



TRUTH,
RECONCILIATION
AND REPARATIONS
COMMISSION

THE GAMBIA

REPORT

VOLUME 13

INSTITUTIONAL HEARINGS:
NATIONAL INTELLIGENCE
AGENCY (NIA)

REPORT

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**INSTITUTIONAL HEARINGS:
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A. INTRODUCTION

1. Following the July 22, 1994 takeover, the military Junta promulgated several draconian decrees limiting fundamental rights and freedoms. This was the beginning of the Junta’s plans to rule by fear and entrenching itself in power. To achieve this goal, Decree No. 13 was passed on the 3rd Day of November, 1994 establishing the National Intelligence Agency (NIA). This replaced the National Security Service which under President Sir Dawda Kairaba Jawara was primarily concerned with intelligence and state security. On the 29th Day of June, 1995, Decree No.45 repealed Decree 13. Decree No. 45. It spelt out the functions of the “Agency” and gave it sweeping powers, including powers traditionally exercised by only the police to investigate or intervene in matters of national security as well as private matters. Section 1 (a) states that the Agency shall “obtain and provide the government with information relating to actions or intentions of persons which may be a threat to state security.”
2. This and other provisions of Decree 45 served as the springboard for the rebranding of the role of the NIA and gave the Agency almost unfettered powers in the exercise of its functions. The functions which are contained in section 3 (a) to (f) moved the Agency from its intelligence gathering role to an institution used by **Yahya Jammeh to** essentially deprived Gambians of their fundamental rights and freedoms. For example, section 3(d) gave the NIA powers ‘to take necessary measures to safeguard the welfare and economic well-being of persons living in the Gambia, against threats posed by internal and external aggressors, while 3(f) broadens their functions to include ‘any such assignment as may be assigned to it by the Armed Forces Provisional Ruling Council (AFPRC). Staff of the NIA were granted powers to ‘arrest and detain for investigation any person within the boundaries of the country suspected of having an intention to undertake or undertaking activities inimical to the security of the state, or to the welfare or economic well-being of persons living in the country’. Furthermore, the institution also had the powers “to search, seize and impound any document, gadget equipment, tool, machinery, vehicle or other material used or intended for activities that are detrimental to the security of the state or the welfare or economic wellbeing of persons living in the country¹” According to Dr. Abdoulaye Saine “the passage of Decree 45, which gave powers of search and seizure to national security officers undermined systematically Decree 3, which expressed the regime’s respect for human rights”².
3. Following the transition to democratic rule in 1997, Section 7(c) of the new 1997 Constitution of The Gambia absorbed all the decrees passed by the AFPRC as part of the laws of the Gambia. Consequently, the powers that were vested in AFPRC council members under Decree 45 were vested on President Jammeh alone. Section 191, (1) states that “There shall be a National Intelligence Agency which shall be under the command of the President” and (2) That: “Subject to any Act of the National Assembly and the provisions of this Constitution, the National Intelligence Agency shall be governed by the National Intelligence Agency Decree, 1995³” In effect Section 8 of decree 45, incorporated in Volume 4, Cap 17:03, Revised

1 National Intelligence Agency Decree, 1995, The Gambia Decree No. 45 pages 2 and 3
 2 [Microsoft Word - Professor Saine TRRC FINAL REPORT.docx: COMMISSIONED REPORT TO THE GAMBIA'S TRUTH RECONCILIATION AND REPARATION COMMISSION](#), by Abdoulaye Saine Ph.D. University Distinguished Scholar and Professor of International Political Economy (Emeritus), Department of Political Science Miami University Oxford, Ohio, USA
 3 1997 — Law Hub Gambia, 1997 Constitution of The Gambia, Part 2,

Laws of The Gambia 2009, now vested the responsibility of appointing and removing key personnel of the Agency - the Director General, Deputy Director and Assistant Director – solely to the President. This had implications for the behavior of the persons in leadership in the Agency for President Jammeh had absolute control over them and he hired and fired them at will. To maintain their positions the appointees acquiesced to his orders to persecute and crush his opponents under the guise of safeguarding state security and to support his agenda of entrenching himself in power.

4. Decree 45 vested in the President and Director General judicial powers that would allow them to bypass any sort of scrutiny or supervision over the legality of their decisions before or after they were committed. Section 13 of Decree 45 granted the Director General or his designate (who could be anyone) the power to issue warrants to anyone, authorizing that person to search any named place, person, building, premises vessels, equipment plant or document, and such a search cannot be illegal⁴. In addition, section 16 usurped the constitutional right to redress through the courts and instead, diverted that redress to the president in clear disregard for the principle of separation of powers. Section 16 states that:
 - (1) *A person who is aggrieved by any act of the Agency in relation to his or her person, property, may petition the President for redress⁵.*
 - (2) *The President shall appoint a judge of the High Court as a sole Commissioner to investigate the complaint and submit his or her report to the president.*
 - (3) *The President may on receipt of the report issue out appropriate instructions to the agency in relation to the matter investigated.*
5. The powers to address and redress issues from the NIA was given to the president, taking away from the inherent jurisdiction of the court to address matter such issues that concern abuse of fundamental rights. To further erode accountability of the agency, Section 18 provides that the funding of the NIA be charged to the Consolidated Revenue Fund, but then provided that the accounts of the NIA were not subject to audit and only the president could request for those accounts to be submitted to him.
6. Essentially, Decree 45 made President Jammeh judge, jury and executioner in all matters within the mandate of the NIA. In essence, NIA became **Jammeh's** d personal property. The staff of the Agency felt that they were above the law and that they were accountable to only the President. The Agency's staff invaded the lives of the members of the public; including spying on them, arbitrary arrests and detention of people without reasonable or justifiable basis and often beyond the constitutionally acceptable timelines.
7. During the institutional hearing on the NIA, various witnesses reported being subjected to lengthy periods of detention at the hands of the NIA. Over time the NIA became synonymous to fear due to the powers they exercised and the lack of accountability for its actions. The NIA gradually became one of the most important tools used by Jammeh to stifle dissent and any other act he perceived as a threat to his hold on power. Jammeh used the Agency a medium through which he could discredit, humiliate and break down opponents while at the same time signaling to the public the terrible tortures and other punishments that awaited

⁴ National Intelligence Agency Decree, 1995, The Gambia Decree No. 45 page 9 para 13 (1)
⁵ National Intelligence Agency Decree, 1995, The Gambia Decree No. 45 page 11 section 16 (1)

anyone who dared oppose his authority or persona. This was intentional in the opinion of Mr. **Momodou Hydaraa** former Deputy Director of the NIA who described it as: *“Absolute power will always corrupt someone. In my opinion this is why I said it was created to be bad from the onset”⁶.*

B. INSTITUTIONAL ARRANGEMENT OF THE NIA

8. In terms of its operational setup, the NIA was divided into several Units. During its designation as the National Security Service (NSS) there was a Counter Espionage Unit, Political and Dissidents Unit, Economic Sabotage Unit, External Security Unit and the Operations Room. When it was transformed into the NIA the Investigation Unit was created and later on a Special Operations Unit was also created, in addition to liaison offices across and outside The Gambia. The Investigative Unit and Special Operations Unit became the policing arm of the NIA, conducting its work like the police, the drug enforcement authority and immigration department among other things. The Special Operations Unit which was created in 2007 also undertook some of the activities of the Investigative Unit. Over time the Special Operations Unit became notorious for its brutality and disregard for due process and the constitutional rights of members of the public.
9. **The Investigation Unit:** The Investigation Unit embodied the operational arm of the Agency which operated specifically in accordance with identifying perceived threats to the government of former **President Yahya Jammeh**. The operatives acted with total impunity and disregard for human dignity in pursuit of the former **President Yahya Jammeh's** agenda of self-perpetuation which was to be achieved through instilling terror in the heart of Gambians. The NIA became a weapon of oppression and subjugation for former **President Yahya Jammeh**. Its approach to issues became politicised, to the point that criticizing or protesting against a policy of the government equated to a criminal act, which was punishable by the NIA. The handling of the investigations shows the extent to which **Jammeh** had consolidated control over the security institutions in The Gambia. And in particular. The NIA became an instrument for orchestrating the fake narrative that sustained the former **President Yahya Jammeh's** rule, by instilling fear into the hearts of The Gambian people through committing egregious human rights violations on **Jammeh's** behest. This was made possible through the broad mandate given to the NIA, as well as in the selection of handpicked personnel amenable to doing Jammeh's bidding and the purging of those who tended to question or speak against the former **President Yahya Jammeh's** orders or wishes.
10. In relation to handpicking the NIA staff and operatives, **Mohammed Hydar** a Former Deputy Director of the NIA told the Commission that: *“some of these **Green Boys- the Youth Movement**⁷, certain elements were taken from those and conscripted into the NIA. This was again another terrible move because these knowing where they started and knowing their mindset, you conscript them into the system, all they would be doing is to advance the President's absolute wishes without even calculating anything. And I remember there was a time one or two (2) of these persons were working in my Unit and all they talked about is the **Green Revolution**”⁸*

⁶ Testimony of Foday Momodou Hydar, 4th February 2021, paras 297 – 302
⁷ The Green Boys were a civilian vigilante group associated with Jammeh and consistently accompanied the former President wherever he went running in front of his vehicle and participating in all of his activities.
⁸ Testimony Muhammed Hydar 4th February 2021

11. **Harry Sambou**, a former Director General (DG) of the NIA in his testimony during the institutional hearing of the NIA, told the Commission that *“sometimes officers are sent over to the NIA for enlistment, from the State House. Sometimes they are moved from the police or the military and brought to the NIA with orders”*⁹. They were not screened to ascertain if they had the requisite educational background or training. This indicates that **Jammeh** employed people into the NIA, who were malleable and amenable to blindly obeying his orders and not because of their competence. The former DG **Harry Sambou** lamented this in his testimony when he referred to a situation when his plans for institutional reform of the NIA could not be actualised. According to him: *“when I first took over in March 2006, I met a new batch of recruits that were just enlisted at the Marina¹⁰. They have not even undergone the simplest of training which the tradecraft is. About a hundred and fifty (150), and I embarked on an institutional reform but I could not complete it”*¹¹.
12. **The Special Operations Unit:** The Special Operations Unit was set up in 2007 to cater for the personal issues of former **President Yahya Jammeh’s** agenda of stifling dissent. The Unit intimidated and persecuted all persons who were perceived to be in opposition to Jammeh’s agenda including close associates and business partners who had fallen out with him, spying on, arresting and torturing members of the public and fabricating evidence to maintain a false narrative that favoured Jammeh’s agenda for self-perpetuation. In addition, the personnel of the Unit became *thugs for hire* to private citizens engaging in enforcing agreements and debt collection. Over the years the Special Operations Unit in particular and the NIA became synonymous with *fabrication of evidence, cover-ups of illegal activities, instilling fear and torturing detainees*. At the latter part of Jammeh’s regime, the NIA’s work was synergized with that of the Junglers and the Bulldozers.¹²
13. The excesses of the NIA in conducting their duty and the gross abuses of human rights that they meted out against arrested persons and those detained in their detention centres was a cross-cutting issue that recurred across the various themes of the public hearings of the TRRC. It was also the focus of the Institutional Hearing of NIA during which 63 (sixty three) witnesses testified including victims as well as current and former staff members including those whom are adversely mentioned persons. By the end of session 19 (nineteen) of the public hearings of the TRRC the Commission had already heard testimony from 51 witnesses comprising 45 victims and six adversely mentioned persons. This was announced by the Chair of the TRRC in his Opening Statement at the beginning of Session 20 (twenty) of the TRRC on Monday 25 January, 2021.¹³The Institutional Hearing of the NIA covered two sessions of the Public Hearings of the TRRC. The Commission also visited the Security Intelligence Services Offices- the former NIA Headquarters.¹⁴

9 Testimony of Harry Sambou, 25th January 2021, paras 365 – 367
 10 “Marina”-referring to the location of the NIA which is located on Marina Parade in Banjul
 11 Testimony of Harry Sambou, 25th January 2021, paras 385 – 388
 12 The Junglers were members of the State Guard who were formed into a private assassination squad for Jammeh and the Bulldozers that was a joint taskforce that conducted investigations using torture and other unlawful means.
 13 (20+) Truth, Reconciliation and Reparations Commission - TRRC | Facebook, Statement by the Chair, Dr. Lamin J. Sise, at the opening of the Twentieth Session, of the TRRC’s public hearings, 25 January, 2021, accessed 25.09.2021@15.08 p.m.
 14 (610) TRRC VISIT TO SIS 15.02.19 - YouTube accessed 12.09.2021 @15.23

C. CHRONICLES OF ABUSES BY THE NIA

14. The Chair of the TRRC, **Dr. Lamin J. Sise**, announced that the Institutional Hearings of the NIA covered two consecutive sessions of the Public Hearings and ran from October 22, to February 23, 2021. This statement was made at the Opening session of the twenty-second (22) Session of the TRRC’s Public Hearings on Monday, twenty second (22) March, 2021. According to the Chair of the TRRC: *“the Commission paid careful and thorough attention to the NIA as it was the entity, together with the murderous squad called the Junglers who were during the mandate period of the TRRC (i.e. July 1994 to January 2017), responsible for the greatest number of gross violations and abuses of human rights in The Gambia.”*¹⁵In reminding the public of the definition of human rights violations and abuses as contained in the TRRC Act, (2017), which defined these violations or abuses as including “the commission of acts of torture, unlawful killings, sexual and gender based violence, enforced disappearances of persons, inhumane and degrading treatment, arbitrary arrest, detention without trial...” and ordering, instigating, inciting, aiding and abetting, counseling or procuring any of these acts”
15. The Chairman of the TRRC went on to describe how: *“Yahya Jammeh and his cluster of confederates at the NIA and among the Junglers committed all these acts during twenty two years with undisguised wickedness against the citizens of The Gambia with impunity and total disregard for the rule of law. Testimonies from the victims during the NIA public hearings, albeit different, were not a series of unrelated cases. They showed a consistent pattern of gross violations and abuses of human rights by the agents of the State. It was also clear from witness accounts that the actions of these agents weren’t the product of individual decisions on their part but rather a calculated and intentional policy of Yahya Jammeh to consolidate and perpetuate his reign of terror and fear in The Gambia. Some witness perpetrators testified that they themselves would be killed if they did not carry out superior orders to torture detainees to unlawfully obtain confessions. The torture meted out reached its crescendo when the detainee was accused especially of being part of a coup plot to overthrow Yahya Jammeh. It is the old story of feeding the crocodile with innocent people hoping that the storm of dictatorship would pass before their turn comes to be devoured by the reptilian beast.”*¹⁶
16. These words of the Chairman **Dr. Lamin Sise** aptly summarised the work of the NIA from the time that the Agency was set up on November 3, 1994 by Decree No. 13. Like most regimes installed by coup d’états, Jammeh’s government was precarious and became paranoid about counter coups. **Yahya Jammeh** was fiercely determined to maintain his hold on power by crushing any attempt to change the status quo or interference with his tight grip on power.
17. The chief architects of the November 11, 1994 attempted coup d’état against the Junta were summarily executed in cold blood. **Jammeh** ordered his fellow Council members not to *“take any prisoners “and “to kill the ringleaders”*¹⁷. Soon afterwards, two members of the

15 (20+) Truth, Reconciliation and Reparations Commission - TRRC | Facebook, Statement by the Chair, Dr. Lamin J. Sise, at the opening of the Twenty-Second Session, of the TRRC’s public hearings, 22 March, 2021 accessed 25.09.2021@14.59 p.m.
 16 (20+) Truth, Reconciliation and Reparations Commission - TRRC | Facebook, Statement by the Chair, Dr. Lamin J. Sise, at the opening of the Twenty-Second Session, of the TRRC’s public hearings, 22 March, 2021 accessed 25.09.2021 @ 14.59 p.m.
 17 (616) Sanna Sabally DAY 2 TRRC SITTING 25TH APRIL 2019 PART 1 - YouTube 6:33-8.45/1:28:18 accessed 26.09.2021

Junta - Jammeh's own Vice Chair, **Sanna Sabally** and the Minister of Interior, **Sadibou Hydara**, were perceived as posing significant threats to **Jammeh's** position. As a result, **Yahya Jammeh** conspired with **Edward Singhatey**, then Defence Minister to arrest **Sanna Sabally** and **Sadibou Hydara** on false allegations of plotting to topple him. **Sanna Sabally** and **Sadibou Hydara** were subsequently tried by a Court Martial and **Sanna Sabally** was convicted and sentenced, whilst **Sadibou Hydara** died in custody prior to the completion of the trial. These responses to coup plots and alleged coups served as a blueprint for **Jammeh's** ruthlessness for any perceived threat to his power.

18. According to **Professor Abdoulaye Saine**, "*many alleged coups were at best staged by Jammeh himself in a calculated strategy, or pretext to eliminate looming threats and enemies. Others appeared more genuine*". Professor Saine observed that **Jammeh** lived in constant paranoia of losing his grip on power. As a result, **Jammeh** embarked on a process of institutionalising the operational mindset of key government institutions such as the NIA, influenced by socio-political considerations, to strengthen his consolidation of power by terrorizing the population. **Harry Sambou**, described: "*Jammeh was egocentric, everything was centred on Yahya Jammeh to a level whereby a threat to the security of the state was a threat to his life, threat to his family, threat to his properties and he directed everything towards that. ---He brought this fear in the civil service so as to subjugate them*"¹⁸
19. It follows therefore that the NIA, became central in Jammeh's political calculus to solidify his self-perpetuation. It marked the beginning of the NIA becoming an instrument of oppression. Gradually, the NIA's investigations focused mainly on matters of interests and benefits to **Jammeh's** regime. At the peak of **Jammeh's** brutal dictatorship, the NIA was his personal torture chamber to neutralise political opponents, senior public servants, members of the armed and security forces suspected of coup plotting or concealment. The NIA went to great lengths to execute Jammeh's plans and objectives by fabricating evidence against perceived enemies and extracting false confessions from detainees to secure convictions in politically motivated and malicious prosecutions that became so prevalent under Jammeh.

C.1: 1996 FARAFENNI ATTACK

20. **Ballo Kanteh, Omar Joof Dampha, Sulayman Sarr, Kebba Sanno, Karamo Gibba, Kabiro Dambajang, Abdoulie Sonko, Suwandy Camara, and Nganus (Ansu) Wali, Bamba Drammeh alias Waa Drammeh, Lawo Jarjue, Kemo Jallow, Ensa Baldeh, Yaya Drammeh, Gibril Jallow** and others were Gambian rebel fighters for **Charles Taylor's National Patriotic Front of Liberia (NPFL)** during the Liberian civil war. They were hardened fighters.¹⁹ A plan, masterminded by **Kukoi Samba Sanyang** alias **Dr. Manneh**, was hatched to topple Jammeh's government. They attacked Farafenni barracks in October 1996 to start a rebellion to remove the government.²⁰ During the attack on Farafenni barracks, the rebels killed about six soldiers from the GNA, namely: **Corporal Saihou Sidibeh, Corporal Essa Keita, Private Ebrima Manneh, Staff Sgt Lamin Badjie, Private Bakary Saidy** and **Private Ebrima Bojang** and proceeded towards the State House in Banjul. They were intercepted, some captured and the rest fled the jurisdiction.

18 (610) HARRY SAMBOU TRRC SITTING 25th JANUARY 2021 (PART 1) - YouTube 30:35-32:43/2:01:49 accessed 26.09.2021

19 Testimony of Ballo Kanteh dated the 09th December 2020 Line 70-137

20 Testimony of Ballo Kanteh dated the 9th December 2020 Line 591-594

TORTURE OF THE FARAFENNI ATTACKERS AT THE NIA

21. **Ballo Kanteh** was one of the captured persons. He testified that upon arrival at the NIA, he was received by **Lamin AMS Jobarteh (Babadinding)**, who later served as Attorney General and Minister of Justice. As soon as his feet touched the ground, he was slapped by **Lamin Babadinding Jobarteh**, causing him to fall down. He was taken inside the NIA building. **Lamin Babadinding Jobarteh** then sat down next to him, grabbed his head between his legs and began to squeeze it very hard whilst slapping him on both cheeks many times. Later, other NIA operatives joined in, slapping and beating him whilst asking him a series of questions. **Foday Barry** (then Chief of Investigation) also joined. According to **Ballo Kanteh**: **Lamin Babadinding Jobarteh, Salimina Drammeh, Harry Sambou, one Joe Gomez** and one man called **Ninjatortured** him. **Ballo Kanteh** told the Commission that **Salimina Drammeh** told his colleagues that they should not waste more time on him and all they had to do was just take him and throw them to the crocodiles...²¹
22. The witness testified that the following day, he was taken out of his cell, stripped down to his underwear and beaten by **Lamin Babadinding Jobarteh** and **Foday Barry** in the presence of the then Deputy Army Commander of the Gambia National Army (GNA), **Col. Samsideen Sarr** who was dressed in full military uniform. By then, they were not sure of his involvement in the attack. **Col. Samsideen Sarr** later joined the NIA operatives in beating and questioning him about his involvement in the Farafenni attack. **Col. Sam Sarr** kicked and stamped on his head with his boots on while he was lying on the floor, calling him a "motherfucker" among other names until **Baboucarr Jatta** then Commander of the GNA intervened and asked him to stop. It was at that point that his co-attacker **Yaya Drammeh** was brought in. Upon seeing him, **Yaya Drammeh** called his name. Then the NIA operatives immediately concluded that he was one of the attackers²² and as a result, one **Mendy, Harry Sambou, Salmina Drammeh, Foday Barry** and **Ninja** continued beating him, in the presence of **Baboucarr Jatta** and **Samsideen Sarr**. He testified that **Yahya Drammeh** was also stripped naked and beaten. He testified that they also attempted to shove a mixture of lime, vinegar and petrol in his anus but they were unable to do so. **Yaya Drammeh's** hand was twisted to the point that it broke. He alleged that this was done by the NIA officers and the soldiers.²³
23. **Omar Joof Dampha** testified that he and **Essa Baldeh** were captured by the Senegalese Intelligence and handed over to the Gambian authorities. Thereafter they were taken to the NIA Headquarters where they were stripped naked, handcuffed and threatened to be shot with pistols.²⁴ **Omar Joof Dampha** said that on the third day, they were paraded on the Gambia Radio and Television Services (GRTS) and ordered to make public confessions about the attack. After that, they were handcuffed from behind and made to sit on the floor. The air conditioner was switched on and they were beaten on every part of their bodies. The NIA officers brought in a car battery charger machine to electrocute them by clipping one end onto their toes and another in ears. He further stated that "*when they put the machine on, even while the air condition is on they were sweating. You don't know what is happening.*"

21 Testimony of Ballo Kanteh 9th December 2020 Line 1201-1379

22 Testimony of Ballo Kanteh 9th December 2020 Line 1458-1460

23 Testimony of Ballo Kanteh 9th December 2020 Line 1394-1523

24 Testimony of Omar Joof Dampha 8th December 2020 Line 679-684

The officers continued beating them until they were tired. He stated that he was tortured by **Foday Barry, Salimina Drammeh and Harry Sambou**. However, **Lamin Babadinding Jobarteh**, did not participate but was present whilst he was being tortured. **Harry Sambou** on the other hand while he did not actually participate in the torture would instigate his colleagues to escalate what they were doing by saying: *“Na Saf, Na Saffa Saf”*²⁵. He stated that from the November 8, 1996 to January 1997, the handcuffs were never taken off their hands and they were not allowed to take bath. They were also provided with little food until when they were visited by **Fraser Joof and Samsideen Sarr** who were his instructors at the GNA.²⁶

24. **Ballo Kanteh** testified that after the NIA tortured **Yaya Drammeh** they came back for him and continued beating him and asking him questions about the entire operation. He eventually confessed. Thereafter, they went after all of the people he mentioned, including his father, sister, and a lady from Soma and brought them to the NIA. They brought him out of his cell, stripped him naked in front of his father, sister, and that lady from Soma. They continued to beat him and electrocute him. He stated that during that process, they tried to force him to say that former **President Jawara** and former, Vice President **Saihou Sabally** were part of the operation. They lit up plastic and melted it on his body. He revealed to the Commission the burnt marks on his skin and his missing left nipple, which he said was cut off by **Lamin Babadinding Jobarteh**. He stated that **Gomez** threatened him saying: *“If we deal with you, you will never be able to function as a man again until you die.”* After obtaining his confession, the NIA personnel paraded him on national television to narrate their failed attack on The Gambia and to implicate former **President Jawara** and Vice President **Saihou Sabally** in the attack. They were detained for three months before being transferred to the State Central Prison, Mile II (Mile II Prison) in January 1997. He noted that during the said period, he neither had access to a lawyer nor was he informed of his rights throughout his detention at the NIA.²⁷
25. **Ballo Kanteh** told the Commission that subsequent to his transfer to Mile II Prison, some of his colleagues that were later arrested with the exception of **Abdoulie Sonko** were severely tortured. He did not see how and where they were tortured, but he did hear their screams one after the other. After his confession, the NIA arrested and brought in the man that manufactured the hunting rifles, the 18 year old younger brother of **Kabiro Dambajang** and the landlord that lodged them at Farafenni and his wife. The local gun maker, **Saihou Camara** died shortly after his release from the NIA and he believes that he died from torture.²⁸

SUMMARY OF TESTIMONIES OF NIA OPERATIVES IN RELATION TO THE FARAFENNI ATTACKERS

26. **Omar Cham** an NIA operative testified to the Commission on January 11, 2021, that following the apprehension of **Ballo Kanteh**, he was taken to the Investigations Unit. **Daba Marena, Foday Barry, Baba Saho and Lamin Babadinding Jobarteh** were attached to the Investigations Unit. He said that he heard **Ballo Kanteh** screaming and he assumed that he was being tortured as he was the only one taken to the Investigation Unit at the time.

25 Wollof statement meaning “harder, harder”
 26 Testimony of Omar Joof Dampha dated 08th December 2020 Line 702- 820
 27 Testimony of Ballo Kanteh 9th December 2020 Line 1563-1750
 28 Testimony of Ballo Kanteh 09th December 2020 Line 1794-1832

He stated **Foday Barry, Baba Saho and Lamin Babadinding Jobarteh** shared the same office and they were the ones present at the investigation section when **Balo Kanteh** was being tortured. He was not sure if **Lamin Babadinding Jobarteh** was present that day. Under cross examination, he changed his position and stated that he actually saw **Ballo Kanteh** being electrocuted when he peeped into the room. However, he could not identify the person electrocuting him, but **Foday Barry, Baba Saho and Daba Marena** were inside the room. He acknowledged that his basis for his claim was based on actual knowledge and not assumption. He also admitted that he did not speak the truth when he said he did not see **Ballo Kanteh** being tortured²⁹.

27. **Gibril Ngorr Secka (Ngorr)** testified to the Commission on February 25, 2021, that in 1996, some rebels that were involved in the Farafenni attack were arrested and taken to the NIA. The government through the NIA agency reacted very badly and used excessive force on those arrested. **Ballo Kanteh, Yahya Drammeh, Sulayman Sarr and Omar Joof Dampha** were all tortured severely by the NIA and other security agencies. He stated that it was sheer dishonesty for NIA officers who were entrusted the responsibility of dealing with those people to deny to the Commission that they were tortured. According to him, the attackers were placed in the custody of the NIA, including the Director General and more specifically the Investigations Unit at the time.
28. **Samba Bah** was the Director General of the NIA, at the time of the Farafenni attack the Investigation Unit was headed by **Foday Barry and Lamin Babadinding Jobarteh** was his deputy. Among the investigating officers were **Bubacarr Jallow, Lamin alias Ninja** and one **Lamin alias Mandas**. He told the Commission that both **Foday Barry and Lamin Babadinding Jobarteh** lied when they said that the attackers were not tortured. According to **Ngorr Secka, Salimina Drammeh and Harry Sambou** were also present when the attackers were tortured. He testified that he was at the NIA at that time and he also had contact with the attackers with the exception of **Sulayman Sarr** while he was detained at the Mile II Prison. He testified that **Ballo Kanteh** told him that he was tortured. However, even though he (**Ballo Kanteh**) told him about the hot plastic bags that were melted on him, he did not talk about his nipple being cut off.³⁰ He also told him that **Sulayman Sarr** had a broken leg and was on a stretcher.

TESTIMONY OF ADVERSELY MENTIONED PERSONS

Adversely Mentioned Persons:

29. **Lamin Babadinding Jobarteh, Salimina Drammeh, Harry Sambou, Foday Barry, Samsideen Sarr, Babucarr Jatta, Ebrima Jim Drammeh and two unidentified persons - one Mr. Mendy and one man called Ninja**. Five of the adversely mentioned persons responded to the allegations of adverse mention.
- (I) **HARRY SAMBOU**
30. **Harry Sambou** was Deputy Director General of the NIA, at the time of the Farafenni attacks. He was adversely mentioned as being complicit in the torture of the Farafenni

29 Testimony of Omar Cham 11 January 2021 line 318- 802
 30 Testimony of Gibril Ngorr Secka 25th February 2021 line 196- 259

attackers. He testified that **Ballo Kanteh** and other Farafenni attackers were tortured at the NIA by the investigations unit led by **Foday Barry** and assisted by **Lamin Babadinding Jobarteh**. He admitted torture was the mode of operations of the NIA, and as the deputy director, he did nothing to stop it. He stated that **Baba Saho, Salimina Drammeh, Ebrima Jim Drammeh** and other NIA officials participated in torture of the detainees but he himself did not participate, even though he visited the Investigations Unit. He said that he heard **Ballo Kanteh** saying that he was severely tortured and his nipple was cut off by **Lamin Babadinding Jobarteh**. When asked what he thought of **Ballo's** claim, he told the Commission that he was not in a position to deny it *“since he who feels it, knows it.”* When confronted with **Omar Joof Dampha's** testimony about his role in his torture, he denied that he ever gave orders for any of the detainees to be tortured. He said he never tortured anyone at the NIA. However, he stated that he would take responsibility as the Deputy Director even though he never personally, physically tortured anybody. When asked about the use of melting plastic drops on **Ballo Kanteh** to burn his skin and his electrocution, he stated that he was inclined to believe that plastic was actually used to burn **Ballo's** body and he was electrocuted by **Foday Barry, Lamin Babadinding Jobarteh, Baba Saho, Salimina Drammeh** and **Jim Drammeh**. He also indicated that he believes that **Ballo Kanteh** told the truth when he said **Samsideen Sarr** participated in his torture, although he could not be absolutely certain about this. However, he admitted that torture was frequently used by the NIA as a means to extract confessions.³¹

31. With regards to the personal involvement of **Harry Sambou** in the tortures of the Farafenni attackers, the Commission notes his willingness to accept responsibility for the tortures even though he claimed that he never physically tortured anyone. However, witnesses suggest that he was always saying things that encouraged the intensification of the tortures such as, *“Na Saf, Na Saffa Saf”*, whenever he entered the room. It is clear that Mr Sambou entered the room where the witnesses were being tortured several times. The Commission has no reason to believe that the witness, **Omar Joof Dampha** fabricated this story with there being no obvious motives for Omar Joof Dampha to falsely incriminate **Mr Harry Sambou** in his torture. The Commission would accept his statement as true. The Commission recalls the statement of **Harry Sambou** that *“he who feels it knows it”* when he was asked about the involvement of **Foday Barry** and others in the torture. By the same logic, **Omar Joof Dampha** felt the intensification of the tortures whenever **Mr Sambou** encouraged the torturers to do so.

