power. He ordered the Junglers to assassinate him.
103. Sometime in December 2004, the Junglers left their base at Kanilai – (the former President’s **Yahya Jammeh's** second official residence) deploying two teams to track **Deyda Hydara** to assassinate him as ordered. One group was led by **Kawsu Camara (Bombardier)** comprising of **Manlafi Corr**, **Bai Lowe** (driver) and **Michael Correa**.⁹⁹ The other team comprised **Tumbul Tamba**, **Aliou Jeng**, **Sanna Manjang** and **Malick Jatta**. **Tumbul Tamba** was the overall commander of the operation. **Tumbul Tamba** told the Junglers that “*Today we are going for the magic pen*” referring to **Deyda**. When they deployed and arrived at the Kombos, **Tumbul Tamba** was heard communicating over the phone with the former President **Yahya Jammeh** receiving instructions. He was overheard by witnesses saying, “*Yes Sir*”, and “*Your Excellency*.” The witnesses believed that **Tumbul Tamba** was receiving instructions from the President at that point.¹⁰⁰ Another witness also confirmed that **Tumbul Tamba** was indeed communicating with someone on the phone, but he could not recall what was said.¹⁰¹
104. The Junglers were directed to **Deyda Hydara's** car and trailed his vehicle around Westfield junction, in Serrekunda. Upon reaching the vehicle somewhere in Kanifing, **Tumbul Tamba** ordered the Junglers to shoot at **Deyda Hydara**.¹⁰² The Junglers fired shots at the vehicle killing **Deyda Hydara** and injuring his two female assistants who were in the vehicle with him.
105. **Tumbul Tamba**, removed the pistols from underneath his chair, gave it to them and ordered **Manjang** and **Malick Jatta** to shoot and asked him to stand down.¹⁰³ **Malick Jatta** confirmed that he, **Aliou Jeng** and **Sanna Manjang** shot the vehicle after **Tumbul Tamba** gave the order to shoot the target.¹⁰⁴
106. After the execution of **Deyda Hydara**, they drove back to Kanilai¹⁰⁵ **Tumbul** gave the Junglers envelopes containing money, saying “*this is a token of appreciation from the Big Man*” referring to **Yahya Jammeh**.

⁹⁹ Testimony of Malick Jatta (Jungler) of 22nd July 2019 lines 839-863

¹⁰⁰ Testimony of Malick Jatta of 22nd July 2019, lines 828-832

¹⁰¹ Testimony of Aliou Jeng (Jungler) of 8th August 2019, lines 527-531

¹⁰² Testimony of Malick Jatta of 22nd July 2019, lines 900-933

¹⁰³ Testimony of Aliou Jeng of 8th August 2019 lines 1533- 1550

¹⁰⁴ Testimony of Malick Jatta of 22nd July 2019 lines 943-955

¹⁰⁵ Testimony of Malick Jatta of 22nd July 2019 line 928-955 page 42-43, Testimony of Aliou Jeng of 8th August lines 2027-2029

107. In an attempt to cover up the murder, the government released a statement condemning the killing, as reported in the Daily Observer newspaper of December 24, 2004. The Junglers knew that that the statement was a complete cover-up.¹⁰⁶
108. The perpetrators of the unlawful killing of **Deyda Hydara** are **Yahya Jammeh, Tumbul Tamba, Alieu Jeng, Sanna Manjang, Malick Jatta, Manlafi Corr, Kawsu Camara (Bombardier) and Bai Lowe.**

ii. ATTEMPTED ASSASSINATION OF LAWYER OUSMAN SILLAH, 2004

109. Lawyer Ousman Sillah had always suspected that **Yahya Jammeh** wanted to entrench himself in power. He wrote several letters to **Yahya Jammeh** condemning the positions **Yahya Jammeh** was taking and his stewardship of the country.¹⁰⁷
110. **Lawyer Sillah** challenged **Yahya Jammeh** to hand over power. He also represented several persons including **Baba Jobe** (a former business partner and associate of **Yahya Jammeh**) and **Pap Saine** who were being prosecuted by the **Jammeh** government.
111. **Yahya Jammeh** wanted to have **Baba Jobe** incarcerated at all costs and the defence being provided by **Lawyer Ousman Sillah** was an obstacle. **Yahya Jammeh** ordered the Junglers to assassinate **Lawyer Ousman Sillah.**
112. Sometime in December 2003, **Lawyer Ousman Sillah** was returning home at night from a wedding ceremony of his niece. When he arrived at the gate of his compound, the Junglers shot him multiple times on the head and on the face and left the scene in their pick up vehicle similar to the types then used by The Gambia National Army.¹⁰⁸ **Lawyer Sillah** managed to call for help. He was taken to a nearby hospital and later evacuated to Senegal for further treatment. **Lawyer Ousman Sillah** survived the attempt to execute him.¹⁰⁹
113. A member of the Jungler squad sent to execute **Lawyer Ousman Sillah** d later publicly revealed how they were ordered by **Yahya Jammeh** to execute **Lawyer Ousman Sillah.**
114. **Yahya Jammeh** procured **Ousman Sonko, Tumbul Tamba, Sulayman Badije, Bai Lowe** and others to assassinate **Lawyer Ousman Sillah.** All of them are responsible for the attempted murder of **Lawyer Ousman Sillah.**

iii. UNLAWFUL KILLING OF DAWDA NYASSI

115. **Dawda Nyassi** was one of The Gambian fighters who participated in the Liberian war. He returned to Gambia and **Yahya Jammeh** suspected that he may have been working on plans to overthrow him. **Yahya Jammeh** ordered Junglers to kill him.

106 Testimony of Malick Jatta of 23rd July 2019 lines 77-86 page 5
 107 Letter of Ousman Sillah addressed to Yahya Jammeh of the 30th August 1995 titled *The Last Hurdle - Part 3*
 108 LAWYER OUSMAN SILLAH BREAKS HIS SILENCE | OPINION | Mamos Media LTD (mamostv.tv)
 109 Lawyer Ousman Sillah explains how he survived an assassination attempt by Jammeh's hit squad (gambiana.com)

116. Sometime in 2006, **Dawda Nyassi** was picked up by **Tumbul Tamba** and the other Junglers at Serrekunda behind the Plaza Cinema. He was taken near the Banjul International Airport, tied to a tree near the fence of the airport, and shot at a close range. The Junglers dug a hole and buried his remains near a tree. At the time of his abduction, he was without arms and this shows that there was a deliberate intention to murder him. , **Malick Jatta**, one of the Junglers said to the victim “*I am ordered to kill you in the interest of the state.*” He then shot the victim”.¹¹⁰ The participants in this crime are **Yahya Jammeh, Tumbul Tamba, Malick Jatta, Solo Bojang, Sanna Manjang** and **Alieu Jeng.**¹¹¹

iv. UNLAWFUL KILLING OF NDONGO MBOOB

117. In 2006, three people, **Momodou Lamin Nyassi, Ndongo Mboob and Bubai Sanyang** were arrested on the orders of **Yahya Jammeh.** According to **Malick Jatta**, this was his second mission with the Junglers. He did not participate in the killing but he was present together with **Tumbul Tamba, Solo Bojang, Sanna Manjang, and Alieu Jeng.** The group left Kanilai to go for normal patrol. At some point in Bwiam, a car approached them from Kombo and stopped. The commanders got out and met with some people dressed in civilian clothing. From their appearance and the vehicle, they were in, it appears that they were from the NIA. A civilian who happened to be **Ndongo Mboob** was handed over to them.
118. The Junglers made a U-turn back to Bwiam direction and then turned into the bush and stopped. This was in Bunubor Garden. **Sanna Manjang** went with the victim - **Ndongo Mboob** -in the bush and shot him. **Manjang** re-joined the group alone and entered the vehicle. **Manjang** was in the lead car with **Tumbul Tamba.** **Ndongo Mboob** has not been seen since. **Malick Jatta** confirmed that **Manjang** must have killed **Ndongo Mboob** since he heard a shot and the man did not come back.¹¹² A former Jungler also confirmed that **Ndongo Mboob** was killed by the Junglers and that **Sanna Manjang** was the killer.¹¹³
119. The Junglers also went with **Momodou Lamin Nyassi,** and **Bubai Sanyang.** They have not been seen since. The government neither made a public acknowledgement of its involvement in these killings nor were the family members informed about the fate and whereabouts of their loved ones. The burial place of **Ndongo Mboob** is within Bunubor Garden which belongs to **Yahya Jammeh.** Those involved in the killing of **Ndongo Mboob** and disappearance of **Momodou Lamin Nyassi,** and **Bubai Sanyang** are **Yahya Jammeh, Tumbul Tamba, Solo Bojang, Malick Jatta, Sanna Manjang, and Alieu Jeng**

v. Murder of Yahya Jammeh’s family members in Kanilai -Haruna Jammeh, Jasaja Kujabie, Masi Jammeh

120. **Haruna Jammeh** is President **Yahya Jammeh’s** brother. **Momodou Lamin “Jasaja” Kujabie** is his cousin. **Yahya Jammeh** ordered the Junglers to kill **Haruna Jammeh** and **Jasaja Kujabie** because he (**Jammeh**) was told by **Tumbul Tamba** that **Haruna Jammeh** and **Jasaja Kujabie** were planning to eliminate him so that they could take all his properties.

110 Testimony of Alieu Jeng of 8th August 2019, line 1307-1376
 111 Testimony of Malick Jatta of July 2019, line 634-635 page 30
 112 Testimony of Malick Jatta of 22nd July 2019, lines 622-735
 113 Amnesty International, Amnesty International Report 2009 – The State of The World’s Human Rights, 28 May 2009, p. 150; The Standard, « Jungler says he will testify against Jammeh even at ICC », 9 February 2018. The article is accessible here: <http://standard.gm/site/2018/02/09/jungler-says-will-testify-jammeh-even-icc/> (last time accessed on 20.03.2018).

121. **Haruna Jammeh** was arrested on July 14 2005¹¹⁴ by the NIA in Kanilai and detained at the NIA headquarters in Banjul for about three months.¹¹⁵
122. The commander of the patrol team, **Tumbul Tamba**, ordered **Solo Bojang, Sanna Manjang** and **Alieu Jeng** to pick up **Haruna Jammeh** from the NIA Headquarters.¹¹⁶ When Haruna was handed over to them, **Omar Jallow (Oya)** and **Alieu Jeng** sandwiched him at the back seat, while Solo drove the vehicle.¹¹⁷ They drove through the back road leading to Kanilai into the bush, and stopped. The three Junglers strangled **Haruna Jammeh** to death with a rope tied around his neck. They dumped his body in an old well in the vicinity.
123. On the following day, the Junglers went for **Jasaja Kujabie**. **Sanna Manjang** told **Omar Jallow** who did not participate in this operation that, “*we went for Jasaja*” and “*I have taken him to my well*” which means that he had killed **Jasaja** and dumped his body in the well where they dumped **Haruna’s** body.¹¹⁸
124. **Yahya Jammeh** confessed to one of his orderlies **Saikou Jallow** that he regretted killing **Haruna Jammeh, Masi Jammeh** and **Jasaja Kujabie**. He lamented that he was misled by **Tumbul Tamba** into believing that those members of his family were planning to kill him so that they could take his properties.¹¹⁹
125. The perpetrators of the unlawful killing of **Haruna Jammeh** and **Jasaja Kujabie** are **Yahya Jammeh, Tumbul Tamba, Solo Bojang, Sanna Manjang, Omar Jallow (Oya)** and **Alieu Jeng**.

VI. UNLAWFUL KILLING OF DABA MARENA AND 6 OTHERS

127. **Daba Marena, Manlafi Corr, Ebou Lowe, Alpha Bah** and **Alieu Ceesay** were arrested on the orders of **Yahya Jammeh** in connection with the Ndure Cham coup attempt in March 2006. **Masi Jammeh** was arrested due to her protests that **Yahya Jammeh** ordered the arrest and suspected murder of their brother **Haruna Jammeh**. She had always complained to **Jammeh** and anyone who cared to listen about the disappearance of **Haruna Jammeh** and **Jasaja Kujabie**. **Yahya Jammeh** ordered the Junglers to arrest and kill her.
128. Sometime in March 2006 at around midnight¹²⁰ **Daba Marena** and his colleagues including **Masi Jammeh** (sister of **Yahya Jammeh**) and a woman called **Julia** were removed from Mile II Central Prison and handed over to the Junglers. Plastic bags were placed over their heads. Their hands were also handcuffed in front.¹²¹
129. The team of Junglers were joined by **Solo Bojang** and his team along the way and led the two groups through Foni.¹²² **Tumbul Tamba** and **Solo Bojang** were the commanders of the two groups comprising **Sainey Jammeh, Yusupha Sanneh, Omar Jallow (Oya), Bora**

114 <http://www.kaironews.com/why-jammeh-killed-his-brother-sister/>
 115 Testimony of Malick Jatta 23rd July 2019 line 935- 959
 116 Testimony of Omar Jallow (Oya), 23rd August 2019 line 674-678
 117 Testimony of Omar Jallow (Oya), 23rd August 2019 line 680-685
 118 Testimony of Omar Jallow (Oya), 23rd August 2019 line 749-760
 119 Testimony of Saikou Jallow 27th May 2021
 120 Testimony of Alieu Jeng of 19th August 2019, lines 564- 571
 121 Testimony of Ismaila Jammeh of 5th August 2020 3783- 3789
 122 Testimony of Ismaila Jammeh of 5th August 2019 lines 4023

Colley, Michael Correa, Sanna Manjang, Michael Jatta, Nfansu Nyabally, Mustapha Sanneh, Ismaila Jammeh and **Alieu Jeng**.

130. The group took the prisoners listed below into the forest: **Daba Marena, Alpha Bah, Ebou Lowe, Alieu Ceesay, Manlafi Corr, Masi Jammeh, and Julia**.¹²³ **Julia** is believed to be **Julia Maku**, a lady from Liberia who arrested as part of the West African migrants who were arrested on July 22, 2005.
131. They brought the victims down from the vehicles and executed them by shooting. After the shooting, they dumped the bodies in a well.¹²⁴
132. **Malick** Jatta who participated in the killings believed that former President **Yahya Jammeh** ordered the execution of the prisoners.¹²⁵
133. **In the premises, Yahya Jammeh, Tumbul Tamba, Solo Bojang, Sainey Jammeh, Yusupha Sanneh, Omar Jallow (Oya), Bora Colley, Michael Correa, Sanna Manjang, Michael Jatta, Nfansu Nyabally, Mustapha Sanneh, Ismaila Jammeh** and **Alieu Jeng** are responsible for the unlawful killings of **Daba Marena** and his six colleagues.