32. With regards to the participation of **Foday Barry, Baba Saho, Lamin Babadinding Jobarteh, Salimina Drammeh** and **Ebrima Jim Drammeh** in the tortures, the Commission finds that the testimony of **Harry Sambou** is corroborated by that of **Ngorr Secka, Omar Cham** and the confession of **Salimina Drammeh**. However, the Commission notes that **Ebrima Jim Drammeh** was implicated in the tortures only by **Harry Sambou** which **Drammeh** denied. In the absence of any other evidence supporting **Mr Sambou's** claim, the Commission is inclined to believe that his evidence is mistaken

(II) SALIMINA DRAMMEH

33. According to **Salimina Drammeh**, when **Ballo Kanteh** was brought to the NIA, he was with the Director General **Mr. Samba Bah**, Army Commander **Baboucarr Jatta**, the Inspector General of Police (IGP), **Gibril Joof** and some other senior officials. As soon as **Ballo** was

³¹ Testimony of Harry Sambou dated the 21st of January 2021 Line 602-1035

brought in, the soldiers descended on him, beating him and he was thereafter taken to the investigations department. He said that **Foday Barry, Baba Saho, Salimina Drammeh** and **Lamin Babadinding Jobarteh** were members of the Investigations Unit at the time as expert investigators. The beatings continued even after a panel was formed and **Ballo** was taken before the panel and beaten. **Salimina Drammeh** admitted participating in the beatings with his colleagues. However, he stated that he could not say with certainty if his colleagues participated in beating **Ballo Kanteh**. When it was made known to him that this was a contradiction from his previous statement in which he confirmed that all of the NIA operatives participated in beating **Ballo Kanteh** when he arrived, he responded that he made that statement under pressure. According to him, he knows with certainty that he participated in the beating but cannot confirm the same for his colleagues, such as **Foday Barry**. When asked about **Ballo Kanteh's** allegation that he was beaten by **Lamin Babadinding Jobarteh** from the NIA gate; he responded he was upstairs with the NIA Director, the Army Commander and the IGP at the time. He confirmed to the Commission that **Ballo Kanteh** lied that he had been beaten at the gate. He eventually admitted that he beat **Ballo Kanteh**. He confirmed also that **Foday Barry, Babadinding Jobarteh** and **Baba Saho** tortured **Ballo Kanteh**. However, he stated that he was not involved in **Ballo's** electrocution and he did not witness the arrival of **Lamin Darboe** and **Omar Joof Dampha** because by then, he was preparing for a trip to Dakar. He insisted that he did not participate in the torture of Omar Joof Dampha even after he was confronted with the testimony of **Omar Joof Dampha** in which the witness (**Omar Joof Dampha**) mentioned his name among his torturers³².

34. The subsequent admission by **Salimina Drammeh** that he indeed beat **Ballo Kanteh** corroborates the fact that the evidence of the victims and the NIA officers present during the tortures are truthful. It can therefore be concluded that **Salimina** only denied the tortures to protect himself. His early suggestion that he did not know of any other tortures by his colleagues is a clear indication that he was also trying to protect them. The commission believes that there is overwhelming evidence supporting his claim that he did participate in the tortures.

(III) FODAY BARRY

35. **Foday Barry** testified that, he was made the head of the Investigations Unit of the NIA on November 8, 1996. Around that period, he received a report that eight soldiers of the GNA and two rebels were killed and one **Sulayman Sarr** was arrested in Senegal. The first rebel that was arrested was **Ballo Kanteh** but during this period, the Unit was dominated by the soldiers. He stated that **Ballo** lied when he said he, **Foday Barry** was in charge of his torture. According to the witness, he only came into contact with **Ballo Kanteh** on the third day after his arrest. He stated that during that time, **Joe Mendy** was posted at Faferreri and **Baba Saho** was in the UK and that **Lamin Babadinding Jobarteh** could not have been the person that received **Ballo Kanteh** from the soldiers because procedure required that the Director General would be the person to receive and hand him over to Investigation Unit. When it was pointed out to him that he had earlier stated that he only came into contact on the third day, **Foday Barry** replied that there was no contradiction and insisted he only interacted with **Ballo** on the third day.

³² Testimony of Salimina Drammeh 8th February 2021 Line 1151-1640

36. **Foday Barry** denied all allegations made by **Ballo Kante** with respect to his torture in front of his father and sister, stating that he has neither participated in torture at the NIA, nor witnessed torture there. He also stated that he could not recall if **Ballo Kante**'s father was arrested. He denied that **Ballo Kante** was stripped naked, and that was the mode of operation of the NIA as it was also done in the case of the 1996 PPP supporters, (**Batch Samba Jallow** and **Omar Jatta**). The witness also denied that **Lamin Babadinding Jobarteh** cut off **Ballo**'s left nipple at the NIA, stating that **Ballo Kante** lied, as he was informed by one **Musa Touray** an intelligence officer that during an investigation in Liberia on **Kukoi Samba Sanyang**, they discovered that **Ballo Kante** and some of **Charles Taylor**'s fighters were once captured and their captors cut off **Ballo**'s nipple. As such, **Ballo Kante** lied that his nipple was cut off by **Lamin Babadinding Jobarteh**.³³ When confronted with the testimonies of **Harry Sambou** and **Salimina Drammeh** regarding this incident, he neither confirmed nor denied it, stating that he will stick with his own evidence. He however confirmed the presence of **Baboucarr Jatta**, **Samsideen Sarr** and **Bunja Darboe** at the NIA. He stated that **Ballo Kante** was afraid of the soldiers, so he asked to speak to him. He said he sent the soldiers away and was able to obtain all the information he needed. When word reached the former **President** that he sent the soldiers out, he was able to produce the information to the President. He stated that he was not aware of **Samsideen Sarr**'s participation in the torture of **Ballo Kante**. When it was revealed to him that **Samsideen Sarr** had admitted to beating **Ballo Kante** in an article, he said he never witnessed such. He also denied that he was involved in the torture of **Omar Joof Dampha**, **Sulayman Sarr**, and **Essa Baldeh**.³⁴
37. The commission believes **Foday Barry** just like **Baba Saho** gave false testimony just to protect himself and his colleagues. The evidence against him as to his involvement in the tortures of the attackers is overwhelming. He is incriminated by the victims and his colleagues at that time, including his superiors in the service at the time.

(IV). LAMIN AMS JOBARTEH (BABADINDING)

38. **Lamin Babadinding Jobarteh** in his response to the allegations of torture by **Ballo Kante**, said that **Ballo Kante** lied to the Commission. He stated that he was not responsible for gate keeping at the NIA and as such could not have been the person that received **Ballo Kante** at the NIA, nor did he participate in torturing him. According to **Lamin Babadinding Jobarteh**, he was not even in the country when **Ballo** and others were apprehended. He went further to produce a passport to support his alibi. However, upon close examination of his passport, it was discovered that the departure and arrival stamps showed that he departed Senou in Bamako on August 8, 1996 and arrived at the Banjul International Airport on August 9, 1996, thus reinforcing the assertion by **Ballo Kante** and **Omar Joof Dampha** that **Lamin Babadinding Jobarteh** was present at the NIA when they were brought in. The testimonies of **Harry Sambou** and **Salimina Drammeh** also indicate that **Lamin Babadinding Jobarteh** was part of the investigation team at the NIA at the time and he in fact participated in the torture of the detainees. **Lamin Babadinding Jobarteh** insisted that he was not part of the Investigation Team during that period and he never tortured anyone. However, he admitted briefly working with the investigation team but stressed that the testimonies of his colleagues

33 Testimony of Foday Barry dated the 9th February 2021 Line 587-1022
 34 Testimony of Foday Barry 9th February 2021 line 1176

- about his involvement in the torture of the detainees was false. He further emphasised that he neither tortured anyone nor saw anyone being tortured at the NIA during that period. When confronted with the testimony of **Ballo Kante** that he (**Lamin Babadinding Jobarteh**) cut off his nipple during the torture, he insisted that **Ballo** was lying.³⁵
39. The Commission notes that several witnesses implicated **Lamin Babadinding Jobarteh** in the tortures of the Farafenni attackers. His earlier statement in his testimony that he was out of the jurisdiction and did not see **Ballo Kante** and therefore could not have tortured him turned out to be glaringly untrue. His later admission that he saw **Ballo Kante** being interrogated in his office also showed that **Lamin Babadinding Jobarteh** deliberately intended to mislead the Commission by giving a false alibi. This pattern of falsehood permeated his general testimony on matters that incriminated him in tortures. The Commission believes the testimony of the victims and his colleagues to the effect that **Jobarteh** indeed participated in the tortures of the Farafenni attackers. With regards to the issue of the cutting of **Ballo Kante**'s nipple, the Commission notes that both **Lamin Babadinding Jobarteh** and **Foday Barry** explained a story they heard from someone in Burkina Faso suggesting that **Ballo Kante** was once arrested in Liberia during which time his nipple was cut. However, the Commission has received information from **Yankuba Samateh**, a former close associate of **Charles Taylor**, who was in Liberia at the relevant time to the effect that **Ballo kante** was never arrested in Liberia, suggesting that the story advanced by **Lamin Babadinding Jobarteh** and **Foday Barry** is false.
40. The Commission is of the view that **Ballo Kante** did not display any inclination to falsely incriminate **Lamin Babadinding Jobarteh** for cutting his nipple. Rather, the evidence of **Ballo Kante** and all other witnesses point to the conclusion that **Lamin Babadinding Jobarteh** participated in the tortures. This was further corroborated by **Omar Cham**, **Ngorr Secka**, **Harry Sambou** and **Salimina Drammeh**. All this show that **Lamin Babadinding Jobarteh** participated in the tortures of the Farafenni attackers and offered untrue statements as to his role. As such, the Commission finds that he is not credible and therefore his story is not believed. In the absence of anything else to the contrary, the Commission finds **Lamin Babadinding Jobarteh** responsible for the cutting of **Ballo Kante**'s nipple.

V. BABA SAHO

42. **Baba Saho** indicated that **Foday Barry** was his long-time friend and colleague. The commission adduce from their evidence that they both tried to protect each other by providing strikingly similar if not replica evidence. This demonstrates an intention on their part to mislead the Commission. **Baba Saho** did not provide sufficient evidence to support his claim that he was out of the jurisdiction when the tortures occurred. Some of his colleagues did mention that he was among the torturers. Therefore the commission does not believe his blanket denial and in view of that, the commission concludes that he is trying to extricate himself from responsibility.

VI. EBRIMA JIM DRAMMEH

43. **Ebrima Jim Drammeh (Jim)** testified that he was one of the intelligence officers at the scene after the Farafenni attack. During the course of the investigations, he and **Nuru Secka**,

35 Testimony of Lamin AMS Jobarteh 11th February, 2021. Line 1959-1965

(an NIA agent), arrested one of the attackers and handcuffed tightly. They traveled with the suspect to the NIA headquarters and upon arrival, they met the DG of NIA **Samba Bah** who had already constituted a panel of investigators. He then handed over the suspect **Yaya Drammeh** to the DG and then drove home and did not step foot in the investigation department. He denied the assertion of **Harry Sambou** that he participated in the torture of the captured rebels. Under cross examination, He stated that other than **Yaya Drammeh**, he did not see any of the other Farafenni attackers. He insisted that he was not present when the suspects were tortured and that he handed over the suspect at the door of the investigation but did not enter. He admitted that the procedure was to brief the investigators when a suspect was brought in, however, that was not necessary in this case as he had briefed the Director General. He stated that he then returned to Farafenni the following day and was there on patrol for three weeks.

44. **Jim Drammeh** is implicated in these tortures by only **Harry Sambou**. In the absence of any corroboration, the Commission is inclined to believe that **Harry Sambou** may have been mistaken when he incriminated Drammeh, who the evidence shows was not present at the NIA when the tortures were taking place. He returned from Farafenni after escorting **Yaya Drammeh** to the NIA and left the premises thereafter. As such, the Commission finds that **Ebrima Jim Drammeh** was not involved in the tortures of the Farafenni attackers.

VII. STATEMENT OF SAMSIDEEN SARR

45. The Commission served a notice of adverse mention to **Samsideen Sarr** informing him that **Ballo Kanteh** had implicated him in his torture at the NIA. **Samsideen Sarr** denied involvement in the torture of **Ballo Kanteh** in his response to the notice of adverse mentioned dated April 6, 2021. However, there is a radio interview of Samsideen Sarr with **Pa Nderry M’ Bai** of the Freedom Newspaper in which he admitted that he kicked **Ballo Kanteh** twice. The Commission has no reason to believe that Ballo Kanteh would lie against **Samsideen Sarr** particularly as he was able to describe him in his uniform. On that account therefore, the Commission finds that **Samsideen Sarr** participated in the torture of **Ballo Kanteh** by kicking him at least twice and his subsequent denial is simply an afterthought designed to extricate himself from responsibility.

C.2 2000 ALLEGED COUP

SUMMARY OF EVIDENCE OF WITNESSES

VIII. LALO JAITEH

46. **Lalo Jaiteh** was serving as the Aide de Camp (ADC) to the former **President Yahya A.J.J. Jammeh** in 2000. He testified that on June 20, 2000, he was informed that he would be transferred to another department. Two days later, he was arrested in his home by seven armed officers whose faces were covered with masks. They pointed an AK47 at him in front of his three-year-old son which resulted in his wife Binta, attacking one of the soldiers called **Alieu Bojang**. He stated even though Bojang wore a mask, he was able to recognize his voice. The arresting team comprised of **Seedy Baldeh, Lamin Senghore (alias Assassin)**

and **Fransico Caso**, who was training the Junglers during that time.³⁶ He was taken to the NIA and put in a dark cell filled with the smell of urine and faeces and he had to make use of the carton he found there as a mattress.³⁷

47. **Lalo Jaiteh** told the Commission at the time of his arrest he thought that the former **President Yahya Jammeh** was angry with him because he had made a decision to buy the cheaper version of some items he was sent to buy for him (**the President**). So when he was taken before the panel and accused of plotting a coup together with his cousin former **Captain Alagie Kanteh** and **Omar Darboe** he was surprised. He stated that he only recognized **Sukuta Jammeh** among the panelist and they treated him well.³⁸ **Lalo Jaiteh** also stated that Captain Alagie **Kanteh** had managed to elude the authorities when they went to arrest him and left the jurisdiction.³⁹

IX. EBRIMA BARROW

48. **Ebrima Barrow**, a businessman, testified that on June 20, 2000, he was arrested in his home by armed masked men dressed in black at around 2:00am. The soldiers barged into his house and arrested him in front of his family without any explanations. They put him on board a truck and took him to the NIA Headquarters at Banjul. Upon arrival, they stripped him off his clothes and left him with only his underwear and locked him inside a cell. Later he was joined by a Portuguese man called Antonio Del Santo.⁴⁰

49. **Ebrima Barrow** told the Commission that on the second day of his arrest at around 8:00a.m, **Sukuta Jammeh** (deceased) took him before a twelve-man panel comprising of **Biran Jobe, Tijan Bah, Edrissa Jobe (Alagie Morr) Baba Saho, Foday Barry, Ousman Jallow, Salimina Drammeh, Ousman Sowe** and **Sukuta Jammeh** himself. They accused him of wanting to overthrow Yaya Jammeh’s government, and when he denied the allegation, **Biran Jobe** ordered **Edrissa Jobe (Alagie Morr)** to deal with him. **Alagie Morr** pulled him from behind, threw the chair he was sitting on and started punching and kicking him with his boots. **Alagie Morr** asked him to remove his clothes. As he was doing so, **Alagie Morr** pulled off his remaining clothes and in the process tore off his under pants and started touching and pulling his genitals. This was very embarrassing for him given that he was much older than **Alagie Morr**. None of the panelists said or did anything about it. As a result of the beating, his nose and mouth were injured and some of his teeth were broken. While he was on the floor, someone lit a cigarette and put it out on his buttocks burning his skin. The interrogation went on until 11:30am. He stated that he was quite surprised by the accusations against him because he was not affiliated with any security outfit. He admitted to them that he was a relative of the politician **Sheriff Mustapha Dibba** of the National Convention Party (NCP) and was also close to other politicians. After the interrogation, he picked up some of his broken teeth and **Sukuta Jammeh** assisted him to clean his mouth at the tap. Nevertheless, he was not provided with any medical care.

36 Testimony of Lalo Jaiteh 3rd October 2019 line 66-111
 37 Testimony of Lalo Jaiteh 3rd October 2019 line 189 -
 38 Testimony of Lalo Jaiteh 3rd October 2019 Lines 195- 216
 39 Testimony of Lalo Jaiteh 3rd October 2019 Lines 248-256
 40 Testimony of Ebrima Barrow 28th October 2020 line 69-193

50. On another occasion, he was subjected to the same treatment as the first torture session in the presence of some of the senior personnel like **Abdoulie Kujabie**. **Ebrima Barrow** described **Alagie Morr** as the “bully boy” of NIA and a drug addict that specialized in torture. He stated that during his interrogation, they wanted him to implicate **Lt. Lalo Jaiteh** and **Lt. Omar Darboe**, but he had never met those individuals and knew nothing about the alleged coup. He was also taken out a third time and **Alagie Morr** beat him up again. According to the witness, in all the three sessions he appeared before the panel, he was stripped naked. On another occasion, he was taken to a room and electrocuted to the point that he collapsed. However, he could not recall the agents that electrocuted him. After he regained consciousness, he was asked to put on his clothes and they took him back to his cell⁴¹.
51. Throughout his detention at the NIA, he was only given a meal once a day between 5:00p.m and 6:00p.m. On the second day, he also suffered from food poisoning because the food he ate was not very good. His cell did not have any mattress, so he used the cartons he found there as a mattress.
52. **Ebrima Barrow’s** testimony is confirmed by **exhibit 164 of an Independent Newspaper** article which reported **Ebrima Barrow’s** evidence in court, in which it was stated that on June 21, 2000 he was dumped naked in a cell at the NIA without food and later taken before a panel of twelve individuals including **Foday Barry, Sukuta Jammeh, Baba Saho, Baboucarr Jallow, Ousman Jallow, Biran Jobe, Tijan Bah, Rex Marong** and another officer referred to as doctor, forced him to sit on the floor and insisted that he was part of the coup. When he could not answer, **Alagie Morr**, dealt with him.
53. **Ebrima Barrow** further informed the Commission that on November 2, 2000 while the trial was still proceeding, **Musa Jammeh** and **Francisco Caso** took him to **Salimina Drammeh’s** office at the NIA and offered him money to testify that **Yaya Darboe** and **Lalo Jaiteh** were planning a coup but he rejected it. He was kept at the NIA for two days, and during his detention, he shared his cell with two sisters, **Fatou Jawo** and **Isatou Jawo**. These women were taken out at night and he heard them screaming. When they were brought back, they looked very bad, and he concluded that they were tortured. **Shingle Nyassi**, a strong UDP supporter, was also detained at the NIA at the time.

X. LIEUTENANT OMAR DARBOE

54. **Lt. Omar Darboe** testified that on June 28, 2000, he received a call from **Binta Keita, Lalo Jaiteh’s** wife. Binta was crying frantically and informed him that **Lalo** was arrested by soldiers. **Lalo Jaiteh** was his neighbour at Mile 7 and they were very close friends. **Darboe**, was then the *de facto* number two of the State Guards at the State House. Upon hearing news about **Lalo’s** arrest he went to seek for permission to go home. It was then that he was apprehended by armed soldiers, hand cuffed and placed under arrest. While trying to resist, he was hit hard on his back with a rifle, which caused him severe pain. He was taken directly to the NIA headquarters and dumped into **Bambadindika** while still in handcuffs, which was fixed tightly on his wrists, causing him severe pain. An hour later, he was taken out on the

41 Testimony of Ebrima Barrow 28th October 2020 line 200-636

veranda where he saw **Lalo Jaiteh** being moved to a cell. He also saw **Buba Jammeh** and **Ismaila Jammeh** with face masks rolled up on their heads, as well as **Francisco Caso**, an Italian, who was involved in the training of the Junglers. He was transferred to another cell still with the handcuffs tightly on hurting him badly. He stated that he had to lie down on the cartons he found in the cells because there was no mattress and the place was infested with lots of mosquitoes that it was impossible to sleep.⁴²

55. **Lt. Omar Darboe** also told the Commission that he was taken before a panel by some soldiers and the only senior NIA personnel he recognized were **Sukuta Jammeh** and **Foday Barry**. **Sukuta Jammeh** told him that they were investigating his involvement in an alleged coup. They tried to establish a connection between him and **Bakary Bunja Darboe**, a former Vice President in the PPP administration and the Minister of Finance at the time of the 1994 coup d’état and **Ousainou Darboe**, leader of the opposition United Democratic Party (UDP), given that his last name was **Darboe**. They also implied that he was an opposition, which was a serious allegation at that time. He denied the allegations. They also tried to establish that **Alagie Kanteh**, former AFPRC member, was the mastermind and he **Omar Darboe** and **Lalo Jaiteh** were his accomplices. He admitted to them that he had a close relationship with **Lalo Jaiteh** but denied the allegation.
56. They provided a paper and asked him to write his statement. As he was tearing the draft, **Foday Barry** asked him to stop but he ignored and continued tearing it. **Foday Barry** then slapped him from the back. Both **Sukuta Jammeh** and **Foday Barry** accused him of concealing information which he denied and told them that as far as he knew, neither **Alagie Kanteh** nor **Lalo Jaiteh** were involved in planning a coup d’état. **Foday Barry** then turned to the soldiers and said: “get him.” They all pounced on him and started beating, kicking and punching him. While he was being beaten **Foday Barry** would ask them to stop and ask him if he would change his statement and when he refused, the beating continued. He stated that he could also feel that belts and sticks were used to beat him and he used his hands to shield his face. When they finished beating him, they threatened more violence on him if he failed to comply. The following day, they told him that **Kanteh** confirmed that he and **Lalo** were involved in planning the coup d’état. When he denied it, the beating ensued again. As a result, he sustained bruises on his thigh, body, neck and face.⁴³

XI. EBRIMA YARBO

57. **Ebrima Yarbo** was a senior manager at GAMTEL in 2000. Testified that during the April 10 and 11, 2000 Student Demonstration he was informed by **Mansour Bah** that he was needed at the NIA. The witness went to the NIA where he found **FRI Jammeh** (IGP at the time), **Samba Bah** (DG, NIA at the time) and other NIA officers including **Abdoulie Kujabi, Daba Marena** (deceased) and **Munir Darboe**. These individuals informed the witness that they wanted to shut down Citizen FM Radio Station and wanted to go with him to do so. He told them that was not part of his job description and they agreed. Sometime later, some unknown people started visiting his office, including one **Francisco Caso** who requested some radio frequencies for communication purposes. He told **Francisco** that he was there to

42 Testimony of Omar Darboe 24th November 2020 line 339-664

43 Testimony of Omar Darboe 24th November 2020 line 740-1078

manage the frequency on behalf of the Ministry of Information and Communication and he could not give it out just like that and he told him the procedure to follow to process such a request.⁴⁴

58. In between that period, the NIA came to his house at 3:00 a.m. and knocked on the door. He called the police and told them that there were people at his door asking him to open the door at that time of the night. The police finally dispatched a few officers who negotiated with the NIA to arrest him and book him at the station. He was then officially handed over to the NIA. He believed that saved his life, otherwise the NIA could have executed.⁴⁵ **Francisco Caso** and **Major Momodou Bojang** were among those that arrested him. He indicated that as far as he could recall, **Francisco Caso was not an NIA operative and he did not show any identification or warrant to indicate that he was an actual NIA agent.**⁴⁶
59. According to **Ebrima Yarboe**, when he arrived at the NIA, he was placed in a small cell by the main door, with another detainee **Alagie Kanteh** the former governor in Kerewan. He spent about two to three days before being moved to Bambadinka. The witness described the place as hell because he had to sleep on the floor and once the office closed for the day, they were locked up with no access to the toilet and as such, they had to wait until morning to ease themselves when the NIA staff returned to work and this was how terrible it was. He stated that he spent 21 (twenty one) days in the cells without taking bath or having access to legal representation. He claimed that he was given rotten food and he was once brought a sandwich and when he opened it, found stapling pins in it.⁴⁷ He also told the Commission that **Sukuta Jammeh** would come every morning, take him out of the cell and give him breakfast
60. He testified that he was not physically tortured during his detention, because he had already told them that he would tell them the truth whatever they asked him and he pleaded with them not to hurt him however, he suffered great mental torture. The horror of solitude, tests one's 'manliness' and strips you off your dignity and if one is not careful, you may lose your mind.⁴⁸

SUMMARIES OF TESTIMONIES OF ADVERSELY MENTIONED PERSONS

61. **Adversely Mentioned persons:- Biran Jobe, Tijan Bah, Edrissa Jobe (Alagie Morr), Baba Saho, Foday Barry, Ousman Jallow, Salimina Drammeh, Ousman Sowe, Sukuta Jammeh (deceased), Bubacarr Jallow, Rex Marong and Doctor. Two of them responded to the allegations.**

XII. SALIMINA DRAMMEH

62. **Salimina Drammeh** in response to the allegation that he was one of the panel members investigating the alleged 2000 coup said *“Maybe I went to the panel out of curiosity but I was never a panel member, because I was just newly transferred from Dakar and took over*

44 Testimony of Ebrima Yarbo, 3rd March 2020 Line 166 – 216

45 Testimony of Ebrima Yarbo 3rd March 2020 Line 241 – 269

46 Testimony of Ebrima Yarbo 3rd March 2021 Line 276 – 301

47 Testimony of Ebrima Yarbo 3rd March 2020 Lines 306 - 370

48 Testimony of Ebrima Yarbo 3rd March 2020 Lines 395 -409

as Head of the Division. Counter Espionage Division. I was never a member of the panel”. He told the Commission that the prosecution of the case was handled by the Ministry of Justice and that the Ministry wanted to use **Dumo Saho** as a state witness. He admitted that some of them were tortured, but denied that he was present during the torture. He indicated that **Foday Barry** and others were the senior members of the Panel. An extract of **Ebrima Barrow’s** testimony was played and when he was asked if he remembered him, he stated that he never met him and that he only remembered **Dumo Saho**. When confronted with the testimony of **Ebrima Barrow** that he was present when he (**Ebrima Barrow**) was tortured, he responded that *“it could be”* as he knew about the case and admitted that he was going in and out of the Panel. He stated that **Foday Barry, Baba Saho** and **Lamin Babadinding Jobarteh** were senior to him. He eventually admitted that he was indeed aware of the torture of **Ebrima Barrow** and others and that all the panel members were complicit in the torture.⁴⁹

XIII. BABA SAHO

63. **Baba Saho** testified that he does not know **Ebrima Barrow**. He informed the Commission that in January 2000 he was out of the jurisdiction of The Gambia during this incident as he was in Nigeria undergoing a 3 (three) month course of studies with Musa Dibba and Matarr Bojang. When asked how cases involving persons suspected of wanting to kill Jammeh were handled, he responded that the investigations were usually conducted by the military and they were sometimes invited to participate. He indicated that during that period, **Foday Barry** was the head of Investigations and when asked if **Mr. Barry** would be involved in such investigations, he responded that there was nothing like a lead expert, however, Foday Barry was good at investigations. The witness was hesitant in saying that **Foday Barry** was the expert in such cases. He chose to settle with saying that he was good at what he does and denied being present at the NIA during this incident.⁵⁰

IX. FODAY BARRY

64. **Foday Barry** testified that he was part of the investigations team in the case of **Ebrima Barrow** and others and that the **Military Police** were in the interrogation room. He stated that it was normal to have the involvement of the **Military Police** and the **Police**. He however denied that the suspects were naked during interrogation and said that the investigation was purely a military issue and as such the **Military** was in charge. As for the case of **Lalo Jaiteh**, he confirmed that the **Military** handed over **Lalo Jaiteh** to **Jim Drammeh** after arresting him. When asked if **Ebrima Barrow** was military personnel, he responded in the negative. He confirmed the arrest of **Lalo Jaiteh, Omar Darboe** and **Ebrima Yarboe**, a GAMTEL Staff in connection with this issue. When asked about the torture of **Ebrima Barrow** and **Omar Darboe**, he told the Commission: *“Civilians you do not torture military officers, military officers no, do not try to be involved, no way Mr. Chairman; you do not torture a military officer.”* He indicated that he would not know if they were tortured. He stated that he was totally against torture and that he disliked it. When confronted with the testimony of **Omar Darboe** about his torture in order to make him change his statement, he denied it,

49 Testimony Of Salmina Drammeh 1752- 1893

50 Testimony Of Baba Saho 10th February 2021 line 1359-1497

stating that he had ethics. He insisted that he was not heading the investigations but admitted that he was the head of the Investigations Unit of the NIA. However, he could not remember the person that led the investigations. He also stated that he did not work on the case with **Sukuta Jammeh** as **Sukuta** was his junior. He denied the testimony of **Omar Darboe** that he (the witness) directed his torture, stating that it was not true and that **Harry Sambou** and **Salimina Drammeh** gave false testimonies as to his involvement in torture. He also denied the testimony of **Ebrima Barrow** stating that he was not truthful.⁵¹

65. By this time, the NIA had set the precedent that torture was part of its institutional policy and in the matters that concerned the government of the former **President Yahya Jammeh** and would use every means necessary to obtain the desired result. Hence, in 2000 when Lieutenants **Lalo Jaiteh** and **Omar Darboe** and the civilians - **Ebrima Barrow** and **Ebrima Yarboe** were arrested on allegations of plotting a coup, they were treated with absolute contempt and brutality. The evidence of **Ebrima Barrow** as to his torture before is corroborated by Exhibit 164 an Independent Newspaper article that reported on the trial during his testimony. This leads to the conclusion that he was truthful as to what was done to him at the NIA. The attempt to force the suspects to provide evidence incriminating prominent opposition members to an emergent planned coup shows that the NIA already had a story and they wanted **Ebrima Barrow** and **Omar Darboe** to adopt that story.
66. This is further strengthened by the testimony of **Ebrima Barrow** who indicated that while the case was proceeding in court, they took him to the NIA Headquarters at **Salimina Drammeh's** office where he found **Musa Jammeh** (Malia Mungu) and **Fransisco Caso** who offered him money and his freedom in exchange for him to incriminate **Omar Darboe** and **Lalo Jaiteh**. When he refused, he was taken back to Mile II Prison.⁵² From the evidence, only **Ebrima Barrow** and **Omar Darboe** were tortured, however, all the suspects were unlawfully detained for a prolonged period.

C3: THE 2006 FAILED COUP PLOT THE COUP PLOT

67. The Commission received evidence that the 2006 coup was planned by **Colonel (Col.) Ndure Cham** the Chief of Defence Staff (CDS). He took over the position in 2005. Several witnesses who testified to the TRRC with respect to the 2006 coup including, **Capt. Abdou Karim Jah, Capt. Yahya Darboe, Capt. Bunja Darboe, Capt. Wassa Camara, Abdou Deen, Tamsir Jasseh**, informed the Commission about its veracity. According to the witnesses **Col. Ndure Cham** was frustrated about how the country was being run by **Jammeh** whom he thought was running it as his kingdom. He was open about his feelings and openly expressed that 'he was going to overthrow **Yahya Jammeh**.'
68. According to **Tamsir Jasseh**, **Ndure Cham** was less motivated by the corruption in government but more rather by the alleged clandestine assassinations perpetrated by orders of the former **President Yahya Jammeh**. **Ndure Cham** believed that he himself, would eventually be a victim of such assassination orders despite there being no apparent reason to expect it. **Jasseh** reflected on his conversation with **Ndure Cham** stating, "I asked him if

51 Testimony of Foday Barry 9th February 2020 line 1359-1575
52 Testimony of Ebrima Barrow 28th October 2020 907-957

there was any particular reason for him to think he would be a victim, he said no, it is just the way things are. When you become a victim, it will be over night". **Tamsir Jasseh** further told the Commission that **Col. Ndure Cham** had no interest in becoming head of state and had confided in him that after taking over he would hand the country over to a civilian. He had identified **Alieu Jobe** (then the Accountant General) but also his relative (**Ndure Cham**) to head the transitional government.⁵³ **Alieu Jobe** denied that he had been offered the position of transitional head of the government but his close friend and confidant, **Abdou M Deen** (then Principal Budget Officer at the Ministry of Finance) confirmed to the Commission that **Alieu Jobe** had confided in him about the coup plot and that he was going to be made President if the coup succeeded. To this end, they sought spiritual strength from two marabouts namely **Serign Omar Keita (Serign Omar Faal)** and **Cherno Abdourahman Barry of Bogall**.