VII. OTHER UNLAWFUL KILLINGS BY SANNA MANJANG AND CO IN KANILAI (8 VICTIMS)

134. **Ensa Keita** did some work for **Yahya Jammeh**. He was told to go to Kanilai at **Yahya Jammeh’s** residence to receive his money. When he got there, he was arrested by the Junglers, severely tortured and and detained there.
135. While at Kanilai **Ensa Keita** witnessed the extrajudicial killing of **Kajali Jammeh, Yama Colley, Bai Dam, Sheikh Faal**, suspected cattle rustlers, two unnamed men and one **Pa Ous Jeng**.
136. **Sanna Manjang**, the Commander of the Junglers at Kanilai murdered **Kajali Jammeh** by decapitating him with a sword. **Sanna Manjang** took away the decapitated head of **Kajali Jammeh** to **Yahya Jammeh**. One of the Junglers told the witness that the “*elder*” referring to **President Jammeh** needed it.
137. Two or three days later, at around nine (9) pm **Junglers Musa Jammeh** and **Jafa Jafa** carried a woman who was identified as **Yama Colley**, into their room and left her there. The woman, was crying, terrified that she would never see her family again and that she would die. Blood was coming from between her legs. The witness believed that she had been raped. While **Musa Jammeh** was receiving a phone call outside, **Yama Colley** explained to the witness how **Musa Jammeh (Malia Mungu)** had lured her to Kanilai by telling her that there was work there. **Sanna Manjang** noticed that **Yama Colley** had a beard and was suitable for sacrifice to the crocodiles **Yahya Jammeh** kept in Kanilai. He told **Badjie** (one of the Junglers there) that “*here* (referring to Yama) *is more food for the crocodiles.*” The

123 Testimony of Malick Jatta of 23rd July 2019 lines 992 -1071page 45-48
 124 Testimony of Malick Jatta of 23rd July 2019 lines 1074-1174
 125 Testimony of Malick Jatta of 23rd July 2019 line 1199-1215 Page 54

next day, the witness saw **Musa Jammeh** strangle **Yama Colley** to death. **Musa Jammeh** then called **Sanna Manjang** to cut the body of **Yama Colley** into pieces and fed it except the head to the crocodiles belonging to **Yahya Jammeh**. Then **Sanna Manjang** and **Musa Jammeh** put her head in a plastic bag and took it into the residence of the former President, **Yahya Jammeh**. The witness was told that **Yama Colley** was sacrificed and the head was shown to **Yahya Jammeh**.

138. **Ensa Keita** is also aware of the extrajudicial killings of **Bai Dam** and **Sheikh Fall** (both Senegalese) who were brought in Kanilai one night and whisked out the next morning by the Junglers. The witness said he never saw their corpses, but he did see **Sanna Manjang** and **Sulayman Sambou** and a few others washing up at a spigot outside. The witness was told by the Junglers that *“anyone who went out with these people at night, they killed them.”*¹²⁶
139. On another occasion **Sanna Manjang** and **Sulayman Sambou** caught two men and another man with very long hair. **Sanna Manjang**, **Sulayman Sambou**, and three other soldiers eventually forced them into the back of their car and left with them. When they returned, they went straight to the pump outside and washed themselves. The witness never saw the three men again. The three (3) were suspected cattle rustlers.
140. The witness also mentioned yet another man who was detained in Kanilai by the Junglers. He had suffered serious wounds to his cheeks, forehead, and ear and was covered in blood. Also detained there at the same time was a Senegalese man from Kaolack. He was arrested in Essau and brought to Kanilai. **Sanna Manjang** and the other Junglers took them away. They were never seen again.
141. **Sanna Manjang** and **Musa Jammeh** were some of the most notorious Junglers. They were very loyal to **Yahya Jammeh** and carried out most of the killings for him. The fact that these killings were committed in Kanilai where **Jammeh** lived and that some of the decapitated heads were taken to him show that he was involved in and ordered these killings.
142. The persons involved in the above-mentioned killings are **Yahya Jammeh**, and **Junglers Sanna Manjang, Musa Jammeh** and **Sulayman Sambou**.

VIII. UNLAWFUL KILLING OF CEESAY BUJILING

143. **Yahya Jammeh** confessed to his orderly and bodyguard **Saikou Jallow** that he ordered the killing of **Ceesay Bujiling** because **Ceesay** was aspiring for the position of Head Wizard in the Foni. To get to this position, **Ceesay** needed to eat a person of very high standing in the society. **Yahya Jammeh** was informed that **Ceesay** targeted him. **Yahya Jammeh** told **Saikou Jallow** that because of this, he ordered the Junglers to execute **Ceesay Bujiling**.¹²⁷
144. **Yahya Jammeh** is responsible for the unlawful killing of **Ceesay Bujiling**.

126 Testimony of Malick Jatta of 23rd July 2019 lines 1199-1215 Page 54
127 Testimony of Saikou Jallow 27th May 2021 lines 1093-1183

ix. UNLAWFUL KILLING OF BABA JOBE

145. **Baba Jobe** was a businessman and close associate of **Yahya Jammeh**. **Baba Jobe** also had strong and close ties with the then government of Libya under **Muamarr Ghadafi**. As the **Yahya Jammeh** government needed the support of Libya, **Baba Jobe** being their main intermediary with the Libyan leader became very important to **Yahya Jammeh**. Their friendship grew and they got involved in several business ventures together. **Baba Jobe** also became a nominated National Assembly Member for the APRC and was head of the July 22 Movement. He became the second most powerful person in the country. However, he later fell out with **Yahya Jammeh** who caused him to be prosecuted and convicted for economic crimes. After serving his full sentence and before his release, **Yahya Jammeh** sent the Junglers to kill him at the hospital. The Junglers strangled **Baba Jobe** in his sleep on the orders of **Yahya Jammeh**.
146. The participants in the unlawful killing of **Baba Jobe** are **Yahya Jammeh, Omar Jallow (Oya), Pa Ousman Sanneh, Mustapha Sanneh, Michael Jatta, Fansu Nyabally, Malick Manga, Sulayman Sambou, Momodou Jarju (Rambo)** and **Nuha Badjie**.

x. UNLAWFUL KILLINGS OF SAUL NDOW AND MAHAWA CHAM

147. In April 2013, **Saul Ndow**, and **Mahawa Cham** (a former National Assembly Member for the APRC) were planning to overthrow **Yahya Jammeh**. They were lured to Casamance where they were to buy weapons and be joined by others. They made arrangements with former combatants from Liberia including **Lau Jarju** and **Suwandi Camara** to procure arms in Casamance in preparation to attack the **Yahya Jammeh** government. They did not know that **Lau Jarju** and **Suwandi Camara** were informants for the **Yahya Jammeh** government to whom they had already provided information about their plan. The Junglers together with **Lau Jarju** and **Suwandi Camara** staged an arms deal operation in Casamance. Not suspecting that the people they were dealing with were the Junglers, **Saul Ndow** and **Mahawa Cham** travelled to Casamance to finalise the deal. They went with **Lau Jarju** and **Suwandi Camara** to meet a Senegalese intermediary (believed to be a Senegalese Intelligence Officer) called **Cisse Ndiaye**. During the process, **Saul Ndow** and **Mahawa Cham** were abducted.¹²⁸ The men were transferred to The Gambia where the Junglers **Malick Manga, Ousman Sanneh** and **Sulayman Sambou** were waiting for them. They were killed and buried by Junglers in Ala Kunda about 200 metres away from the burial site of **Ebou Jobe** and **Mamut Ceesay**.
148. **Nuha Badjie** was in charge of the mission for the Junglers. During their briefing prior to the mission **Solo Bojang** told them that *“the President said to use whatever means to apprehend them, bring them into The Gambia and kill them”*.¹²⁹
149. The following day, **Yahya Jammeh** sent the Junglers including **Malick Manga** to deliver the sum of CFA 125,000,000 (approximately US\$240,000) to the Senegalese Intelligence Officer that led them to the victims. When he was asked about his share, **Manga** responded: *“Yahya Jammeh is just killing us, he is using us in vain. Not even one Butut did we get from that”*¹³⁰

128 Human Rights Watch, State of fear: Arbitrary arrests, torture and killings, 16 September 2015, p. 27.
129 Testimony of Omar Jallow (Oya) of 24th of July 2019 lines 908-924
130 Testimony of Omar Jallow (Oya) of 24th of July 2019 lines 926-956

150. The following persons are responsible for the murder of **Sulayman Ndow and Mahawa Cham: Yahya Jammeh, Nuha Badjie, Momodou Jarju (Rambo), Lt. Mustapha Sanneh, Lt. Michael Correa, Lt. Michael Jatta, WO2 Nfansu Nyabally, Staff Sgt. Malick Manga, Staff Sgt. Omar Jallow (Oya), Staff Sgt. Sulayman Sambou, Lau Jarju and Suwandi Camara.**

xi. UNLAWFUL KILLING AND MUTILATION OF MAHMUD CEESAY AND EBOU JOBE

151. **Mamut Ceesay and Ebou Jobe** were young Gambian-Americans who came to The Gambia to do business. They were suspected of planning to overthrow **Yahya Jammeh**. **Yahya Jammeh** ordered the Junglers to kill them.

152. Sometime in 2013¹³¹ members of the patrol team converged at their Kololi base for a mission. The following men were present: **Major Nuha Badjie, Capt. Momodou Jarju (Rambo), Lt. Mustapha Sanneh, Lt. Michael Jatta, WO2 Fansu Nyabally, WO2 Pa Sanneh, Staff Sgt. Amadou Badjie, Staff Sgt. Sulayman Sambou, Lt. Michael Correa and Corporal Saikouba Jarju.**¹³²

153. **Nuha Badjie** briefed them about the Americans from Guinea Bissau who had come to the country to topple **Yahya Jammeh's** government along with some members of the army.¹³³ The Junglers set up a checkpoint 100m away from Petroleum House. The two Gambian-Americans were trailed and arrested at the checkpoint.¹³⁴ They took the men back to their lodge which was searched and some of their belongings including foreign currency taken by the Junglers. They were thereafter taken to the base in Kololi at around three (3) to four (4am)

154. The NIA Director General **Yankuba Badjie** and **Gen. Saul Badjie** (Commander of the Junglers) interrogated the two men who were beaten during the interrogation.¹³⁵

155. At Around 5pm, **Gen. Badjie** informed **Nuha Badjie** over the phone that the President wanted to see the two Gambian-Americans in Kanilai.¹³⁶ After they were taken to **Yahya Jammeh**, he ordered the Junglers to kill the two men-**Mamut Ceesay and Ebou Jobe** and chop them into pieces.¹³⁷ The Junglers carried out the instructions.¹³⁸

156. **The persons involved in the unlawful killings of Mamut Ceesay and Ebou Jobe are Yahya Jammeh, Yankuba Badjie, Gen. Saul Badjie, Major Nuha Badjie,**

131 Testimony of Pa Ousman Sanneh of 7th August 2019 line 634
 132 Testimony of Omar Jallow (Oya) of 24th of July 2019 lines 226-305 / Testimony of Pa Ousman Sanneh of 7th August 2019 lines 646-650/ Testimony of Amadou Badjie of 25th July 2019 lines 1254-1259
 133 Testimony of Omar Jallow (Oya) of 24th of July 2019 line 307-312/ Testimony of Pa Ousman Sanneh of 7th August 2019 663-665
 134 Testimony of Pa Ousman Sanneh 7th August 2019 line 669-712 / Testimony of Omar Oya Jallow 24th of July 2019 line 314-335/ Testimony of Amadou Badjie 25th July 2019 line 1076-1021
 135 Testimony of Amadou Badjie 25th July 2019 line 1130-1157
 136 Testimony of Pa Ousman Sanneh 7th August 2019 line 669-712 / Testimony of Omar Oya Jallow 24th of July 2019 line 314-335/ Testimony of Amadou Badjie 25th July 2019 line 1076-1021
 137 Testimony of Amadou Badjie 25th July 2019 line 1169-1204/ Testimony of Omar Oya Jallow 24th of July 2019 line 396-333
 138 Testimony of Pa Ousman Sanneh 7th August 2019 line 739-741

Capt. Momodou Jarju (Rambo), Lt. Mustapha Sanneh, Lt. Michael Jatta, WO2 Fansu Nyabally, WO2 Pa Sanneh, Staff Sgt. Amadou Badjie, Staff Sgt. Sulayman Sambou, Staff Sgt. Malick Manga, Staff Sgt. Omar Jallow (Oya) Lt. Michael Correa and Corporal Saikouba Jarju.¹³⁹

xii. UNLAWFUL KILLING OF COL. NDURE CHAM

157. **Ndure Cham** was the Chief of Defence Staff (CDS). In March 2006, he planned to overthrow **Yahya Jammeh** when the latter travelled to Mauritania. The planned coup d'état was leaked and **Lang Tombong Tamba** the Deputy CDS set out to foil the coup. **Lang Tombong** caused several officers of the army to be arrested and taken to the NIA for questioning.¹⁴⁰ In the meantime, **Ndure Cham** fled the country with the help of **Tamsir Jasseh.**¹⁴¹

158. After years on the run, the Junglers received information on the whereabouts of **Ndure Cham**. They converged at their base in Kololi to plan the mission to arrest **Ndure Cham**.