69. In trying to get more information about the planned coup and who was involved in it, **Tamsir Jasseh** asked **Ndure Cham** if the **Deputy CDS Lang Tombong Tamba** was in support of the coup plot as that would improve the chances of success. The former **CDS Ndure Cham** told him that he was not involved. **Capt. Bunja Darboe** who was the assistant to **Col. Ndure Cham** at that time told the Commission that the former CDS was very confident in his plan to overthrow **Yahya Jammeh's** government. This confidence was based on **Ndure Cham's** belief that he had the support of the majority of the armed forces (most of the officers and soldiers).⁵⁴
70. **Capt. Yaya M.S. Darboe (Yaya)**, who initially dismissed **Ndure Cham's** plan later bought into it and decided to be part of the plot. He told the Commission that although he knew that their actions were illegal: "Everybody was desperate whether you said it or not, civilian or military or servicemen in the Gambia and even outside the Gambia. If you were a Gambian you were all fed up, tired, frustrated. So, the only way a frustrated officer can do or a military man can solve his frustration is by use of a weapon. That is all"⁵⁵. The officers involved in the planning of the coup d'état knew that it was illegal, however, many of them believed that they had a moral obligation to save the country by removing a government that they perceived to be dictatorial.
71. The planned coup was to take place on the March 21, 2006, when the former **President Yahya Jammeh** was on a state visit to Mauritania. However, it was leaked by the **Deputy CDS Lang Tombong Tamba** who informed the former **President Yahya Jammeh** and started affecting arrests of the alleged coupists. **Col. Ndure Cham** fled the jurisdiction of The Gambia with the support of **Tamsir Jasseh**. The first to be arrested was **Capt. Bunja Darboe**. Thereafter, other soldiers were arrested including, **Capt. Yaya Darboe, Capt. Wassa Camara, then Director of Admin and Logistics, Mahmud Babady Sarr, Pierre Mendy, MA Bah, Alieu Ceesay, Alieu Singhateh, Gassama** and later the civilians, **Alieu Jobe, Tamsir Jasseh, Serign Omar Faal and Hamidou Sowe**.

53 Testimony of Tamsir Jasseh, 4th January 2021, Lines 437 – 492

54 Testimony of Bunja Darboe, 19th June 2019, line 599 – 610

55 Testimony of Yaya M. S. Darboe, 18th November, 2018, paras 134 – 138

THE INVESTIGATION PANEL

72. As the suspected coupists were being arrested an investigation panel was also being set up under the instructions of the former **President Yahya Jammeh** to investigate the coup plot at the NIA headquarters in Banjul. The members of the panel were **Harry Sambou** as the new Director General of the NIA replacing Daba Marena (who was arrested in relation to the coup plot), Deputy CDS **Lang Tombong Tamba** and IGP **Ousman Sonko** as the heads of the panel and **Foday Momodou Hydara (Momodou)** from the NIA as the lead investigator. The other members of the panel were: ASP **Demba Sowe**, **Lamin Cham**, **Abdoulie Sowe**, **Malamin Ceesay**, **Boto Keita** and **Sainey Ndure** (deceased) from The Gambia Police Force. **Momodou Hydara**, **Nuru Secka**, and **YusuphaFaye** from the NIA,⁵⁶ **N’fally Jabang** and **Ousman Bojang** from The Gambia National Army and **Alagie Martin** and **Manlafi Corr** from the State Guards and were later joined by **Musa Jammeh** and **Tumbul Tamba**.⁵⁷ Subsequently **Foday Barry** and **Baba Saho** (who had been sacked from the NIA) were reinstated and made members of the panel.⁵⁸
73. **Harry B Sambou** who was appointed Director General of the NIA, to replace Daba Marena testified that he received specific instructions from the former **President Yahya Jammeh** to oversee the setting up of the investigative panel in consultation with the then deputy **CDS Lang Tombong Tamba** who replaced the coup leader **CDS Ndure Cham**. The instructions he received were that Foday Hydara was to lead the investigations and that the investigators should work from the NIA headquarters as the conference room there was large enough to house the panel⁵⁹. Witnesses testified that the composition of the panel changed from time to time over the course of its work.

MODUS OPERANDI OF THE PANEL

74. Each of the security sectors -NIA, Police and Military- on the panel was to perform specialized functions. The NIA and the senior police personnel were to carry out the interrogation. The junior police officers were to be the statement takers and two civilians, **Babou Loum** from Barra and **Lamin Ceesay** from Sukuta/London Corner were to serve as independent witnesses to confessions that would later be made by the suspects. The military personnel were to be responsible for escorting the suspects from Mile II Prison to the NIA premises and back as maybe required. In addition, soldiers from State Guards **including Alagie Martin, (late) Musa Jammeh (Malia Mungu) and (late) Tumbul Tamba**⁶⁰ were Yahya Jammeh’s eyes and ears in the panel. They would regularly send him information about issues that occurred at the Investigation Panel. The other soldiers from state house, - the **Junglers** headed by **Nuha Badjie** would torture the suspects when they provide information that was not satisfactory to the interrogators.
75. **Harry Sambou** told the Commission that, although the panel was comprised of members of various security institutions, they were supposed to function as a unified team that would conduct investigations and submit daily reports to the Chairman of the panel and subsequently

56 Testimony of Demba Sowe, 3rd February 2021, paras 139 – 142
 57 Testimony of Foday Momodou Hydara, 4th February 2020, paras 763 – 800
 58 Testimony of Lang Tombong Tamba, 14th December 2020, paras 1696 – 1721
 59 Testimony of Harry Sambou, 25th January 2021, Lines 1111 – 1144
 60 Both Musa Jammeh and Tumbul are deceased

to the Director of the NIA who would then transmit the report to The President. However, this procedure was not applied. Even though **Momodou Hydara** was the de jure head of the panel, **Lang Tombong Tamba** who was the head of the army at that time was the de facto head of the panel. All communications through and from the State House was through **Lang Tombong Tamba**. He had direct contact with the former President and he as head of the NIA was excluded from the process. He was just there as a figure head. He knew nothing about what was going on. **Harry Sambou** claimed that after the inauguration of the panel, he stopped attending their sessions. He stated that “*as soon as I left, I never went back there because I noticed that the functions that I was supposed to have in carrying out the overseeing aspect of it were hijacked by the then Chief of Staff Lang Tombong Tamba who was permanently in the panel.*”

76. The modus operandi of the panel was that the suspects were taken before the panel often very late at night when the NIA premises would have been deserted. They would be taken upstairs to meet members of the panel in a very intimidating and threatening environment. They would be asked questions and encouraged to confess to the crimes alleged. Where they failed to provide the answers that the panel members wanted to hear, they would be threatened with beatings or they would be sent to the Junglers who would be waiting along the margins of the investigation room or downstairs. The Junglers would then torture the suspects with the view to extracting confessional statements from them. They would be sent back to the panel where the victims would make their confessions. Statement takers would be at hand to record the confessional statements in the presence of independent witnesses whose attendance were prearranged. In addition, The Gambia Radio and Television Services (GRTS) the national broadcaster, would be called to video record and transmit the confessions of the suspects who are often encouraged to express remorse and beg for the President’s forgiveness. According to **Bunja Darboe**, the panel and the Junglers were one and the same entity. According to him they were merely two sides of the same coin and while the panel were the interrogators, the Junglers were responsible for picking up suspects and whenever the panel finds it hard to get the information they wanted to hear, they would use the Junglers to torture the confession out of the suspect⁶¹.

THE TORTURES AT THE NIA

A. TESTIMONY OF BUNJA DARBOE

77. **Momodou Hydara**, testified he was present when **Bunja Darboe** was brought in handcuffs by **Alagie Martin** and **Manlafi Corr**. They told him that the former **President Yahya Jammeh** ordered them to bring in **Bunja Darboe** for investigation. He told them that everybody had gone home for the day. Martin responded that “*Well, the President says you people should start investigating... let me bring this person and then you people should start investigations immediately*”. He, (**Momodou Hydara**) then tried calling the Director General of NIA, **Daba Marena** but could not reach him.
78. **Momodou Hydara**, further told the Commission that when the panel was convened and **Bunja Darboe** was brought into the investigation room. He was: “*able to properly look at*

61 Testimony of Bunja Darboe, 19th June 2019, paras 1684 – 1689

Bunja and I realize that he was struggling with pain, one of his arms, I don't know which one because he keep moaning and then moving it around and moaning and I asked him 'What is wrong?' he said "My hand is broken". And when I see that and the handcuff is still on him and I told Martin 'Remove the handcuff, this guy is in pain and he is not going to go anywhere'...Yes, he was brutalized...Yes, apart from the arm that is broken I could see the shirt was torn sort of, and dirty. So, I knew there was some kind of a struggle between him and his captors or maybe there was no struggle they just did it to him."

79. **Bunja Darboe** told the Commission that he was arrested and taken to the Mile II Prison where he was detained at the Security Wing. Later, the Junglers, including **Micheal Sang Correa** and **Modou Jarjuee (Rambo)** and other Junglers, picked him from his cell, handcuffed his hands behind his back and took him to the NIA to face the panel. Along the way, **Micheal Sang Correa** put a commando knife to his neck and threatened to kill him and dump his body. When they arrived at the NIA, **Momodou Hydara** directed them to the conference room where the panel investigation was to be held. Once he was seated, **Bunja Darboe** was asked questions but he responded that he would need a lawyer before saying anything. Most of the questions were asked by **Momodou Hydara** in consultation with **Lang Tombong Tamba** and **IGP Ousman Sonko**. Upon insisting that it was his constitutional right to have a lawyer present, **Alagie Martintold** him: *You think we are joking here?"* **Tumbul Tamba** also threatened that *"if you don't talk, we will do to you what we did to your colleagues on 11th November [the late Buba Jammeh and Momodou Lamin Darboe]"*. **Alagie Martin** then walked over to where **Bunja** was seated, went behind him and suddenly gave him a slap from behind, then grabbed and pulled off his shirt causing the buttons to fall off. He tore the shirt all the way to **Bunja's** waist, leaving him half naked.
80. According to **Bunja**, *"I felt some pain, also I felt some bitterness, and I felt some bitterness and helplessness... Nobody said anything, no one said anything"*. According to him neither the **CDS Lang Tombong Tamba** nor the **IGP Ousman Sonko** or anyone else in that conference room said anything and they all seemed to have endorsed Martin's actions so *"I felt so much helplessness and bitterness also because I was unarmed, I could not defend myself, and I couldn't do anything. So I was at their disposal so whatever they did to me I couldn't do anything"*.
81. Subsequently, **Boto Keita** was assigned to take a statement from **Bunja Darboe**. According to **Bunja**, **Boto Keita** told him *"Look, you have to give a statement because just to be free from the torture and also so that you can rest"*. But when **Boto Keita** took the statement to the other panel members, they were not satisfied with it so he was asked to write another statement which conformed to what they wanted. In the following two days, **Bunja Darboe** would be taken to the NIA premises where he would again face his interrogators. **Bunja** Stated that On 23 March 2006 he was forced to write a speech that was supposedly the speech that the coupists would have read to announce their coup under the directions of **Lang Tombong Tamba and other members of the pannel**. The following day, he was taken back to the NIA by the same group of Junglers. As he was walking towards the administrative building **Modou Jarjue (Rambo)** kicked his feet from behind. He fell on the ground, badly hurting his hands which were in handcuffs.

82. On one occasion he was taken to the back of the NIA building where five junglers were waiting - **Nuha Badjie, Bora Colley, Mustapha Sanneh, Tumbul Tamba and Momodou Jarjuee (Rambo)**. He was made to kneel while handcuffed and a plastic bag was suddenly put over his head and held down so tight that he couldn't breathe, then the others began beating him with whips. When he felt he was about to suffocate, **Musa Jammeh (Malia Mungu)** ordered them to stop, and he began asking questions such as where the support for the coup was coming from, who was supposed to be President if it succeeded, and similar questions. After they were done with him, **Yaya Darboe** was also brought out and given a similar treatment. After the tortures their escorts were ordered to be taken back to Mile II Prison as he was going, he heard **Musa Jammeh(Malia Mungu)** saying, *"bring Mariam Denton"* (referring to the current Speaker of the National Assembly)⁶².

B. WASSA CAMARA

83. **Wassa Camara** told the Commission that he was taken from Mile II Prison around 11pm to midnight. He was handcuffed and a black bag was put over his head. Upon reaching the NIA Headquarters, he was ushered into the conference room and asked to sit down on a chair next to the door. He was flanked by the following panelists: **Momodou Hydara, Baba Saho, Foday Barry, IGP Ousman Sonko, CDS Lang Tombong Tamba, Musa Jammeh (Malia Mungu), Tumbul Tamba, Demba Sowe** and other officers he did not recognise. He initially denied knowing anything about the coup but relented when he was shown broken teeth and a bloodstained hammer on the table and was threatened that what happened to others would also happen to him if he did not own up. **Momodou Hydara** insisted that he was the ringleader of the coupists. Before he could respond, one of the panelists (whom he came later to know was **Baba Saho**) gave him a heavy slap and scratched his eyelids. As he struggled to regain his sight, the panelists continued to ask questions and **Baba Saho** again stood up to come towards him again but was halted by another one of the panelists. While this was ensuing, one of the 'Black Black' (Junglers) who sat in the corner with his weapon, threatened that if he did not speak, they would blow his head off.
84. He was subsequently asked to write his statement but when he did so, one of the panelists returned with the statement and told him that he must adjust it. He was told that although it was a foiled coupe: *"should accept that we are part of it and then also we should write at the tail end of our statement that we are pleading to the President so that he can release us."* They wanted to make him believe that they would be released if he confessed. **Wassa Camara** testified that the modus operandi of the panel was that once an accused writes a statement, the panelist would read it and *"if they are not satisfied with anything they would ask you to remove that...but all these things were not done in the presence of the independent witness"*.
85. According to **Wassa Camara** they were held for 90 (ninety) days incommunicado. He said that on another night he was taken to the NIA again. While he was left waiting in handcuffs at the reception, two Junglers **Malick Jatta** and **Amadou Badjie** lifted him from his chair to a nearby wall and continuously hit his head against the wall. From there he was taken to a place behind the NIA building and his feet were suddenly swept from under him and he

⁶² Testimony of Bunja Darboe, 19th June 2019, paras 2182 – 2274

was subjected to a merciless beating with sticks, wires and plastic whips all over his body, leaving lacerations all over. The beatings continued until someone instructed them to stop, then he was carried towards a waiting vehicle while one of the Junglers, **Mustapha Sanneh** continued beating him and promised him that *“in fact one of these days we are coming to get you, we will kill you”*.

C. TAMSIR JASSEH

86. **Tamsir Jasseh** had driven **Ndure Cham** to the Senegalese border on the night of the foiled coup and came back. He was arrested and detained at Mile II Prison. Thereafter, **Omar Colley (Jah Guide)** came to open his cell between 2a.m and 3a.m. He was handcuffed by a group of soldiers. When he complained that the cuffs were tight, one of the soldiers closed the cuffs even further so that they cut his wrists and he was taken to the NIA. As he was being led out of his cell towards the waiting vehicle, there were two rows of soldiers and as he walked between them, they started kicking, hitting him with gun butts, causing bruises on his face and arms. As he was ushered into the NIA conference room, among the panelists, he recognised **Lang Tombong Tamba, Musa Jammeh, N’fally Jabang, Tumbul Tamba, ASP Lamin Ceesay, Harry Sambou and Momodou Hydara**, as well as numerous soldiers armed with AK47 rifles. **Tamsir Jasseh** described the environment as chaotic, scary and tense and his thoughts were *“I hope I go home alive. Everyone was trying to outdo the other, I mean when the police would try to do what resembled some form of proper interrogation, Musa Jammeh for instance would not be pleased with it and would actually say ‘buko large lolu y’ [c’mon, don’t ask him that] and he would ask a question and before you even answer, ‘yen dengen nyu buga yap, haral ben parah rek’ [you people want to mess with us, but just wait until we are done with you].”*

87. **Tamsir Jasseh** testified that as he was being questioned by the panel about his involvement in the foiled coup, he was not read his rights and as a result he requested to speak to his lawyer, **Mariam Denton** (current Speaker of the National Assembly) and **Musa Jammeh (Malia Mungu)** immediately said *“dem len jeliko”* [go and bring her here]⁶³. During the interrogation, **Tamsir Jasseh** further testified that **Momodou Hydara** also threatened him to confess and that if he did not tell the panel what they wanted to hear, the investigators *“will step out and the soldiers will step in, and that he (Mr Jasseh) would not want the soldiers to step in”*. He was made to write a statement that was largely dictated by an NIA officer who was assigned to see to it that he wrote the statement. He began his statement with the sentence *“I am writing this statement at 2 a.m in the morning and I am being forced to do so”* but it was taken and torn up by the NIA officer. He was again told by Hydara that *“Mr Jasseh, if you do not do this, we are going to make you do it”*. Eventually he wrote a statement which was partly his own words and partly dictated by his captors. On the following day, he was brought back to the NIA in the afternoon for one **Babou Loum** to sign the statement as an Independent Witness, although he was not present when the statement was written.

88. Even as he was forced to endure all of these abuses, he was also subjected to tortures by the Junglers without any intervention from the panelists. He stated that **ASP Lamin Ceesay** stood over the window watching while *“Malick Jatta broke a plastic chair over my head and*

⁶³ (Mariam Denton was subsequently arrested and detained for three months, witness gave evidence that suggest she was also tortured) – Testimony of Tamsir Jasseh, 4th January 2021 Lines 845 – 849

actually put a 9mm pistol in my mouth at around 3am in the morning at the NIA in front of the compound. I hoped for an intervention on his part because I had worked with him...”. His interrogators also asked questions about certain people whom he (**Tamsir Jasseh**) believed they were trying to implicate in the coup plot, including **Sheriff Mustapha Dibba (Former Speaker of the National Assembly), Momodou Cadi (M. C.) Cham, Raif Diab and Sami Tamim**.

89. **Ebou Jarjue** confirmed that the people arrested in relation to the 2006 foiled coup plot were tortured at the behest of President Yahya Jammeh. He confirmed hearing the President on a phone speaking to **Musa Jammeh (Malia Mungu)** and asking him: *“what did Tamsir Jasseh say”* and Musa’s response that: *“he has not said anything yet”*. The President then told **Musa Jammeh (Malia Mungu)** to: *“Take him to the talk room”*. According to **Ebou Jarjue**, he deduced from that exchange between **President Jammeh** and **Musa Jammeh (Malia Mungu)** that, he (the **Yahya Jammeh**) was not only aware of the tortures going on at the NIA, but he in fact also gave the instructions to torture the detainees.⁶⁴

90. **Tamsir Jasseh** told the commission that during one of the torture sessions: *“Mr. Martin came on my back, Musa Jammeh had his telephone over my mouth as I was being beaten, I did not know why at the time I thought it was really out of place but on our way back to Mile II it was Musa Jammeh who drove me back with another soldier and he told me he had to put the telephone over my mouth to confirm to President Jammeh that I was actually being tortured because the President had complained to them, they were afraid to touch me because I have US citizenship. So, he had to do that to prove to him that they had actually tortured me as well”*⁶⁵.

D. PIERRE JOHN MENDY ⁶⁶

91. **Pierre John Mendy (Pierre)** testified that he was ushered in a room at the NIA where he found **Lamin Cham** who offered to write his statement. He insisted that he would write his own statement. He requested for an independent witness and **Lamin Cham** after consulting with the panelist insisted that he write his cautionary statement. At that point he was not charged with any offence. While he was being escorted to Mile II Prison, **Malick Jatta** hit him with his rifle butt on the head which resulted in an open wound. When he arrived at Mile II Prison, he was received by **Jah Guide** who called a medic to treat his injury. On March 25, 2006 he was again taken to the NIA where he found **Babou Loum**, the Independent Witness from Barra. He questioned the procedural flaw in the process of the Independent Witness signing a statement he did not witness, but **Babou Loum** told him that he had been doing this for a long time. After the statement was signed by the Independent Witness, **Momodou Hydara** ordered them to take him to the torture chamber.

92. The individuals that were present were **Momodou Hydara, Demba Sowe, Lamin Cham, Boto Keita, Kalipha Bajinka** and a man with bushy beard referred to as **Bin Laden**. He was taken behind the buildings, asked to sit down and beaten mercilessly with sticks, wires,

⁶⁴ Testimony of Ebou Jarju, 1064 – 1087

⁶⁵ Testimony of Tamsir Jasseh, January 4th, 2021, paras 1349 – 1357

⁶⁶ Lt. Col. Pierre Mendy, died on August 2, 2021 at the age of 57, nine months after testifying at the Puyblic Hearing of the TRRC. He had never recovered from his tortures and was among the victims that benefitted from medical support of the Victim Support Programme.

hosepipes, and an iron that felt like a hammer. He told the Commission that the Junglers that tortured him were, **Sanna Manjang, Malick Jatta, Mustapha Sanneh, Michael Correa, Noah Badjie, Modou Jarjue** alias Rambo and others he could not recognise. Usually, he was escorted by **Modou Jarjue, Sanna Manjang** and **Malick Jatta** and the rest would be in the other vehicle as backup. The beating lasted for about thirty (30) to thirty-five (35) minutes. Blood was oozing from the previous wound inflicted by **Malick Jatta**. So they had to put a plaster over it. When he was escorted back, **Momodou Hydara** asked “*why are you plastering your head?*” he told him, “*it is Malick Jatta that wounded me*”, **Hydara** then said to him, “*if you do not cooperate you would see more of this. Thereafter, he was taken back to Mile II Prison. Upon arrival at Mile II Prison Omar Colley refused to allow the medic to treat him.*”⁶⁷

93. On the March 27, 2006, he was again questioned about the planned coup d’état. During the interrogation **Baba Saho** asked him: “*do you think you are fit to live. He responded ‘if mosquitoes are fit to live what about me. There, Hydara attempted to slap him and ordered that they should take him to the torture arena. He was escorted by Malick Jatta, Sanna Manjang and the other Junglers. At the back while still in hand cuffs he was asked to sit down. However, he could only kneel down. Then they started beating him. They used a plier to pull off his skin while beating him. This lasted for about forty- five minutes and they stopped and it caused some injuries on his body.*”⁶⁸

94. On April 10, 2006, at around 1a.m, he was again taken to the NIA with the former Speaker of the National Assembly, **Sheriff Mustapha Dibba**, who was a very old man and had to be assisted to get down from the vehicle. He found **Tumbul Tamba, Nuha Badjie** and another Jungler, and they took him to the torture arena. **Malick Jatta** said to him, “*today you have to inform us all.*” While answering the questions, **Tumbul Tamba** placed a plastic bag over his head and suffocated him. He managed to punch a hole with his finger to breath. An electric wire was placed on his head and he was electrocuted to the point that the plastic bag melted on his head. This was done for about four times. According **Pierre Mendy** as they were kicking him, “*their boots then scraped my flesh, all my legs my flesh was all scraped and two people were standing on my side kicking me on my hip. Even my right hip is swollen up till now*”.

95. Another form of torture was meted on him, which he chose to put on a protected information sheet (Exhibit 171). He was also asked to stand up and he was pushed towards the window several times with sharp edges. He used his hands to shield his face. This caused severe injuries on his hands due to the impact with the window. His torture session lasted for about an hour. When **Sheriff Mustapha Dibba** saw him afterwards, he described it as “mental torture for the old man.” They also wanted to put him in a bag but he resisted. **Michael Correa** helped loosen his hand cuffs because they were tight on his wrist and he was in pain. When he was returned to Mile II Prison, **Omar Colley** again did not call the medic to attend to him even though he was in a terrible state. **Ali Ceesay**, prison officers was assisting in nursing his injuries which he described as: “*My hands were still swollen and everything was black here likewise my legs because my flesh is all scraped off. I had general body pain but with the help of that Sergeant who normally bring Diclofen to me together with shea butter and other medicated balm helped me a lot. If he was not there by now I should have been in the grave yard; I thank him very much*”⁶⁹.

67 Testimony of Pierre John Mendy 19th November Para 317,466

68 Testimony of Pierre John Mendy 19th November 2020 para 493

69 Testimony of Pierre John Mendy 19th November Para 536-700

96. According to Pierre John Mendy: “*Everybody had a taste of the soup. Yaya Darboe his eye, Ebou Lowe also his leg, Manlafi Corr he cannot even see, Wassa his head, Serign Omar Faal they used a knife want to slaughter him like a chicken and many others. The Honorable Demba Dem, for him he was even vomiting blood, he vomited more than five (5) litres this is the size of our chamber pot*”⁷⁰.

E. YAYA A.M.S DARBOE

97. **Yaya A.M.S Darboe (Yaya Darboe)**, told the Commission that he was picked up from his cell between 11p.m and midnight by a group of Junglers dressed in *black black* and wearing face masks. He was handcuffed and taken to the NIA. The group was led by **Bora Colley** who said to him “*sir, we want to go to the NIA for interrogation. So, try to cooperate with them so that you can save your skin. You can join the first vehicle*”.

98. At the NIA he was led me to a flower bed just behind the main building. He was asked to kneel down with his hands still cuffed then they started interrogating him. While this was going on, someone kicked him from behind and he fell on his stomach. Then they started beating him with all sorts of material - sticks, wire coils, hose pipes, boots and some used their hands at the time they were beating him. **Musa Jammeh (Malia Mungu)** intervened. He told the torturers: “*wait, wait. Don’t you know this man is going on TV by tomorrow? So, just be careful*”. The witness indicated that they were trying to avoid injuring him on parts of his body that will be exposed on TV. He substantiated this argument by telling the Commission that it was because of his injuries that Pharing Sanyang could not be on TV. Instead his voice was broadcast on radio.

99. The beating lasted for an hour. His torturers were: **Michael Correa, Momodou Jarjue, and Sanna Manjang. Musa Jammeh (Malia Mungu)** and **Malick Jatta** were present but did not participate in the beating. He was then asked to write his statement, which was taken upstairs and he was asked to make adjustments as directed by the people upstairs. He indicated that reasons for the adjustments was to ensure that his statement tallies with that of **Bunja Darboe’s, General Saihou Seckan** and **Wassa Camara**. To achieve that, he was shown Bunja Darboe’s statement. Before he was escorted back to Mile II Prison, **Musa Jammeh (Malia Mungu)** said to him, “*tomorrow you are going to give your statement on TV. So, if you deviate from this more torture is going to follow*”⁷¹. He informed the Commission that it was quite apparent that there were adjustments on his televised statements and even the Judge noticed this and mentioned it in court.

100. On March 23, 2006, he was removed from his cell around 11 to 12p.m, handcuffed and handed over to the Junglers to be taken to the NIA. **Musa Jammeh (Malia Mungu)** pleaded with him to cooperate, telling him that they knew he was part of the foiled coup, and he needs to tell them the names of their sponsors and even suggested names. While he was being interrogated, one of them knocked him on his eye with something and broke his eye. **Michael Correa** placed a plastic bag over his head but **Musa Jammeh (Malia Mungu)** asked him to remove it as he was bleeding at that point. They beat him with wires and sticks and **Tumbul Tamba** lit a plastic bag and let it drop on his skin. The next phase was called “*the*”

70 Testimony of Pierre John Mendy 19th November Para 487-491

71 Testimony of Lamin AMS Darboe, 18th November 2020 para 426-529

burial party” he was made to lie on his stomach and they beat him with sticks until they were completely broken. Thereafter they said, “*let us move to the charity house*”. He was rolled up while **Michael Correa** and **Modou Jarjue (Rambo)** beat him with wires. Cement blocks and ice were also placed on him. One of them sat on the block that was placed on him and they were smoking and insulting him. Cigarette butts were extinguished on him and **Michael Correa** lit a plastic bag and allowed the hot molten to drip on his skin. About six to eight people participated in his torture and while he was being tortured. He testified that while this was going on, he could hear other people screaming, which indicated that they were also being tortured.⁷²

101. **Yaya Darboe** told the Commission that he was again tortured in April 2006. This time he was taken to the NIA, pushed in a room and beaten severely to the point that he pretended to faint. At that point, they took some pictures of him which he believed were sent to the **President**. According to the witness, some torture sessions were video recorded and sent to the **President Yahya Jammeh**. This was confirmed to him by his torturer **Michael Correa** who was also later detained at Mile II Prison. According to the witness, **Michael Correa** told him that the former **President Yahya Jammeh** enjoyed watching the videos and pictures of the torture sessions⁷³.
102. In May he was taken to the NIA. He was put in a bag and hoisted up in a winch. He narrated: “*They winched me. Then the same thing, then they - - just come and beat, beat then this controller will deliberately lose it to come down, you are just only on your back you will go on the floor then all you can hear is the laughter over it. They lose it then you come without a control then you just ‘bang’ on the floor and all you can hear is a laughter. Some people will say “good landing” and all those rubbishes they use to say*”. This was accompanied with beatings with wires and sticks⁷⁴.

F. TESTIMONIES OF SOME OF THE CIVILIANS

103. Some of the civilians who testified about the tortures that were meted against them at the NIA for their alleged involvement in the 2006 Ndure Cham foiled coup were **Serign Omar Faal, Alieu Jobe, and Alieu Lowe**.
104. **Serign Omar Faal**, (the Marabout consulted by Alieu Jobe), testified that when he was brought down from the vehicle, about seven junglers started beating him. **Malick Jatta** forcefully shaved off his beard with a knife. This made him cry because he had maintained this beard for thirty (30) years and it was his identity as a Muslim. Thereafter, **Malick Jatta** placed a knife on his neck and was going to slaughter him. When blood started coming out he was stopped by someone. He was also subjected to suffocation with the black plastic bag by **Alagie Martin**. **Martin** placed a plastic bag over his head, hit him with a hammer and he fainted, at that point they thought he was dead. Thereafter, he saw Lawyer Mariam Denton, she was so weak that they also thought she was dead. **Ismalia Jammeh** was present at his tortures.⁷⁵

72 Testimony of Lamin AMS Darboe, 18th November 2020 line 597- 696
73 Testimony of Lamin AMS Darboe, 18th November 2020 line 718-751
74 Testimony of Lamin AMS Darboe, 18th November 2020 line 770-805
75 Testimony of Serign Omar Faal 12 November 2020 line 599 -667

105. **Alieu Job** the person identified to be interim President of the transitional government was picked up from Mile II Prison by **Sanna Manjang, Michael Correa, Momodou Jarjue (Rambo)** and **Malick Jatta**, and taken before the Panel. When failed to answer questions satisfactorily, he was passed on to the Junglers who took him out behind the NIA building with his hands hand cuffed behind his back. He was asked to kneel and a plastic bag was put over his head and tied around his neck. They then proceeded to beat him with sticks and other things mostly on his back and also on his face. The beating lasted for about 15 minutes, intermittently, he was asked questions and the beatings continued. He was later subjected to another beating which lasted for over 50 minutes before being locked in a cell at the NIA for between three to five days. The beatings continued on a daily basis until he was returned to Mile II Prison days later⁷⁶.
106. **Alieu Lowe** nephew of **Ndure Cham** told the Commission that in addition to the beating he received from the arresting team, he and his brother **Mustapha** were both subjected to further torture during the three days they were detained at the NIA. He said they were taken to the back of the NIA building and subjected to severe beatings with hose pipes. He was made to lie down; someone had a foot on his neck while the others beat him. He suffered pain for three days but was never offered any medical attention nor was he allowed to see anyone including a lawyer. He was later transferred from the NIA to Mile II Prison. However, he was not charged or taken before any court or judge. He was transported from Mile II Prison to the NIA and tortured at night (around 3am) before being returned to Mile II Prison. **Alieu Lowe** narrated that as they alighted from the vehicles to walk into the reception, the Junglers stood in line on either side and would kick, slap and hit them until they reached the reception.

THE GRTS TELEVISED CONFESSIONS

107. One of the strategies used by NIA was to parade accused persons before The GRTS so that the public would see them as wrong doers who deserved to be punished. In his testimony to the TRRC, **Lang Tombong Tamba** initially said that the GRTS was sent by Jammeh to televise confessions by the detained suspects. He later rescinded the statement, arguing instead that it was the Panel’s idea to bring in GRTS to record the confessions of the coupists for evidentiary purposes and that President Jammeh merely approved the action.
108. **Tamsir Jasseh** narrated how they were made to confess on GRTS without their consent. According to him, one afternoon they were called out of their cells and taken to the NIA. Upon arrival they found that GRTS was present. When they were ushered into the conference room, **Momodou Hydara** told him that they (the detainees) were supposed to make a confession on television. Mr Jasseh objected on the basis that he was not ready or willing to make a statement on television. He said that **Momodou Hydara** leaned towards him and whispered: “*Mr Jasseh, defal lee or guy yee dinen deal ak yow*” Meaning, “*Mr Jasseh do this or these guys will deal with you.*” He said that his understanding of **Hydara’s** statement was “*that the same rules that apply in the statement writing, if you do not do it, they beat you up. If I do not make this statement on National Television the same thing will happen to me*”. He then asked **Hydara** what he was expected to say and Hydara replied in Wolof:

76 Testimony of Alieu Jobe 23rd November 2020 line 560-662

“just like it is written in the statement, say that you people did it” That you were involved in planning the coup. **Hydara** further told **Tamsir Jasseh** that the President was interested in their admitting this on television so that he could just **pardon** them, otherwise they were to ‘**be dealt with**’.⁷⁷

109. **Yaya Darboe** also testified that when they were taken to the NIA one day, they found that GRTS had set up cameras in the conference room. They were not given any prior notice and were told to just come and say what they knew about the failed coup. They were told to “*Just plead to the President that this is an error; you have regretted and then maybe you can be pardoned...the biggest target is **Ndure Cham** whom they were looking for and the President is happy that no blood was shed and nobody was found in action, everyone was found in your bed. So, that shows that we were not committed to it, we were just being baffled by **Ndure Cham**.*”⁷⁸
110. **Aliou Job** informed the Commission that himself, **Capt. Bunja Darboe**, **Capt. Wassa Camara**, **WO Alpha Bah**, **Tamsir Jasseh** and **Serign Omar Faal**⁷⁹ were all paraded on TV to make confessions and plead to the president. Despite the inducements to confess and plead however, these confessions were instead used against the detainees instead of ensuring they get pardons as suggested by the panelists.

C.4 THE ARREST AND DISAPPEARANCE OF DABA MARENA AND OTHERS

111. **Ebrima Jim Drammeh** told the Commission that when he picked up **Daba Marena**, (the then Director General of the NIA) from the airport when the former **President Yahya Jammeh** and his delegation returned from Mauretania, he took him to the Counter Terrorism Unit office in Bijilo for a briefing session with the other directors of the NIA who were already convened there. **Marena** explained that when he was informed about the planned coup, he wanted to know the situation at State House first before going to the **President** with the information. He asked **Tumbul Tamba** to find out the arrangements and movement of soldiers at the State House and brief him so that he would be able to brief the former President adequately. Instead **Tumbul Tamba** went directly to the former **President Yahya Jammeh** with the information.
112. This action by **Tumbul Tamba** engendered mis-trust from **President Jammeh** against **Daba Marena**. The witness stated that the following day, he was standing in the corridor outside **Daba Marena’s** office and he saw **Marena**, coming out escorted by a group of soldiers led by **Alagie Martin**. As he was being led away, **Marena** said to him “*Drammeh, I will come back in sha Allah “(by the will of God)*”⁸⁰.
113. **Gibril Ngorr Secka** told the Commission that **Marena** was brought before the Panel either on the day he was arrested and removed as the Director General of the NIA or the following day. **Ngorr Secka** further told the Commission that **Marena** testified in his presence and that everything he said was very convincing to conclusion that he was not part of the coup plot⁸¹.

77 Testimony of Tamsir Jasseh 4th January 2021 Lines 1097-1157
 78 Testimony of Yaya M. S. Darboe, 18 November 2020, paras 547 – 565
 79 Testimony of Aliou Jobe, 23rd November 2020, paras 734 – 735
 80 Testimony of Ebrima Drammeh, 27th January 2021 Lines 789 – 833
 81 Testimony of Gibril Ngorr Secka, 25th February 2021 Lines 688 – 713

114. **Tamsir Jasseh** narrated in his testimony that on the second night of his torture, he distinctly remembered **Musa Jammeh (Malia Mungu)** getting out of the vehicle when **Tumbul Tamba** arrived and ordered the other Jungler in the vehicle “*when you get to Mile II, I want you to pick up **Daba Marena**, **Ebou Lowe**, **Alpha Bah** (and other names **Tamsir Jasseh** could not recall) and carry out the operation*”. The other Jungler replied “*sir, I cannot do that, I’m not going to do that*”, to which **Musa Jammeh (Malia Mungu)** angrily replied, “*it is a fucking military order, you have to do it.*”⁸²
115. **Bunja Darboe** told the Commission that over 70 (seventy) people were arrested in connection to the foiled coup, including **Daba Marena** and even **Manlafi Corr** who led some of the initial arrests, including his own too was subsequently arrested and subjected to serious torture⁸³. **Bunja** stated that in the Security Wing he was detained in at Mile II Prison, his cell was perpendicular to that of **Daba Marena**. The two of them would usually stand at their respective peepholes and chat. However, on the night of the March 25, 2006, there was a knock on the door and as usual all the detainees were apprehensive and worried that they would be the ones to be picked up and taken away again. According to **Bunja Darboe** he lived with the expectation that he was only waiting to be killed, so when he heard the footsteps of the junglers he began reciting verses from the Quran. He was relieved when they passed his cell door but as he peeped through the hole, he saw them open **Daba Marena’s** cell door and put him in cuffs and they did likewise with **Ebou Lowe** (who needed assistance because he couldn’t walk).
116. **Wassa Camara** confirmed that the people that were taken away were **WO1 Alpha Bah**, former NIA Director General **Daba Marena**, Second Lt. **Ebou Lowe**, Second Lt. **Alagie Ceesay** and Sgt. **Manlafi Corr**⁸⁴. **Lang Tombong Tamba** told the Commission that one early morning he received a call from **Tumbul Tamba** telling him that **Daba Marena** and a group of other detainees who were being transported from Mile II Prison to Janjanbureh Prison escaped when they were allowed to use the toilet. According to **Lang Tombong Tamba**, **Tumbul** further informed him that the **President** had requested that the heads of the security institutions i.e. himself CDS **Lang Tombong Tamba**, DG of the NIA **Harry Sambou** and the IGP **Ousman Sonko**, should meet and make a press release to that effect.⁸⁵ **Harry Sambou’s** narrative differed from what **Lang Tombong Tamba** narrated as to how the prisoners escaped. He said that what **Tumbul Tamba** told them was “*that the vehicle that was transporting the detainees summersaulted and in the ensuing chaos the prisoners escaped.*”⁸⁶ The press release was subsequently sent out telling the country that the five detainees had escaped even though the former President rubbished their efforts in getting the press release out.
117. During the Public Hearings on the Junglers, **Malick Jatta**, **Omar Jallow (Oya)** admitted killing by suffocation the former NIA Director General **Daba Marena**, 2 Lt. **Ebou Lowe**, 2 Lt. **Alagie Ceesay** and Sgt. **Manlafi Corr**.⁸⁷
118. The set-up of the NIA led investigative panel was entirely designed to intimidate suspects and secure confessions which begins from the mode of arrest of the suspects. Most of the

82 Testimony of Tamsir Jasseh, 4th January 2021, Lines 1381 – 1391
 83 Testimony of Bunja Darboe, 19th June 2019, para 2092 – 2101
 84 Testimony of Wassa Camara, 17th November 2020 Lines 1153 – 1160
 85 Testimony of Lang Tombong Tamba, 16th December 2020, Lines 105 – 115
 86 Testimony of Harry Sambou, 26th January 2021, Lines 1457 – 1466
 87 Testimony of Malick Jatta, 23rd July 2019 Lines 992 – 1171/ Testimony of Omar Jallow 24th July 2019 Lines 982-985

arrests in the aftermath of the foiled coup were effected by members of Jammeh's personal unit of henchmen from the State Guards unit (the Junglers) as well as officers of the NIA. In many of these cases of arrest, the legal procedures of due process were forgone, contrary to the constitutional provisions of section 19(1) of the Gambian Constitution 1997⁸⁸ and the provisions of the Armed Forces Act 1985 in relation to powers of arrest. Alieu Jobe indicated in his testimony that when he was arrested by **Musa Jammeh (Malia Mungu)** and his team of Junglers, he was neither told why he was being arrested nor where he was being taken. Furthermore, he testified that for three months they were held incommunicado in detention without access to talk to their families or a lawyer.⁸⁹ **Alieu Lowe** also informed the Commission that he spent three days in the NIA's cells without access to family or a lawyer. Although he was alleged of transporting **Ndure Cham** to Brikama on the night of the foiled coup, he was not charged for any offence or taken in front of a judge⁹⁰.

119. Once detained, suspects were brought to the panel which operated late in the night. Many of the detainees testified that they were taken from Mile II Prison after midnight or between 2am to 3am. They were always picked up by heavily armed and very drunk junglers (often faces concealed behind masks) who subjected them to torture and threats even before being taken to the NIA premises to face the investigators. **Yaya Darboe** recalled in his testimony how one of them threatened him that *"we will kill you then fuck your wives"* and **Abdou Karim Jah** also recalls **Malick Jatta** being so drunk that he could barely stand, attempting to hit him with the butt of his pistol.
120. Once at the NIA, the suspects were taken into the conference room where they faced a panel of investigators under circumstances which even the investigators themselves admit they were intimidated by. Only **Lang Tombong Tamba** claimed that there were no gunmen allowed inside the conference room. Panel member **Demba Sowe** testified that there were Junglers in the conference room who wore black, black, face masks and were heavily armed, and he found the atmosphere intimidating.⁹¹ This was confirmed by **John Pierre Mendy**, **Momodou Alieu Bah**, **Bunja Darboe** and a number of other detainees who were brought before the panel. **Baba Saho** who was a member of the panel described it like: *"a war zone...Not only were they [Junglers] walking around, but they were also even within the conference room...armed to their teeth"*⁹². In addition to the atmosphere of the interview room deprivation of a the person's basic needs- sleep, food and water were all used to break the person down and make them confess.
121. These techniques were intentional and reflect the heavy-handed policing tactics known as the *'third degree'* that have now been outlawed in democratic countries and which involved threats, intimidation, coercion, inducing psychological stress and even physical violence.⁹³ The intentional nature of the technique used by the panel is apparent in the manner in which they ensured that the statements written by the suspects brought before them were consistent. **Bunja Darboe** was shown **Saikou Seckan's** statement even before he was asked to write his own statement. When he wrote his own statement, members of the panel made him change some of his statements to make sure they reflected **Seckan's** statement. **Wassa Camara** said

88 Section 19 (1) - Every person shall have the right to liberty and security of person. No one shall be deprived of his or her liberty except on such grounds and in accordance with such procedures as are established by law.

89 Testimony of Alieu Jobe, 23rd November 2020, paras 359 – 363; 750 – 751

90 Testimony of Alieu Lowe, 27th October 2020, paras 300 – 321

91 Testimony of Demba Sowe, 3rd February 2021, paras 363 – 269

92 Testimony of Baba Saho, 10th February 2021, paras 2270 – 2285

93 Gehl, R. and Plecas, D. (2016) 'Introduction to Criminal Investigation: Processes, Practices and Thinking' Chpt 9, New Westminster, BC: Justice Institute of British Columbia

that if the panelist did not like something in your statement, you were asked to change it, and **Tamsir Jasseh** testified that his statement was largely dictated by an NIA officer who was assigned to ensure he wrote the statement. The panel even had a special person (**Babou Loum**) who would sign almost all the witness statements as an independent witness, despite the fact that he was usually never present during the process of investigation and writing of those statements. **Babou Loum** was the sole independent witness to at least six (6) of the accused persons and admits that it could in fact be more than that number.⁹⁴

122. Those who sat on the panel worked in synergy with the junglers in executing the work of the panel. Where the intimidation, coercion and all other efforts to force a confession proves unfruitful, suspects were allowed to be taken over by the junglers outside the conference room and tortured in the most painful manner before returned and forced to admit to whatever allegations were laid on them. This division of the panels work perhaps served as a way for the panelists to admit under oath that they did not torture any one of the suspects brought before them. The junglers were always there, ready and eager to do the dirty work of meting out the tortures, often in sadistic manner considering some of the testimonies given before the TRRC. While some of those involved admit to the abhorrent treatment of the suspects, the justifications put forward by some of the perpetrators of these tortures emphasise the calibre of officials that were in charge of the security institutions of the Gambia. **Alagie Martin** in his testimony argued that what they did, did not amount to torture but rather it was beatings, he said that *"beating, we do beat, even in the Stations we beat, we beat everywhere. You beat, Counsel you know. You ask questions and then he refuse to - -, you have to beat, even in schools we beat. Is it torture per say? This is the situation"*⁹⁵.
123. All of the actions taken by the panel can be viewed as essentially intended to serve a predetermined narrative that serves no other than former **President Yahya Jammeh**. The evidence shows that witness statements were coerced and adjusted to prove whatever the panel intended and feed into a specific narrative. The witnesses in many cases were convinced that admitting allegations was the only way out of their ordeal (**Momodou /Alieu Bah**) and others were forced to admit their culpability beyond what was actually true. **Bunja Darboe** was forced to write a speech purporting to be a victory speech he was to read if the coup succeeded. They were further urged to include in their statements plead for forgiveness from Jammeh. This elaborately orchestrated process was in fact televised and broadcast in a manner that depicted the accused persons as guilty criminals and the president Jammeh as a benevolent leader totally undeserving of the attempts to overthrow his government. Over the course of Jammeh's twenty two (22) years authoritarian rule, such orchestrated confessions by would-be coupists became a norm.
124. The witness testimonies heard by the Commission shows that the panel conducted its work with complete disregard for the rule of law and human rights of those brought before it. The panelist forced confessions out of alleged suspects brought before it and the evidence suggests that the panel comprised people who performed the role of investigators, statement takers, torturers and recorders⁹⁶. When suspects were questioned by the investigators in the panel and they did not give satisfactory answers, they were taken outside and they would be severely beaten by the Junglers until they are willing to say what was expected, then they

94 Testimony of Babou Loum, 5th January 2021, paras 404 – 407

95 Testimony of Alagie Martin, 20th June 2019, paras 905 – 907

96 Testimony of Harry Sambou, 25th January 2021, paras 1154 – 1171

were brought back before the panel to confess. As indicated by witnesses, the contents of their confessional statements were suggested or edited for them, and they were eventually paraded in front of the GRTS cameras to record these falsified statements on live.

125. From the evidence, issues relating to the independence of those conducting the trials, and the fairness of the trial process arose but was ignored by the court. Despite the fact that the prosecutions were heavily reliant on the recorded pretrial confessions of the accused persons, the Court Martial refused to look into the arguments raised by the accused persons that the said confessions were forcibly obtained and, in some instances, doctored by the panel. The *voire dire* (trial to look into the allegations of the voluntariness of the confessions) was overseen by Agim (the judge advocate) who himself was the one who had earlier ruled that the statements were voluntarily made and thus admissible notwithstanding the physical evidence that showed that the accused persons were tortured.

C.5 SUBSEQUENT COUP ALLEGATIONS AGAINST LANG TOMBONG TAMBA AND OTHERS IN 2009

126. In 2009, CDS Lang Tombong Tamba also became a victim of the same process he was a part of in 2006. He was accused of plotting a coup in collaboration with others and was arrested and charged with treason and convicted although he was subsequently pardoned by Jammeh in 2015. He was arrested along with Abdoulie Joof, Yusuf Ezzideen (alias Rambo), Brigadier General Omar B. Mbye, Major Lamin Bo Baaji, Major Kawsu Camara alias Bombadier, Deputy Inspector of Police Modou Gaye and Gibril Ngorr Secka.

LANG TOMBONG TAMBA

127. Lang Tombong Tamba told the Commission that one day in 2009 he was picked up from his home in Bijilo after being alerted by his wife (he was not at home) that two cars full of heavily armed soldiers had been looking for him at both of his homes. He went home immediately and found that the soldiers had gone but had left plainclothes officers behind to wait for his arrival. They approached him and explained that they had come to arrest him and the soldiers were called back to effect his arrest. At that point, he noticed the Junglers dressed in their black black military gear. The Junglers were led by Bora Colley and Saul Badjie. They informed him that the IGP Ensa Badjie and the Director General (DG) of the NIA Numo Kujabi had ordered his arrest. However, he knew that was not the case as he observed that those: *“who came to arrest me were from the State House under the State Guards Battalion. Certainly, I knew that the order must have come from a higher authority, I have said it here yesterday that Junglers, receive their instructions, their orders from the President. So, certainly, I knew that they cannot come on their own”*⁹⁷.
128. Lang Tombong Tamba told the Commission that he was taken to the NIA where he was left waiting for about three (3) to four (4) hours. He was there with IGP Ensa Badjie and NIA DG Numo Kujabi, but neither of the two could tell him what was going on. Between

midnight and one (1) a.m., he was called into the NIA conference room where a panel was convened. He was told that he was arrested in relation to a planned coup. When he denied it, he was given a form to write his statement. He told the panelists that he had just been appointed Ambassador to Taiwan and was waiting for his accreditation to leave the country to undertake that appointment, so he could not be involved in a coup plot. The IGP Ensa Badjie told him that it was the former President Yahya Jammeh who had given them the information about his involvement in the coup plot and that he had sanctioned his arrest. He had also constituted the panel to investigate the matter. After giving his statement he was taken to Mile II, Prison.

129. Lang Tombong Tamba told the Commission about how he was picked up at night from his cell in Mile II Prison by the Junglers including Nuha Badjie and taken to the mangrove swamps along Bond Road and subjected to a mock execution. He was asked to sit on the ground and someone placed a gun to his head and questioned him about his involvement in the alleged coup. He denied the allegation and stood by his initial statement that he knew nothing about a coup. He was threatened that if he did not confess a bullet would be released into his head but he still maintained his position. Then he heard Saihou Jallow, an orderly of the former President Yahya Jammeh shouting at the Jungler to put down the gun. He was then led back to the waiting car. On his way to the car he saw Bo Baaji and realised that he was also brought there for the same reason, albeit in a different car. He and Bo Baaji were taken to the NIA conference room under the instruction of Solo Bojang.
130. Contrary to witness testimonies of their treatment during the interrogations at the NIA, Lang Tombong Tamba told the Commission that he was not tortured at the NIA, his experience was very different. He told the Commission that even though the Junglers were present with their instruments of torture they did not use them on him. Instead they pretended to be torturing him by beating the tables with their sticks and batons to give a semblance that they were indeed torturing him. They did this for the benefit of Solo Bojang so that when he heard the noise he would believe that Lang Tombong Tamba was being tortured. It was all made to believe. In addition the Junglers advised him to keep up the pretence after his simulated torture session by limping and acting as if he was in pain and to continue acting this way when he returned to Mile II, Prison.⁹⁸
131. This narrative was corroborated by Momodou Gaye who said that he was taken a couple of times to the NIA with Lang Tombong Tamba to be tortured, but that the Junglers under Nuha Badjie, did not torture them. Instead they thrashed the place to make it look like they had been tortured. The Junglers would then call someone and report that they had tortured the detainees but hadn't found anything useful. Momodou Gaye assumed that the person whom the Junglers reported to was either Solo Bojang, Bora Colley or Saul Badjie as they were the most influential persons on the investigation panel⁹⁹. However Lamin Korta testified that there was a day Lang Tombong Tamba was brought to the prison from the NIA showing signs of weakness and injuries, Ebrima Ceesay a prison guard refused to admit him in that condition and that resulted to his subsequent dismissal from the prison service¹⁰⁰

97 Testimony of Lang Tombong Tamba, 16th December 2020, paras 662 – 771

98 Testimony of Lang Tombong Tamba, 16th December 2020, paras 794 – 1224

99 Testimony of Momodou Gaye, 23rd November 2020, paras 676 – 698

100 Testimony of Lamin Korta 9th June 2020, line 643-694

MOMODOU GAYE

132. **Momodou Gaye** testified that one Friday in 2009, he received a call from the IGP **Ensa Badjie** asking him to meet at the NIA headquarters (for the second time that day). When he arrived he found the IGP with **Nuha Kujabi** and **Yankuba Drammeh** (the current CDS). The IGP was crying because he was detained, and was asking “*how can a police officer be involved in a coup d’état?*” He noticed that the IGP’s hand was swollen, which he came to learn was as a result of beatings the IGP meted out on a boy called **Ebrima Marra** who had alleged that he was part of a coup plot to oust **President Jammeh**. According to **Momodou Gaye**, the IGP was under detention at that point. Later on **Lang Tombong Tamba** and **Kawsu Camara** also came in and were later also detained. They were all subsequently taken to Mile II Prison where he also found **Bo Baaji, O.B. Mbye** and **Yankuba Touray**. However, While at the NIA, they were brought before a panel which included **Saul Badjie, Ensa Badjie** (who had apparently cleared his own name from involvement in the alleged coup plot), **Numo Kujabi, Bora Colley, Sukuta Jammeh** (deceased) and **Edrissa Jobe (Alhagie Morr)**. At some point **Edrissa Jobe (Alagie Morr)** was instructed to confiscate their mobile phones and that is when they realised, they were being detained. According to **Momodou Gaye**, they later received information that **Ebrima Marra**: coup plot “*was arrested from Farafenni, and stated that it was Ensa Badjie, Numo Kujabi and Masanneh Kinteh who sent him to Farafenni. So, the unfortunate part for us the people who were accused were given the chance to investigate and that is what they were doing, shifting it on us.*”¹⁰¹
133. From the panel they were sent to Mile II, Prison and detained without any committal warrant or other paperwork. The next day they again appeared at the panel and were asked to write statements, which were based on sets of questions asked to them. This process was overseen by one **Sainey Ndure**. Allegations were put to them that one **Rui Jabbie Gassama** was due to receive some mercenaries and weapons from Guinea Bissau on behalf of the CDS **Lang Tombong Tamba** and those detained with him, and that **Ebrima Marra** was sent by **Lang Tombong Tamba** and himself (**Momodou Gaye**), to spy on Farafenni Barracks for them.
134. **Momodou Gaye** further testified that after his interrogation, some of the panel members left him there with **Solo Bojang** and about three other Junglers. He was “*handcuffed from behind and they put this black plastic bag on my head, they put one but I was able to bite it. So, after some time when they removed it, I laughed and then one of them told me that “do you think that we will sympathize with you?”* He was dragged outside, thrown to the ground and beaten until **Edrissa Jobe (Alagie Morr)** told them to stop. Then he was moved back inside and later returned to Mile II, Prison where he remained for about three months without any charge being brought against him. Subsequently however, he was taken back to the NIA for his cautionary and voluntary statements to be taken and he was charged with treason. They were invited individually to the office of Director of Public Prosecution (DPP), **Richard Chenge** and asked to testify as witnesses against- **Lang Tombong Tamba, Bo Baaji, Ngorr Secka, Kawsu Camara, O.B Mbye, Abdoulie Joof and Yusuph Ezeke [sic] Ezzideen**. Those who refused received indictments for treason and conspiracy charges from the DPP. There were no witnesses in the case against **Momodou Gaye** but one day he was taken to the office of the DG **Nuha Kujabi** of the NIA who with the then Solicitor General **Pa**

Harry Jammeh: “*they told me that they were sent to me by the President Yahya Jammeh, the then President wanted him to be a witness and if I agree to be a witness, I can be given money, I could be made the I.G or I can be even given an Ambassador position*”. He told the Commission that when he refused the case against him was continued and he was convicted and sentenced to death, despite the constitutional provisions against convicting a person for treason on uncorroborated evidence and considering that even if the alleged coup was proven, there was no death as a result¹⁰².

TESTIMONY OF GIBRIL NGORR SECKA

135. **Gibril Ngorr Secka (Ngorr Secka)**, a former NIA officer was deputy head of mission in Guinea Bissau between March 8, 2008 and November 4, 2009, when he was dismissed, said that on December 16, 2009 he was arrested and accused of being part of a coup plot alongside **Lang Tombong Tamba** and others. A day or two after his arrest he put in an identification parade and was identified by one **Rui Jabbie Gassama** (whom he had never met) for reasons he did not know. He was then taken into the conference room where the investigating panel was waiting: He narrated that they: “*we went into the Conference Room, the Investigation room where the panel was sitting, he [Rui Jabbie Gassama] started accusing me of things I had no idea about that I was having a meeting with him, I bought drugs from him, I owe him ten thousand Dollars (\$10 000), I thought I was dreaming. At some point I stopped him and said ‘I think this guy’s talking to the wrong person’ but the Head of the Panel of Investigation at the time, I thing was Solo Bojang. I think that was when I know his name just retorted by saying “allow him to talk” and I allowed him to say whatever he wanted to say, I was asked to go and write a statement, I did that based on questions they asked me to answer, I did and then gave it to them.*” **Ngorr Secka** said he was detained for about a month before he was charged for treason and transferred to Mile II Prison.
137. **Ngorr Secka** was also subjected to torture. He testified that on the first night of his arrest, he was woken up from his sleep and was taken into the NIA Conference Room where he was made to sit on the floor and his hands tied behind his back by 5 Junglers. He began to lose consciousness immediately until one of them intervened to tell the other to loosen his hand cuffs, which helped him regain consciousness. He said: “*they put a plastic bag on me, all of them held it very tidily, one held my shoulders, one stood on my legs and one was hitting my head. This happened for about three (3) minutes or so, then the same guy who ask the other officer to loosen the knot and asked to them to stop. I later know him to be Nuha Badjie, Lieutenant Nuha Badjie he asked me to sit on a particular bench and gave me a bottle of natural water. Then I asked him ‘why were they doing this to me because all they were asking me was, whether you know Lang Tombong Tamba have you been calling him’ or he say “no, no, no do not worry take it in good faith” so I could not understand I was very bitter then they escorted me back to the cells*”¹⁰³.

Ngorr Secka testified, was subsequently brought before a court, convicted and sentenced to death¹⁰⁴.

101 Testimony of Momodou Gaye, 23rd November 2020, paras 391 – 396

102 Testimony of Momodou Gaye, 23rd November 2020

103 Testimony of Gibril Ngorr Secka, 25th February 2021, paras 911 – 928

104 Statement of Gibril Ngorr Secka, Exhibits 200 and 200A

LAMIN CHAM

138. **Lamin Cham**, a police officer who was a member of the panel that investigated the alleged 2009 coup plot, testified before the Commission that among those on the panel were **Lamin S. Sanyang (late)** and **Sainey Ndure** from the GPF **Alagie Ceesay** Police Military Intelligence, **Lt. Col. Bora Colley, Solo Bojang** from the Army **Jerreh Gomez** from Military Intelligence, **Omar Colley, Louie Gomez, Sukuta Jammeh (late), Assan Badjie Yankuba Badjie, Director of Analysis at the NIA, Buba Beyai Deputy Director, Edrissa Jobe, Sheriff Gassama NIA Inspector. Lamin Manneh NIA.**

139. According to **Lamin Cham**, his role in the panel was to obtain statements from the alleged coup plotters. He testified that the work of the panel did involve torture because he was told by the key witness in the case, **Ebrima Marra, that he (Marra, was tortured)**. He said that *“When he [Ebrima Marra] came before me for his statement to be taken I could see marks on his face and he also removes his shirt and shows me some lacerations on his back. He took me to the room where he was beaten when we enter the room I saw some black pipe marks on the wall, which indicates that they were probably beaten him with pipes. There were no blood stains they were also careful not to injure the suspects when torturing them”*.

Lamin Cham further testified that at the completion of the investigations, the incriminatory information including that attained from the principal witness **Ebrima Marra** who was tortured before obtaining his statement, was sent to the Attorney general’s Chambers and became the basis for the charges, prosecution and conviction of the alleged coup plotters.¹⁰⁵

OMAR CHAM

140. **Omar Cham** an NIA operative testified that during the investigation into the 2006 coup, he was arrested and detained at **Holigam**. At that time, all the powers of the NIA were given to **Holigam**. He knew at that time that **Holigam** was a center for bribing witness but he did not know about its involvement in fabricating evidence. He stated that **Rui Jabbi Gassama** implicated **Lang Tombong** and others in the 2006 coup, alleging that they held meetings at **Buba Badjie’s compound**. The day after their, arrest former **President Yahya A.J.J Jammeh** ordered the arrest of **Rui Jabbi Gassama**. The late **Ben Jammeh** mentioned in his presence that **Rui Jabbi Gassama** was bribed with the sum of \$10,000 by Ex-president **Yahya** and other three witnesses who were equally bribed to testify against were present also present when **Ban Jammeh** called them out for lying against him (the witness) and others. He emphasized that the three individuals and **Rui Jabbi Gassama** were paid \$ 10,000 to testify against **Lang Tongbong**. He stated that he heard he heard **Benedict** telling **Rui Jabbi Gassama** that *“if I did not have receipts to show Jammeh that I have given you the money you are going to put me in trouble”*, that was when he knew the payment was done in dollars. He acknowledged that the President should not be paying witnesses to induce them to falsely incriminate suspects and that the NIA, **Holigam** and the Ministry of Justice were in the centre of the plot. He stated that **Richard Chenge** and **Mikael Abdoulie** were also involved in the bribery.¹⁰⁶

105 Testimony of Lamin Cham 2nd February 2021 line 1097-1158
106 Testimony of Omar Cham 7th January line 860-933

141. **Foday Barry** corroborated this narrative and told the Commission that he was present at **Holigam** when the three individuals were been paid to testify against **Lang Tombong Tamba** and others. Some receipts were presented to him and he identified the said documents as the receipt for payments of the bribe and the signature as that of **Ben Jammeh**. As per the receipts, **Rui Jabbi Gassama** was paid \$10,000, **Edrissa Marra** D60, 000 and **Kibiru Saigy** \$3900. He stated that **Benedict Jammeh** then head of the Drug Law Enforcement Agency and **Pa Harry Jammeh** former Solicitor General effected the payment of the bribes and that the money was brought by **Pa Harry** in a brief case.¹⁰⁷

142. In the 2009 panel, similar trends of forcing confessions, torturing witnesses, and manufacturing evidence were reported by those who testified before the Commission. Not only was **Ebrima Marra**, the key witness in that case tortured to obtain his statement, according to **Lamin Cham** (one of the panelists) **Marra** could not even identify **Abdoulie Joof**, although he had implicated **Joof** in the coup plot¹⁰⁸. Similarly, **Momodou Gaye** testified as to how he was offered money and other inducements to turn witnesses against **Lang Tombong** and the other accused persons. In addition, **Momodou Alieu Bah**, the star witness who testified against **Lang Tombong Tamba**, tying him to the 2006 coup, told the Commission that he was asked to testify against **Lang Tombong** after he was released from jail a few weeks after **Lang Tombong’s** arrest, and told officers at the NIA that **Lang Tombong** knew about the 2006 coup. However, **Momodou Alieu Bah** denied that he was given incentives to testify against **Lang Tombong**, despite being the only person who was fully pardoned by the former **President Yahya Jammeh**, reinstated and given double promotion in rank and repaid his salary for the entire approximately four-years period he had spent in jail (despite his conviction by a court of law) all in the same month **Lang Tombong** was arrested and he (**M.A. Bah**) gave a statement to the NIA incriminating **Lang Tombong**¹⁰⁹.

143. **Lang Tombong Tamba** in his testimony stated that before being taken to court, he was taken to the Attorney General’s Chambers along with the other accused persons and when he was taken in to see the DPP alone, the DPP said to him: *“look at this file, this file contains evidence and photographs of the boat you people bought in Bissau that was going to transport the weapons to the Gambia for your planned coup’*. He said to me, *‘now, what I want is, if you could serve as state witness, if you agree to that from my office here you are going straight home, you would not return back to Mile II Prison’*. My response to him was *“I am not that type”*. I said, *‘I am sure you heard about me and look at me properly, there is no situation that can warrant me to lie for a pardon and leave my colleagues in the prison... all I can tell you is that the allegations were a lie’*¹¹⁰.