159. **Musa Johnson**, a former Orderly of **Ndure Cham** led the Junglers to **Ndure Cham's** garden where he was arrested and taken to the NIA complex (Training School) in Tanji¹⁴². While in detention at the NIA premises in Tanji, Jungler **Sulayman Sambou** tortured **Ndure Cham.**¹⁴³

160. After about two weeks of detention, **Gen. Sulayman Badjie (Saul)** returned there with the former NIA Director General, **Yankuba Badjie, Lt. Col. Nuha Badjie, Capt. Momodou Jarjue, (Rambo), Lt. Mustapha Sanneh, Lt. Michael Jatta, WO2 Fansu Nyabally, Staff Sgt. Malick Manga, Staff Sgt. Sulayman Sambou and Staff Sgt. Saikouba Jarjue, Staff Sgt. Omar Jallow (Oya)** and they picked up **Ndure Cham** from the NIA base in Tanji. The men were briefed by **Lt. Col. Nuha Badjie** and he gave explicit instructions that **President Jammeh** gave an order for **Ndure Cham** to be killed.¹⁴⁴

161. **Ndure Cham** was put in a vehicle with Junglers **Omar Jallow (Oya) and Malick Manga** sitting on each side next of the door, with **Ndure Cham** sandwiched in between them. **Capt. Jarjue, (Rambo),** sat in the front seat and **Staff Sgt. Sulayman Sambou** was driving the vehicle. When they drove up to the intersection of the airport road heading towards Brikama, **Capt. Momodou Jarjue "Rambo"** brought out four (4) plastic bags and gave them to **Staff Sgt. Malick Manga**, and ordered him to "*finish him*" (referring to **Ndure Cham**). At that point, **Ndure Cham's** hands were handcuffed behind his back. **Staff Sgt. Malick Manga** placed the plastic bags over **Ndure Cham's** head and **Staff Sgt. Omar Jallow (Oya)** and **Capt. Momodou Jarjue** assisted in suffocating him to death.¹⁴⁵ After murdering him extrajudicially and in such inhumane and cruel manner, they took the body of **Ndure Cham** to Foni and buried him in the bush-in a place where Iranians trained some Gambian soldiers.¹⁴⁶

139 Testimony of Omar Jallow (Oya) of 24th of July 2019 lines 226-305 / Testimony of Pa Ousman Sanneh of 7th August 2019 lines 646-650/ Testimony of Amadou Badjie of 25th July 2019 lines 1254-1259
 140 Testimony of Lang Tombong Tamba 14th, 15th 16th December 2020
 141 Testimony of Tamsir Jasseh of 4th January 2021
 142 664-710 Testimony of Pa Ousman Sanneh 6th August 2019/ Testimony of Amadou Badjie, 6th August 2019 line 634-690
 143 Testimony of Pa Ousman Sanneh 6th August 2019 716-760
 144 Testimony of Omar Jallow (Oya) of 24th July 2019 line 526-536
 145 Testimony of Omar Jallow (Oya) of 24th July 2019 line 543-563
 146 Testimony of Omar Jallow (Oya) of 24th July 2019 line 582-991

162. The following individuals are responsible for the unlawful killing of **Ndure Cham: Yahya Jammeh, Yankuba Badjie, Gen. Saul Badjie, Lt. Col. Nuha Badjie, Capt. Momodou Jarjue (Rambo), Staff Sgt. Omar Jallow (Oya), Staff Sgt. Malick Manga Staff Sgt. Sulayman Sambou and Staff Sgt. Saikouba Jarju**

xiii. UNLAWFUL KILLING OF ELLO JALLOW

163. **Ello Jallow** was a member of the State Guard working as bodyguard to the **First Lady** and was suspected of having an affair with her. He was questioned about it by **Gen. Saul Badjie**-the Head of the Junglers at the time. **Ello Jallow** denied the allegations. However, the rumours about his affair with the First Lady intensified. In 2011 during a trip to the USA with the First Lady, family members advised him not to return, but he insisted on coming back home protesting his innocence. A few days after his arrival in The Gambia, he was invited by Jungler **Bora Colley** for a meeting.¹⁴⁷ Not suspecting anything, he went for the meeting. The next day, he was found dead in his vehicle that had fallen off the bridge into the Old Cape Road, around Bakau.

164. The Junglers staged the scene of **Ello's** death by making his vehicle fall over the bridge around Bakau like it was involved in an accident.¹⁴⁸

165. The killing of **Ello Jallow** was not investigated by national authorities. In planning the killing of **Mustapha Colley, Yahya Jammeh** ordered that it had to be staged to look like the **Ello Jallow** killing.

166. **Yahya Jammeh, Gen. Sulayman Badjie and Bora Colley** are all responsible together for the killing of **Ello Jallow**.

xiv. UNLAWFUL KILLING OF MUSTAPHA COLLEY

167. **Mustapha Colley** was a soldier who worked at the State House, but was subsequently dismissed from the army. One day the Commander of the Junglers **Nuha Badjie** brought out a piece of paper showing the licence registration number of a taxi and a telephone number belonging to **Mustapha Colley** (Arti or Arthur Colley).¹⁴⁹

168. **Nuha Badjie** told the Junglers that **Yahya Jammeh** ordered the apprehension and killing of **Mustapha Colley**¹⁵⁰ and position him in a manner similar to the killing of **Ello Jallow**. After these instructions, the Junglers set out to locate him. **Sulayman Sambou** found him and baited him to carry him as a passenger in his taxi to the base of the Junglers. Once there, the Junglers wrestled **Mustapha Colley** to the ground. Some held his legs, others his throat and his nose and they suffocated him to death.¹⁵¹

169. Thereafter, they put **Mustapha Colley's** body inside his taxi and drove it to the Sukuta-

147 Testimony of Pateh Jallow of 25 July 2019, page 4
 148 Testimony of Omar Jallow (Oya) of 24th July 2019 lines 719-728
 149 Testimony of Omar Jallow (Oya) of 24th July 2019 lines 657-676
 150 Testimony of Omar Jallow (Oya) of 24th July 2019 lines 679-682
 151 Testimony of Omar Jallow (Oya) of 24th July 2019 lines 683-698

Jabang Highway, at the traffic lights close to NAWEC. There, they casually parked the taxi and positioned the deceased on the seat as instructed by **Yahya Jammeh**.¹⁵² The soldiers that participated in this operation were **Nuha Badjie, Mustapha Sanneh, Momodou Jarjue (Rambo), Nfansu Nyabally, Sulayman Sambou and Omar Jallow (Oya)**.¹⁵³

170. The following persons are responsible for the murder of **Mustapha Colley: Yahya Jammeh, Gen. Saul Badjie, Nuha Badjie, Mustapha Sanneh, Momodou Jarjue (Rambo), Nfansu Nyabally, and Omar Jallow (Oya) and Sulayman Sambou**.

xv. Unlawful Killings of Tumani Jallow and Abdoulie Gaye

171. Prior to the elections of 2016, armed men attacked the Headquarters of the APRC (**Jammeh's** party), they over powered the guards and burnt documents and voters cards found there belonging to unlawfully registered non-Gambians who were intended to bolster **Yahya Jammeh's** votes in the upcoming elections. **Tumani Jallow** was suspected to have participated in the burning of the documents. **Yahya Jammeh** ordered the Junglers to find and kill him.

172. In the case of **Abdoulie Gaye, Yahya Jammeh** suspected that he was providing information to the Freedom Online Newspaper (Pa Nderry Mbai) which was very critical of him and his government and posed a big threat to **Jammeh's** re-election bid. **Yahya Jammeh** also ordered his arrest and execution.

173. Both **Tumani Jallow and Abdoulie Gaye** were arrested and detained at the NIA. On December 22, 2016, the **Junglers** were assembled at their base in Kololi for a mission. This time, **Lt. Mustapha Sanneh** was in charge of the operation. He briefed the men that there were two Gambians, one of them a soldier and the other a rebel leader. He further informed them that **President Yahya Jammeh** had given the order that *"they should be killed"* and that the NIA will hand over the two to them.¹⁵⁴

174. At around nine (9) to ten (10)p.m, the team met up with **Sheikh Omar Jeng** (NIA operative) and two other NIA officers somewhere around Wullingkama Junction with two men in their custody. One of the men, **Tumani Jallow**, was handed over to **Staff Sgt. Omar Jallow (Oya), Capt. Pa Ousman Sanneh and Staff Sgt. Saikouba Jarjue**, while the other **Abdoulie Gaye**, was handed over to **WO2. Sulayman Sambou, Capt. Michael Jatta, WO2 Fansu Nyabally and WO2 Malick Manga**¹⁵⁵ They put the two men in their vehicles and drove off. Along the way, they met up with **Lt. Col. Nuha Badjie** (Commander of the Junglers) close to Brikama junction and he joined the convoy.

175. According to **Omar Jallow (Oya)**, when they drove past Mandina Ba, **Major Momodou Jarju (Rambo)** handed him a rope. By then, he and **Saikouba** had sandwiched **Tumani**. They wrapped the rope round **Tumani's** neck and pulled. **Tumani** started wriggling and struggling with them, then **Momodou Jarju** leaned forward and blocked **Tumani Jallow's**

152 Testimony of Omar Jallow (Oya) of 24th July 2019 lines 700-712
 153 Testimony of Omar Jallow (Oya) of 24th July 2019 lines 688-689
 154 Testimony of Omar Jallow (Oya) of 24th July 2019 lines 1209-1211
 155 Testimony of Omar Jallow (Oya) of 24th July 2019 lines 1092-1139 / Testimony of Pa Ousman Sanneh 7th August 2019 lines 824-848

nose and they suffocated him to death.¹⁵⁶ While they were killing him, Tumani said to Jungler **Omar Jallow (Oya):** “my senior you are taking me to kill me” to which **Oya** responded, “well that is the order I have received”.¹⁵⁷ **Abdoulie Gaye** was similarly strangled to death in the other vehicle.

176. **Sanna Manjang** joined the convoy somewhere just before Bwiam, and he too led them to **President Yahya Jammeh’s** garden around Santangba. **Sgt. Amadou Badjie** brought digging tools from **Sanna’s** vehicle and they dug the grave and two corpses were removed from the vehicles and buried in a single grave.¹⁵⁸

177. The people responsible for the unlawful killing of **Tumani Jallow** and **Abdoulie Gaye** are **Yahya Jammeh, Gen. Saul Badjie, Sheikh Omar Jeng, Lt Col. Nuha Badjie, Major Momodou Jarjue (Rambo), Capt. Mustapha Sanneh, Capt. Michael Jatta, WO2. Fansu Nyabally, WO2. Malick Manga, Staff Sgt Sulayman Sambou. Sgt Omar Jallow (Oya), Staff Sgt Amadou Badjie, Major Sanna Manjang and Corporal Saikouba Jarju.**¹⁵⁹

L. THE NIA AS INSTRUMENT OF OPPRESSION AND TORTURE

178 After the July 22 1994 coup d’état, the AFPRC regime passed a number of draconian decrees conscripting the fundamental rights and freedoms of the citizens. This was the beginning of the Junta’s plans to rule by fear and entrench itself in power. In 1994, Decree No. 13 was passed establishing the National Intelligence Agency (NIA). The National Security Service which was hitherto primarily concerned with intelligence gathering and national security was replaced. Decree 45 changed the whole *raison d’être* of the NIA and landscape of the security institutions. This decree gave the NIA sweeping powers, including powers traditionally exercised by only the police to investigate or intervene in matters of national security as well as private matters.

179 Decree 45 of 1995 gave the NIA almost unfettered powers in the exercise of its functions. As an office within the office of the President and its Director General reporting directly to the President, it became a tool to be used by the President in conducting clandestine activities often aimed at helping the self- entrenchment agenda of the President. As a consequence, the NIA changed into an institution meant for furthering Jammeh’s objectives.

180 In carrying out its new functions, the NIA would spy on individual citizens, unlawfully arrest, detain and torture or even disappear individuals perceived to be doing things that run contrary to **Yahya Jammeh’s** interest. The NIA essentially became **Yahya Jammeh’s** Star Chamber. The “torture chamber” of the NIA and the “*Bambadinka*” cell became the most feared places in the country.

156 Testimony of Omar Oya Jallow 24th of July 2019 1185-1201 / Testimony of Pa Ousman Sannneh 7th August 2019 lines 824-834

157 Testimony of Pa Ousman Sannneh 7th August 2019 lines 836-843

158 Testimony of Amadou Badjie 25th July 2019 lines 789-810, Testimony of Omar Jallow (Oya) 24th of July 2019 lines 1185-1234

159 Testimony of Pa Ousman Sannneh of 7th August 2019 lines 888-916

181. The NIA hired informants from all works of life including house maids, taxi drivers and even civil servants working in government institutions. This network of informants extended the NIA’s reach and potential to obtain information. This extended reach instilled fear in the people and no one knew whom to trust. Through this institution **Yahya Jammeh** instilled real and genuine fear in the hearts of The Gambian people thereby terrorizing the entire population which was all aimed at solidifying his grip on power. In so doing, **Yahya Jammeh** used the NIA to commit an untold number of crimes against The Gambian people.

182. Over time, the NIA became synonymous to fear due to the powers they exercised and the brutality and tortures they carried on detainees at the HQ and their other detention facilities across the Greater Banjul Area. Gradually, the NIA as an institution epitomized the brutality of **Jammeh’s** dictatorship as an instrument of oppression through torture, cruel, inhumane and degrading treatments became the routine of the NIA. In cases in which **Yahya Jammeh** was interested in the persons who crossed his line were almost always tortured. The use of torture, inhumane and degrading treatment, enforced disappearances and sexual violence became part of a state or organizational policy to commit those crimes.

183. By the end of **Jammeh’s** 22 year grip on power, the NIA was used more than any other institution to instil fear in the population and in doing so, stifle dissent. The NIA was strategically and deliberately used, to discredit, humiliate and break down opponents while at the same time signalling to the public, the terrible tortures and other punishments that awaited anyone who dared oppose **Jammeh’s** authority or defied his orders.

184. The Special Operations Unit of the NIA was set up in 2007 with broad powers to carry out **Jammeh’s** personal agenda by stifling dissenting voices, intimidating and persecuting business partners or others who have a fallen out with **Jammeh**. **Yahya Jammeh** used this Unit and the NIA in general for spying on, arresting, torturing detainees, fabricating evidence to frame opponents and using such evidence to maliciously prosecute and convict perceived enemies. That was all part of his agenda for self-perpetuation.

185. The NIA also became tools for hire by private citizens. Such was the notoriety and impunity in which this Agency operated that increasingly it became enforcers of agreements and debt collectors on behalf of private individuals. Over the years the Special Operations Unit and the NIA in general became engaged in framing innocent people, cover-ups of illegal activities, instilling fear, torturing detainees, etc. At the latter part of **Jammeh’s** regime, the NIA worked closely with the Junglers and the Bulldozers (a joint taskforce that conducted investigations using torture and other unlawful means) to intimidate, terrorize, extract confessions by torture and defying court orders to unlawfully detain accused persons granted by court.