144. Furthermore, despite the knowledge that torture was used to obtain the statement of **Ebrima Marra** and some of the other accused persons, this was never put on the record or brought to the attention of the Court during the trials. In fact, **Lamin Cham** stated that at that time, no one on the panel dared mention something like that on the reports or statements. He said that when a case arose where the question of treason was at issue, the panelists were extra careful about what they do. This statement reinforces the argument that the investigative panels did not operate to find out the truth of the matters they were investigating, but to prove those

107 Testimony of Foday Barry 4th February 2021 2555-222
108 Testimony of Lamin Cham, 2nd February 2021, paras
109 Testimony of Momodou Alieu Bah, 17th December 2020, paras 515 – 728
110 Testimony of Lang Tombong Tamba, 16th December 2020, paras 1711 – 1731

accused guilty by any means possible. **Mr. Cham** said “we [the panelist] were afraid of *President Yahya Jammeh*” and admitted that they felt they had to do what **Jammeh** wanted and closed their eyes to the illegalities.¹¹¹

145. From the evidence of the witness, it can be concluded that the **2009 coup** was a plot to purge **Lang Tombong Tamba**, which explained why witnesses were bribed to give false evidence that led to their conviction.

C.6 ATTACK ON DISSENTING VOICES

146. Sometime in May 2006, there was a report circulating that the **Freedom Online Newspaper** was hacked and a false declaration was made on behalf of the editors of the paper that is the declaration that they had joined forces with the **APRC**. The newspaper further went on to say that, that there was an announcement published on **Daily Observer** which ordered all informers to report to the nearest Police Station¹¹². This occurred around the same time as the **Ndure Cham** foiled coup.

SUMMARY OF WITNESS TESTIMONIES

LAMIN BOJANG

163. **Lamin Bojang** an employee of Medical Research Council (MRC) based in Farafenni at the time of his arrest, testified that he and some of his colleagues were subscribers to the **Freedom Online Newspaper**. At that time many people did not have access to the internet and those who did used their office computers to have access to the internet. He confirmed that the Freedom Online newspaper was very critical of the APRC Government and he and his colleagues were keen followers of the platform for news and other developments.¹¹³
164. On May 23, 2006, when he went to work at their office in Farafenni his supervisor called his attention to a notification on the **Freedom Newspaper** stating that **Pa Nderry M’bai**(proprietor and editor of the Freedom Newspaper) had stopped publishing and joined his brother **Ebou Jallow**to pledge allegiance to the **APRC** Government. The names of all subscribers and their details were published including their details –telephone numbers and email addresses. His name and that of his colleagues’ namely: **Fa kebba Ceesay** (Lab Technician, Farafenni), **Yorro Bah** (Field Worker, Farafenni), **Lamin Darboe** (Data Entry Clerk, Keneba), **Amelia Camara** (Human Resources (HR) Officer, Fajara), **Lena Secka** (Intern HR Dept, Fajara) were also on the published list and described as informants who were giving information to the paper about the APRC government. Initially he laughed it off, thinking it was a joke.
165. The next day, May 24, 2006, three men in mufti came to their MRC office and asked him to report to the Farafenni Police Station. He recognised one officer from the NIA and the other officers.¹¹⁴They apologised to him and told him that they were acting on instruction. Upon

111 Testimony of Lamin Cham, 2nd February 2021, paras 1178 – 1221
 112 Exhibit 63A point News paper article by reporters without borders, dated 1st June 2006, tendered through Malick Mboob
 113 Testimony of Lamin Bojang 22nd October 2020 line 95 -154
 114 Testimony of Lamin Bojang 22nd October 2020 168-225

reaching the **Farafenni Police Station**, he found **Fakebba Ceesay** and **Yorro Bah** behind the counter. He was asked to join them. Thereafter they escorted him to his residence and conducted a search without a warrant, but they did not find anything. They were subsequently transferred to the Banjul Police Headquarters where they were first taken to the Crime Management Coordinator’s office, one **Mr. Sowe** and after that to the office of Inspector **Malamin Ceesay**, head of Major Crime Unit. At this point they met one **Mr. Manneh, Lamin Cham and BotoKeita**, and were told they are arrested in connection to the **Freedom Newspaper** but they were not formally charged. He was asked if he had any connection with **Pa Nderry M’bai** of Freedom Newspaper and he responded in the negative. A statement was obtained from him and he spent the night at the Police Headquarters without food and without access to a lawyer.¹¹⁵ He stated that up to that point he had under-estimated the extent to which this problem would escalate.

166. They were transferred to the NIA Headquarters driven by **Foday Camara** and received by **Batch Samba Sowe** of the Investigation Department known as Invest. At the NIA he met **Malick Mboob** (who stood out because of the way in which he was neatly dressed in his working suit), **Pa Modou Faal** (GRTS employee), **Sam Obi** (journalist), **Musa Sheriff** (journalist), his colleagues at the MRC - **Fa Kebba Ceesay, Yorro Bah, Lamin Darboe, HariJoofandCherno Camara** (Gamtel), **Wura Bah** Internet Café operator), **Babucarr Sanyang** (Star-operating an internet solutions centre), and **Haddy Darboe**. He counted twenty-seven (27) people that were arrested in relation to the **Freedom Newspaper saga**.¹¹⁶
167. After they were detained till around four (4) pm at the NIA without genuine reason, he became very unhappy with the situation and started complaining. One of the NIA operatives, **Kuta Baldeh** threatened him saying: “if you do not quiten up we will kill you and bury you under the banana plants because we have a lot of people that are buried there.” There were a lot of banana trees at the back and that is where she threatened that we would be buried. Twelve (12)of them were kept in a cell of 1.5 meters to 2 metres with very rough concrete floor and a corridor of 50 to 75 meters, the door was always lock except they need to do a head count.¹¹⁷
168. On May 26, 2006, at 2 to 3 a.m. he was escorted by two men to the panel in the conference hall of the NIA. The panelist comprised the personnel from the following security institutions: **Lamin Cham, Malamin Ceesay, and Boto Keita**from the GPF, **Lt. Musa Jammeh (Malia Mungu). W.O.2, Nfally Jabang** from the State Guards and **Momodou Hydara, Abdul Aziz Hydara, Lamin Hydara** , and **Nuru Secka** from the NIA and **Ousman Jackla Ceesay** (Internet café operator).¹¹⁸
169. They asked him to sit down and started asking 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 him and slapped him and **Malamin Ceesay** asked him to stand down. However, none of the panelists objected to what **WO2 Nfally Jabang** did. At the initial stage of the interrogation, **Lamin Ceesay** was leading with the questions and almost everyone in the panel asked him

115 Testimony of Lamin Bojang 22nd October 2020 233-331
 116 Testimony of Lamin Bojang 22nd October 2020 332-368
 117 Testimony of Lamin Bojang 22nd October 2020 line 384 408
 118 Testimony of Lamin Bojang 22nd October 2020 line 414-435

questions. The deputy director of the NIA **Momodou Hydera** was leading the panel. He then heard a voice saying: “*LB if you don’t speak the truth we will kill you.*” He recognized the voice as that of **Malick Jatta**, a Jungler from Tujereng.

170. The witness stated that he was taken to a solitary place behind the building at the beach side. He observed that one of the men wanted to kick him so he dropped on the ground. He was then placed in a ring where the beating started. He was kicked, stamped upon and beaten with sticks and sometimes plastic for a while to the extent he could not feel pain any longer then afterwards he was taken upstairs, then someone ordered them to stop and he was dragged back to the interrogation room. He had lacerations all over his back, and head.¹¹⁹ At the interrogation room he was threatened that more torture would follow if he does not tell the truth. He stated that they wanted him to tell them he was supplying information to **Pa Nderry** so as to produce the evidence to impress the **President**. He based this assumption on the information that he received from **Malamin Ceesay**, one of the panelist that the Panel that they had no evidence against those arrested and had given the list to the NIA Director to be passed on to the President. However, this was not done. Instead they tried to prevail on them to accept that they were informers. **Nfally Jabang** tried to make him change the statement he had made at the police station and compel him to sign a confession 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.¹²⁰
171. He emphasized that he was certain, **Sanna Manjang, Modou Jarjue (Rambo)** and **Malick Jatta** were part of the group that tortured him. After his ordeal, he told his fellow detainees to brace themselves for torture. He also recalled a situation when **Modou Jarjue (Rambo)** and **Sanna Manjang** came for journalist **Lamin Cham**. **Buba Jarjue, Malick Mboob and Lamin Cham** were all tortured by the Junglers. He informed the Commission that all the other detainees were tortured except **Pa Modou Faal** because he had personal relations with **Tumbul Tamba**. He informed the Commission that it was the **Hon. Duta Kamaso** who nursed their injuries. After their first night, he did not see **Haddy Darboe** because she was detained at the conference hall and he wouldn’t know if she was tortured, but she was granted bail with some of the others and asked to be reporting to the NIA on daily basis.
172. Himself, **Malick Mboob, Duta Kamaso** and one military officer **Buba Jammeh** who was a bodyguard to the President, were the longest serving detainees. He was detained for a period of one hundred and twenty nine days or 4 (four) months nine days and was released after his lawyer **Bory Touray** made an application of Habeas Corpus at the High Court September 29, 2006. During his detention, his elder brother **Du Darboe** was detained for hours for coming to the NIA to look for him.
173. During his detention they also brought in **Mariam Denton** who appeared to be terrified and she was shaking. They were not allowed to have visitors from their family or access to legal representative. Other individuals that were detained with respect to other issues were Journalist **Lamin Fatty, Mr. Ndoni Njie** (IEC chairman), **Mr. Sanneh** (Commissioner of IEC) and **Madi Ceesay** (journalist). According to the witness his detention had affected him psychologically and physically and even today he has panic attacks. He was unable

119 Testimony of Lamin Bojang 22nd October 2020 line 462-572
120 Testimony of Lamin Bojang 22nd October 2020 line 574-699

to financially support his family and his career development was interrupted and he has developed thick skin.¹²¹

174. **Lamin Bojang’s** testimony was corroborated by **Duta Kamaso**, who confirmed the detention of and torture of **Lamin Cham**, a BBC Journalist. She told the Commission that Lamin Cham was: “*arrested and brought to the room they were detained in. He had lacerations all over his body, his one eye blacken, his toe nail was ripped off and he confided with them that he was severely beaten. She was not present when they were torturing him but she heard him screaming outside and it was visible that he was tortured. She said that Lamin Cham told her Musa Jammeh (Malia Mungu), who was a close ally of the Former President Yahya Jammeh and other officers at the NIA tortured him. She used warm water and salt with a towel to warm compress his wounds as they were slightly deep and he was bleeding all over*”¹²².

ALAGIE KEBBA KANYI

175. **Alagie Kebba Kanyi (Kebba)** was a 15 (fifteen) year old Secondary School Student when he was arrested by the NIA. He was arrested under the guise of having a parcel for him from his brother in Maryland. In his public testimony to the TRRC via video link from the USA on November 16, 2020, he told the Commission how he and his family were tricked by the NIA into walking into a trap where he was forcibly taken from his father’s car by the NIA operatives and tortured and detained at the NIA. He narrated that he received a call from someone who addressed him by the name “Baba,” a name that was used only by his mum and close family members. The caller told him that he had a parcel from his brother which he wanted him to collect that night. He was staying at the Palma Rima Hotel. Even though it was late at around nine (9) to ten (10) p.m., at that point in time he had no reason to doubt the caller because his brother usually sent him packages. He convinced his father to take him to collect the package.¹²³
176. As soon as they reached the Palma Rima gate, he noticed something unsettling. Four (4) men dressed in black were standing near a car with tinted windows and no number plate. One of the men approached their car and identified himself to his father as an NIA agent. He asked if he was Baba and when his father confirmed his identity. The NIA informed him that they were conducting an investigation and needed to take Baba with them. His father tried to resist but thought it wise not to do so. He was yanked out of the vehicle, put on board another vehicle and they drove away. He was sandwiched by two men, one on either side of him with him in the middle. The leader was driving and the fourth guy was at the passenger’s seat.¹²⁴
177. Later when he was released his father told him that, allowing those men to take him away was the hardest decision that he had to make, and that he followed them for a while and then turned back before they got to Denton Bridge. The witness testified that at that age, he already knew something about the NIA as it was just a few days before his arrest that he had a conversation with their driver about how some people were recently arrested. He felt sorry

121 Testimony of Lamin Bojang 22nd October 2020 line 672-829
122 Testimony of Duta Kamaso, 17th June, 2019 line 659-703
123 Testimony of Kebba Kanyi 16th November 2020 line 95-142
124 Testimony of Kebba Kanyi 16th November 2020 line 164-198

for them and could imagine how scared they must have been to be picked by those scary people. They also discussed about people been killed, only to be picked up few days later¹²⁵.

178. While in the moving vehicle, he was confused and scared and said to himself, ‘*I am going to die today.*’ The four (4) men started beating him as soon as he got into the car. They were hitting and punching him and even the driver would at some point turn and hit him on the face. This continued until they got to Banjul. They were hitting him everywhere their hands could reach, on the face, stomach, and his chest. At some point one of them would ask a question and when he tried to answer, another one will slap him and say: “*you are not to talk*”. His face was covered with plastic that had blood. He was in agony.¹²⁶The journey lasted for about thirty (30) minutes but he felt like he was in the vehicle for a longer time. He lamented that was just a child and the whole situation was confusing. He could not understand why they were doing this to him, he could not process it. He was only a fifteen (15) year-old against four (4) grown men. The beating stopped when they got to the NIA. He had sustained some injuries and he was bleeding from the nose and mouth. He had blood all over his face. He must have broken a bone and his face was swollen.
179. **Kebba** further stated that by the time they got to the NIA, he did not know why he was arrested. He could remember all the questions they asked but none of them made sense to him but the ones he could remember was “*Who his parents were? What was their political affiliation? What party they belonged to? What part of the country they are from? Who he was working with?*” The questions confused him further. They accused him of been a computer hacker and working with someone to sabotage the government. They talked about the **Freedom Newspaper** and said he was working with them. He indicated that the people that interrogated him were different from the ones that brought him in.¹²⁷
180. At the NIA he was pulled out of the vehicle and the four (4) men handed him over to other two men who continued beating him while they walked into the NIA. He was thrown into a cell and they left. The cell was extremely bright and he could not tell what time of the day it was and he was extremely dirty and uncomfortable. There were many mosquitoes and he had to use his shirt to cover himself, but he could not sleep the whole night and he was in pain.
181. The following morning he was again interrogated. His injuries were visible to the persons questioning him but they did not provide him with any medical treatment, He could not see his parents and he did not have access to a lawyer. This was done without taking cognisance of his rights as a child. According to the witness, they treated him in the same manner as an adult suspected of a crime. The only time he spoke to his parents was when he was released. He later found out from an old security man that the leader of the group that arrested him was **Tumbul Tamba** who later lived in his neighborhood. During that period, he was terrified of his torturer.¹²⁸
182. **Kebba** testified that he knew about the website from his mum and as a curious young man he accessed the website and created an account with the name Baba. He believed that is where they got his name. They accused him of been a computer hacker working with foreign nationals to sabotage the Gambia government which was comical then he posed a question,

125 Testimony of Kebba Kanyi 16th November 2020 line 203-222
 126 Testimony of Kebba Kanyi 16th November 2020 line 228-301
 127 Testimony of Kebba Kanyi 16th November 2020 line 307-436
 128 Testimony of Kebba Kanyi 16th November 2020 line 443-480

“*what kind of information will a 15-year-old get from the government or State House*”. He stated that they were intoxicated and he could perceive the smell of alcohol and they were mumbling a lot. They tried to electrocute him but fortunately the device did not work. They later released him when they were satisfied with his answers that he did not know anything about the information given to **Freedom Newspaper**. They checked the corresponding email address he had used and there was nothing incriminating.

183. Describing the impact that this had on his life, **Kebba** explained that he was extremely traumatized and fearful that people were waiting for him outside and he continued to relive his torture in his mind and his Dad did his best to ensure he was fine. He narrated the impact in his statement, as such: “*I thought leaving that office would be the end of my struggle but it was the start of a long journey of anxiety and depression.*” He could not even understand his feelings at that time, and could not concentrate in school for weeks fearing that they would come back for him.” He said none of his friends knew about his ordeal but it was published on the newspapers. In the Bantaba Cyber Space an article by **Bubacarr K. Sowe** entitled: “*Arrested teenager alleges torture*” was read to the witness, he said it was actually written by a relative who came to visit them and got the information and went ahead to publish it without the family’s authorisation, however, it was later retracted by the author. The said document was tendered as Exhibit 169. He relocated to the United States where he is currently living.¹²⁹

TESTIMONY OF ADVERSELY MENTIONED PERSON:

HARRY SAMBOU

184. **Harry Sambou**, who was the Director General of the NIA at the time of **Freedom Newspaper** saga informed the Commission that the former **President Yahya Jammeh** had received reports that the Freedom newspaper was publishing articles that were critical of his government. **Yahya Jammeh** believed that there were whistleblowers in government and in the general public who were providing information to **Pa Nderry M’bai, Editor and Proprietor of Freedom Online Newspaper**, about government matters and the situation in the country.
185. The former **President Yahya Jammeh** ordered for an investigation into the matter and the arrest of suspected individuals. **Harry Sambou** confirmed that the arrest and detention of the journalists and civilians in relation to the **Freedom Newspaper** saga was a violation of the rights of the individuals to access information. He further told the Commission that the former **President Yahya Jammeh** had ordered that the arrested persons should be held incommunicado and that for **Madi Ceesay** he gave specific instructions that he should be arrested by the Junglers. He further admitted that he complied out of fear of what may happen if he failed to carry out the orders of the former **President**. In his words: “*he could not do much because he was afraid that he may also be detained at the President’s Five Star Hotel*” (Mile II Prison).
186. **Harry Sambou** also informed the Commission that after the prolonged detention of the persons in relation to the **Freedom Newspaper** saga he went to the former President, **Yahya**

129 Testimony of Kebba Kanyi 16th November 2020 line 495-613

Jammeh to seek for their release. According to him, the former **President Yahya Jammeh** was dismissive of his request and refused. He admitted that torture was used at the NIA to elicit information from arrested persons and was sanctioned by the former **President** as a tool to deal with his enemies. He stated that the **Freedom Newspaper** saga occurred at around the same time as that of the **2006 Ndure Cham** failed coupd'état and the mood at the NIA was that they were dealing with dissidents who wanted to overthrow the government. As a result, these civilians were viewed in the same light. Even the teenager **Alagie Kanyi** was not shown any mercy. According to **Harry Sambou**, once a matter was linked to a suspect, the individual was tortured to confess or in certain cases, tortured just for the sake of it even after a confessionary statement was obtained. He agreed that the NIA was used as a torture chamber and the Junglers were the instruments that were used to inflict pain on the detainees for the benefit of a President who wanted to instil fear into the hearts of his opponents.¹³⁰

C.7. WOMEN DETAINEES AT THE NIA

187. The NIA was no respecter of persons- men, women, children, the old and the young were all treated alike. Over the years, women were detained at the NIA under inhumane and degrading conditions. From the evidence received, they were not a threat to the state neither had they committed a crime. Their detentions were politically motivated, or based on their relationship to a person who was “wanted” by the state or perceived to be “an enemy of the state” or simply on the basis that they needed to be taught a lesson. It was a display of “power over” the women and made them helpless and hopeless as they were unable to help themselves especially in an institution that was dominated by men who used brutal force to subjugate people in their custody. While some of the women were not physically tortured others were subjected to all forms of gender based violence including sexual torture. Some of the cases are discussed below.

HON. DUTA KAMASO

188. **Hon. Duta Kamaso** was a sitting National Assembly Member (NAM) for Wuli Eastin the Upper River Region (URR) of the country and one of the few female representatives in the legislature at that period¹³¹. She was a strong and outspoken NAM who raised critical developmental issues in the National Assembly especially with regard to her area. Because of her stance she was perceived by some members of her party as a threat articulated by Fatoumatta Jahumpa Ceesay on two separate occasions: (i) “*she is a member of APRC but she is not a strong supporter of APRC but lets us wait we will do something about it* and (ii) “*Yes, she is very detrimental to the party and the government.*”¹³² After hearing these conversations and being: being “*treated with contempt*” within her own party the **Hon. Duta Kamaso** had good reason to believe that her arrests and detention at the NIA were politically motivated.

130 Testimony of Harry Sambou 26th December 2021 957-1209
 131 [GAMBIA \(THE\): parliamentary elections National Assembly, 2002 \(ipu.org\)](http://www.ipu.org) accessed 28.09.2021. There were only seven (7) women NAMs out of Fifty three (53) NAMS in the National Assembly in the 2002 to 2006 Legislative Period constituting 13.20 % of the NAMS. Duta’s constituency is in the Upper River Region of the country and is one of the most under-developed areas of the country.
 132 Testimony of Duta Kamaso, 17th June, 2019 line 89- 113

189. In her testimony to the Commission on June 17, 2019, the **Hon. Duta Kamas** narrated that on returning home to The Gambia from Senegal where she had taken her son for medical treatment, she was arrested by a plain clothes officer at the border post of Amdalie at The Gambia/Senegal border. All her documents were seized. She was escorted to the Amdalie Police Station and detained without charge. She was not told the reason for her arrest and her presence was not recorded in the station diary. She spent the night in a cell in the police station.¹³³The following morning, she was escorted to Barra Police Station and from there to the Serious Crime Unit (SCU) in Banjul Police Headquarters. At the SCU she was kept waiting for several hours from around eight (8) am to five (5) pm with no information about why this was happening.

190. From the SCU she was finally taken to the NIA. The **Hon. Duta Kamaso** told the Commission that: “*no one informed her about the reason for her arrest or her rights to legal representation*”¹³⁴At the NIA she recognized **Harry Sambou** then Director General, **Nfally Jabang** (Jungler) and one **Mr. Ceesay**. The latter two were part of an eight (8) person panel that were to interrogate her. During the interrogation they asked her which newspapers she read and she told them that she read all the newspapers as she needed to be informed on issues going on in the country but that Foroyaa newspaper was her favorite.¹³⁵ They then went on to ask her about her links with **Freedom Newspaper**, a paper owned by **Pa Nderry M’bai**. She responded that she does not know who **Pa Nderry M’bai** was and that she does not correspond with him. They asked for her email address which she provided upon which **Nfally Jabang** opened her email. According to the witness, she later came to realise that they were trying to implicate people falsely for providing information to **Pa Nderry M’bai** and **Freedom** newspaper. She believed she was one of those people and that was why she was brought to the NIA.¹³⁶Her arrest was published in the **Point newspaper** of June 2, 2006 indicating that she was involved in activities that were *detrimental to the government and the party*. The Point newspaper was admitted as **Exhibit number 0053**.

191. After the interrogations the NIA escorted her to her house to do a search. They searched the whole place in front of her son and daughter who was pregnant and this affected her badly. As she was hungry the NIA escort allowed her to eat before escorting her back to the NIA. At the NIA she was put in a room with some male detainees including **Lamin Fatty** (freelance journalist), **Malick Mboob**, **Lamin Bojang** and **Buba** (a soldier). With the exception of **Lamin Fatty** all the detained persons were accused of providing information to **Pa Nderry M’bai** of Freedom newspaper.¹³⁷

192. She stated that she was really traumatized that day.¹³⁸She shared the room with the men throughout her detention from the May 31 to October 9, 2006.¹³⁹The act of detaining her in the same room with men was a calculated move to demoralise her. It was wrong from a cultural, traditional and religious perspective as in The Gambia men and women are required to live in separate spaces and to have her sleep in the same room with several men was repugnant. There was only one toilet available for all the detainees, there was no privacy and

133 Testimony of Duta Kamaso, 17th June, 2019 lines 151-168
 134 Testimony of Duta Kamaso, 17th June, 2019 page 177- 205
 135 Testimony of Duta Kamaso, 17th June, 2019 page 16 line 242- 312
 136 Testimony of Duta Kamaso, 17th June, 2019 page 17 line 324 -346
 137 Testimony of Duta Kamaso, 17th June, 2019 page 21 lines 362-453
 138 Testimony of Duta Kamaso, 17th June, 2019 page 26-27 lines 382-577
 139 Testimony of Duta Kamaso, 17th June, 2019 line 594-608

“she had to comport herself all the time”.¹⁴⁰ She had to sit on a chair throughout the night and the men slept on the floor on a rough carpet that was in the room.

193. She testified that the food was bad and she refused to eat it. She was later given permission by **Mr. Saine** (the NIA operative responsible for the detainees) to get food from her family from time to time. She further told the Commission that she was held incommunicado for the first 3 (three) days of her detention but after that her son, her sister and daughter in law were later allowed to visit her. While at the NIA she developed Malaria with High blood pressure and was admitted at a Military Clinic opposite the RVTH where all the detainees at the NIA who fell sick and needed in-patient care were taken to. She was discharged after one week and was returned to the NIA. She believed that this was done deliberately so that people would not know her whereabouts.¹⁴¹ The practice of taking detainees to the Military hospital and not the RVTH is also discussed by **Malick Mboob**.
194. The **Hon. Duta Kamaso** was finally released on October 9, 2006 after 4 (four) months nine days in detention through a bail application by **Lawyer Borry Touray**. She was never charged for any crime. This notwithstanding, she was expelled from the APRC Party and dismissed from the National Assembly.¹⁴² She was also required to report to the NIA every Friday. She did this for two weeks and then stopped.¹⁴³ During her detention very important persons including **Ndondi Njie** (then Chairman, Independent Electoral Commission, (IEC) and Lawyer **Mariam Denton** (current Speaker of the National Assembly) were brought to the NIA. **Mariam** was brought in from Mile II Prison and she looked scared, uncomfortable and drenched. She told her (**Duta Kamaso**) that she should not to allow them to take her to Mile II Prison as: “you will die if they take you there, they will torture you until you die”. She said it was very emotional and they all cried. Even though **Lawyer Mariam Denton** did not tell her that she was tortured she could tell by her appearance that she was tortured.¹⁴⁴

VERONIC CARAYOL

195. **Veronic Carayol**, was a deputy Commissioner of Enforcement of Customs and Excise and third in command at The Gambia Revenue Authority up to the time of her arrest in 2014. She was detained at the NIA for twenty-eight (28) to twenty-nine (29) days¹⁴⁵ on allegations that she authored an article about the GRA which was published by the Kibaaro newspaper.¹⁴⁶ She was held incommunicado for the first two weeks of her detention despite several attempts by her lawyer, **Hawa Sisay Sabally** to have access, she only saw her when she was charged before the Court.
196. Describing the conditions of her detention to the Commission, **Veronic Carayol** stated that they were “deplorable.” She was denied all her basic needs- food, sleep, sanitary and health care. She had to sleep on the bare floor with pests crawling over her body and biting her, she was given only twenty five (25) dalasis a day for food and when she had her menstrual period she had to tear her wrapper to stop the flow of blood. The importance of taking care

140 Testimony of Duta Kamaso, 17th June, 2019 page 36 lines 709-796
 141 Testimony of Duta Kamaso, 17th June, 2019 page 34-35 lines 720-758
 142 Testimony of Duta Kamaso, 17th June, 2019 page 26 line 532-567
 143 Testimony of Duta Kamaso, 17th June, 2019 page 38 line 818-838
 144 Testimony of Duta Kamaso, 17th June, 2019 line 634-655
 145 Testimony of Veronica Carayol 4th March 2020 line 996- 1097
 146 Testimony of Veronica Carayol 4th March 2020 line 43-155

of oneself during menstruation is important. Apart from the discomfort and embarrassment that can occur by the blood stains on the person’s clothes a little negligence in menstrual hygiene management can cause grievous bodily harm to the person. The female officers were not sympathetic and in fact according to Veronic were “hostile.” She eventually devised a plan to get access to sanitary pads from her home. Ostensibly to collect the duplicate keys to the official car they had parked at the NIA but covertly to “smuggle some sanitary pads for her comfort.” The plan worked. The NIA escorted her to her home she handed over the car keys and hid her sanitary pads on her person. When she needed medical care for her kidney condition she was unable to get the proper medication. She was deprived of sleep because most of her numerous interrogations took place at night and she would be woken up from her sleep to face the panel.

197. **Veronic Carayol** identified two of her interrogators as **Gorra Njie** and **Kebba Secka**. She could also recognise another two –she worked with one at the Banjul Ports and the other at the Airport. By so doing the witness also confirmed that NIA operatives were posted to all institutions in the country. She further told the Commission that she was saved from physical harm as one of the NIA operatives told her: “that he would not do to her what he was instructed to do because her grandfather had been kind to them .¹⁴⁷” He then locked her up in a cell where she could lock herself from inside so that no one could enter without her opening the door. Even though she herself was not personally tortured Veronic narrated to the Commission how she saw other detainees being taken out at night by the “men in black” to be tortured. She did not actually see them being tortured but she saw them being taken out of their cells and saw them afterwards in great pain.
198. She was eventually charged before the Magistrate’s Court twenty eight (28) days after her detention on several counts including abuse of office, giving false information to a public servant, unlawful publication and corrupt practices.¹⁴⁸ None of the charges had anything to do with the publication in the Kibaaro newspaper. Even though none of the charges against her were supported by the evidence she was found guilty on all the charges and fined by the Magistrate’s Court. She appealed the case in the Supreme Court and was acquitted and discharged. Even though it was recommended that she be re-instated she lost her position at the GRA. When **Veronic Carayol** asked the former Deputy Director, NIA **Louis Gomez** ¹⁴⁹(deceased) about her case, he told her that when they wrote in their report that they saw nothing against her, the case file was taken from them, as the matter was above them.

FAMILY MEMBERS OF DECEMBER 30, 2014 ATTACKERS ON STATE HOUSE

200. On December 30, 2014, a group of armed men from outside The Gambia attacked the State House with the intention of ousting **Yahya Jammeh**. They failed and some were killed and others arrested while some fled the country. The parents and some family members of the attackers were arrested and detained at the NIA. **Fatou Sonko** the mother of one of the alleged attackers **Dawda Bojang**, and his father **Ba Ensa Bojang** were detained at the NIA

147 Veronic’s grandfather was a headteacher in the Mission schools in the Foni’s for several years and had housed many of the students entrusted to his care.
 148 Testimony of Veronica Carayol 4th March 2020 line 127- 510
 149 Louis Gomez was detained at Mile II Central Prison and died in detention.

for seven months.¹⁵⁰**Olimatou Corr, Metta Njie and Mariama Njie**,¹⁵¹ mothers of alleged attackers, were also detained at the NIA for seven months.¹⁵²They were denied their right to freedom of movement for a crime that they did not commit.

201. **Fatou Sonko** testified to the Commission on November 9, 2020. She narrated how she and her husband **Ba Ensa Bojang** were picked up from their home one afternoon and told that they needed to answer some questions with respect to their son **Dawda Bojang**.¹⁵³She told them that she was alone at home with her grandchild and she had no one to leave him with. They took her along none the less. They stopped at Mbollet BA, to arrest **Olimatou Corr** (mother of Musa Sarr) but she was not around and her **co wife** was arrested instead. They came later picked up **Olimatou**.¹⁵⁴
202. They were taken to the Barra Police station around seven (7) pm and from there to Banjul. Their mobile phones were seized and even though she pleaded with the officers to allow them to call their families, they refused.¹⁵⁵In Banjul she and her husband, **Ba Ensa Bojang, Olimatou Corr** and her **co-wife** and her co wife’s son **Biram Sarr** were taken to the Banjul Police Station and from there to the NIA¹⁵⁶
203. When they arrived at the NIA, both her and her husband were interrogated about their son **Dawda Bojang** and asked if they had any information about his whereabouts. They answered in the negative and she could see that their responses were being written down. It was late and they were told that the interrogation would continue the following morning. She told the Commission that she was not interrogated again until after seven (7) months when they were released¹⁵⁷. She was separated from her husband and he was taken to the male room. She told the Commission that many women were arrested and detained at the NIA during period the but they were later released except four of them that is herself, **Olimatou Corr** mother of Musa Sarr and **Metta Njie** and **Mariama Njie** whose sons were soldiers¹⁵⁸
204. Describing the conditions of their detention she explained that they were detained in a building close to the sea. They were provided with small mattresses with no mosquito nets.¹⁵⁹ Food served was horrible and consisted of an empty half bread for breakfast, lunch and dinner.¹⁶⁰At some point during their detention they all became sick. She suffered from stomach ache and High blood pressure while **Metta** and **Mariama Njie** all suffered from High blood pressure. Even though they were provided with medical assistance it had no effect on them.¹⁶¹She said they were never tortured while at the NIA but they were detained for seven (7) months incommunicado and only allowed to sit outside on three occasions.
205. According to the witness, she was not told the reason for her detention, but from the discussions, she realized that their arrest and detention was ordered by **Yahya Jammeh**. This was because the people that normally came for inspection will always talk about the big

150 Testimony of Fatou Sonko 9th November 2020 Line 258- 265
 151 Testimony of Fatou Sonko 9th November 2020 Line 275- 286
 152 Testimony of Fatou Sonko 9th November 2020 Line 379-384
 153 Testimony of Fatou Sonko 9th November 2020 Line 170- 184
 154 Testimony of Fatou Sonko 9th November 2020 Line 188, 202- 206
 155 Testimony of Fatou Sonko 9th November 2020 Line 208- 236
 156 Testimony of Fatou Sonko 9th November 2020 Line 243-256
 157 Testimony of Fatou Sonko 9th November 2020 Line 258- 265
 158 Testimony of Fatou Sonko 9th November 2020 Line 275- 286
 159 Testimony of Fatou Sonko 9th November 2020 Line 309-316
 160 Testimony of Fatou Sonko 9th November 2020 Line 318- 344
 161 Testimony of Fatou Sonko 9th November 2020 Line 379-384

house and that they would be released once their leader gave them the instruction¹⁶². Among the people at the NIA, whose names she could remember were **Saidyba, Sheikh, Yarbo** and **Jagne**. One day they were released and warned that they should not to talk about their arrest and detention or else they would be rearrested. According to those issuing the warning ‘*the order was from the elder*’ and this they believed to be **Yahya Jammeh**¹⁶³. Up to that point, they were not told why they were arrested and till date, she cannot tell why she was arrested. A Foroya article by Mustapha Jallow dated the July 27, 2015 reported on their release, wrote: “*Detained couples finally reunite with family after six (6) Incommunicado.*” The newspaper was admitted as exhibit 165B.

206. An **Amnesty Report** dated January 20, 2015, reported that **Gambia Law Enforcement Agencies including the NIA and Presidential Guards have arrested at least thirty (30) people including a sixteen (16) year old boy since the beginning of January highlighted that family members of suspected coup plotters are being detained without charge, security forces have threatened to arrest anyone demanding the release or the whereabouts of those arbitrarily detained.” The report also highlighted the human rights violations that were committed against the detained persons. “*The arrest and prolong detention of family members of alleged coup plotters who have had no opportunity to challenge their detention violates the basis legal protection provided for by the Constitution as well as the regional International human rights law*”¹⁶⁴.**

SEXUAL VIOLENCE AGAINST WOMEN DETAINEES

207. Protected Witnesses **FB1 7** testified that she was arrested and detained for over six (6) weeks in various locations. Six (6) days after her arrest, she was interrogated at the NIA Headquarters by **Momodou Hydera**, NIA Director, and CDS **Lang Tombong Tamba**, head of the Presidential Guard **Alhajie Martin**, and IGP, **Ousman Sonko** interrogated her. The witness told the Commission that she was taken downstairs to a room for the *VIP treatment* by four (4) Junglers after she overheard the former **President Yahya Jammeh** ordering Jungler, **Musa Jammeh (Malia Mungu)** over the phone to “*give her the VIP treatment.*”As they were going down the steps the Junglers groped 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 overthrow **Yahya Jammeh**. She was stripped, shoved to the floor and raped by one of the Junglers. After this sexualised torture she was taken to Mile II Prison and detained for over six (6) weeks. After her released, she was subsequently arrested and detained for three weeks and once again interrogated at the NIA headquarters by the same senior personnel. After the interrogation she was taken to another room and was forcibly made to undress. The witness cannot identify the persons that undressed her. The ordeal of the rape and sexual assault has had a great impact on her psychologically and to this day she is still undergoing counselling.
208. **Protected Witness DA 62** testified that when she was detained at NIA headquarters. The NIA officers tore off all her clothes when they were interrogating her leaving her “*completely*

162 Testimony of Fatou Sonko 9th November 2020 Line 374-359
 163 Testimony of Fatou Sonko 9th November 2020 Line 426-431
 164 Exhibit 155 A Amnesty International Report dated 20th January 2015

naked,” She was then ordered to spread her legs open to show her private parts to the security officers. After which they beather mercilessly on her private parts until it was bleeding. While doing so they mocked her saying: *“your private parts is big, but we shall reduce it.”* They also took photographs *“of her nakedness.”* The witness identified her perpetrators as **Tamba Masireh, Haruna Suso, Gibril Sallah** and a Jola man whose name she does not know. The witness told the Commission that she sustained severe injuries around her vaginal area and until today is not able to have sexual intercourse and this had an impact on her marriage as she had to ask for a divorce.

213. While some of the women who were detained at the NIA were not tortured others were seriously tortured and sexually abused. Other women that the Commission does not have enough information on include the **two Jawo sisters** mentioned by **Ebrima Barrow** in his statement and the **two women** mentioned by the former Vice Chair of the AFPRC, **Sanna Sabally**. In his statement, **Sanna Sabally** told the Commission how two women who were very close to him were arrested at the same time as he was and they were detained at the NIA Headquarters for two months. During the period of their detention at the NIA, the women were repeatedly raped, and according to **Sanna Sabally** they were forcibly stripped naked and bananas, and sticks were *“used as dildos right into their womanhood”*. As they were raping the women in this way, the officers told the women *“you would never have a man inside you anymore because we would destroy your womanhood”*.¹⁶⁵ **Sillaba Samateh** also testified about how **Lamin Darboe** would threaten him that he would rape his wife everytime she came to visit their son who was in detention with him.

C.8 TORTURE OF SAM KAMBAI-MFDC REBELS 2007

214. In 2007, several MFDC (Mouvement des Forces Démocratiques de Casamance (Democratic Forces of Casamance Movement, Senegal) rebels were arrested by the NIA which eventually led to the arrest of some security officers and civilians believed to have some connection with the rebels. A panel was formed at the NIA to investigate the issue and during the course of the investigations the suspects were tortured and detained in inhumane conditions. Below is the summary of evidence of some of the victims.
215. **Sgt. Sam Kambai** was the Guard Commander at **Bamba Tenda**¹⁶⁶ in 2007. He was lured to Banjul by his superior officers on the pretext that he had to report to the military headquarters in preparation for his deployment on a CIVPOL (International Civilian Policing) to East Timor. He had no need to be suspicious as he had already sat to the exams required for his deployment. When he arrived at the headquarters, he was taken to the waiting room of the CDS **Lang Tombong Tamba** and asked to wait. As he waited **Bo Baaji** the then head of Military Intelligence came into the office and asked him to follow him to the NIA to clear somethings in connection with the planned trip. This was untrue. On arrival at the NIA, **Bo Baaji** left and he waited in the hall till evening.¹⁶⁷ He did not know what he was waiting for.

216. **Sam Kambai** further testified that while he was waiting **Musa Kinteh** asked him if **Bo**

165 (653) Sanna Sabally DAY 2 TRRC SITTING 25TH APRIL 2019. PART 2 - YouTube22:00-26:24-/2:29:16 accessed 30.9.2021

166 Bamba Tenda is located in the North Bank Region, District Upper

167 Testimony of Sam Kambai December 7, 2020 line 175-243

Baaji had not explained anything to him. He responded in the negative. **Musa Kinteh** told him that he would clarify things for him on his return. However, instead he was taken to Bambadinka at around eight (8) pm. At two (2) am. **Musa Kinteh, Lamin Darboe** and a third person he could not identify came for him took him to a room upstairs to meet with the Panel. The Panel consisted of only NIA and police personnel, there was no military presence. It was an (18) eighteen to twenty (20) person panel. **Lamin Darboe** wanted to put a plastic bag over his head but decided against it and he was handcuffed. One of the panelists **Edrissa Jobe (AlagieMorr)** asked him, whether **Bo Baaji** had not told him anything about him coming to the NIA. When he replied in the negative, **Edrissa Jobe (Alagie Morr)** told him that **Bo Baaji** had *“sacrificed him and that he must sign a statement.”* He stated that he was shown some documents but was not told why he was arrested and he did not know what was written on the paper. **Esrissa Jobe (Alagie Morr)** then asked him to undress and he refused. He was wearing his military uniform. **Esrissa Jobe (Alagie Morr)** and **Lamin Darboe** then attempted to kick his feet off the ground but they didn’t succeed. Someone hit him with something from behind just above his eye causing him to be dizzy and he fainted. When he regained consciousness, his hands were hand cuffed behind his back and his uniform was completely torn apart leaving him totally naked. He stated that he just lay on the ground, unable to move and his head was bleeding, then he realized that he was beaten with iron rods. His entire body was bleeding. An argument ensued between the panelists about his torture and as to whether it was worth it.

217. The torture went on for thirty (30) minutes. At one point, **Bo Baaji** entered. He was not happy at the condition in which he saw him. He, **Bo Baaji** turned to **Edrissa Jobe (Alagie Moor)** and told him that this was not the agreement. **Bo Baaji** tried to speak to him but he could not respond as he lay helpless on the floor. **Bo Baaji** walked out of the scene followed by **Edrissa Jobe (Alagie Morr)**. Thereafter, he was dragged back to Bambadinka cell with only his T-shirt. On that first day, he was alone in his cell. On the second day **Musa Kinteh** took him out of the cell and placed a plastic bag over his head. He was taken to the back of the building with his hands cuffed and he was naked because he had used his shirt to clean up his wounds while in the cell and he was naked the entire time. He told the Commission: *“they gave me a more severe beating than the one they gave me while I was upstairs with the panel.”* **Musa Kinteh** and **Lamin Darboe** were asking him questions and insisting that he sign the witness statement but he refused. It was only **Musa Kinteh** and **Lamin Darboe’s** voices that he recognized among the **torturers**.

218. Thereafter, he was taken back to Bambadinka. He described the third occasion as: *“the most serious night because at the time I was having injuries all over my body, all of them were beginning to heal. When they started to beat I did not allow them to continue, Kinteh told me “Serg sign this”, I signed it quickly because it was very painful”* he stated that he did not even know what was written on the document but when the torture became unbearable, he decided to sign the statement because he knew he would not have survived the beating if he wanted to verify the confidential document. Prior to that one of them said to him, *“Sam, if you do not sign that document, it is likely that you will not survive this”*. Thereafter, he was given his clothes and he remained at the NIA for three weeks¹⁶⁸ on the PIS which was later admitted as exhibit Ex 177 A. He indicated that they tied a cord on his genital and were

168 Testimony of Sam Kambai December 7, 2020 line 269-481

pulling it as they were torturing him. Pictures of his naked body were also exhibited as 177 B, with scars on his head, which was the first injury he sustained, on his chest and a dark mass close to his lower abdomen.

219. **Sam Kambai** stated that during his first three days at the NIA he was completely naked. He was not given any food. One of the security guards called **Mambury** used to smuggle water for him and this is what kept him alive during this period. He did not have access to his family or a lawyer. He was also not charged.¹⁶⁹ According to **Sam Kambai** they brought a young man called **Kemo Conteh** who was put into the same cell with him. **Kemo** had a beach bar at Senegambia and was arrested and detained at the NIA and tortured by **Edrissa Jobe (Alagie Morr)**, **Musa Kinteh** and **Lamin Darboe**. The witness narrated that **Kemo Konteh** had dreadlocks on his head which the NIA operatives shaved off his head with a broken bottle. As a result of which, he was seriously injured on his head.
220. **Sam Kambai** also told the Commission that one day they brought a vehicle close to his cell and put him in it. **Kebba Secka** and **Mouminy Baldeh** were boarded into another vehicle. From their body language, those individuals appeared to have been tortured. As they were in handcuffs, he thought that they were going to be killed. They were taken directly to Mile II Prisons.¹⁷⁰ **Kebba Secka**, stated that this was after spending forty five (45days) at the NIA.¹⁷¹ **Mouminy Baldeh** testified that it was on June 9, 2007 when thirteen of them were taken to Mile II Prison.¹⁷² Upon arrival they were received by **David Colley** and taken directly to the Security Wing. **Sam Kambai** stated that when he arrived at the prison, one of the detainees, **Wassa Camara** advised him to keep his blood-stained shirt to be used as evidence in court.¹⁷³ They were detained in the Security Wing for two years without charge¹⁷⁴.
221. According to **Sam Kambai** after about one year two months in prison, **Bo Baaji** visited him with news of his promotion *from the rank of a Sergeant to a Staff Sergeant and he signed a document which made it possible for his wife to receive his salary.*¹⁷⁵ After 2 years in detention, sixteen of them were charged on six counts of terrorism, including **Kebba Secka**, **Mouminy Baldeh**, **Kemo Conteh**, **Sam Kambai** and some rebels. **Sam Kambai** testified that he met **Kebba Secka** for the first time at Mile II Prison he had never met with or worked with any of the other accused persons and they were all arrested at different locations. During the trial, he showed the court his shirt and the scars on his body as evidence to show that his statement was not obtained voluntarily. The Judge accepted the evidence which eventually led to him being acquitted and discharged.¹⁷⁶ **Kebba Secka** also confirmed that they were detained for two years before being charged and eventually, they were acquitted by the court.¹⁷⁷ He and the other co-accused except for four (4) of the rebels, were acquitted and discharged by the High Court in Banjul. **Sam Kambai** fled to Dakar for about four months after he was released for the fear of been re-victimised. When he returned, he was advised to write an apology and a letter for reinstatement. Consequently, he was reinstated instead of being charged with desertion¹⁷⁸

169 Testimony of Sam Kambai December 7, 2020 Lines 497-509
 170 Testimony of Sam Kambai December 7, 2020 Lines 511-533
 171 Testimony of Kebba Secka January 13, 2021 Lines 654-657
 172 Testimony of Mouminy Baldeh November 10, 2020 Lines 577-609
 173 Testimony of Sam Kambai December 7, 2020 Lines 555-564
 174 Testimony of Kebba Secka January 13, 2021 Lines 700-709
 175 Testimony of Sam Kambai December 7, 2020 Lines 608-616
 176 Testimony of Sam Kambai December 7, 2020 Lines 578- 604
 177 Testimony of Kebba Secka January 13, 2021 Lines 700-709
 178 Testimony of Sam Kambai 7th December 2020 Line 548-600

222. **Kebba Secka** was an NIA operative posted to the Tourism Development Area (TDA), during the period of his arrest. On May 25, 2007 he was called to report to the headquarters. Upon arrival, he went to see **Baboucarr Jallow** the head of investigations who asked him to sit and wait. Around closing hours, **Musa Kinteh** came and informed him that he was instructed to detain him. They took him to a vehicle where he found **Victor Demba**, **Lamin Star Badjie**. They were all taken to the Bakau police station without any explanation. He met the Hon. **Duta Kamaso** the former NAM and seven individuals who were also detained at the Bakau Police station.
223. **Kebba Secka** testified that three (3) days later **Musa Kinteh** took him to the NIA and put him under light detention at the reception area. That day one of his colleagues, **Babou Cham** told him that he will be tortured, so he prepared himself mentally for it. Late that evening, he was taken before a panel comprised of the following individuals, **Sheriff Wadda**, **Baboucarr Jallow**, **Baboucarr ARK Jallow**, **Samba Gajaga**, **Lamin Darboe**, **Edrissa Jobe (Alhagie Morr)** and from the police he recognised **Salifu Nyang** and **Boto Keita**. **Baboucarr Jallow** told him that they received information that he was working with the MFDC rebels and accused him of registering motor cycles at Brikama police station for the rebels. He denied it and he was quite surprised by the allegation. Suddenly, **Edrissa Jobe (Alagie Morr)** started insulting him, accosted him and stripped off his clothes. **Edrissa Jobe (Alagie Morr)** then handcuffed his hands and beating him and also called upon **Lamin Darboe** to beat him. While this was going on, none of the panel members intervened. They used cable wires that were bound together to beat him. He crouched down on his stomach and used his hands to protect his face and his private parts while they beat him. The beating lasted for about twenty (20) minutes. **Baboucarr ARK Jallow** was the one who stopped the beating. However, none of the other panelists intervened.¹⁷⁹
224. According to **Kebba Secka**, the cell he was detained in at the NIA was so dark that he could not see expect if the florescent light was on. He was in the same cell with about six rebels and all of them were nursing their wounds. They had injuries on their legs, backs, their hands and blood stains everywhere. The cell had only three holes at the cell entrance which could not provide sufficient ventilation yet they were not provided with beddings or mosquito nets which made it unbearable to sleep. During the forty five (45) days he was detained at the NIA he was never given the opportunity to bath. Every detainee was allocated D75 each day which was given to the security guards to help them buy food. During his detention, his wife was allowed to visit him only once. During his wife's visit, they wanted to change his statement to a witness statement¹⁸⁰
225. **Kebba Secka** also confirmed that he met **Sam Kambai** when they were been transferred to the Mile II Prison and from his appearance, he could tell that **Sam Kambai** was tortured and his torture was severe. After their acquittal and discharge by the High Court he was not reinstated immediately, but **Edrissa Jobe (Alagie Morr)** and others who were acquitted for the Torture of a DLEAG officer were reinstated immediately by the then Director General. His lawyer had to write several letters before he was reinstated.¹⁸¹

179 Testimony of Kebba Secka January 13, 2021 line 383-500
 180 Testimony of Kebba Secka January 13, 2021 line 385-430
 181 Testimony of Kebba Secka 13 January 2021 Line 658-794

MOUMINY BALDEH

226. **Mouminy Baldeh** was a business man importing palm oil from Guinea Conakry to The Gambia. He told the Commission that in 2007 he was arrested on a Saturday by **Musa Kinteh** and four other NIA officers. One of the officers dropped at the Police Headquarters in Banjul. On their way he heard **Musa Kinteh** talking to someone on the phone and assured the other person that all was fine. From Banjul he was taken to the Kotu Police Station where he was received by **Edrissa Jobe (Alagie Morr)** who instructed the police to detain him there until Monday. The cell was so uncomfortable, the cell was bare concrete and he offered a police officer D100 to allow him to sleep outside. He found another person detained at the cell.
227. According to the witness on Monday around midnight, **Edrissa Jobe (Alagie Morr)** came for him with two paramilitary officers. When they arrived at the NIA, he was asked to sit in a room close to the gate. While he was seated, **Musa Kinteh** came again and asked him if he knew why he was arrested and he found that very weird since he was involved in his arrest. He was taken to a room upstairs where he found people seated like a panel setup. He was able to recognise **Edrissa Jobe (Alagie Moor)**, **Baboucarr Jallow**, **Lamin Darboe**, **Samba Gajaga**, **Baboucarr Jallow** and **Buba Badjie**. They asked him if he knew **Assan Bah** and he said no. **Edrissa Jobe (Alagie Moor)** kept insisting on that issue, then he hit him with his fist and he fell down. **Samba Gajaga** also hit him twice on his face, at that point **Edrissa Jobe (Alagie Moor)** asked **Lamin Darboe** to bring stones. When they brought the stones, he was asked to remove his trousers and shirt. And he was left with his underwear. The basalt stones were poured on the tiles and he was made to kneel on them.
228. **Lamin Darboe** walked behind him and hit him with a wire twice on his back. **Musa Kinteh** joined and slapped him. When they started hitting him, **Baboucarr Jallow** left the room. His knee was bruised and some of the stones penetrated his skin. One of the CID officers asked him if he had done any work with a Jola man and he told them that he had business with a female Jola palm oil seller whose husband is **Lamin Jammeh**. They asked for the contact number of the husband of the palm oil seller and he gave it to them. He told them that **Lamin Jammeh** guaranteed his wife **Mariama Jammeh** who took his palm oil on credit. Thereafter he was taken back to the room. Later they conducted their investigation and **Lamin Jammeh** who was also known as **Assan Bah** confirmed his story. He stated that *“On the 13, Baboucarr came and informed him that his wife had delivered. He was detained at the NIA for 21 days without any medical care. And he did not see his child until after two years.”*¹⁸²

TESTIMONY OF ADVERSELY MENTION PERSONS

Adversely mentioned Persons-

Sheriff Wadda, Baboucarr Jallow, Baboucarr ARK Jallow, Samba Gajaga, Lamin Darboe, Alhagie Morr, Salifu Nyang, Boto Keita and Bo Baaji

182 Testimony of Mouminy Baldeh November 10, 2020 line 289-533

SAMBA GAJAGA

229. **Samba Gajaga** testified to the Commission on November 10, 2020. He told the Commission that sometime in 2007, he was transferred to an office referred to as D3 an office which monitors and investigates soldiers’ grievances and disgruntled soldiers thinking towards the government. During that period, the MFDC who were a section of the rebels based around Jakai in the Casamance, **Edrissa Jobe (Alagie Morr)** arrested one of the rebels with a motor bike, later they arrested seven other rebels which led to the arrest of **Abdou Salam Jammeh**, the marabout of the rebels. The day after their arrest, they were transferred to Mile II Prison. The Director General of the NIA at that time was **Momodou Lamin Jarjue**.
230. A panel was set up comprising **Samba Gajaga, Edrissa Jobe (Alagie Morr), and Lamin Darboe, Musa Kinteh, Lamin Bo Baaji, Numo Kujabi** and others from the police. It was standard procedure that the NIA would brief **Yahya Jammeh** daily on its operations, because he was in charge of everything. For this reason, **Jammeh** would always send a representative to the NIA. Those arrested were interrogated and to get information from them they were beaten mercilessly. The panel was able to confiscate CFA 1,500,000 and €1,500 or more which was handed over to the finance department. The beating was done by **Musa Kinteh, Lamin Darboe** and **Edrissa Jobe (Alagie Morr)**. **Bo Baaji** was present but did nothing to stop it. He also did not have the courage to stop the torture. When **Sam Kambai** and **Kebba Secka** were brought before the panel, both were beaten with wires. However, he **Samba Gajaga** denied hitting **Mouminy Balde** and further insisted that he was not even aware of his arrest.¹⁸³

LAMIN BO BAAJI

231. **Lamin Bo Baaji** testified that in 2007 the CDS **Lang Tombong Tamba** instructed him that when **Sam Kambai** arrives from Farafenni he should escort **Kambai** to the NIA. However, he was not told the reason why he should do so. When **Sam Kambai** arrived, he escorted him to the office of the Director General of the NIA. **Pa Momodou Jallow** must have been the Director General at that time. There he was told that **Sam Kambai** was to appear before a panel upstairs. When they got to the panel, he found several NIA and police officers. **Edrissa Jobe (Alagie Morr)** was leading the panel with an NIA operative referred to as **Jallow**. The panel asked **Sam Kambai** a few background questions and **Edrissa Jobe (Alagie Morr)** suspended the interrogation until the following day. **Edrissa Jobe (Alagie Morr)** told him that **Sam Kambai** was to be detained at the NIA.
232. When he arrived at the NIA the following morning, he found **Sam Kambai** in a very different condition than the previous day, he looked like someone beaten. **Sam Kambai’s** body was swollen, bruised and covered with lacerations and blood. He acknowledged that **Sam Kambai** looked like he had been tortured. When he asked **Edrissa Jobe (Alagie Morr)** what happened, **Edrissa Jobe (Alagie Morr)** responded that **Sam Kambai** was one of the soldiers that sold arms and ammunition to the rebels. He stated that **Nuha Jammeh**, a Senegalese man from Casamance was also brought before the panel. The witness said the case ended up going to court, and he found both men at Mile II Prison.¹⁸⁴

183 Testimony of Samba Gajaga 12, January 2021 line 276- 477

184 Testimony of Lamin Bo Badjie 26th November line 159-336

233. **Lamin Bo Baaji** did not mention his involvement with/membership in the panel. Several witnesses stated that he was indeed a member of the Panel. He was also present when the other tortures were going on and did nothing to stop them. This was the working method of the Panel as such, **Lamin Bo Baaji** was complicit in the tortures. The fact that **Lamin Bo Baaji** pretended not to have anything to do with the Panel other than to take **Sam Kambai** there suggests that he was less than candid to the Commission.

LAMIN DARBOE

234. **Lamin Darboe** admitted that during this incident, he was responsible for MFDC activities in The Gambia and **Sam Kambai** was arrested with respect to his alleged involvement with the rebels. However, he denied being involved in the investigation. When he was confronted with the testimony of **Sam Kambai** as to his arrest and the manner in which he was taken before the Panel, he denied it, stating that the “black black” were in charge of the Military detainees. He said by then he was busy and that he has forgotten some details of the incident. He also said he cannot remember if he removed **Sam Kambai** from his cell. Nevertheless, his unit was involved in the arrest, but not the investigations. He stated that he did not see **Edrissa Jobe (Alagie Morr)** assaulting **Sam Kambai** and he denied asking **Sam Kambai** to undress. When confronted on **Kebba Secka’s** arrest, he stated that **Kebba Secka** does not know him. He also denied the allegation made by **Kebba Secka** and **Samba Gajaga** as to his involvement in the torture of **Kebba Secka**. He also denied the torture of the Cassamance Rebels.¹⁸⁵

The testimony of Samba Gajaga corroborates the evidence of witnesses as to their torture, which was not objected to by any of the panelist. By this time, torture was an accepted practice used to obtain confessions. Given that all the witnesses testified as to the involvement of Lamin Darboe in the tortures. The omission does not believe his evidence that he never participated in torture, as he is trying to shield himself from responsibility. Therefore the commission holds that Alagie Morr Lamin Darboe and Musa Kinteh tortured Sam Kambai and others. Premised on the fact that none of the panelist objected to the torture or did anything to stop it, the commission holds that Sheriff Wada, Baboucarr Jallow, Baboucarr ARK Jallow, Samba Gajaga, Lamin Darboe, Alhagie Morr and from the police Salifu Nyangare complicit in the tortures.

C.9 CASE OF LAMIN KARBOU AND OTHERS

235. **Lamin Karbou**, a drug enforcement officer, received a tip off regarding a drug transaction sometime in May 29, 2007. **Lamin Karbou** and **Lamin Sima** were dispatched by **Nfally Dambell**, the Officer Commanding West Coast Region to intercept the said transaction.¹⁸⁶ Upon arrival, they discovered that the transaction involved the NIA. Their presence in the scene disrupted the deal and the drug dealers made away with Fifteen Thousand (15.000) euros belonging to the NIA. The NIA Officers under the leadership of **Ousman Sowe** (current Director General) organized and led the arrest of the suspects. They arrested **Lamin Karbou**

185 Testimony of Lamin Darboe 28th January 2021 line 2319-2803
 186 Testimony of Lamin Karbou, Thursday 20th February 2020, line 196 – 200

for obstruction of their work and **Babou Cham** (who claimed to have leaked the said drug transaction to **Karbou**) was also arrested.¹⁸⁷ They also arrested the suspected drugs dealers **Fernando Cor, Ansumana Fatty, Karamo Drammeh, Tijan Ndure and Lamin Sima**.

236. The NIA set up an investigation panel to deal with the matter. The suspected drug dealers were brought before the Panel at 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 (deceased), Ebrima Jim Drammeh and Edrissa Jobe (Alagie Morr)** (among others) to confess to the accusations.

237. **Lamin Karbou’s** torture was severe. After first being threatened by **Jim Drammeh** in his office who placed a pistol on his table to coerce him into writing a statement that was similar to the one the NIA he was caught in a web of lies and unimaginable violence.. After he refused to cooperate with **Jim Drammeh**, he saw him picked up his phone and called someone telling the person in Wollof “*Alagie Morr the kid is not cooperating*” A few minutes later **Edrissa Jobe (Alagie Morr)** came in and said to him –**Lamin Karbou-**“*is that what you are saying?*” When he confirmed that this was his standpoint **Jim Drammeh** then told **Edrissa Jobe (Alagie Morr)** that since the witness is refusing to cooperate he should go through the normal procedure like others. At that point, Jim asked him to leave his phones on the desk and excuse them as he wanted to speak to **Edrissa Jobe (Alagie Morr)** alone, so he went outside.¹⁸⁸

238. After **Edrissa Jobe (Alagie Morr)** left **Jim Drammeh’s** office, a man referred to as **Cham** came and told him that he was needed and that he should follow him. **Cham** directed him to a room and when he pushed the door to enter, he did not realise that there were people hidden on both sides behind the door. As soon as he entered he was held on both sides and another person placed a green plastic bag over his head. **Edrissa Jobe (Alagie Morr)** who was seated on the desk in the room said to them in Wollof that was not necessary and so they removed it. **Edrissa Jobe (Alagie Morr)** then cuffed his hands and asked him in Wollof, “*what we asked you to do, are you going to do it or not?*” He replied, “*I am not going to do it.*”

239. **Edrissa Jobe (Alagie Morr)** then picked up a pair of scissors from the desk he was sitting on and cut through his trousers and shirts, leaving him stark naked. **Edrissa Jobe (Alagie Morr)** then ordered the men to force him to kneel down. He described what followed: “*so they forced me like that and I knelt down while my hands were still cuffed. He was the first one to start the beatings, he took the electrical wire and started beating me up and the others followed. So, we were there up to two to three minutes, I got injured on the body. I heard someone talking from the back saying, “let us give him time, he will change his mind.”* The beatings lasted for about four minutes and left him with several injuries to his heads, face and body, some of which he said are still visible.¹⁸⁹

240. After the beatings the NIA officers left, leaving only one person behind. After a while, two individuals came in. **Cham** took him to another room where he found **Dou Sanneh**, who

187 Testimony of Babou Cham 25th January 2021 Lines 48- 230
 188 Testimony of Lamin Karbou, Thursday 20th February 2020 line 642 – 794
 189 Testimony of Lamin Karbou, Thursday 20th February 2020 Lines paras 795 – 872

currently a police officer. When he got in, he said to **Cham**: “*but this man is a police officer, why this*”? **Cham** said to him: “*well here you never know.*” When **Cham** left he turned around and saw only one person standing. He realized at that point that that if he doesn’t escape he might lose his life. So he pushed the man whom he later learned was identified as **Pa Ceesay** on the ground and kicked down the door while still in handcuffs and ran out naked. He ran out through the NIA back door towards the cemetery through the Arch 22 all the way to the Police station in Banjul. A crowd was following him thinking he was a mad man and he ran straight into the police station into the Directors office, it appeared as if a meeting was going on.”¹⁹⁰

241. When he crashed through the door and got inside, they were all surprised. **O.C Lamin Ceesay** asked: “what nonsense is this?” Then Bun’s orderly **Ebou Sanneh** and **Momodou Barrow** a drug squad officer who was on postings at the Serrekunda Station gave him shorts to wear. **Ebou Sanneh** a CID officer tried to unlock the handcuffs but he could not open it but they managed to loosen it. At the time when they were loosening the handcuffs, **Ebrima Jim Drammeh, Edrissa Jobe (Alagie Morr), Sheriff Ceesay, Lamin Darboe, Wonto Dampha** and other officers of the NIA, dashed into the office and said they had come for him and would take him back.¹⁹¹
242. **OC Lamin Ceesay** insisted that the NIA officers would not take him which resulted in a confrontation. **Bun Sanneh** then picked up the phone and called the NIA Director on speaker, saying “*did you know what your people did to my officer?*” **Bo Baaji** replied: “*I heard someone escaped but I did not know it is your officer that you brought*”. **Bun Sanneh** replied that he was bringing the witness back to the NIA for **Bo Baaji** to see for himself what the NIA officers had done to him. Thereafter, they all went to the NIA. When **Bo Baaji** saw him (the witness) he feigned surprise and asked “*who did this?*” **Edrissa Jobe (Alagie Morr)** responded that he and his colleagues did it, thereby indicating that **Jim Drammeh** was also party to it.
243. **Bun Sanneh**, his boss at the NDLEA instead of protecting him, left him at the NIA to the mercy of his torturers. **Cham** came back and told **Malick Ceesay** another NIA officer that he (the witness) was needed by the panel. They went into the conference room where he found **Louis Gomez, Momodou Hydara** the Deputy Director General of NIA, **Ebrima Jim Drammeh, and Ousman Sowe** the current Director of the NIA, **Edrissa Jobe (Alagie Moor)** and **Sukuta Jammeh** (deceased) all seated on the right hand side of the table. **Tijan Ndure** and **Karamo Drammeh** were also present. He later found out that the bag they went away with from the scene of the incident contained €15,000 and the individuals they arrested were **Fernando Cor, Ansumana Fatty, Babou Cham** and **Lamin Sima**. **Tijan’s** head was bleeding so he took his singlet and try to stop the blood with it and his body.
244. **Ansumana Fatty** and **Fernando Cor** also had injuries. **Fernando Cor** was in a very bad state. There was a shape of the iron on his body. Later, he found out that a hot electric iron was pressed on his body and it was quite visible. He also learnt that the torture meted on these individual was what **Jim Drammeh** was referring to when he told **Edrissa Jobe (Alagie Morr)**, that he **Karbou** should be subjected to the same process¹⁹². When he was

190 Testimony of Lamin Karbou, Thursday 20th February 2020 Line 899 – 925
 191 Testimony of Lamin Karbou, Thursday 20th February 2020 line 961 – 969
 192 Testimony of Lamin Karbou, Thursday February 20, 2020 line 1108

before the Panel, **Hydara** asked whether the others knew him and **Lamin Sima** to which they replied that they did not know each other. **Ansumana** told the panel that they were from Guinea Bissau and they came to The Gambia at the behest of the NIA. He said that **Jim Drammeh** and **Edrissa Jobe (Alagie Morr)** both knew about it as they paid the bills for the lodge where he stayed. **Ansumana** also stated that the NIA gave them money to buy the powder used to paint houses (limestone) and the cocaine so that they would mix the two and present it to the buyers and as soon as they meet up with the buyers, the NIA would pounce on them, arrest them and confiscate the money, the drugs and them who posed as sellers. The NIA would then later release them (the Guineans) and share the money with them.¹⁹³

245. When they were done with the interrogation, he and about eight (8) other persons were detained in a small cell for several weeks without being told anything. Later the then IGP **Ensa Badjie (Jesus)** came and requested for his immediate release and for him to be given medical care. However, **Edrissa Jobe (Alagie Morr)** said it would not be advisable to release him given the state of his body. One morning after his prolonged detention he saw **Bo Baaji** passing by the cell and confronted him that their detention was unlawful and that if they had broken the law, they should be taken to court but they are left there with their wounds. **Bo Baaji** warned him that he spoke out of tone and should not address him in that manner.
246. The nurse at the clinic recommended that he be admitted due to the condition of his body but **Lang Manneh** insisted on taking him back to the NIA Headquarters. Later he was allowed to come out after working hours and he developed a friendship with **Lamin Senghore (Assassin)** who had sympathy on his condition and helped him contact his family and his lawyer. One day a man named **Lamin Sarjo** was brought into the NIA premises with injuries on his legs. When the witness asked him what happened he explained that he was shot in the leg by **Jim Drammeh**. According to **Lamin Sarjo**, he came with **Ansumana Fatty** and **Karamo Drammeh** from Guinea Bissau and he was moving out from a lodge when he had an altercation with the NIA, resulting to him been shot in the leg.¹⁹⁴
247. **Foday Hydara** (who was Deputy Director General at the material time) and **Ousman Sowe** were present when the tortures of **Fernando Cor, Ansumana Fatty, Karamo Drammeh, Tijan Ndure and Lamin Sima** 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.
248. **Ousman Sowe** on his part told the Commission that **Lamin Karbou** was invited to the NIA to help with the investigations in connection to the drug operation that led to the arrest of the drug dealers. He further told the Commission that the NIA had received intelligence with respect to a drug operation. Even though there was the police and the NDLEA the government agency set up to handle such matters, they never the less mounted a sting operation as the intelligence they received indicated that some officers of the NDLEA were complicit in

193 Testimony of Lamin Karbou, Thursday February 20, 2020 line 1124 – 1144
 194 Testimony of Lamin Karbou, Thursday February 20, 2020 line 1134 – 1490

the drug deal. The drug problem was very high in The Gambia during this period so the NIA came up with the operation to draw out the drug dealers. It was also a matter of state security particularly in this case because of the involvement of the foreign nationals. When the drug agents appeared on the scene, they suspected that the operation was compromised. He confirmed that shots were fired, but he said he was not on the ground when it happened. He admitted that he led the operation, and that it was standard procedure to confirm the number of bullets after an operation and the consequence. However, he did not do that. The witness indicated that on hindsight, the NIA should not have been involved in that matter. It is difficult for the Commission to reconcile the conflicting statements of the witness. He admits to leading the operation and knowing that shots were fired and at the same time states that he was not present at the scene.