186. The NIA under the direction and control of Yahya Jammeh committed the following crimes:
- (i) TORTURE OF BATCH SAMBA JALLOW, SAINEY FAYE, OMAR JATTA AND OTHER PPP SUPPORTERS IN 1995.**
190. The crimes that have been committed under this heading have been addressed under heading Unlawful Detention, inhumane treatment and torture of PPP Demonstrators 1995 Section F paragraphs 59-82 above).
- (ii) TORTURE OF FARAFENNI ATTACKERS AT THE NIA**
191. **Ballo Kanteh, Omar Joof Dampha, Sulayman Sarr, Yaya Drammeh and Ensa Baldeh** were Gambian mercenaries fighting in Liberia. Under the direction of **Kukoi Samba Sanyang**, they illegally attacked Farafenni barracks with the intention of overthrowing the government. In the process, they killed innocent Gambian soldiers who bravely tried to defend the government of the day. The rebels were subsequently apprehended and taken to the NIA headquarters in Banjul where the attack was being investigated.
192. During the interrogation **Ballo Kanteh, Yaya Drammeh, Essa Baldeh and Omar Joof Dampha** were tortured several times. They were beaten and electrocuted by top NIA officials including **Foday Barry, Salmina Drammeh, Lamin AMS Jobarteh (Babadinding) one Mendy, Harry Sambou** and another person called **Ninja**.¹⁶⁰
193. **Samsudeen Sarr** (who at the time was second in command in the army) visited the NIA headquarters where the interrogations were taking place and found **Ballo Kanteh and Yaya Drammeh** being interrogated and tortured. Out of anger **Samsudeen Sarr** joined in the torturing of **Ballo Kanteh** by kicking him at least twice.
194. **Ballo Kanteh** was subjected to further humiliation and torture when he was stripped naked in front of his father and sister and severely beaten. Additionally, during one of the torture sessions, **Lamin Babadinding Jobarteh**, cut-off one of **Ballo's** nipples.¹⁶¹
195. The rebels sustained serious injuries as a result of these tortures. As a result of these serious injuries, Yaya Drammeh died in Mile II Central Prisons some few months after their torture at the NIA.
196. **Yahya Jammeh, Foday Barry, Salmina Drammeh, Lamin Babadinding Jobarteh, one Mendy, Harry Sambou and Samsudeen Sarr** are responsible for the tortures and inhumane and degrading treatment of **Yaya Drammeh, Ballo Kanteh, Baldeh and Omar Dampha** at the NIA Headquarters in Banjul and the unlawful killing of **Yaya Drammeh** who died at Mile II Central Prisons. **Yahya Jammeh** knew that the tortures were taking place during the course of the investigations at the NIA.¹⁶²

160 Testimony of Ballo Kanteh of 9th December 2020 lines 1458-1460
 161 Testimony of Ballo Kanteh 9th December 2020 Line 1563-173
 162 Testimony of Foday Barry of 4th February 2021, lines 1046-1049

(iii) TORTURE OF SUSPECTED COUPISTS – YEAR 2000 LALO JAITEH, ALLEGED COUP PLOT

197. Sometime in the year 2000 **Lt. Lalo Jaiteh** was a member of the State Guards working at State House. Soon after the **Almamo Manneh** aborted coup plot **Lt. Lalo Jaiteh, Lt. Omar Darboe, Ebrima Barrow** (businessman) and **Ebrima Yarbo** (telecoms Engineer) were arrested upon the suspicion that they were planning to overthrow **Yahya Jammeh's** government.
198. While being investigated at the NIA headquarters, Lt. Omar Darboe was tortured on the orders of **Foday Barry** in the presence of **Sukuta Jammeh** and others.
199. **Ebrima Barrow** was paraded before an investigation panel of NIA officers comprising **Tijan Bah, Baba Saho, Foday Barry, Ousman Jallow, Salmina Drammeh, and Ousman Sowe, Edrissa Jobe (Alagie Morr)** and **Sukuta Jammeh**.
200. As the overall head of the NIA (which is an office within the President's office), **Yahya Jammeh** knew that torture was part of the *modus operandi* of the NIA. He knew that suspects taken to the NIA were being tortured and he did nothing to stop it.
201. In the premises, **Yahya Jammeh, Tijan Bah, Baba Saho, Foday Barry, Ousman Jallow, Salmina Drammeh, Ousman Sowe, Edrissa Jobe (Alagie Morr)** and **Sukuta Jammeh** (deceased) are responsible for the torture of **Lt. Omar Darboe, Ebrima Barrow**.

(IV) TORTURE OF NAWEC STAFF

202. **Omar Cham** was a NIA officer posted at National Water and Electricity Company. (NAWEC). NIA officers were very powerful and could get away with many transgressions. There was a scam going on in NAWEC in which many people made illegal electricity connections. **Omar Cham** discovered that many staff of NAWEC were involved in the scam. Between 2001-2003 Omar Cham attacked and tortured some of them. These include the following NAWEC staff; **Gibril Wakka, Musa Oldie Jawo, Famara Naso, Simon Grant and Sainabou Keita** based on his own confession.
203. **Omar Cham** also attacked and tortured **Ebou Khan and Bakary Sawo**. He would sometimes arrest people at NAWEC and punish them by forcing them to perform the monkey dance which is a painful exercise involving squatting up and down. **Omar** confessed to the first set of tortures but denied the rest. However, these tortures were well known including to the authorities at the NIA and nothing was done about it as it was just part of the routine operating procedures at the NIA which are in fact sanctioned, promoted and championed by President **Yahya Jammeh**. As such, **Yahya Jammeh** is also culpable together with **Omar Cham** as his superior for his failure to punish **Omar Cham** for these tortures that he committed against NAWEC staff.

(v) **NDURE CHAM FAILED COUP D'ETAT (TORTURES)**

204. Following the arrests of the suspected 2006 failed coup plotters by the army under the direction of **Lang Tombong Tamba, Yahya Jammeh** ordered that an investigation panel be put in place comprising of NIA, GNA and GPF personnel to investigate the foiled coup.¹⁶³ The panel was constituted under the explicit instructions of **Yahya Jammeh** and he determined the panellists.¹⁶⁴ **Yahya Jammeh** also deployed some State Guards personnel to work with the Panel in this investigation. These include **Alagie Martin, Tumbul Tamba and Musa Jammeh (Malia Mungu)**. The last two were Junglers. The role of these soldiers from State House was to serve as the eyes and ears of **Yahya Jammeh** in the panel.
205. Additionally, **Yahya Jammeh** also selected a team of Junglers to work with the Panel. These include **Nuha Badjie, Malick Jatta, Omar Jallow (Oya), Ismaila Jammeh** and others. The role of the Junglers was to transport and escort the suspects between Mile II Central Prison (where they were detained) and the NIA Headquarters (where the investigations were taking place).
206. From the onset, **Yahya Jammeh** was determined to show that any coup attempt in the country would be detected and met with the most brutal response in order to discourage members of the armed forces from entertaining ideas of overthrowing his government. In so doing, **Yahya Jammeh** empanelled a team of investigators who would solely serve one purpose, i.e. extract incriminatory information against the suspects by all means necessary.
207. The panel established a system of working. First, the suspect would be picked up from Mile II Central Prison by the Junglers who were often intoxicated on either drugs or alcohol or both. The Junglers by their look and general behaviour are very intimidating. They put fear in the hearts of the suspects who they would taunt, insult and even beat up as they transport them to the NIA headquarters in Banjul. Second, when the suspect arrives at the NIA, he or she would be taken to the Panel. This would often take place late at night when there were not many people around. The suspect will face the Panel and answer questions asked in an environment that is usually very intimidating. Third, if the suspect does not answer questions to the satisfaction of Panel members, they would send the suspect to the Junglers who would beat and torture the suspect until the suspect is ready to confess. If the suspect does not confess after a torture session, the suspect will be returned to Mile II Central Prison and brought back another time for another round. Fourth, If the suspect is ready to cooperate and give answers that satisfy the members of the Panel, the suspect would be sent to the statement taker who are waiting along the margins.
208. By and large, in most instances, confessions are tortured and forcibly extracted out of the suspects and the confessions are then used in court to secure convictions of the suspects.
209. Those arrested in the aftermath of the 2006 failed coup were subjected to severe forms of torture within the NIA by the Junglers and soldiers from the State Guards Unit at State House. Among those arrested were the following officers: **Bunja Darboe, Wassa Camara, Yaya Darboe, John Pierre Mendy, Pharing Sanyang, Momodou Babady Sarr, Momodou**

163 Testimony of Foday Momodou Hydara of 4th February 2021, lines 96 – 710
 164 Testimony of Lang Tombong Tamba of 14th December 2020, lines 1669 – 1700

Aliou Bah, and Abdou Karim Jah, The civilians were: **Sheikh Omar Faal** (Marabout), **Aliou Jobe, Demba Dem and Tamsir Jasseh** were civilians. Apart from **Abdou Karim Jah**, all the suspects were severely tortured. They all ended up giving confessions. The suspects were then forced to make appearances on Gambia Radio and Television Services and make their confessions public which would then be used to secure the convictions of the suspects. It was all a farce intended to clothe the illegally obtained evidence with some stamp of propriety.

210. In this case, all the accused persons were convicted using this modus operandi and sentenced to long terms of imprisonment by mercenary judges who always complied with the wishes of the executive.
211. Some members of the Junglers confessed that their group were sent to the NIA to torture the suspects of the 2006 coup plot as well as the persons arrested in relation to the Freedom Online Newspaper Saga. These included **Manlafi Corr, Tumbul Tamba, Musa Jammeh, Michael Sang Correa, Momodou Jarjue (Rambo), Nuha Badjie, Mustapha Sanneh, Malick Jatta, Amadou Badjie, Sanna Manjang, Omar Jallow (Oya), Solo Bojang, Bora Colley and Saikou Jallow**.
212. Members of the Panel knew that the suspects were being tortured by the Junglers. They did not stop the tortures and accepted confessions that they knew were beaten and electrocuted out of the suspects.
213. **Yahya Jammeh** knew that the suspects were being tortured. In fact, he sent the Junglers to the NIA purposely to torture the suspects. They gave him regular reports and sometimes live updates during the sessions. In several instances, **Yahya Jammeh** himself called to give instructions regarding the tortures. For instance, when **FB17** was taken to the Junglers from the Panel, **Yahya Jammeh** called the Junglers. **FB17** recognized his voice and she overheard him telling the Junglers to give her the “FULL VIP TREATMENT” immediately after that the Junglers raped the victims. The suspect understood **Yahya Jammeh’s** statement to mean orders for the Junglers to rape her.
214. In other instances, **Yahya Jammeh** would ask that the Junglers carrying out the tortures put their phones on speaker or video so that he could hear the screams and agony of the victims.
215. **Yahya Jammeh** and his band of Junglers including **Manlafi Corr, Tumbul Tamba, Musa Jammeh, Michael Sang Correa, Momodou Jarjue (Rambo), Nuha Badjie, Mustapha Sanneh, , Malick Jatta, Amadou Badjie, Sanna Manjang, Omar Jallow (Oya), Nuha Badjie, Saikou Jallow, Solo Bojang, Bora Colley Alagie Martin (eyes and ears of Yahya Jammeh)** as well as the members of the Panel **Foday Momodou Hydara, ASP Demba Sowe, Lamin Cham, Abdoulie Sowe, ASP Malamin Ceesay, Corporal Boto Keita and late Sgt Sainey Ndure, Yusupha Faye, N’fally Jabang, Ousman Bojang, CDS Lang Tombong Tamba, IGP Ousman Sonko, Alagie Martin, , Baba Saho, Foday Barry** were responsible for the tortures mentioned above.

(vi) TORTURE OF KEBBA SECKA, SAM KAMBAI ET AL – MFDC ARMS DEAL CASE

216. In 2007, **Kebba Secka (NIA operative), Sam Kambai (soldier) Mouminy Baldeh and Kemo Conteh** were arrested and detained at the NIA for alleged dealings with some MFDC rebels. About ten rebels were also detained at the NIA in connection with this case. It was alleged that **Sam Kambai** sold explosives to the MFDC rebels which he denied.
217. An investigation panel comprising of the following NIA operatives **Sheriff Wadda, Baboucarr Jallow, Baboucarr ARK Jallow, Samba Gajaga, Lamin Darboe, Edrissa Jobe (Alagie Morr)**, as well as police officers, **Salifu Nyang and Boto Keita** was set up to investigate the matter.
218. In investigating the case, the panel members tortured the suspects severely by beating and striping them naked. **Kebba Secka, Mouminy Baldeh, Kemo Conteh** and the MFDC rebels were subjected to this same inhumane and degrading treatment by **Lamin Darboe (NIA-Special Ops) and Edrissa Jobe (Alagie Morr)** who carried out the beatings.
219. **Sam Kambai** was tortured on multiple occasions and forced to sign a confessionary statement prepared by the NIA investigators - **Lamin Darboe, Musa Kinteh, Edrissa Jobe (Alagie Morr)** and others.
220. As head of the NIA who received almost daily briefings about the activities of the agency which he has organized to torture victims to obtain confessions, **Yahya Jammeh and Lamin Darboe, Edrissa Jobe (Alagie Morr), Sheriff Wadda, Baboucarr Jallow, Baboucarr ARK Jallow, Samba Gajaga, Lamin Darboe**, (all NIA operatives) as well as **Salifu Nyang and Boto Keita** (police officers) are responsible for the torture of the above persons.

(vii) TORTURE OF LAMIN KARBOU, FERNANDO CORR ET AL; DRUG BUST CASE

221. On or around May 29, 2009, the NIA received information about a potential drug sale in Brikama involving nationals of Guinea Bissau. The NIA set up a sting operation under the direction of **Ousman Sowe** (Current Director General) to catch the dealers. However, the operation was interrupted by **Lamin Karbou** who was a staff of the Drug Law Enforcement Agency of The Gambia (DLEAG). In the process the drug dealers escaped with money belonging to the NIA. The NIA arrested **Lamin Karbou** for obstruction of their work as well as those alleged to have been involved in the drug deal as buyers and sellers including **Babou Cham, Fernando Corr, Ansumana Fatty, Karamo Drammeh, Tijan Ndure and Lamin Sima**.
222. The NIA set up an investigation panel to deal with the matter. The suspected drug dealers (**Fernando Corr, Karamo Drammeh, Tijan Ndure, Ansumana Fatty, and Lamin Sima**) were arrested and brought to the NIA headquarters. While there, **Fernando Cor** and his colleagues were tortured by way of severe beatings, electrocution as well as being stripped naked by the following panel members **Lamin Darboe, Sukuta Jammeh, Jim Drammeh**

and **Alagie Morr** (among others) to confess to the accusations. **Foday Hydara** (who was Deputy Director General at the material time) and **Ousman Sowe** were present when the tortures were taking place. They both failed to take any action to stop the tortures. Although **Babou Cham** was stripped naked and placed in front of the panel, they did not torture him. They were distracted by the sight of the severe injuries to the genitals of **Ansumana Fatty** inflicted on him by **Lamin Darboe**. As a result, **Babou Cham** was able to wear his clothes and was later taken away.

223. **Edrissa Jobe (Alagie Morr)** and his colleagues- **Lamin Darboe, Sukuta Jammeh**, also tortured **Lamin Karbou** quite severely. They stripped him naked as **Edrissa Jobe (Alagie Morr)** and his men were torturing him. The torture was so painful that **Lamin Karbou** in handcuffs ran away naked in broad day light from the NIA in Marina Parade to the police headquarters in Buckle Street (approximately 2 kilometres).
224. **Lamin Bo Baaji** who was Director General of the NIA at the time knew about the tortures but he failed to investigate the incident and/ or bring to account the perpetrators. However, he informed **President Yahya Jammeh** about the incident and **President Jammeh** did not say anything.¹⁶⁵ These tortures were committed by **Edrissa Jobe (Alagie Morr), Lamin Darboe, Sukuta Jammeh, and Jim Drammeh** who were all powerful people at the NIA.
225. At the material time **Edrissa Jobe (Alagie Morr)** had unbridled powers at the NIA.¹⁶⁶ He could do whatever he wanted and nothing would come out of it. This was all due to his close relationship with **Yahya Jammeh** and the knowledge within the NIA that due to his friendship with **Jammeh**, he enjoyed virtual impunity for anything wrong he did. This is why **Yahya Jammeh** said or did nothing when **Lamin Bo Baaji** reported the incident to him.
226. Although **Edrissa Jobe (Alagie Morr), Lamin Darboe, and Jim Drammeh** were later prosecuted and acquitted for these tortures, the acquittals were due to lack of witnesses.¹⁶⁷ The NIA ensured that the witnesses were not be available to testify by deporting them from the country. They were quickly reinstated after their bogus acquittals.
227. **Yahya Jammeh, Edrissa Jobe (Alagie Morr), Lamin Darboe, Jim Drammeh, Sukuta Jammeh (deceased), Ousman Sowe and Foday Momodou Hydara** were responsible for the torture and unlawful detention of **Lamin Karbou** and others.
228. By allowing **Edrissa Jobe (Alagie Morr)** carte blanche to do whatever he wanted with impunity and for his failure to take reasonable steps to prevent **Edrissa Jobe (Alagie Morr)** from committing the crimes herein, **Yahya Jammeh** also committed crimes.

(VIII) ALLEGED COUP D'ETAT BY LANG TOMBONG TAMBA

229. In 2009, the former CDS **Lang Tombong Tamba**, **Gibril Ngorr Secka, DIG Modou Gaye, Abdoulie Joof, Youssef Izzedine (Rambo) and Sarjo Fofana** were arrested and accused of plotting a coup against **President Yahya Jammeh**. An investigation panel at the NIA was set up and suspects were interrogated. Similar to what happened after the failed 2006 coup,

165 Testimony of Lamin Bo Badgie of 26th November 2021.

166 Testimony of Omar Cham of 12th January 2021.

167 Testimony of Lamin Karbou of 20th February 2020 lines 1699 – 1721

the 2009 suspects were also subjected to unimaginable cruelty and various forms of torture. False confession were obtained through torture which were used to convict suspected coup planners.

230. The NIA, Junglers and soldiers from the State Guards were key participants in both the post-2006 failed coup events and the alleged 2009 coup which was in fact not a coup, but a cooked up coup allegation aimed at purging popular figures in the security forces. Jammeh was paranoid and obsessed with self-perpetuation in power and was thus only too eager to crush any perceived threat, imagined or real.
231. The 2009 incident which lacked tangible evidence to suggest a substantive coup planning and attempt. In fact Jammeh had to pay witnesses such as Ebrima Marreh to provide false evidence that would incriminate the accused persons. Junglers tortured the suspected coup plotters at the NIA to extract confessions from them. Although Lang Tombong Tamba insists that he was never tortured, some of his co-accused and co-inhabitants at the security wing of the Mile II Central Prison claim that he was tortured.
232. Many of the 2009 alleged coup planners including high ranking military officials were subsequently convicted and sentenced to death. The 2009 alleged coup was not a remote or isolated incident. It fit into the narrative from 1994 until 2017. Any real or perceived threat to Jammeh’s power was met with either death or at best long-term imprisonment. This was integral to his plans to neutralize his opponents, in particular the army, to maintain his longevity in power, by all means necessary and at all costs.
233. Yahya Jammeh and these panel members including **Omar Colley, Louis Gomez, Yankuba Badjie, Buba Beyai, Edrissa Jobe (Alagie Morr), Sheriff Gassama, Lamin Manneh, Sukuta Jammeh** (deceased) from the NIA, **Lamin S Sanyang, Sgt. Sainey Ndure**(deceased) and **Lamin Cham** from The Gambia Police Force, **Lt Bora Colley, Solo Bojang** and **Jerreh Gomez** from The Gambia National Army are responsible for the torture and fabrication of evidence against **Lt. Gen. Lang Tombong Tamba CDS, Abdoulie (Ali) Joof, Yusuf Ezzideen (Rambo), Brigadier Gen. Omar B. Mbye, Lamin Bo Baaji, Major Kawsu Camara (Bombardier) DIG. Modou Gaye and Gibril Ngorr Secka.**

(ix) TORTURES BY THE SPECIAL OPERATIONS UNIT

234. The Special Operations Unit was the most feared Unit at the NIA and comprised the most notorious NIA officers. At its early stages, it was headed by **Edrissa Jobe (Alagie Morr)** with **Lamin Darboe** as his deputy. It includes notorious NIA elements such as **Tamba Masireh.**
235. The Special Operations Unit was the go-to Unit when it came to night operations and matters affecting former President **Yahya Jammeh’s** interest.¹⁶⁸ Whenever the Unit went out on operations, everyone at the NIA would know that something out of the ordinary was going to happen or that there was some important operation taking place or a senior officer in government was being unceremoniously deposed from her or his position.

168 Testimony of Basiru Sey of 14th January 2021.

236. The Special Operations Unit was known for its brutality. Their members, such as **Edrissa Jobe (Alagie Morr)** and **Lamin Darboe** would torture suspects arrested by them mercilessly. Such was their modus operandi. Use of torture was part of their organizational policy.
237. Some examples of cases that came before the Special Operations Unit in which they tortured the suspects include:
- (a) **Amadou Jogo Sowe, Saidou Sowe and Abbass Jarju** (money doublers) and others were arrested by the Special Operations Unit under the direction of Yahya Jammeh. They were mercilessly tortured by the NIA and by the Junglers from State House. The NIA personnel that were involved in their torture are **Lamin Darboe, Basiru Sey, Alassana Baldeh and Gibril Kanyi.**
 - (b) **Sarjo Touray** from *Touray Kunda* in *Fajikunda*-also a money doubler, was arrested and tortured very badly by Special Operations Unit by **Basiru Sey, Alassana Baldeh, Gibril Kanyi, Alieu Sumareh and Lamin Darboe.**
 - (c) A cattle rustler –was reported to the Special Operations Unit by **Yahya Jammeh** who instructed them to deal with the cattle rustler. He was apprehended and brought to the NIA and tortured badly. He was given the VIP treatment by **Lamin Darboe, Eku** last name unknown, and **Alassan Baldeh.**
 - (d) **Yusupha Saidy**-an alleged money doubler was also reported to the Special Operations Unit by **Yahya Jammeh.** They claimed that he was not tortured, but he was detained incommunicado for several months in secret detention centres.
 - (e) **Lamin Karbou**-whose case was dealt with in Section L (vii) paragraphs 222-229 were also tortured by the Special Operations Unit.
 - (f) A Marabout whose names are not known from *Daru Hairu* was also reported to Special Operations Unit by **Yahya Jammeh.** They tortured him very badly and detained him for months.

Just like the NIA and the Junglers the Special Operations Unit belonged to Yahya Jammeh and they did what he wanted them to do. As such, **Yahya Jammeh, Lamin Darboe, Eku (last name unknown), Alassana Baldeh, Gibril Kanyi, Basiru Sey and Alieu Sumareh** are responsible for the tortures identified in this Section.

(X) FREEDOM ONLINE NEWSPAPER SAGA

238. The Freedom Newspaper Online was an important source of news for Gambians especially those living in the diaspora. It was often very quick to publish the news about the happenings in The Gambia even though the paper is based and hosted in the USA. Additionally, it was the news outlet that would often publish juicy and secret information about the Jammeh government. This made the online newspaper very popular.¹⁶⁹
239. In May 2006, the NIA hacked into the website of the Freedom Online Newspaper and managed to obtain a list of people in The Gambia who had accessed the site. At this time,

169 Testimony of Lamin Bojang of 22nd October 2020, lines 95 -15

- accessing Freedom Newspaper Online was banned. People had to by-pass all the blockades by using VPN services to get access to the site.
240. The NIA arrested a number of people who had previously accessed the Freedom Online Newspaper site. They were brought to the NIA and many of them were tortured.
241. Again, **Yahya Jammeh** established a panel to investigate the matter. The members of the Panel were **Lamin Cham** (police), **Ma Lamin Ceesay** (Major Crime Unit), **Boto Keita** (Police), **Lt. Musa Jammeh (Malia Mungu)**, **WO2 Nfally Jabang**, Deputy Director of NIA **Foday Mohammed Hydara**, **Abdul Aziz Hydara**, Deputy Head of Investigations, **Nuru Secka**, Director of Operations and **Ousman Jackla Ceesay** (internet café operator)¹⁷⁰
242. It followed the same modus operandi as the other panels. Those arrested for accessing the Freedom Online Newspaper platform include **Malick Mboob**, **Pa Modou Faal (GRTS employee)**, **Sam Obi (journalist)**, **Musa Sheriff (journalist)**, **Fa Kebba Ceesay**, **Yorro Bah**, **Hari Joof (Gamtel)**, **Cherno Camara (Gamtel)**, **Wura Bah (internet Café operator)**, **Babucarr Sanyang (Star FM)**, **Haddy Darboe**, **Lamin Bojang**, a staff of MRC and **Kanyi**. Around 27 people were arrested in relation to the Freedom Newspaper saga.¹⁷¹
243. The investigations were slow. Many of the suspects complained and received the following answer from one of the NIA operatives to the effect that, *if you do not quieten up we will kill you and bury you in the back yard under these banana plants because we have a lot of people that are buried there*. About 12 arrestees were kept in a small cell, the door was always locked except when the NIA need to do a head count.¹⁷²
244. On May 26, 2006, between two (2) a.m to three (3) a.m **Lamin Cham** was escorted by two men to the conference hall upstairs to face the panellists.¹⁷³ They asked him to sit and asked him if he communicates with Pa Nderry. He denied it and they accused him of lying. When he challenged them to provide evidence of his supposed dealings with **Pa Nderry**, suddenly **WO2 Nfally Jabang** came towards **Lamin Bojang** and slapped him. **Malamin Ceesay** asked **Nfally Jabang** to stand down meaning to stop hitting the arrestee. However, none of the other panellist objected to what **WO2 Nfally Jabang** did. **Lamin Bojang** then heard a voice saying: *“LB if you don’t speak the truth we will kill you”*. He recognised the voice as that of Jungler **Malick Jatta** from Tujereng. The witness also recalled that **Modou Jarjue (Rambo)** and **Sanna Manjang** came for journalist **Lamin Cham** who was taken to a secluded place behind the building near the beach. The witness then noticed that one of the men wanted to kick **Lamin Cham** who dropped to the ground. **Lamin Cham** was then placed in a ring¹⁷⁴ where the beating started. He was kicked, stamped upon and beaten with sticks and something looking like a plastic object for some time until could not feel pain any more. Afterwards he was taken upstairs for further interrogation. At some point someone ordered them to stop. **Lamin Cham** was then dragged back to the cell. He had lacerations all over his back and head.¹⁷⁵

170 Testimony of Lamin Bojang of 22nd October 2020, lines 414-435

171 Testimony of Lamin Bojang of 22nd October 2020, lines 332-368

172 Testimony of Lamin Bojang of 22nd October 2020 lines 384 408

173 Testimony of Lamin Bojang of 22nd October 2020 lines 414-435

174 A place within the back of the buildings at the NIA premises which have stones arranged in a circle

175 Testimony of Lamin Bojang of 22nd October 2020 lines 462-572

245. **Lamin Cham** was taken back to the interrogation room and threatened that more torture will follow if he does not tell the truth. He stated that they wanted him to say to them he was supplying information to **Pa Nderry** so as to produce the evidence to impress the president.
246. **Sanna Manjang**, **Modou Jarjue** and **Malick Jatta** (all Junglers) were part of the group that tortured **Lamin Bojang** Later, **Nfally Jabang** tried to compel him to change the statement and make a confession that he was communicating with **Pa Nderry**. They made up a confessionary 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.¹⁷⁶
247. After his ordeal, he told his fellow detainees to brace themselves for torture. He stated that the all the other detainees were tortured except **Pa Modou Faal** because he has personal relations to **Tumbul Tamba**. After their first night, he did not see Haddy 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.
248. **Lamin Bojang**, **Malick Mboob**, **Duta Kamaso** (female National Assembly Member) and one military officer **Buba Jammeh** who was a bodyguard to the president, were the longest held detainees. **Buba Jarju**, **Malick Mboob** and **Lamin Cham** were all tortured by the Junglers. **Momodou Jarju (Rambo)** was one of the junglers that took **Lamin Cham** to be tortured. Duta Kamaso was never tortured but helped nurse the injuries of those tortured. The Junglers also brought in Mariam Jack Denton. She was shaking and quite terrified. Other individuals that were detained with respect to other issues were Journalist **Lamin Fatty** and **Mr. Ndoni Njie** (IEC chairman), **Mr. Sanneh** (Commissioner of IEC) and **Madi Ceesay** (Journalist). The detainees were not allowed to visits or access to lawyers).
249. **Duta Kamaso** a former APRC National Assembly Member for Wuli East was a vocal and assertive commentator on the issues that affected the nation and at one point she highlighted at the National Assembly the difficulties faced by her people in obtaining their monies when the government sells the groundnuts for the farmers. She had suggested that the people deal directly with the companies that purchase the groundnuts.¹⁷⁷ She questioned why the Laminkoto - Passamass road was not constructed. She was arrested and detained at the NIA for a very long period of time without being taken before a court. She was expelled from the APRC Party and as a result she automatically lost her seat in the National Assembly.¹⁷⁸

xi. UNLAWFUL KILLINGS OF WEST AFRICAN MIGRANTS

250. The Gambia has been a country of destination and transit for economic migrants from the West African sub region for decades. In the past 20 years, it also became a significant country of origin for migrants and refugees travelling to Europe and North America. Economic hard times have also resulted in persistent migration and The Gambia is proportionally one of the biggest exporters of economic migrants to Europe.

176 Testimony of Lamin Bojang of 22nd October 2020 lines 574-699

177 Testimony of Kebba Kanyi of 16th November 2020 lines 616 -647

178 Testimony of Duta Kamaso, 17th June, 2019 page26 lines 532-567

251. The number of migrants from West Africa seeking asylum in European Union member states almost quadrupled in the last two decades and countless more have taken the perilous journey through North Africa, arriving in Europe on overcrowded boats through the Mediterranean Sea. Perilous journeys on small boats in the rough waters of the Atlantic Ocean for greener pastures became an unprecedented phenomenon in West Africa. African youths from these shores embarked on these dangerous journeys. Many died in transit, while others became stranded in Libya and other countries in and around the Sahara Desert area. The phenomenon became known as the “back way”, a term derived from the irregular nature of the migration.
252. On July 22, 2005, about sixty seven (67) economic migrants from West Africa, a large proportion from Ghana, started their journey from Mbour, Senegal with the hope of getting to Europe through the Mediterranean Sea. They were told that they had to come to The Gambia to board a boat that would take them to Europe. Unfortunately, when they arrived, they were abandoned by their agent in The Gambia.
253. About 6 of the migrants got off their boat in Banjul. Some of them were quickly arrested by the police. The remaining migrants sailed off to Barra where they disembarked near Jinak islands. Some of them left the area and went to Barra to find a boat that would take them to the vessel that they were to board to go to Europe. The people they contacted happened to be police officers who arranged to have them all arrested. They were taken to Barra Police station where their details were taken. Afterwards, an order was passed through the NIA to take all the migrants to Banjul. They were ferried across by a Navy boat to the Marine Unit in Banjul. They were taken from there and detained at various locations in the Greater Banjul Area.
254. After their arrests and detentions at various places, they were handed over the Junglers to be killed. **Solo Bojang** who was in charge of the operations received his orders from **Tumbul Tamba** who in turn was getting orders from **Yahya Jammeh**.¹⁷⁹ The West African migrants together with their Gambian agent **Lamin Tunkara** were taken in batches by the Junglers from their various places of detention and taken to various locations where they were executed. The first batch were executed by **Kawsu Camara** (Bombardier) and his group in Tanji bird reserve near Ghana town. The following morning, ten (10) bodies were discovered at the Bird Reserve. Eight (8) were found in one area and two (2) in a different area. From their features, the victims looked like Ghanaians. The Ghanaian government received information about these deaths and demanded an explanation from The Gambia Government. It is believed that the ten (10) executed Ghanaians were dumped there so as to give the false impression that these Ghanaians may have died in some feud amongst themselves.
255. Approximately forty five (45) other West African migrants were taken in batches by the Junglers to Kanilai and the Casamance border where they were killed by two groups of Junglers.
256. The Gambia Government took several steps to cover up the arrival of approximately sixty seven (67) West African migrants to the shores of The Gambia and their execution or disappearance in the hands Gambia security forces. The cover up was carried out by the Police, the NIA and some Junglers from State House.