249. **Ousman Sowe** insisted that throughout his years of service at the NIA, he had never heard of NIA agents that were involved in the drug trade and that **Lamin Karbou** was invited and detained at the NIA with the tacit approval of the Director General of NDLEA, **Bun Sanneh** who handed over **Lamin Karbou** to the NIA Director General, **Bo Baaji**. He confirmed that he submitted a report which resulted in **Karbou** being called. He was present when **Karbou** arrived and he went with him to **Jim Drammeh's** office. He however was not aware of the tortures meted on **Lamin Karbou** by **Edrissa Jobe (Alagie Morr)** and others to an extent that he ran out naked from the NIA towards Buckle Street. This shocked him because, he did not expect that **Karbou** will be tortured.

250. In relation to other major drug related issues in The Gambia. He acknowledged that **Rear Admiral** Bubo Na Tchuto regarded internationally as a drug baron enjoyed privilege of the State and was a guest at State House. **Ousman Sowe** was unable to explain why Bubo was not investigated even though he had explained that the drug trafficking was a menace in the country. Instead of being a privileged guest of the State Bubo should have been a subject for investigation. With reference to the Bonto case of 2009, **Ousman Sowe** told the Commission that a Joint Investigation Panel was set up to investigate the matter. When he was asked why other institutions were excluded from this particular case he said he did not know why this was so even though he was in charge of the drug operation.¹⁹⁵ **Omar Cham** confirmed that the Bonto drug case was investigated by the NIA and other security units and he also took part in the investigation. He told the Commission that there was interference in the investigation of the case. **Ben Jammeh** led the searches on the places of interest but he did not inform the panel as to what they had recovered. The amount recovered by **Ben Jammeh** and his team was over Ten million dalasis (D10, 000, 000), but Ben told them that the former **President Yahya Jammeh** asked him to open an account in Central Bank and deposit the money there. When asked about Gazi in an interview that *Bonto premises was bought forcibly from him by Yahya Jammeh*, he stated that they were not privy to certain things during the investigations and that even the drugs were taken away before they arrived at the scene. He did not know what happened to the drugs.¹⁹⁶

251. **Ousman Sowe** and **Ebrima Jim Drammeh** both denied being present when **Lamin Karbou** was being tortured. **Lamin Karbou** himself did not incriminate them in his torture. For this

195 Testimony of Ousman Sowe 6th January Lines 950-1199
196 Testimony of Omar Cham 7th January line 2843-2922

reason, the Commission accepts the evidence of **Sowe** and **Drammeh** that they were not present during the torture of **Lamin Karbou**. However, **Ebrima Jim Drammeh** was the Head of Operations and in charge of the Unit that was responsible for torturing **Lamin Karbou**. The torture of **Lamin Karbou** was also part of the same transaction as that of **Fernando Cor, Ansumana Fatty, Karamo Drammeh, Tijan Ndure and Lamin Sima. Ebrima Jim Drammeh** physically participated in the torture of at least **Fernando Cor and Ansumana Fatty**. All these tortures were carried out pursuant to the same policy and *modus operandi*. As such, **Ebrima Jim Drammeh** as Director of Operations of the NIA at the time cannot escape responsibility for the torture of **Fernando Co** and his colleagues. **The questions of whether the NIA was involved in selling of drug is not is not withing the mandate of the commission. However, the evidence received had shown that the unbridle powers given to the NIA is prone to abuse for their own personal gains.**

252. **Lamin Bo Baaji** who was Director General of the NIA at the time knew about the tortures but he failed to investigate or prosecute those responsible. He failed to investigate the incident and/or bring to account the perpetrators. However, he did as obligated and informed **President Yahya Jammeh** about the incident but **President Jammeh** did not say anything. These tortures were committed by **Alagie Morr, Lamin Darboe, Sukuta Jammeh, and Jim Drammeh** who were all powerful people at the NIA.

253. At the material time **Edrissa Jobe (Alagie Morr)** had unbridled powers at the NIA. He could do whatever he wanted with impunity. 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 Badjie** reported the incident to him. 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.¹⁹⁷ The NIA ensured that the witnesses were not available to testify by deporting them from the country. They were quickly reinstated after these bogus acquittals.

C.10 TESTIMONY OF SILLABA SAMATEH

254. **Sillaba Samateh** was arrested in 2010 for engaging in drug dealing allegedly in the name of the former **President Yahya Jammeh** and the then IGP **Ensa Badjie (Jesus)**¹⁹⁸ According to the witness, he was forced to sign a statement which stated that he was selling substances and passing them off as cocaine and he was scamming people off their money, that they were selling substances like flour and passing it off as cocaine and he was claiming that he was given these substances by the former **President Yahya Jammeh** so that people would pay him the money. Instead of getting drugs, they would get flours instead. He reiterated that the NIA manufactured this statement and tortured him to accept the statement and forced him to testify as per the statement.

197 Testimony of Lamin Karbou 20th February 2020 Lines 1699 – 1721
198 Testimony of Sillah Ba Samatch 8th December 2020 Lines 53-98

255. Subsequently, **Ensa Badjie** was arrested for his alleged involvement in drug dealing and armed robbery. According to **Sillaba Samateh**, he was tortured by **Omar Cham** and some NIA operatives to implicate **Ensa Badjie, Kulutay Manneh** and **Pa Matar Secka**¹⁹⁹He also indicated that **Lamin Darboe** was involved in his torture, (details in Protected Information Sheet Exhibit 177D)²⁰⁰. He alleged that **Omar Cham** threatened to torture his four-year-old child ²⁰¹ and his wife was also threatened with sexualised torture to make him confess.
256. **Sillaba Samateh** told the Commission that he eventually gave a fabricated statement out of fear. While at the NIA, where he was detained for weeks he saw some gruesome scenes at the NIA after some people were tortured and they threatened to do the same to him if he did not comply. According to him, **Omar Cham** told him: “*if you refuse to tell us what we need we would do the same thing to you and throw your remains in a soakaway*”. According to him, he saw more than three to four decapitated heads of a human while at the NIA and one of them was freshly cut. He had also seen pieces of human flesh, human hands which were cut off, people whose eyes were removed from their sockets etc.²⁰².
257. According to the witness **Lamin Darboe** and the **DPP Chengeh** would school him about what to say in Court whenever the case was coming up. He also told the Commission that **DPP Chengeh** also demanded a bribe from him of over one million dalasi for him to arrange for his bail. He was ultimately granted bail when he paid part of the money. He handed it over personally to **DPP Chengeh** and the balance was given to **Lamin Darboe**. He could not ascertain if **Lamin Darboe** had any interest in it. He accused the NIA officers of demanding lot of monies from him and they will sometimes asked for assistance. These included: **Numo Kujabi, Louis Gomez, LaminDarboe** and one female officer called **Wonto (LNU)** and other junior officers whose names he cannot recall.²⁰³ He jumped bail and his younger sister **Jankey Samateh** who stood bail for him was arrested and detained for 11 months at Mile II Prison.²⁰⁴. They got him to bribe the DPP for bail so that he can jump bail and leave the country, the statement he gave at the NIA was tendered as Exhibit 177E²⁰⁵
258. **Omar Cham**, testified that he has never heard of human sacrifice at the NIA but he did hear of someone that had been poisoned. His name was **Bamba Manneh**. He saw **Bamba** on a Wednesday and he died on Saturday.**Bamba** had informed him that some people wanted to poison him. He heard that security agents were involved in the poisoning of **Bamba Manneh**.No investigation was conducted in the case.²⁰⁶.
259. Regarding the gruesome narrative of **Sillaba Samateh** in respect of dismembered bodies if placed within the overall context of testimonies provided, no other witnesses has testified as to bodies been dismembered , however the brutality of the NIA cannot be under estimated. In the **Freedom Newspaper** saga The NIA officer, **Kuta Baldeh** had told **Lamin Bojang** that if he did not keep quiet he would be killed and buried in the backyard under the banana plants “*because we have a lot of people that are buried there.*²⁰⁷” **Wassa Camara** narrated

199 Testimony of Sillah Ba Samateh 8th December 2020 Lines 176-195, line 237-293
 200 Testimony of Sillah Ba Samateh 8th December 2020 Lines 301-279
 201 Testimony of Sillah Ba Samateh 8th December 2020 Lines 425-430
 202 Testimony of Sillah Ba Samateh 8th December 2020 Lines 929-972
 203 Testimony of Sillah Ba Samateh 8th December 2020 Lines 986-1058
 204 Testimony of Sillah Ba Samateh 8th December 2020 Lines 1067-1086
 205 Testimony of Sillah Ba Samateh 8th December 2020 Lines 1101-1113
 206 Testimony of Omar Cham 12th January line 719-756
 207 Testimony of Lamin Bojang October 22, 2020 line 384 408

that he found a tooth on the table of the interrogation room when he came before the panel for the 2006 failed **Ndure Cham**, coup d’état and in **2016 the UDP supporters Nogui Nji** narrated that there was blood everywhere and you would think that they had killed someone. **Modou Ngum** had blood oozing from all over his body and he was sucking blood out of it.²⁰⁸**Kafu Bayo** had two broken teeth and he was screaming, “*You broke my tooth with a hammer, you broke my tooth with a hammer*”²⁰⁹. **Solo Sandeng** died in the custody of the NIA and they tried to cover it up. These and other examples establish the fact that the NIA was a torture chamber; however there is no corroboration to establish the narrative by **Sillaba Samateh** that the NIA was a slaughter house.

BOX 1: CASE OF THE MISSING BABIES

The testimony by Sillaba Samateh on the case of the missing babies is of great concern to the Commission but could not be investigated. The witness told the Commission that some babies were brought to the NIA in boxes by soldiers on three occasions while he was at the NIA. According to him on the first occasion, Nfally Jabang who seemed to be in a hurry came to NIA and said to him “help me and take this box to Numo’s office because I am going away rightnow.” He said he saw that the content in the box was moving and asked Nfally Jabang what was in the box. He told him that there was a baby in the box. He then took the box to Numo’s office without opening it but it was moving.

After a few weeks according to the witness the same Nfally Jabang came with another box in the morning. He again asked him to take the box to Numo Kujabi’s office and this time around he heard the baby crying in the box. He testified that he was then cautioned by Numo Kujabi who told him: “whatever object you bring into this office never talk about it and never let anyone ever hear it from you.” So he placed the box in his office and left. On the third occasion, a man came with two boxes and again asked for his help. This time he held one of the boxes and the man held the other. They both went to Numo’s office together where they placed the boxes and left.

He further testified that following the arrest and detention of Nfally Jabang at the NIA, he told him that the babies were brought to the NIA for onward transmission to the former President Yahya Jammeh. A vehicle from state house would come to collect them and take them to: H.E in Kanilai. He also said that Nfally Jabang told him that the babies were taken from the hospital but did not specify the hospital.

While the Commission were initially skeptical about the credibility of the case of the missing babies as there was no public outcry neither had mothers/families complained about not seeing their babies after delivering in hospital. The skepticism was allied by the testimony of BA57, he confirmed to the Commission that this incident did take place in The Gambia. A close ally of the former President, Benedict Jammeh had confided in him that babies stolen from the hospital and were used for spiritual sacrifice by the former President Yahya Jammeh. Two of the babies were buried at the entrance of Mile II Prison and another two at the pillars at State House.

Testimony of Sillahba Samateh December 8, 2020 Lines 505-763, 764-779

208 Testimony of Modou Ngum 28/12/20 Line 1123 – 1131/Testimony of Nogui Njie 29/10/19 Line 826 - 83
 209 Testimony of Modou Ngum 28/12/20 Line 1072- 1077

C.11 SPECIAL OPERATIONS UNIT

260. **The Special Operations Unit (SOU)** of the NIA enjoyed a high degree of status and notoriety by virtue of the powers it was entrusted with and the nature of its operations. The **SOU** reported directly to NIA Director-General through its officer commanding. Their operations mainly involved matters that Jammeh had interest or issues that threatened his power.²¹⁰ The **SOU** carried out its operations with extreme brutality and enjoyed impunity.²¹¹ By the NIA’s own brutal standards, the **SOU** was so extreme in how detainees were subjected to various forms of torture and cruel, inhumane and degrading treatment that even the other units of the NIA viewed the **SOU** as the “**Junglers of the NIA**”. Detainees at the **SOU** were routinely taken for “**VIP treatment**” which ironically meant severe torture in cases where a detainee failed to confess or generally where the NIA are instructed to torture certain individuals to inflict pain and suffering, especially in cases that **Jammeh** has particular interest.²¹²
261. The **SOU** were also involved in the unlawful and prolonged detention of public officials at the request of Jammeh²¹³. By virtue of the unbridled powers given to the unit, they enriched themselves by turning into “*guns for hire*” to harass and intimidate businesses and debtors, often on the instructions of those with economic and political connections.²¹⁴ **Basiru Sey** a member of the **SOU** testified before the Commission on January 14, 2021. He revealed that the NIA extorted money from people and also acted as debt recovery agents in private civil disputes that have no bearings on state security. The NIA effectively became: “*thugs for hire*” to intimidate businesses and debtors, often on the instructions of those with economic and political connections.²¹⁵ Exhibit 193 C shows that about one hundred and fifteen (115) people were arrested and unlawfully detained by the **SOU** OC **Lamin Darboe**.²¹⁶

TORTURE OF AMADOU JOGOW SOWE AND ABASS JARJUE AND OTHER MONEY DOUBLERS

262. **Amadou Jogo Sowe, Abass Jarjue** were arrested in 2015, and others who were suspected of being involved in fraudulent businesses (money doubling schemes) and were arrested by the NIA.²¹⁷ **Saidou Sowe, one Wurry (a marabout)** who was believed to have been working with them and a customs officer **Ceesay**²¹⁸ were also arrested. In 2015, According to **Lamin Darboe**, the arrests of **Abass Jarjue** and his associates were ordered by **Jammeh**. Initially, **Yankuba Badjie** (then Director General of the NIA) was hesitant in carrying out the orders²¹⁹ because of the protection money the NIA was receiving from **Abass Jarjue**.²²⁰ After their arrests, the detainees were all tortured by being given “the VIP treatment”²²¹ to reveal the location of money that was the subject of the money doubling transaction,²²²

210 Testimony of Basiru Sey 14th of January 2021 94- 109
 211 Testimony of Basiru Sey 14th January 2021 Line 145-174, line 175-182
 212 Testimony of Basiru Sey 14th of January 2021 Line 186-207
 213 Testimony of Lamin Darboe 28 Jnuary 2021 line 2162-2313
 214 Testimony of Basiru Sey 14th of January 2021 Line 1115- 1153
 215 Testimony of Basiru Sey 14th of January 2021 Line 1115- 1153
 216 Testimony of Lamin Darboe 28th January 2021 line 3571-3585
 217 Testimony of Amadou Jogo Sowe 12 November 2020 Line 62- 83
 218 Testimony of Amadou Jogo Sowe 12 November 2020 Line 175- 195
 219 Testimony of Basiru Sey 14th of January 2021 Line 538-596
 220 Testimony of Lamin Darboe 28 January 2021 line 1089-1137
 221 Testimony of Basiru Sey 14th of January 2021 Line 298-513
 222 Testimony of Amadou Jogo Sowe 12 November 2020 Line

however, the money turned out to be fake currency.²²³ Those that participated in the torture were **Lamin Darboe, Alasan Baldeh, Eku (LNU), and Gibril Kanyi**. When the **SOU** encountered difficulties in extracting a confession from the detainees, they called in the Junglers comprising **Sulayman Sambou, Malick Jatta, Michael Jatta, NfansuNyabally, and Sulayman Sambou**.²²⁴ They were under the command of **Nuha Badjie**.

263. They visited the NIA at odd hours of the night to torture detainees.²²⁵ Witnesses revealed that tortures carried out at the NIA were done with the knowledge and consent of **Yankuba Badjie** (the Director General of the NIA)²²⁶ who was communicating with the former president during the detention and interrogation of **Abass Jarjue and Jogoh Sowe**.²²⁷ They were detained for 7 months at the NIA in terrible conditions and later transferred to the remand wing of Mile II Prison without trial.²²⁸ **Lamin Darboe** admitted once collecting a brief case containing Two Hundred Thousand dalasis (D200, 000) from **Abass Jarjue** on the instructions of **Louis Gomez**. **Abass Jarjue** told him that the money was a gift for **Gomez** and some other NIA agents. He assumed that the money was protection money.²²⁹
264. **Other cases of torture at the NIA include the following:**
- i. *Touray (FNU) from Touray kunda in Fajikunda was arrested and tortured at the NIA on allegations of money laundering. He was tortured very badly by members of the SOU including Basirou Sey, Alassana Baldeh, Gibril Kanyi, Alieu Sumareh and Lamin Darboe. Basirou Sey in his testimony confessed to this torture.*
 - ii. *The second was a former army officer named Sarjo Touray. He was arrested by the SOU also on suspicion of money doubling. He was tortured by Alasan Baldeh, Gibril Kanyi, Alieu Sumareh alias Tamayee, Basiru Sey and Lamin Darboe.230Gibril Kanyi, in his statement, admitted the torture of Sarjo Touray at the NIA but denied direct participation.231*
 - iii. *A cattle rustler (name not provided) was arrested and tortured by the SOU on the specific instructions of the former President Yahya Jammeh . He personally called the NIA and asked the SOU 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, and Alassan Baldeh. Camara (FNU) who had previous business dealings with Jammeh, was arrested by the NIA. According to Basiru Sey, he was severely tortured by Alasana Baldeh, Lamin Darboe and Eku.232*
 - iv. *Yusupha Saidu, a businessman, was arrested and detained at the NIA for several months.233 He was arrested for allegedly defrauding some foreign national that had*

223 Testimony of Lamin Darboe 28th Jnuary 2021 line 1181-1217
 224 Testimony of Basiru Sey 14th of January 2021 Line 848-871
 225 Testimony of Basiru Sey 14th of January 2021 Line 514-536
 226 Testimony of Basiru Sey 14th of January 2021 Line 599-654
 227 Testimony of Lamin Darboe 28th January 2021 line
 228 Testimony of Amadou Jogo Sowe 12 November 2020 line 462- 492
 229 Testimony of Lamin Darboe 28th January 2021 line 1094-1121
 230 Testimony of Basiru Sey 14th of January 2021 Line 940-1012
 231 TRRC statement of Gibril Kanyi
 232 Testimony of Basiru Sey 14th of January 2021 Line 1013-1040
 233 Testimony of Lamin Darboe 28th January 2021 line 2162- 2313

close relations with Yahya Jammeh and his wife.²³⁴ Even though the High Court made an order for his release on bail following a habeas corpus application, the NIA disregarded this order. Yusupha Saïdy was finally released on bail in January 2016 by the Banjul Magistrates' Court where he was facing charges of obtaining money by false pretences amongst other charges.

- v. *Banta Jaiteh, a business man, was arrested in August 2014 and detained at the NIA. During his detention, he was tortured. He also said that there was a sixteen year old boy who was also tortured. Pictures taken immediately after his release showing scars on his body are consistent with torture marks. The said pictures were admitted in evidence as 173A1 and 173A2.²³⁵ Banta Jaiteh did not identify his torturers.*
- vi. *Ebou Sanyang, while serving in the armed forces, was implicated in an alleged theft of Yahya Jammeh's sheep.²³⁶ The said theft was considered such an important national issue that the CDS at the time Ousman Badjie made an announcement on GRTS. Following his return to The Gambia in 2016 after escaping to Guinea Bissau in 2012,²³⁷ the alleged theft was still deemed so serious to warrant his arrest and detention at the NIA for almost four months. While he was not tortured during his detention, he stated that the NIA maltreated detainees with impunity.²³⁸*
- vii. *Following the attack on the State House by some Gambians in the Diaspora who wanted to overthrow Jammeh's government, some of the captured attackers, their alleged accomplices and family members were taken arrested and detained at the NIA. Lt. BubaSanneh, Cpt. Jobe, Sarjo Jarjue and Amadou Sowe were arrested and tortured at the NIA. Some of these tortures occurred in the presence of Yankuba Badgie, (then DG of NIA) and Louis Gomez, his deputy. The detained soldiers were also severely tortured by the Junglers, led by Nuha Badjie.²³⁹ Bai Malleh Jagne (brother of late Njaga Jagne) was also arrested and detained at the NIA. He claims that he was tortured and poisoned by the NIA officers Yankuba Badjie knew that these arrests and detentions were unlawful. Notwithstanding, he caused the victims to be detained unlawfully for at least seven months.*

C 12. ARRESTS AND TORTURE OF UDP DEMONSTRATORS 2016

265. On April 14, 2016, Solo Sandeng, UDP youth wing Secretary General, led protests²⁴⁰ along Kairaba Avenue demanding electoral reforms.²⁴¹ The PIU descended upon the UDP protesters beating and arresting them.²⁴²

234 Testimony of Lamin Darboe 28th January 2021 line 2162- 2313
 235 Testimony of Banta Jaiteh 24th November 2020 line 56-680
 236 Testimony of Ebou Sanyang 10th December 2020 Lines 358-418
 237 Testimony of Ebou Sanyang 10th December 2020 Lines 539-585
 238 Testimony of Ebou Sanyang 10th December 2020 Lines 817-854
 239 Testimony of Ousman Jallow February 24, 2021 660- 856
 240 Testimony of Modou Ngum Line December 28, 2020 Line 1378-1414
 241 Testimony Of Modou Ngum December 28, 2020 Line 451 – 454
 242 Testimony of Modou Touray November 11, 2020 Line 148 – L 157/ Testimony of Nogui Njie October 29, 2019 Line 154 – L160

The following individuals were arrested (list of names -Exhibit 167):

- | | |
|--------------------------|----------------------|
| 1. Solo Sandeng | 2. Lamin Marong |
| 3. Ebrima Janko Ceesay | 4. Alhagie Jammeh |
| 5. Lamin Sonko | 6. Alhagie Fatty |
| 7. Modou Touray | 8. Lamin Camara |
| 9. Kafu Bayo | 10. Ebrima Jabang |
| 11. Momodou Lamin Jawneh | 12. Fatoumata Jawara |
| 13. Fatou Camara | 14. Modou Ngum |
| 15. Ebrima Touray | 16. Baboucarr Touray |
| 17. Bubacarr Jah | 18. Bubacarr Jaiteh |
| 19. Sader Secka | 20. Ousman Njie |
| 21. Kalilou Saïdykhan | 22. Kakuta Yabo |
| 23. Ebrima Jadama | 24. Lamin Jatta |
| 25. Alasana Beyai | 26. Buba Ceesay |
| 27. Nogui Njie | |

266. The protesters were divided into groups. Some were taken to Mile II prison and held at the maximum security wing.²⁴³ **Solo Sandeng, Nogui Njie, Kafu Bayo, Ebrima Jabang and Modou Ngum** were taken to the NIA.²⁴⁴ At the NIA the protesters were taken before a panel consisting of **Gen. Sulayman Badjie (Saul), Yankuba Badjie and Ousman Sonko**. They were subjected to extreme tortures. At one point, when **Solo Sandeng** reappeared from an interrogation, he looked very weak, thirsty and groaning, requesting for water, but instead, the NIA threw urine at him.²⁴⁵

According to **Modou Ngum**, he was beaten with a baton to such extent that he lost consciousness and sustained injuries. His genitals were also electrocuted and he was threatened with castration if he refused to incriminate **OJ Jallow, Ousainou Darboe, Aji Yam Secka, Dembo Bojang (Dembo By Force) and Yamundow Jaye.** **Nogui Njie** corroborated the evidence of torture of **Modou Ngum** and stated that his beatings were so serious that there were cuts all over his body and blood coming out of the wounds.²⁴⁶ He further testified that both **Kafu Bayo** and **Ebrima Jabang** were taken to Bambadinka unconscious and he heard **Kafu Bayo** screaming, “*You broke my tooth with a hammer, you broke my tooth with a hammer*”²⁴⁷.

267. Nogui testified that the place was smeared with so much blood that she suspected that someone had been killed there. She said that **Modou Ngum, Kafu Bayo and Ebrima Jabang** were all tortured so badly. She heard them screaming and saw them bleeding profusely when they returned. She spread her wrapper and cloth on the floor for them to lie on it. **Tamba Masireh** was one of those who carried out the tortures²⁴⁸.

243 Testimony of Modou Touray 11th November 20 Line 302 – Line 304/ Testimony of Lamin Sonko 17th December 2020 Line 327- 335/
 244 Testimony of Nogui Njie 29th October 2019 line 369 -428
 245 Testimony of Modou Ngum 28th December 20 Line 882 – 887
 246 Testimony of Modou Ngum 28 December 2020, Line 1123 – 1131/ Testimony of Nogui Njie 29/10/19 Line 826 - 838
 247 Testimony of Modou Ngum 28th December, Line 1072- 1077
 248 Testimony of Nogui Njie 29 October 2019 Line 1027- 1058

268. The other protesters detained at Mile II were later transferred to the NIA²⁴⁹ where plastic bags were placed over the heads of the male detainees upon arrival while being led to the panel of an investigators.²⁵⁰ They were severely beaten. To intensify the pain being inflicted, cold water was poured on the detainees while they were tortured.²⁵¹ **Ebrima Janko Ceesay** lost two of his teeth as a result of the beatings and he was crying bitterly.²⁵²
209. **Fatoumata Jawara** testified that she was stretched on a table, her head was covered and cold water was poured on her until she was completely wet. Other men held her by her hands and legs while she was beaten mercilessly on every part of her body without consideration until she was unable to move, she was pulled down from the table and dragged to the panel room blindfolded²⁵³ At the interrogation room she was unable to sit, they forced her to sit it was visible to all the panel members that she was tortured.²⁵⁴ She was unaware of her surrounding as she was dizzy and she could only hear voices of people speaking. They continued asking the same questions about **Ousainou Darboe** and the protest. She testified that even though she was not conscious, she could recognize **Shiekh Omar Jeng's** voice talking to her with anger and threatening her that if she: *“didn't tell them the truth he would order the men in the room to rape her.”* She responded that she was never involved with any other man apart from her husband but they laughed at her. At this stage she lost conscious again due to the intense pain she was going through. She does not know if she was raped because she was unconscious for some time and she was not aware of what was going on and she was taken to another room when she regained conscious and beaten again²⁵⁵. She fainted again from the severe beatings and she was dragged to a room and thrown on top of **Fatou Camara** who was grounding out of pain and her body was full of injuries. **Nogoi Njie** was also brought in later.
210. **Fatoumata Jawara** was in a coma for three (3) days and when she woke up she found herself in a hospital within the NIA premises where she was attended to by **Fatou Camara** and **Lamin Lang Sanyang**. She was admitted with **Nogoi N'jie** and **Fatou Camara** and they were all in serious conditions.
211. **Fatou Camara** told the Commission that she was taken from the room where the Panel was sitting, blindfolded and escorted to another room where she was further interrogated. They asked one **Haruna** to bring some sticks and ordered her to open her mouth. When she refused, they held both her hands and legs, laid her on a table and continued beating her mercilessly until she fainted, they poured water on her and took her to the Bahama grass outside while her head was still covered. She called Out Allah's name when she regained conscious. She was dragged again to another room where the leaders insulted and accused her of lying to them. **Tamba Masireh** was part of the group and he was shouting asking for the vinegar to kill everyone. She said at that point she was unable to talk and any time she opened her mouth, her chest got congested. They insisted she must talk. She *fainted again, regained consciousness and found herself in another room* where she saw **Nogoi Njie** and

249 Testimony of Lamin Sonko 17th December 2020 336 -342/ Testimony of Monday Touray 11th November 2020 384-387
 250 Testimony of Modou Touray 11TH November 2020 Line
 251 Testimony of Modou Touray 11TH November 2020 Line 431 - L 444
 252 Testimony of Lamin Sonko 17 December 2020 Line 489 - 509
 253 Testimony of Fatou K Jawara 22 October 2019 Line 654-729
 254 Testimony of Fatou K Jawara 22nd October 2019 Line 758-790
 255 Testimony of Fatoumata K Jawara 22nd October 2019 Line 864-879

Fatoumata K Jawara²⁵⁶. She had to use a wheel chair when she wanted to use the rest room because she was so weak at that time. She urinated blood for fifteen (15) good days and she was admitted at the NIA clinic. While she was unconscious, **Dr. Lamin Sanyang** wanted to give her an injection but **Nogoi Njie** protested because she had heard a lot of things about people who had been injected and subsequently died while detained at the NIA.²⁵⁷.