179 Testimony of Alieu Jeng 8th August 2019 lines 122-175

257. In addition to **Yahya Jammeh**, a total of twelve (12) Junglers were involved in this mission, namely: **Tumbul Tamba, Kawsu Camara (Bombardier), Bai Lowe, Musa Badjie, Landing Tamba, Sanna Manjang, Solo Bojang, Malick Jatta, Alieu Jeng, Omar Jallow (Oya), Lamin Sillah** and **Buba Jallow**.¹⁸⁰ **Yahya Jammeh** and all twelve (12) of them are responsible for the murder of the West African migrants.
- xii **ENFORCED DISAPPEARANCES (EBRIMA CHIEF MANNEH, KANYIBA KANYI ETC.)**
258. According to the International Convention for the Protection of All Persons from Enforced Disappearance, “enforced disappearance” is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such a person outside the protection of the law.
259. **Yahya Jammeh’s** government systematically and consistently disappeared opponents throughout the period of his rule. Most of those “disappeared” were mainly those who were perceived to be critics of the government and those he believed to have supernatural powers such as witches that could harm him and those he believed, rightly or wrongly, intended to overthrow his government. Enforced disappearance was **Yahya Jammeh’s** modus operandi and he used it systematically as a political tool to silence and punish his perceived enemies in order to entrench himself in power. He used the security forces and his notorious Jungler hit squad to abduct and clandestinely disappear persons by killing and disposing of the bodies at odd hours, in secret locations and places where they would be out of reach to make a discovery of persons or bodies an impossible or difficult task.
260. Often times the state would refuse to disclose the fate and whereabouts of persons after their disappearance. Alternatively, the State failed in their duty to properly investigate these cases. **Yahya Jammeh** would often instruct the government to give a false story about the fate or whereabouts of the victims.
261. The fate of many persons who had been disappeared under the Jammeh government has been established through investigations. However, for many cases, the whereabouts of the victims are still unknown because the burials took place in vast lands whose vegetations have now changed. Meanwhile, **Yahya Jammeh** still bears the responsibility of those disappearances because those disappeared were last seen in the custody of state and/or security agents or officials.
262. All the victims of unlawful killings cited above except for 7 bodies of the November 11, 1994 killings still remain victims whose whereabouts have not been established. They still remain cases of enforced disappearance for which **Yahya Jammeh** is responsible together with **Solo Bojang and Sanna Manjang** who were the Junglers deciding where the bodies of the unlawfully killed would be buried or dumped.

180 Testimony of Omar Jallow 23rd July 2019 lines 469-483

xii. SEXUAL AND GENDER BASED VIOLENCE

- 263.** During **Yahya Jammeh's** dictatorship, sexual violence was used to repress, punish, intimidate, humiliate and ill-treat men and women who were perceived as being opposed to **Yahya Jammeh** or his APRC party. Members and perceived supporters of the United Democratic Party (UDP) and their family members were frequently subjected to arbitrary arrest, unlawful detention, inhumane and degrading treatment, torture and sexual violence including rape.
- 264.** Yahya Jammeh and other senior government officials (including senior security officials and government ministers) subjected women and girls to a range of sexual violence including rape, sexual assault, sexual harassment and sexual exploitation, with impunity. These powerful men took advantage of their positions of authority, the vulnerability of the women and girls and the climate of fear that they themselves created to commit these violations.
- 265.** In 2014, **Fatou Jallow (Toufah)** was 18 years old and a student of The Gambia College. She participated in the “Miss 22nd July Pageant” organized by the Ministry of Education. She was drawn to the event because it gave young girls the opportunity to pursue higher education in a school of their choice overseas and upon returning it gave them the opportunity of a career. To **Fatou**, the pageant “represented the best of what any female student could be in this country”. One of the requirements to participate in the pageant is that contestants had to put forward a project proposal of their choice which had to do with some aspect of national development and this project, if approved by **Yayha Jammeh's** it would be funded by him. In November 2014, after her presentation in her English class, **Fatou's** classmates encouraged her to represent The Gambia College in the Miss July 22nd Pageant. Soon after **Fatou** was crowned “Miss Tertiary Education” in December 2014, she received a call from **Jimbee Jammeh** saying she was from the President’s Protocol Office and summoned **Fatou** to attend an event at the State House. At the event, **Jammeh** gave **Fatou** a mobile phone, a laptop, an iPad and cash gifts and he gave the other pageant participants equally lavish gifts.
- 266.** **Fatou** was also summoned by **Jimbee Jammeh** to the State House on various occasions to have personal meetings with **Yahya Jammeh**. **Fatou** was made to believe the purpose was to discuss her project proposal.
- 267.** Sometime in May 2015, **Jimbee** called **Fatou** and required her to meet the President at the State House. During this meeting, **Jammeh** asked her who her boyfriend was, which she avoided answering. He then said to her, “*you know I am the president and I can know whatever it is that I want to know in this country*”. **Jammeh** then asked **Fatou**, “*would you want to marry me?*” **Fatou** thought it was a joke. **Fatou** told him she did not want to get married at her young age. He responded saying “*there is nothing wrong with getting married to a man that is taking care of you, that is supporting you.*” With “*a smug smile on his face*” President **Jammeh** told **Fatou** to go and think about his proposal. He gave her D50,000 (Fifty Thousand Dalasis) (approximately US\$1000) as a gift that day.
- 268.** On another occasion **Jimbee** called **Fatou** and directed her to attend together with the other beauty queens the Quranic Recitation programme at the State House. When she arrived there, **Jimbee** was waiting for her and led her to a waiting room and told her to wait there until **Jammeh** finished praying. After sometime, **Jammeh** walked into the room. He was

dressed more casually and was not in his “full costume”. **Fatou** stated that she noticed his eyes were red. She was scared. She greeted him, but he did not respond. **Jammeh** said a lot of things to her including asking her “*who do you think you are?*” “*And that he is the president and can get any woman he wants.*” He reached out and grabbed **Fatou** by the arm and dragged her into another room. He locked the room and pushed her onto the bed. He then said to her, “*Let us see if you are a virgin*”. **Fatou** was afraid and started apologizing to him and begging him to “*not to do this*” to her. He held her face in his hands, as he positioned his pelvis over her face, pulled down his pants and began to rub his genitals on her face, “*talking all the things that probably would arouse him*”. **Yahya Jammeh then pulled Fatou's** dress up. He took out a needle from his pocket and injected her on her arm and then he penetrated her in the anus and sodomized her.

- 269.** **Fatou** stated that “*Yahya Jammeh did not want sex with me or pleasure with me but what he wanted to do was to hurt me, what he wanted to do was to teach me a lesson, what he wanted to do was to manifest his ego just like many of us cannot believe that a girl can say no, someone like Yahya Jammeh and in his position found it very disrespectful for a nineteen (19) year old, not from an elite background or not a daughter of a President to somehow gather some kind of audacity to say no to him.*”
- 270.** **Fatou Jallow** stated that while **Yahya Jammeh** was raping her, the Koranic recitation by the Imams was going on outside. She lost consciousness for a period. When she woke up, she saw **Jammeh** still in the room but she does not know what he did to her while she was unconscious. **Jammeh** then told **Fatou** to “*get out*” and she left the room. When **Fatou** exited the room, she saw **Jimbee Jammeh** standing outside the door. Another State House staff, **King Papa** was also standing outside and said to her, “*this is our President and we would do anything to protect him*”.
- 271.** **Protected Witness DB18** stated that she had been sexually abused by **Jammeh** in **Kanilai**. One evening, **Jimbee Jammeh** told her to go to **Jammeh's** private residence to meet him. Once there, **Jammeh** ordered her to undress and that he was going to perform a “*spiritual bath*” on her. **Jammeh** then covered her with a white cloth and poured water all over her body.” The room was cloudy with incense smoke. **Jimbee Jammeh** was present. The next day, **Jimbee Jammeh** called her at night and told her that they had to go and see **Yahya Jammeh** again.¹⁸¹ She went to **Yahya Jammeh's** room and he told her to undress again, which she did. The witness stated that “*this time it was something different. Yahya Jammeh looked at me and said you look like a primary school girl and started touching my body, my breasts. It was awkward for me and I remember that I started crying and I was pushing back, going back until an extent that I touched the wall.*” **Jimbee Jammeh** was present inside the room again. **Jammeh** became “*very angry*” and told **Jimbee Jammeh** to take her out of the room. The witness said that she was scared and was shaking and the next morning she was expelled from **Kanilai** and told to go home. **Yahya Jammeh** also conveyed the message to her that he had terminated her scholarship. She remained working as a protocol girl, but she was treated badly by **Jammeh**. The witness provided several examples of other women who had refused to have sex with **Jammeh** were punished for refusing to have sex with him.

181 Witness pointed the fact to the Commission that **Yahya Jammeh** always contacted the girls through **Jimbee Jammeh**

272. In view of the above, **Yahya Jammeh** is responsible for the rape and other forms of sexual violence of comparable gravity against **Fatou Toufa Jallow** and **Protected Witness DB18** respectively.
273. **Binta Jamba** joined the police in July 1986 and was posted at the Police Headquarters in Banjul in 1987. Her husband, **Almamo Manneh**, worked closely with Yahya Jammeh at State House. One day, her husband Almamo Manneh went to meet Ousman Sonko to collect some money and he never returned. She later learnt from the news that he was killed in the process of trying to overthrow **Yahya Jammeh**.
274. **Binta Jamba** testified that **Ousman Sonko** visited her at home during the mourning period and interrogated her about speaking to the media about her husband's death. He informed her that they were conducting an investigation into the death of her late husband. She saw that he was armed with a pistol. He forcibly removed Binta's head scarf saying, "*why are you covering yourself, are you not feeling hot?*" He then moved closer and sat beside her. He put his hand in her shirt and fondled her breasts and he also put his hand inside her underpants and touched her private part. Ousman Sonko then left saying he would give her a call.
275. After the mourning period, Binta Jamba was summoned to the State House by Ousman Sonko. When she went into his office, he placed his hand on her shoulders and kissed her. He also held her hand and pulled her towards his seat and forced her to sit on his lap. Binta Jamba told the Commission that Ousman Sonko then forcibly removed her skirt, made her bend over and raped her. He then gave her two hundred Dalasis (D200) for transport fare.
276. Binta Jamba testified that after this, **Ousman Sonko** came to her house again, and came into her bedroom and he raped her again. He threatened her with his pistol. She testified that he came to her house continuously for over a month and he threatened her with his pistol each time he raped her. After this, **Binta Jamba** kept trying to avoid **Ousman Sonko** until one day he met her at a police checkpoint in Tanji and ordered her to enter his vehicle. He drove off to Banjul and took her into a house near Independence Drive. In the house, **Ousman Sonko** beat her and raped her violently "*the entire night until dawn*". He accused her of being with other men and detained her there for the whole night till the next day.
277. **Binta Jamba** stated that **Ousman Sonko** had raped her more than seventy (70) times.
278. In view of the above, **Ousman Sonko** is responsible for the several rapes and torture of **Binta Jamba**.
279. Soon after the April 14, 2016 demonstrations, some female UDP supporters who were arrested, detained, forcibly stripped naked and raped.¹⁸² They were subjected to severe beatings all over their body including on their breasts and genitalia. They were subject to extremely harsh and inhumane interrogations by security agents. Apart from the physical abuse, insulting and humiliating language was used on female detainees, and they were threatened with rape.

182 Testimony of Juguna Suso, 24 October 2019

280. A **protected witness FB17** stated that she was arrested in her home on March 24, 2006 and detained for over 6 weeks in various locations. Six days after her arrest, she was interrogated at the NIA Headquarters by NIA Director General **Momodou Hydera**, the **CDS Lang Tombong Tamba**, Head of the Presidential Guard **Alagie Martin** and IGP **Ousman Sonko** about her role in the attempted coup and her relationship with others who were involved. The witness told the Commission that she was taken downstairs to a room, she then heard Yahya Jammeh over the phone ordering Jungler, **Musa Jammeh** to "*give her the usual VIP treatment*". Four Junglers came into the room and ordered the witness to follow them "downstairs". As she was walking, the Junglers were groping her breasts and her buttocks. She was then taken to another room where six (6) masked Junglers severely beat her and suffocated her with a plastic bag over her head. As they beat her, the men repeatedly accused her of wanting to depose **Yahya Jammeh**. The Junglers stripped her naked, pushed her to the floor and one of them raped her. As he was raping her, he said, "*you dirty [redacted] woman, you think you're better than we [redacted], but now I'm fucking you.*" She was taken to Mile II Central Prison and detained for over six (6) weeks.
281. In the premises, **Yahya Jammeh** is responsible for the rape of **protected witness FB17**.
- xiii. **PRESIDENTIAL ALTERNATIVE TREATMENT PROGRAMME**
282. In January 2007, **Yahya Jammeh** made a public pronouncement that he had received a mandate from Allah/God to cure HIV/AIDS by using seven herbs from the Holy Quran. Yahya Jammeh stated he would cure HIV/AIDS within 3 days of administering the cure on any person living with HIV/AIDS. This claim of Yahya Jammeh was bogus as there is no proven cure for HIV/AIDS in the world.
283. Yahya Jammeh did not only stop at his bogus claim he took the bold step and created the Presidential Alternative Treatment Program (PATP), and introduced a fake and fraudulent "HIV cure." Yahya Jammeh identified people living with HIV/AIDS from support groups such as *Santa Yallah Support Society* and *Ala Tentu Support Society* to be enrolled into the programme without obtaining their informed consent.
284. **Yahya Jammeh** personally administered the cure on them. The treatment was performed in two (2) parts. The first was the rubbing of an ointment all over the bodies of the participants including their private parts. In part 1 of the documentary called the Breakthrough produced by **Neneh McDouall Gaye**, **Yahya Jammeh** is seen preparing the concoction himself. This documentary on GRTS the national broadcaster. **Yahya Jammeh** conducted his initial treatment sessions publicly on television. **Yahya Jammeh** used this forum to advertise and promote his treatment programme (PATP) and the fake and fraudulent HIV herbal cure. **Yahya Jammeh** was able to persuade many people living with HIV/AIDS to join the programme because of the fake images he showed and in general because of his power and influence.
285. The victims state that all they wanted was to be cured and would never imagine that **Yahya Jammeh** the President of the country would lie about having a cure.

286. **Yahya Jammeh** under the PAPT created rules. The participants were to stop taking their Anti-Retro Viral (ARVs) drugs which was the only drug that kept them healthy. 41 people living with HIV/AIDS died due to the fake and fraudulent cure **Yahya Jammeh** poisoned them with. **Dr. Tamsir Mbowe** assisted Yahya Jammeh in his fake treatment programme. As Director of the programme **Dr. Tamsir Mbowe's** involvement gave the treatment programme a stamp of authenticity which it otherwise might not have had.
287. The PATP cure violated the human rights of people living with HIV/AIDS in The Gambia and those that came from abroad. Their right to health was violated. They were prevented from getting the right medical support that could keep them healthy. In addition, the participants in the PATP were treated in an inhumane and degrading manner.
288. Both **Yahya Jammeh** and **Dr. Tamsir Mbowe** knew that **Yahya Jammeh's** fake cure was not working. They continued to mislead the victims without any regard to the consequences that may occasion. By the time many of the victims decided to go back to conventional treatment, many of them had died.
289. **Yahya Jammeh** and **Dr. Tamsir Mbowe** are responsible for the deaths of (forty one) 41 HIV/AIDS patients who died as a result of their fake treatment programme. They are also responsible for the sexual violence committed against the victims which was part and parcel of the treatments administered.

xiv. PRESIDENT'S WITCH-HUNTING OPERATION

290. Between 2008 and 2009, a series of Witch-hunting exercises to spiritually "*cleanse*" the country of witches and wizards were conducted on the orders of **Yahya AJJ Jammeh** at different locations in The Gambia. He embarked on this adventure when his aunt died which he blamed on witchcraft.
291. The evidence shows that, on several occasions, **Yahya Jammeh** directly took part in the process by personally accusing people as witches and wizards. He believed that witches and wizards possessed supernatural powers which enable them to kill or harm other people.
292. **Yahya Jammeh** brought in Guinean witch-doctors for this special assignment and mandated them to go into the villages and work places of victims escorted by armed soldiers, para military officers (PIU) and the Green Boys and Girls¹⁸³ Led by **Solo Bojang** a commander of Junglers). They mostly targeted elderly men and women who they would abduct from their work places or homes. Those who refused to comply with the witch hunters were threatened, held at gun point, beaten and/or tortured by the security officers and/or the Green Boys and forced in to buses to be taken to various locations including Kanilai and Baba Jobe's residence in Kololi. Most were detained for days against their will. These acts are done with the support of state institutions and security officers...
293. When the witch hunters captured victims, they were forcefully paraded around their offices or communities as the case may be. The witch hunters would brandish "jujus" (spiritual

183 Youth groups that support Yahya Jammeh's APRC party.

- charms) they found in the place where the victim is apprehended, made them to participate in blood ritual sacrifices involving the slaughter of animals and also made them swear oaths of allegiance to **Yahya Jammeh**. The witch hunters wielded considerable authority and could do whatever they wanted with impunity
294. They were then forced to participate in a ritual cleansing exercise which also involved drinking a herbal concoction believed to be "Kubejara" a local bitter hallucinogenic plant which has been found to be very harmful to the human body. The witch hunters believe that this process would reveal and/or identify the true status of a person as a witch/wizard and/or having been cured/cleansed them of same.
295. During the process of cleansing, some victims were beaten, tortured, sexually abused and/or subjected to inhumane or degrading treatment. Victims were also forced to bath with a slimy herbal concoction with an offensive odour whilst nude or semi naked. Many elderly women claimed that they were forced to strip totally nude and the herbal potion was poured and rubbed on their naked bodies by or in the presence of the Witch hunters and young green boys. Similarly, they were accompanied by these young boys to the toilet who stood and watched while they eased themselves. During the period of detention, victims were often held under very poor conditions and some of them were denied basic rights and facilities such as water, food, toilet facilities, medical attention etc.
296. At the very least, forty one (41) people died from the impact of the treatment although it is believed that this is a gross under representation of the actual figures and many others suffered long term health complications, other life-threatening diseases and the stigma associated with being branded a witch or wizard in one's local community.
297. **Yahya Jammeh, Solo Bojang and Saikou Jallow** bear responsibility for the deaths, sexual violence, torture and other inhumane acts and persecution committed against the persons they accused as being witches or wizards during the president's witch hunting exercise.

xv. PRESIDENT'S CONVOY-DEATHS AND ACCIDENTS

298. Between July 1994 and January 2017, the presidential convoy, whenever it travelled, displayed force and power. Shortly after the Armed Forces Provisional Ruling Council (AFPRC) ousted the People's Progressive Party (PPP) government, Gambians started seeing Junta members travelling in convoys with heavily armed soldiers. The display of heavy weapons was a deliberate attempt to show The Gambian people that this was a military regime and by implication, the conventional rules did not apply.
299. As well as being heavily armed, the convoy travelled at very high speed without much regard to the road users who may accidentally or otherwise find themselves in the convoy's way. Consequently, pedestrians, motorists, bystanders, and other road users who come into the convoy's way got hit, beaten, or even shot at by the soldiers leading to many injuries or even loss of innocent lives. Some victims became permanently disabled as a result. All these road accidents and related incidences derived from the incredible speed at which the convoy travelled recklessly.

- 300.** In all the accidents causing death, or serious injuries, the convoy drivers who caused the said accidents and incidents were never investigated, prosecuted or held accountable for their actions. There was never an inquiry into how and why many people were killed by the convoys and how the situation could be averted or remedied. Where there was an investigation the culpability of the state employees/convoy personnel was never called into question.
- 301.** **Yahya Jammeh's** convoy also became even more dangerous. It included armoured vehicles under military escorts equipped with heavy weapons which travelled at top speeds. During presidential tours, **Yahya Jammeh** would throw biscuits and/or t-shirts to the crowd while the convoy is moving causing them to stampede as they push and shove each other for the biscuits/T-shirts, leading to many accidents including children.
- 302.** In many cases, road users were beaten for merely failing to stand up in acknowledgment of the President's convoy. Soldiers in the convoy also shot at vehicles and cyclists they perceived as obstructing the road or failing to get off the road quickly enough when the President's convoy was passing. As a result, several civilians, young and old, lost their lives and those that survived were abandoned, with no assistance from the state or the President.
- 303.** These include:
1. *Alpha Bah, Mamud Fana, NBR, killed*
 2. *Kadijatou Bah was killed and four (4) others seriously – (Fatoumatta Tunkara, Mbansi Sillah, Sandeng Sillah and Natou Waggeh) at Nema Kunku Junction, KMC*
 3. *Mustapha Badjie, Tabokoto, KMC, killed*
 4. *Abodulie Barry, Brikama, WCR, serious permanent injury*
 5. *Musa Bass, Denton Bridge, Banjul, killed,*
 6. *Bakary Camara, Tallinding, KMC, shot*
 7. *Isatou M. Ceesay serious permanent injury and five (5) killed at Lamin NTC Junction, WCR*
 8. *Lamin Chorr, Lamin, WCR, beaten*
 9. *Lamin Susso, Kanube, URR,, killed*
 10. *Kebba Dampha, Kaur, CRR, killed*
 11. *Isatou Jallow (child), Katchuma, WCR, killed*
 12. *Modou Jallow, Tallinding, KMC, serious permanent injury*
 13. *Lamin Jarjue, Kaur, CRR, killed*
 14. *Omar Kanyi, Abuko, WCR, killed*
 15. *Dawda Ngum, Denton Bridge, Banjul, killed*
 16. *Kandeh and Modou Nyassi, Sintet, WCR, killed*
 17. *Kisira Krubally, Bakau, KMC, shot in the arm,*

18. *Fatou Sanneh, Jarra, LRR, serous permanent injury*
19. *Dembo Sibi, Numuyel, URR, killed*
20. *Rohey Sonko, Essau, NBR, killed*
22. *Abie Thomas, Banjul, Injury*
23. *Two (2) civilians, Busumbala, WCR, killed*
24. *Unknown truck driver at Barra, NBR, killed*

xvi. UNLAWFUL EXECUTION OF 9 DEATH ROW INMATES

- 304.** In August 2012, during a televised GRTS meeting with the Banjul Muslim Elders programme **Yahya Jammeh**, vowed to execute prisoners on death row to serve as a deterrence to criminals because of the high crime rate. Following this announcement, Yahya Jammeh unlawfully ordered the Junglers under the leadership of **Gen. Saul Badjie** to carry out the executions.
- 305.** Following the announcement, the Junglers with the assistance of Prison officials went to Mile II Central Prisons brought out the nine (9) inmates previously identified to be executed. These were: **Malang Sonko, Dawda Bojang, Tabara Samba, Buba Yarboe, Lamin BS Darboe, Gibi Bah, former Lt. Lamin Jarjue, former Lt. Alieu Bah, and former SGT Lamin F Jammeh. They were paraded before the then Minister of Justice Lamin Babadinding Jobarteh** and an unidentified male state official believed to be a non-Gambian and **Ousman Sonko** then Minister of Interior. The prisoners were handed over to the Junglers for execution.
- 306.** The prisoners were boarded on different vehicles and placed in the passenger seats in between two Junglers. They then drove to the shooting range in Brikama. During the course of the journey before they reached the firing range, Gen. **Saul Badjie** ordered the Junglers to kill the prisoners by strangulation and suffocation with plastic bags. The junglers were informed before the executions that the killings were sanctioned by law. On arrival at the shooting range, the bodies were confirmed dead in the presence of the two Ministers **Lamin Babadinding Jobarteh** and **Ousman Sonko**.
- 307.** Thereafter, **Solo Bojang** led the Junglers into the Casamance bush where the bodies were disposed in a well. Even though the government initially kept the executions secret and denied they took place, they later acknowledged that they in fact took place by firing squad. The government covered up the fact that the killings were done by unauthorised means using plastic bags to strangle and suffocate the victims to death. Although all the victims were once death row inmates their executions were unlawful due to numerous procedural irregularities including, non-exhaustion of appeals, and unlawful recession of commuted sentences and improper procedure in securing the death warrants.

xvii. APRIL 16, 2016 UDP DEMONSTRATION

- 308. On April 14, 2016, an organizing secretary of the UDP, **Solo Sandeng** led a demonstration against what they considered repressive electoral laws. The demonstration was violently dispersed by PIU officers and about twenty-seven UDP supporters including **Solo Sandeng, Nogui Njie, Fatoumatta Jawara, Fatou Camara, Modou Ngum, Lamin Sonko** and **Kafu Bayo** were arrested and taken to the PIU headquarters in Kanifing. Following their arrest, **Yankuba Sonko** (IGP), **Ousman Sonko** (Interior Minister), **Yankuba Colley** (KMC Mayor), **Yankuba Badjie** (DG NIA) and **Louis Gomez** (DDG NIA) and Gen. **Saul Badjie** decided to transfer the arrestees considered as the leaders of the protest to the NIA. The arrestees were taken to Mile II Central Prison. Upon arrival at the NIA, their details and pictures were taken. Thereafter, they were taken to different rooms and subjected to various forms of torture and maltreatment. In the evening, the batch that was taken to Mile II Central Prison were also transferred to the NIA and also tortured by **Sheik Omar Jeng** and **Tamba Masireh** of the NIA as well as other unidentified men. That night **Solo Sandeng** was severely tortured to death. His body was taken to the NIA premises in Tanji and secretly buried there. Following their torture, the most severely injured detainees were admitted at the NIA clinic and the others were transferred to Mile II Central Prisons.
- 309. On April 16, 2016, news of Solo Sandeng's death reached the leadership of the UDP who promptly set out to protest the arrest and detention of **Solo Sandeng** and the other UDP supporters demanding that **Solo Sandeng** be produced "dead or alive". Again, the PIU descended on the protesters, beating them with batons and shields and arrested about twenty-one (21) UDP supporters including the Secretary General of the UDP Ousainou Darboe.
- 310. On May 9, 2016 several UDP supporters that attended the trial of **Ousainou Darboe** and Co were accosted by PIU officers at Jimpex. They were severely beaten up and about 40 (forty) of them were arrested and detained at the PIU. They include **Kaddy Samateh** and her infant daughter **Baby Aisha** who were detained at the PIU headquarters for eleven days. They were not taken to the hospital.
- 311. On June 13, 2016, the government admitted in their response to a *habeas corpus* application that **Solo Sandeng** had died.
- 312. All three groups of people were charged under the Public Order Act and the leaders were denied bail by the court. They were subsequently convicted and released after the 2016 elections.
- 313. In the premises **Yahya Jammeh, Yankuba Badjie (DG NIA) Sheikh Omar Jeng, and Tamba Masireh** are responsible for the torture and persecution of the UDP supporters in April 2016.

INDICIA OF RESPONSIBILITY

Statements

- 314. **Yahya Jammeh** has made numerous statements which expose that he intended to commit the crimes listed herein. Many of these statements reflect the disrespect and disregard he had for The Gambian people, especially those he perceived as his enemies. Often, he would say that he would send his enemies *six feet deep* (euphemism for the grave) meaning that he would kill them. He would also threaten his perceived enemies with statements that his *soldiers do not miss* implying that they would succeed in killing any person he sends them to kill. Sometimes, he would threaten people with statements that he would send them to his *five-star hotel* which is a euphemism for the notorious Mile II Central Prison.¹⁸⁴ At other times, he would threaten to send his opponents to the infamous NIA to deal with them. He even threatened persons he accused as being witches and wizards in their communities and brought in so-called witch hunters to identify, humiliate and poison alleged witches and wizards in the name of treating them of their illness. **Yahya Jammeh** meant these statements and intended them to be taken seriously by the population. The statements were a true reflection of his intentions and often times he carried out the threats contained in them. As for his threat to take his opponents six feet deep, **Yahya Jammeh** secured the killing of hundreds of people many of whom were buried in secret graves mostly in his farms or territories beyond the reach of the citizens.

Orders

- 315. **Yahya Jammeh** issued orders to the Junglers through their hierarchy at first through Major **Kalipha Bajinka, Tumbul Tamba** and **Gen. Saul Badgie**. These orders included to kill certain targeted enemies. For instance during the killing of **Deyda Hydara**, Jungler **Malick Jatta** overheard **Tumbul Tamba** receiving orders from someone he was calling *yes Sir, Excellency*, **Malick Jatta** believed that **Tumbul Tamba** was talking to **Yahya Jammeh**. At the time, the only person the soldiers could have been referring to in that manner was **Yahya Jammeh**. The evidence of the witnesses to the killing of **Deyda Hydara** all put together clearly point to the fact that **Yahya Jammeh** ordered this killing. There are many other killings in which the witnesses clearly overheard **Yahya Jammeh** communicating directly with their immediate commanders, moments before the killing of their victim. In such instances too, the witnesses would hear their commanders receiving orders from a person they would address as *Yes Sir, Excellency*. Again in such instances the witnesses knew that the person on the other line giving orders was **Yahya Jammeh**. In one instance, the killing of **Mamut Jobe and Ebou Ceesay**, he directly gave orders to the Junglers that their heads be severed and their bodies mutilated. In the case of the killing of **Daba Marena** and six others,

¹⁸⁴ Mustapha K. Darboe. 'THE TRUTH BEHIND THE WALLS OF MILE 2 PRISON, JAMMEH'S "FIVE-STAR HOTEL": <https://www.justiceinfo.net/en/44653-the-truth-behind-the-walls-of-mile-2-prison-jammeh-s-five-star-hotel.html>

Saikou Jallow indicated how **Tumbul Tamba** told him over the phone to inform **Yahya Jammeh** that the mission was accomplished and **Tumbul** later came with a video recording device to show proof of the accomplished mission and was handsomely paid for it. **Yahya Jammeh** then caused a statement to be issued offering a false account that **Marena** and his colleagues escaped when he actually ordered and secured their unlawful killing.

Confessions

316. Confessions made by **Yahya Jammeh** to his orderly and one-time closest aide **Saikou Jallow** clearly show that he was ordering and securing the killings mentioned herein. He had expressed regret to **Saikou Jallow** that he was misled by **Solo Bojang and Tumbul Tamba** to kill **Momodou Lamin Jasaja Kujabie, Haruna Jammeh, Masi Jammeh** and **Ceesay Bujiling**. **Jammeh** also confessed to **Saikou Jallow** that he was misled into killing the West African migrants who were arrested in The Gambia by making him believe that those arrested were mercenaries. He also confessed to **Saikou Jallow** about the killing of **Daba Marena** and others when he told him that he was misled into believing that **Daba** was part of the **Ndure Cham** 2006 coup when in fact **Daba** and his colleagues did not commit any crime. It was as a result of these that he ordered the junglers to kill **Tumbul Tamba** while he was admitted in hospital.
317. *Cover up of Operations*-**Yahya Jammeh** has participated in, organized or ordered numerous cover up operations in order to conceal his crimes. When **Deyda Hydara** was killed, **Yahya Jammeh** ordered the NIA to investigate and to report that **Deyda Hydara** was involved in certain immoral activities which led to his killing. This was done ostensibly to paint **Deyda Hydara** in poor light and blame others for his death. When the students were killed on April 10 and 11, 2000. **Jammeh's** government falsely claimed that the shooting first emanated from the students suggesting that they were armed and shooting at the security officers which rendered them legitimate targets. When **Yahya Jammeh** secured the killing of **Daba Marena** and six (6) others he organized the issuance of a press release which falsely claimed that **Daba** and his colleagues escaped when the vehicle which was transporting them to Janjangbureh Prison was involved in an accident. Both the vehicle and the victims were never seen again. The press release was intended to mislead the public and to cover up the crime. The first batch of eight (8) West African migrants who were killed in Ghana town and their bodies left there were killed in a place and in a manner suggesting that there was a machete fight between Ghanaians (the victims) in Ghana town leading to their deaths. As a result, at the beginning of the investigations several residents of Ghana town including their Imam were arrested. Had it not been for the escaped victims who later explained the true story, the suggestion that those killed were fighting among themselves would have remained. Another example of a cover up operation was the removal and doctoring of diaries by the security forces to mislead the ECOWAS/UN investigation team that was sent to Banjul to investigate the killing of the West African migrants. The doctoring of the diaries enabled the government to continue to deny that more than eight (8) West African migrants came to the country.

Concealment of Crimes (use of Farms to hide victims)

318. **Yahya Jammeh** used his vast farms dotted around his home region in the Foni as burial places to conceal his crimes. Often these places are guarded by military and somehow inaccessible to the ordinary citizens or members of the public. Some of these farms he used to bury his victims include Bunubor farm, Kanilai farm, Tintinba forest and other locations. Other places **Yahya Jammeh** used to conceal evidence of his crimes include old wells in The Gambia and in Casamance, Senegal. The old well located in The Gambia is in Bunubor and is in a farm owned and controlled by **Yahya Jammeh** himself. The one in Casamance, Senegal is very close to Kanilai. This region of Casamance has for a long time been involved in some low-key secessionist war with Senegal. Bodies of people killed by gunshot and dumped possibly by Senegalese forces in a well in the areas affected by the war may be mistaken as bodies of rebels who have been killed and dumped there. It is highly unlikely that if these bodies were ever discovered they would without thorough investigation be associated with some killings carried out by Gambian security forces under the orders of **Yahya Jammeh**.
319. **Yahya Jammeh** and his co-perpetrators, **Dr Tamsir Mbowe** and the NIA also ensured the destruction of evidence that would have helped to prove his responsibility for the above listed violations.

Rewards/ Gifts and Promotions to direct perpetrators

320. **Yahya Jammeh** was known to be sometimes generous to members of his killer squad-the Junglers. After **Deyda Hydara** was assassinated, the group of Junglers who carried out the killing were rewarded handsomely. When **Daba Marena** and six others were executed, **Yahya Jammeh** gave **Tumbul Tamba** a sack full of money for having “*accomplished the mission*”. **Ndiaye Cisse** the purported Intelligence Officer was handsomely rewarded. Other times the killers would be treated royally to barbecues and some given rewards such as promotions. They also did not have to take up regular or routine duties within the army. **Malick Jatta** (Jungler) for instance did not go to work for almost two years and continued to receive his salary without any sanction. The Junglers generally had a free ride because they were **Yahya Jammeh's** killers. Most often they did not have to go to work and can carry sacks of marijuana across the border from Casamance without any interference from other security forces. They could do whatever they wanted without any fear that sanctions would be placed on them. With this they remained very loyal to **Yahya Jammeh** and continued to kill on his behalf.
321. **Yahya Jammeh** often used gifts and promotions to incentivise perpetrators. Many of the killers among the Junglers were promoted to very high ranks who had no matching qualifications. For instance, **Gen. Sulayman Badjie**, Commander of the Junglers became almost a *de facto* Prime Minister, the number two most powerful person in the country at the

time, yet he did not even possess a high school diploma. It is in fact common knowledge that his real name is **Karafa Bojang**, and that he assumed the name **Sulayman (Saul) Badjie** when he joined the army with a certificate belonging to another person. In spite of this, he rose to prominence in the army being commander of the Junglers, and commander of the State Guards Battalion and controlling everything including State House. He became very rich in the process. Many of the Junglers such as **Nuha Badjie** became Lieutenant Colonel who also did not hold any certificates beyond high school. Compared to their colleagues, the members of the Jungler squad attained higher ranks and faster than their colleagues in the regular units of the army.

Command and control authority over the Junglers and NIA

322. **Yahya Jammeh's** killer squad-the Junglers -were part of the State Guards Battalion which was responsible for the security of the President, State House and sensitive installations. The Junglers were an irregular formation created by **Yahya Jammeh** from within the ranks of the army to be carrying out his clandestine and unlawful operations such as extra-judicial and unlawful killings which were all aimed at further solidifying his grip on power. At all times, **Yahya Jammeh** had effective command and control over the members of the Jungler squad. Throughout the time **Kalifa Bajinka, Tumbul Tamba, Nuha Badjie and Gen. Sulayman Badjie (Saul)** were the Commanders of the Junglers, **Yahya Jammeh** was commander in Chief of the Armed Forces of the Republic of The Gambia and had direct and effective command and control over the Junglers. On the issue of responsibility of Commanders for the crimes committed by their subordinates, it is important to draw inspiration from these international treaties on the responsibility of commanders and other superiors. Article 28 of the Rome Statute states that a military commander or person acting as military commander shall be criminally responsible for crimes [within the jurisdiction of the court] committed by forces under his or her failure to exercise control properly over such forces where:¹⁸⁵

ARTICLE 28¹⁸⁶ RESPONSIBILITY OF COMMANDERS AND OTHER SUPERIORS

In addition to other grounds of criminal responsibility under this Statute for crimes within the jurisdiction of the Court:

- (a) *A military commander or person effectively acting as a military commander shall be criminally responsible for crimes within the jurisdiction of the Court committed by forces under his or her effective command and control, or effective authority and control as the case may be, as a result of his or her failure to exercise control properly over such forces, where:*
 - (i) *That military commander or person either knew or, owing to the circumstances at the time, should have known that the forces were committing or about to commit such crimes; and*

185 Article 24 of The Rome Statute; Non-retroactivity *ratione personae* www.icc-cpi.int
 186 Rome Statute – International Criminal Court www.icc-cpi.int

- (ii) *That military commander or person failed to take all necessary and reasonable measures within their power to prevent or repress their commission or submit the matter to the competent authorities for investigation and prosecution.*
- (b) *With respect to superior and subordinate relationships not described in paragraph*
 - (a), *a superior shall be criminally responsible for crimes within the jurisdiction of the Court committed by subordinates under his or her effective authority and control, as a result of his or her failure to exercise control properly over such subordinates, where:*
 - (i) *The superior either knew or consciously disregarded information that indicated that the subordinates were committing or about to commit such crimes;*
 - (ii) *The crimes concerned activities that were within the effective responsibility and control of the superior; and*
 - (iii) *The superior failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or submit the matter to the competent authorities for investigation and prosecution.*

ORGANIZED HIERARCHICAL STATE APPARATUS OF POWER

- 323. Over the years, **Yahya Jammeh** amassed massive powers. He was so powerful he became a complete dictator who dominated all spheres of Gambian life from politics to religion to the extent that he romanticised and even started taking steps to crown himself king.
- 324. **Yahya Jammeh** exercised unchallenged and ultimate authority and control over the entire state apparatus. He virtually made all important decisions affecting the state. His control was so profound that he decided who was appointed to what positions in the army, all the other security institutions as well as judges and prosecutors. He hired and fired whomsoever he wanted often not grounded on any reason or law without challenge. He could impose discipline on people, send any one to Mile II Central Prison without paper work or respect for any process and the prison system will comply with his orders. He put in place a system of rewarding his killer squad the Junglers for doing good work by complying with his orders. He had the power to promote, demote or impose discipline without any challenge.
- 325. He organized a hierarchical apparatus of the state comprised of the NIA which would carry out spying and investigations and torture for him under his directions, a compliant judiciary comprising of mercenary judges who would do whatever he wanted and a prosecution service at the Ministry of Justice that would prosecute whomsoever he wanted, a prison service which would detain whosoever **Yahya Jammeh** wanted without any lawful authority and the Junglers who had absolute liberty to go to the prison and remove anyone from there and subject the detainee to torture, unlawful killing or disappearance. **Yahya Jammeh** controlled all these institutions. He used his control over the state apparatus to execute the crimes, which means that he, as the perpetrator behind the perpetrators, mobilised his authority and power to secure compliance with his orders. **Yahya Jammeh** instilled fear in the hearts of the people and built a well-organized apparatus and structure of power with a deep culture of compliance/obedience which he exploited over the years to commit the crimes alleged.

326. **Yahya Jammeh** had such grip on power during his time as President and Commander in Chief of the Armed Forces of the Republic of The Gambia that he knew and had effective control and authority over all the activities that the soldiers were involved in. In several instances he knew of crimes committed by them and he protected them and failed to punish them in violation of the law on command responsibility. For instance, he knew and told **Saikou Jallow** that Lt. **Almamo Manneh** unlawfully killed a Nigerian taxi driver at West Field junction and he protected him. Such protection of **Almamo Manneh** was in violation of the law and for which Yahya Jammeh should be held responsible.¹⁸⁷ Equally, he knew about the deaths that were occurring as a result of the poisonous concoctions that were being given to alleged witches and wizards during the witch hunting exercise he ordered. He did not secure the prosecution of the culprits. Rather he ordered and encouraged them to continue with the exercise in spite of his knowledge about the deaths. As a result, at least thirty (39) people died in the process, many were tortured, other sexually abused and the bulk of them degraded and inhumanely treated. As Commander of the group of soldiers and civilians who were conducting this operation, **Yahya Jammeh** can be held criminally responsible for these crimes under the doctrine of command and superior responsibility under Article 28 of the Rome Statute.¹⁸⁸
327. The same applies to the crimes of the NIA. The NIA is an office within the Office of the President. The Director General of the NIA reports directly to the President who as superior has responsibility for the crimes committed by the NIA. **Yahya Jammeh** knew that the NIA was his star chamber which was torturing persons perceived to be his opponents in order to obtain evidence that would be used to unlawfully secure their convictions on trumped up charges in court. Sometimes **Yahya Jammeh** would personally participate in such tortures, give orders and directions the torturers who are often the Junglers as to what to do and sometimes ask for proof of the torture sessions. Several instances of this include where the Jungler (torturers) would call **Yahya Jammeh** and put their phones on speaker so that **Yahya Jammeh** can hear the screams of the victim(s). Other times he would ask for video recordings of the torture sessions.
328. He knew that the NIA had torture chambers and he would regularly send the Junglers to pick up detainees from the Mile II Central Prison and bring them to the NIA premises where they would be tortured. **Yahya Jammeh** knew fully well that the NIA was a torture chamber because he created it to be so. **Yahya Jammeh** never took steps to prevent or stop the acts of torture that were occurring at the NIA. For that reason, Yahya Jammeh ought to be held responsible for all the tortures carried out in the NIA –an institution –within his office, the Office of the President.
329. *Electronic recording of violations*-As mentioned above, **Yahya Jammeh** would occasionally ask his Junglers to provide proof that they have implemented his orders by carrying out the crimes he directed them to do against his perceived enemies by way of recordings. Such video or other electronic recordings or even contemporaneous communications enabled **Yahya Jammeh** to know that his instructions to commit certain crimes (often tortures) have been or were being implemented. In such instances, **Yahya Jammeh** became directly responsible for the crimes committed.

187 Testimony of Saikou Jallow, 27th May 2021 lines 798-801
 188 The laws of the Gambia do not provide similar Provision.

330. *Direct participation in events* – **Yahya Jammeh** has been known to participate directly in the torture of victims. During some of the torture of sessions **Yahya Jammeh** who was present and participated in the torture accidentally dropped his face mask revealing his face. The victim recognised him as a participant in his torture. In some instances where he would not participate, he would give instructions of the kind of torture to be meted out on the victim. For instance, during the torture of a protected witness **FB17**, **Yahya Jammeh** ordered that the person be given the “FULL VIP Treatment”. As a result, the person was raped by one of the Junglers. The person believed that when **Yahya Jammeh** asked that she be given the full VIP treatment, he had ordered her rape. Jammeh had also raped and committed other sexual violence against multiple victims including **Fatou Jallow** and Protected Witness **FB17**.
331. All the above establish that Yahya Jammeh and his enablers and Jungler squad knew and intended to commit the crimes that they have committed against The Gambian people. Jammeh also knew that his crimes were part of an attack against a civilian population.

DATED.....

SIGNED:

DR. LAMIN SISE, CHAIRMAN TRRC