212. **Fatou Camara** testified that the 14th day of their detention, **Dr. Lamin Sanyang** bought new clothes for **Kafu Bayo, Ebrima Jabang, Nogoi Njie** and **Fatoumata Jawara** to wear and said to the operation commander that they should be treated well because if they appear in court like that people will know the secret existing at the NIA.²⁵⁸ From the NIA they were taken to Mile II Prison. At Mile II Prison they were received by the operation commander **Ebrima Jammeh** and **David Colley**, the Director General and taken to the Female Wing.
269. Some of the detainees were later transferred to Janjanbureh Prison. **Lamin Sonko** testified that **Lamin Marong** died shortly after they were released from Janjabureh prisons. While in prison, **Lamin Marong** was always complaining about his health and he believes that he was poisoned at the NIA the night that he was tortured. This according to Lamin Sonko was because the NIA operatives squeezed **Lamin Marong's** nose and inserted something down his throat.²⁵⁹ This evidence was corroborated by **Modou Ngum** who also said that **Lang Marong** confided in him that he was poisoned.²⁶⁰ **Assan Badjie**, NIA driver and photographer, testified that in his interactions with the 2016, UDP protesters, he noticed that whenever they appeared before the panel of investigators, their faces were swollen and some were barely able to walk.²⁶¹
270. The evidence of the 2016 UDP protesters shows that torture and extreme brutality was a modus operandi of the NIA in responding to matters that challenged Jammeh's power. The detainees were subjected to various forms of torture, cruel, inhuman and degrading treatment. The Commission did go into details on issues surrounding the death of Solo Sandeng as the case is before the Banjul High Court.

C 13. BULLDOZER

271. The Bulldozer, derived personnel from all the security services and armed forces situated at Holigam in Kanifing and its main role was to tackle crime. However, over time, it started using excessive power and force in its operations. It became a detention centre where serious human rights violations and abuses also occurred. Bulldozer, it was widely believed, acted with impunity because it was answerable to **Gen. Saul Badjie**.
272. In 2016 **Amadou Bojang** was the *de facto* head of the Bulldozer. He admitted that the Bulldozer committed human rights violations. This mode of operation of the Bulldozer was synonymous with that of the NIA as the latter's notoriety as an institution of oppression was well known. The nature of the Bulldozer's operations and its leadership structure gave

256 Testimony of Fatou Camara 4th October 2019 Line -520
 257 Testimony of Fatou Camara 4th October 2019 Line 520 - 532
 258 Testimony of Modou Ngum 28th December 2019 Line 1195 - 1206
 259 Testimony of Lamin Sonko 17th December 2020 Line 573-596
 260 Testimony of Modou Ngum 28th December 2020 Line 1207 -1221
 261 Statement of Assan Badjie, Paragraph 10, line 3 -6

rise to the belief that it was an extension of the NIA and primarily concerned with pursuing Jammeh’s agenda and interests rather than fighting crime as mandated. The case study below highlights the activities of the Bulldozer.

EBRIMA KEITA, MUSA FOFANA AND PA ALASANA JALLOW

- 273. **Ebrima Keita, Musa Fofana and Pa Alasana Jallow** were arrested on May 11, 2016, following a conversation that they had about the UDP protests led by **Solo Sandeng** in April 2016 outside the Pharmacy of **Ebrima Keitain Sukuta**. An NIA agent living in the same premises as where the pharmacy was located. He recorded their conversation and this was used by the authorities and they were accused of inciting violence and showing hatred against Jammeh.²⁶²They were arrested and taken to Bulldozer. Keita and Fofana were the first to be arrested and Pa Alasan Pa Jallow was brought in later. They were detained for three weeks some days at the Bulldozer,
- 274. **Ebrima Keita and Musa Fofana** testified that while at the Bulldozer, **Amadou Bojang** threatened to kill them.²⁶³**Ebrima Keita** was beaten for about twenty five (25) minutes. **Amadou Bojang** said to him *“If they are going to kill people I am going to be the first person that they will kill”*.²⁶⁴**Musa** stated that he could hear **Ebrima** saying *“You people, why you are beating me? You are beating me.”* He could hear the sound of the hosepipe as **Keita** was being beaten with. However, he said that he was not beaten because he voluntarily gave his statement.
- 275. Both **Keita** and **Fofana** said that at around 3:00a.m, **Amadou Bojang** came back to Holigam in a drunken state and instructed **Babucarr Trawally, Ebrima Ceesay, Babucarr Singhateh,** and **Alpha** to pick shovels and pick-axe. They were put in a pick-up truck and driven to Kanifing South Cemetery which was a stone’s throw from Holigam. On the short drive there, they were slapped. When they arrived at the cemetery, **Bojang** threatened to kill **Keita** and **Fofana** and they genuinely feared for their lives, believing that their fate was sealed and death was imminent. After scaring them, they left with them and returned to Holigam.
- 276. **Pa Jallow** was arrested with the help of Ebrima John but he was not beaten. They were detained for three weeks some days at the Bulldozer, then transferred to different police station. But they usually take them back to Bulldozer. They were latter charged and prosecuted in court. Their lawyer obtained a bail for them in the second month of their detention and their case was dismissed after the change of government. **Pa Alasan** passed away shortly after their release his feet were swollen because of the prologue detention and **Musa** also became sick. The two blamed their ordeals on **Ebrima John, Amadou Bojang and Baboucar Trawalley**.²⁶⁵They were subsequently charged and granted bail by court. However, they claim that their horrendous ordeal caused them permanent health complications.²⁶⁶

262 Testimony of Ebrima Keita & Musa Foffona 22nd of February 2021 line 357-458
 263 Testimony of Ebrima Keita & Musa Foffona 22nd of February 2021 line 598-666
 264 Testimony of Ebrima Keita & Musa Foffona 22nd of February 2021 line 673-787
 265 Testimony of Ebrima Keita & Musa Foffona 22nd of February 2021 line 992-1271
 266 Testimony of Ebrima Keita & Musa Foffona 22nd of February 2021 line 992-1271

- 277. **Lt. Col. Amadou Bojang** admitted that human rights violations occurred during the operations of the Bulldozer. However, he rejected the notion that Bulldozer was a milder version of the Junglers, despite the fact that both were under the command of the Republican National Guards Commander **Lt. Gen. Sualyman Badjie**.²⁶⁷
- 278. With regards to the claims of **Keita** and **Fofana**, he denied that they were tortured. He stated that the said individuals were arrested based on intelligence gathered by the Bulldozer that they were planning to ambush the President and stage a demonstration with the support of some military personnel.²⁶⁸ According to **Bojang**, the Bulldozer did not violate the rights of **Keita, Fofana** and **Jallow** other than their prolonged detention. The witness also stated that he was not aware that the confessions of the two suspects were obtained through torture. Even though he denied torture, he ironically also failed to rule out the possibility of detainees being tortured by the Bulldozer at Holgam. In consideration of the mutual corroboration of the testimonies of the three witnesses, it can reasonably be concluded that they were tortured by officers at Bulldozer and that **Amadou Bojang**, being the overall Commander of the unit, bears responsibility for the tortures. **Ebrima Ceesay, Babucarr Trawally, Alpha Bojang** and **Babucarr Singhateh** are also equally liable for torture.

C 14. TORTURE OF NAWEC STAFF BY OMAR CHAM

- 279. **Omar Cham** was a liaison officer for the NIA posted to NAWEC. During his tenure at NAWEC he was alleged to have tortured several staff members of the organisation. **Omar Cham** was served with a notice of adverse mention. He responded to these allegations when he testified at the public hearing of the TRRC on January 11, 2021. He admitted that he did torture people on several occasions²⁶⁹ He admitted torturing **Musa Oldie Jawo, Simon Grant, Famara Nasoand Sainabou Keitabut** denied torturing **Gibril Waka and Ebou Khan** and denied knowledge of **Bakary Sawo**.
- 280. According to **Omar Cham** the former **President Yahya Jammeh** sent them to NAWEC to help recover the arrears owed to NAWEC. He acknowledged that the NIA had nothing to do with NAWEC and that posting them there was unlawful. He acknowledged that he was threatening and fighting people for failure to pay bills or disconnection. And he regrets it.
- 281. In the case of **Gibril Waka, Omar Cham** told the Commission that **Gibril Waka** deserved to be punished. He was among the NAWEC staff who illegally re-connected the electricity of people that were disconnected by NAWEC. They would pay him and he would keep the money for himself. Such conduct was bad and needed to be addressed. He denied that he took **Gibril Waka** to the NIA to be detained by **Sukuta Jammeh** for three months and tortured. He denied the allegation that while **Gibril Waka** was in detention, he was beaten on multiple occasions and he would sometimes asked him to undress and play with his private part.²⁷⁰

267 Testimony of Lt. Colonel Amadou Bojang dated the 23rd of February 2021 Line 469-552
 268 Testimony of Lt. Colonel Amadou Bojang dated the 23rd of February 2021 Line 623-667
 269 Testimony of Omar Cham 12th January 2021 line 190-438
 270 Testimony of Omar Cham 11th January 2021 line 1840-1938

282. Omar Cham also denied torturing **Ebou Khan**. The case of **Pa Sanyang** was linked to that of **Ebou Khan**. They were trading in fuel coupons for cash and the two will share the money. When the management reported the matter, both **Pa Sanyang** and **Ebou Khan** were called. He acknowledged that it was **Pa Sanyang** who reported the matter and in trying to protect **Pa Sanyang**, the NIA went after **Ebou**. He agreed that **Pa Sanyang** could have been prosecuted or dismissed. However, the decision for prosecution did not lie with him. He denied brutalizing **Ebou Khan**.
283. With reference to **Famara Naso** he accepted that something happened to him after he was arrested from his house at Latrikunda Sabiji and brought to him at the NAWEC office but denied subjecting him to monkey dance until he fainted.²⁷¹ He however told the Commission that the techniques that he used were “*silence techniques, monkey dance, and my bare hands.*” With reference to **Sainabou Keitahe** said that when she tried to resist arrest he forced her on board the vehicle, but he denied kicking and beating her. Out of the seven allegations of torture of NAWEC staff that were reported against him, Omar Jawo accepted.²⁷² He emphasised that these four NAWEC staff-**Gibril Wakka, Musa Oldie Jawo and Simon Grant and Sainabou Keita**²⁷³ were engaged in fraudulent activities and needed to be punished. It should be noted that Omar Cham participated in a reconciliation activity at the TRRC

C 15. ENFORCED DISAPPEARANCES LINKED TO THE NIA

284. Kanyiba Kanyi was a staff of the Child Fund before his arrest he was also a staunch UDP supporter. According to his wife Isatou Kanyi who testified before the Commission on October 28, 2020, three (3) days before the 2006 Presidential Elections, four (4) men came to their home at Bonto around eight (8) to nine (9) pm in the evening in a taxi vehicle with no number plate. One man who identified himself as **Camara** asked for **Kanyiba Kanyi** and he identified himself. They asked him to go with them. She said she asked her husband where they were going and he said they were going to Mandinaba on a small monetary issue. A man with a gun told her to go and lie down. They threatened her husband saying: “*Since you say that you are a man, today your manhood will be very clear*”. Her husband pleaded with them to allow him wear his clothes as he was only wearing a singlet but they refused. They shoved him inside the vehicle and left.²⁷⁴ When they left her husband’s brother **Wandifa Kanyi** went to alert his uncle that Kanyiba had been arrested.
285. When they left, she tried calling her husband’s phone which rang for a while and it was switched off. So she communicated the arrest to **Ousainou Darboe (the UDP Party Leader), Sherif Fofana and Lamin Darboe**. Later another team came to the house and conducted a search. This time they arrested **Wandifa Kanyi** brother to Kanyiba and took him to Mandinaba.²⁷⁵ After that they took him (**Wandifa**) to the NIA Headquarters in Banjul. He was released the following day but when he asked for his brother **Kanyiba** they asked him to mind his business. After several months of not seeing her husband for the UDP filed a writ of Habeas Corpus for her husband and another UDP supporter Rambo Jatta. The

271 Testimony of Omar Cham 12th January 2020 line 173-189
 272 Testimony of Omar Cham 11th January 2020 line 1939- 1984
 273 Testimony of Omar Cham 11th January 2020 line 1939- 1984
 274 Testimony of Isatou Kanyi 28th October 2020 line 349-466
 275 Testimony of Isatou Kanyi 28th October 2020 line 472-631

Court ruled that they should be released but the NIA refused to comply with the decision of the court. However, at some point, the NIA did acknowledge that her husband was in their custody when she went there. During an APRC political campaign the former **President Yahya Jammeh** made a comment insinuating that her husband **Kanyiba Kanyi** and **Chief Manneh** (a journalist that disappeared) had journeyed through the back way and people were accusing him of having them in his custody. She believes that that the former President **Yahya Jammeh** was trying to extricate himself from the disappearance of her husband.²⁷⁶

B) DISAPPEARANCE OF CHIEF MANNEH

286. **Pa Ousman Sanneh** testified that **Chief Manneh** was reported to the NIA by **Dr Saja Taal** than Managing Director, Daily Observer, for printing an article published by Elizabeth Ohene of the BBC titled “*the host, that is Yahya Jammeh to hold a meeting came to power through a Coup d’état together with many of his peers*”. The article was meant to be on the international Column of the Daily Observer. This was around the time the AU summit was hosted by the Gambia and the topic that year was on good governance. When **Dr Taal** found out about the publication and threatened **Pa Malick** that he will report the Editorial Board to **Captain Saine** (NIA operative at that time). About 2,500 of copies of the paper were printed but were not published. This happened on Friday the 30th. On Saturday. **Chief Manneh** was arrested at the Daily Observer office by two NIA officers. He stated that since then, he has not seen **Chief Ebrima Manneh**. **Chief Manneh** was last seen by **Yaya Dampha** at Fatoto police station²⁷⁷. **Chief Manneh** was arrested on the 11th July 2006
287. The mode of operation of the NIA during arrest defers from what is provided for under the law, in a normal course of arrest, an officer is expected to inform the individual been arrested of the reason for their arrest, in the operations of the NIA, arrest are usually conducted in the dead of the night to instill fear in the heart of the person who in that situation will be thinking that they will be killed. The operatives hardly identify themselves as NIA operatives. In the case of **Kanyiba Kanyi** and **Chief Ebrima Manneh**, when their loved ones enquired about them at the NIA, they are told that they are not given any answers. The NIA even ignored the orders of the court to produce **Kanyiba Kanyi** and he was last seen at Mile II Prison. **Chief Ebrima Manneh** was also said to have been killed, but this has not yet been established. In both cases, the NIA played an active part in their disappearance. This was in furtherance of its agenda to spread terror and instill the feeling of fear of making a dissenting opinion about the government.

C) TOUMANI JALLOW AND ABDOULIE GAYE

289. **Alpha Touray**, a PIU officer was on guard duty at the APRC Political Bureau in the KMC on August 14, 2016, when he was over-powered by some attackers at night who beat him up, stripped him naked, tied him up and then burnt down the place. He and some of his colleagues **Lamin Tabally, Ebrima Sonko** and **Adama Mbye** and military officer **Sgt. Jaria**

276 Testimony of Isatou Kanyi 28th October 2020 line 676-814
 277 Testimony of Ousman Darboe 16th July 2019 581-831

Badjiewere arrested and detained at the NIA. **Sgt. Badjie** told them that she was arrested because the people who were suspected of burning the Bureau had used her ID card to register their sim cards and they also used her vehicle. Before they left for the NIA, **Landing Bojang** a NIA operative, told him that he was only wanted for questioning but would be released.²⁷⁸ However, when they arrived at the NIA, all their possessions were taken and they were processed and detained.

290. **Sheikh Omar Jeng** interrogated him and asked if he recognized the attackers. He responded in the negative. Later that day, they brought in **Alhagie Badjie, Matar Ceesay** and **Tumani Jallow**. **Tumani Jallow** told them that he was arrested because his friend called to inform him that he was among those who burnt the Bureau.²⁷⁹ On the Wednesday, they were taken to Kanifing Police Station where the CID blamed **Tumani** for not informing the police about the call. While at the NIA **Sheikh Omar Jeng** told him that **Tumani** was responsible for everything.

291. Prior to them being taken to Kairaba Police Station he was taken to a room, placed on a table while some men held his legs and others his hands and they beat him up mercilessly on his feet and buttocks. The NIA officers who were guarding them were **Gibba, Fatty** and **SaidyKhan** a female officer. Consequently he sustained joint and ankle pains. However, he could not tell if the other detainees were tortured. He became very sick and **Sheikh Omar** took him to the hospital he warned them that if they don't release him, he would kill himself. They interrogated him again and he maintained his stance. Later, the Station Officer instructed that he should be put in the cells²⁸⁰.

292. At the police station, **Tumani** was threatened by IGP **Yankuba Sonko**, and **Pateh**, head of the CID, he was there for three (3) days. He stated that the people he found in the cell were mostly relatives of the individuals that were suspected of attacking the Bureau. There were six (6) people at the police station, three (3) men and three (3) women and one of the ladies was pregnant. The women were kept behind the counter. After **Tumani's** interrogation they were all taken back to the NIA. Nonetheless, they were never charged with any offense.²⁸¹

293. On Friday, they were taken back to the Kanifing Police for further investigation but this time they only took him, **Sgt. Jaria Badjie** and **Tumani Jallow**. They later took him to the Bureau to the place he was tied up. After that he was taken back to the NIA this time his hands were handcuffed above his head. Throughout the time they were at police station **Pateh** was the one interrogating him. They were in detention from August 14-29, 2016. Before the end of their detention, **Alhagie Badjie** and **Tumani Jallow** were taken out by **Sheik Omar Jeng** and others and he never saw them again.

294. While at Kanifing he overheard them threatening **Tumani** that if he is not careful they might electrocute him. They believed that he was concealing information. One day, he was told that his freedom depended on orders from the IGP and the head of State **Yahya Jammeh**. Nevertheless, he was never taken to court or charged. Subsequently, he was released alongside his police colleagues **Adama Mbye, Lamin Tabally** and **Ebrima Sonko**. **Sgt. Jarrai Badjie** and **Matarr Ceesay** were not released. However, **Kaddijatou Jallow** was

278 Testimony of Alpha Touray 22nd March 2020 line 329-331
 279 Testimony of Alpha Touray 22nd March 2020 line 395-471
 280 Testimony of Alpha Touray 22nd March 2020 line 474-531
 281 Testimony of Alpha Touray 22nd March 2020 line 535-549

never taken to the NIA, she was kept at Kanifing Police Station. During the period of his detention his family did not know where he was. He was given D90 to buy food. When he was released his health deteriorated as a result of the torture meted on him.

295. **Gibril Kanyi** a member of the SOU testified that sometime in 2016, **Haruna Susso** the deputy director of operations came to the safe house in Brusubi with three officers and brought in **Abdoulie Gaye** and handed him over to **Leon** a senior NIA officer to detain him in the cell. He informed the Commission that **Haruna Susso** was in charge of all the safe houses. **Abdoulie Gaye** spent four days at the detention centre, while he was there **Sheik Omar Jeng, Nuha Badjie** and one **Manga** a Jungler usually picked up **Abdoulie Gaye** for interrogations. When they brought him back, he appeared to have been severely beaten. He told the Commission that **Abdoulie Gaye** told him that *those people wanted to beat him to death and he did not know why*. On the day they finally picked him up from the safe house, he was not around but one of his colleagues told him that **Haruna Susso** picked up **Abdoulie Gaye**²⁸²

296. **Omar Jallow, (Oya)** testified that they were given instructions to pick up **Tumani Jallow** and **Abdoulie Gaye** who were arrested and detained at the NIA in connection with the burning of the APRC head office at Kanifing South. On December 22, 2016, members of the patrol team were led by **Lt. Mustapha Sanneh** who informed the team that one of the individuals was a soldier and the other a rebel leader, they were involved in the arson attack at the APRC bureau. He further told them that former **President Yahya Jammeh** had given orders that they should be killed²⁸³.

295. The two individuals were later handed over to the team by **Sheikh Omar Jeng**, an NIA operative and two other NIA officers somewhere around *Wullinkama* Junction with two men in their custody. **Tumani Jallow** was handed over to **Omar Jallow (Oya), Pa Sanneh** and **Saikouba Jarjue**, while the other **Abdoulie Gaye**, was handed over to **Sulayman Sambou, Lt. Michael Jatta, WO2 Fansu Nyabally and Malick Manga**.²⁸⁴ The two men were killed by suffocation while they were driving towards the Fonis and they were buried in the former **President Jammeh's** garden in Tintinba²⁸⁵ When the TRRC visited the garden on May 21, 2021, it was impossible to locate the burial sites of **Tumani Jallow** and **Abdoulie Gaye**.

297. The NIA has over the years maintained secret detention facilities around the country. According to the Current DG, **Ousman Sowe**, some of these facilities are located at Brusubi, Jeshwang and upcountry. Mr Amadou Scattered Jammeh, who also was detained by the NIA claimed that he was detained at the Old Terminal building at the Yundum Airport. The TRRC also visited one of the houses in Jeshwang during its visit to the Jeshwang Prison on March 4, 2019. The NIA has provided a document to the Commission listing these detention facilities. The secret nature of these facilities made it possible for the NIA to easily disappear people without it being known by anyone.

298. **Alpha Jallow** was only a night guard who was overpowered by some dissidents that burnt down the APRC Political Bureau. From his evidence, there was no evidence that suggested

282 TRRC statement of Gibril Kanyi
 283 Testimony of Omar Oya Jallow 24th of July 2019 line 1209-1211
 284 Testimony of Omar Oya Jallow 24th of July 2019 line 1092-1139 / Testimony of Pa Ousman Sanneh 7th August 2019 line 824-848
 285 Testimony of Omar Oya Jallow 24th of July 2019 1185-1201 line 1185-1187/ Testimony of Amadou Badjie 25th July 2019 line 764-784

that he had anything to do with the commission of the offence, yet he was arrested and tortured as a form of punishment for not being able to prevent the arson attack of the bureau. All suspects arrested in connection with this incident including **Sgt. Jaria Badjie**, a military officer whose ID card was used to register the sim cards used by the attackers, **Alhagie Badjie**, **Matarr Ceesay**, **Tumani Jallow** and **Abdoulie Gaye** were all tortured. From the evidence of **Alpha Jallow**, on what he was told during his interrogation, the act of the attackers cost the **President Yahya Jammeh** the elections. From the evidence, several individual who had any form of link with persons suspected to have committed the act were arrested and taken to NIA, this is commonly used by the NIA to lure persons of interest. In the case of the APRC bureau arson attack **Alpha Jallow** testified that about six (6) individuals were detained at the police station comprising of three (3) women and one of the ladies was pregnant. This is similar to what was done by the NIA in the case of the December 30, 2014, attackers that fled. As long as they get their desired result, the NIA were willing to use civilians as a bargaining chip and in so doing, violate their right to liberty.

C 16. DESTRUCTION OF EVIDENCE

299. **Ousman Sowe**, the current DG of the NIA denied destroying evidence at the NIA. He admitted that there was a torture chamber with an iron bed and circle rods in the chamber which he instructed to be cut off and rods removed, he admitted that he also had the room painted, according to him he was shocked by what he saw in the room, so he renovated the room, he denied that he was removing evidence. While he admitted to removing instruments of torture and changing the character of the room, however he insisted that it was not intended to conceal evidence. He confirmed that the renovations at the NIA were done by GIGO Constructions through 8 different contracts given from the August 1, 2017 to the November 14, 2018.²⁸⁶ With respect to Bambadinka, he stated that the place was rehabilitated but he cells were not touched. He acknowledged that he was aware of talks to establish the TRRC to conduct investigations, he admitted that he was also aware of the death of **Solo Sandeng** but he did not know that the torture chamber will be the focus of investigations.

300. According to the witness, he was not aware that NIA will be the focus of the investigation and that Human Rights violations occurred largely at the NIA. He alluded that the renovations that were undertaken were never a motive to conceal evidence but only to open a new page about the history of the NIA, and pave a path for a New Gambia where the rights of every person would be respected since the torture chamber was “fear inspiring” by its outlook.²⁸⁷ He didn’t renovate or change Bambadinka (which was compared to a crocodile pond due to its darkness) stating that, “Well, I think when we started the rehabilitation at this time the TRRC interest, we started to now feel or understand that the service complex would be of interest to the TRRC”. However, he denied violating the law when he was confronted by allegations of concealment of evidence through the tampering of evidence by changing the torture chamber, and the alleged burning of some important documents. During the visit of the TRRC to the SIS on February 15, 2019, the Chair of the TRRC explained that the purpose of the visit was to: “*educate and familiarizes ourselves and see what actually happened. We want to stand for our words.*” This was not achievable for many of the spaces described by

²⁸⁶ Testimony of Ousman Sowe, 7th January, 2021, Line 865-989

²⁸⁷ Testimony of Ousman Sowe, 7th January, 2021, Line 997-1378

the victims in their testimonies to the Commission had been transformed from their original make-up.

301. Ousman Jallow testified that following the disappearance of Mamout Ceesay and Ebou Jobe, he was sent to Guinea Bissau by the government ahead of the UN/ECOWAS investigation team on that issue. By then it was rumoured that Mamout Ceesay and Ebou had been killed and the government wanted to clear her name. He admitted that his trip to **Bissau** was only intended to be provide false information to the visiting team that was coming to The Gambia, visiting dignitaries. He claimed that he was not aware of this fact at that time. He also admitted to the torture of Kemo (FNU) and (LNU) Bojang to elicit confession of their involvement in a murder case.²⁸⁸

D. FINDINGS

A. FARAFENNI ATTACK

The Farafenni military barracks was attacked by rebel forces who intended to use that as a springboard to overthrow the military government. The evidence reveals that during the attacks, the rebels including **Yahya Drammeh**, **Ballo Kanteh**, **Omar Joof Dampha**, **Sulayman Sarr** and **Essa Baldeh** killed some Gambian soldiers during their unlawful attack on Farafenni Barracks. The Commission notes that the aforementioned rebels were arrested from various locations and taken to the NIA Headquarters in Banjul.

The Commission finds as follows that:

1. **Ballo Kanteh**, **Omar Joof Dampha**, **Sulayman Sarr** and **Essa Baldeh** and others illegally attacked Farafenni barracks with the intention of overthrowing the government and in their cowardly act, killed innocent Gambian soldiers defending the territorial integrity of this country.
2. Much as that is the case, it must be stated very clearly that the attack on Farafenni barracks is not the subject of the Commission’s inquiry. The Commission’s focus is the actions and conduct of security personnel after the apprehension of the rebels. On that account therefore, the Commission finds, that:
3. Ballo Kanteh was tortured at the NIA premises during his interrogation by **Lamin AMS Jobarteh (Babadinding)** and others including **Captain Samsideen Sarr** (second in command in the army at the time) who kicked Ballo Kanteh several times.
4. Even though **Samsideen Sarr** denied involvement in the torture of Ballo Kanteh, there is an audio of him in relation to the Farafenni incident that he sent to of the Freedom Newspaper requesting an interview in which he admitted that he kicked Ballo Kanteh twice.
5. In his response (dated April 6, 2021) to the notice of adverse mention served on him by the Commission, **Samsideen Sarr** denied participating in the torture of Ballo Kanteh. The Commission believes that the voice in the audio belongs to **Samsideen Sarr** which was a

²⁸⁸ Testimony of Ousman Jallow 24th February 2021 line 990-1132

clear admission of his participation in torture of Ballo Kanteh. On that account therefore, the Commission finds it incredible that **Samsideen Sarr** would later turn around and deny what he had previously admitted. The Commission finds further that **Samsideen Sarr** participated in the torture of Ballo Kanteh and his subsequent denial is simply an afterthought designed to extricate himself from responsibility.

6. **Ballo Kanteh** and **Yaya Drammeh** were further tortured by **Harry Sambou**, **Salimina Drammeh**, **Foday Barry** and an unidentified man referred to as Ninja. The Commission finds that torture for the purpose of extracting confessions was a regular tool used by the NIA at the time.
7. **Ballo Kanteh** was subjected to further humiliation and torture when he was stripped naked in front of his father and sister and severely beaten. The Commission further finds that during one of the said torture sessions, one of Ballo's nipples was cut-off by **Lamin AMS Jobarteh (Babadinding)**. Even though this was denied by **Lamin AMS Jobarteh (Babadinding)**, the Commission:
 - a. *Notes that Lamin AMS Jobarteh (Babadinding) was not truthful when he initially said that he never met Ballo Kanteh or tortured him as he was out of the jurisdiction when Ballo was arrested and tortured at the NIA.*
 - b. *Cannot see any reason why Ballo will single-out Lamin AMS Jobarteh (Babadinding) and accuse him of causing such serious injury if indeed the latter was not the perpetrator. Further, the witness showed his chest with the missing nipple and scars consistent with the torture he described.*
8. The Commission finds the evidence of **Ngorr Secka** and **Ebrima Jim Drammeh** that **Foday Barry**, **Baba Saho**, **Salimina Drammeh** and **Lamin AMS Jobarteh (Babandinding)** tortured the Farafenni attackers as credible and consistent with the other witness accounts.
9. **Omar Dampha** was severely beaten and electrocuted by **Foday Barry**, **Salimina Drammeh** and **Harry Sambou**.
10. Even though **Harry Sambou** was accused only by **Omar Dampha** of being complicit in his torture which he denied, the Commission is convinced by Dampha's evidence that whenever **Harry Sambou** entered the room in which he was being tortured, his torture intensified. The Commission cannot conclusively state that Sambou physically participated in the tortures. However, it strongly believes that he instigated the intensification of the tortures through his actions and utterances and therefore ought to be held responsible like his colleagues who took part in the tortures.
11. **Ebrima Jim Drammeh** was only mentioned by **Harry Sambou** as having participated in the tortures which he denied. In the absence of other evidence linking him to the tortures, the Commission is not convinced that he participated in the torture of the Farafenni attackers.
12. That **Yahya Jammeh** knew or had reason to know of the torture of the captured men during the course of the investigations at the NIA. **Yahya Jammeh**, **Foday Barry**, **Salimina**

Drammeh, Babadinding Jobarteh and Baba Saho are culpable for the tortures of **Ballo Kanteh, Omar Dampha** and **Baldeh** at the NIA.

2000 COUP PLOT

The Commission makes the following findings, that:

1. **Lt. Lalo Jaiteh**, **Lt. Omar Darboe**, **Ebrima Barrow** and **Ebrihima Yarbo** and **Dumo Saho** were arrested in 2000 in relation to an alleged coup plot.
2. **Lt. Omar Darboe**, **Ebrima Barrow** and **Lt Lalo Jaiteh** were brought before the investigative panel that was constituted.
3. **Omar Darboe** was tortured twice by soldiers at the NIA on the orders of Foday Barry in the presence of Sukuta Jammeh and others with a view to extracting a confession from him.
4. **Ebrima Barrow** was subjected to sexualized torture and severe beatings by Edrissa Jobe (Alagie Morr) on the orders of **Biran Jobe** in the presence of other members of the investigative panel, namely:
 - a) *Tijan Bah*
 - b) *Baba Saho*
 - c) *Foday Barry*
 - d) *Ousman Jallow*
 - e) *Salimina Drammeh*
 - f) *Ousman Sowe*
 - g) *Sukuta Jammeh (deceased)*
5. The Commission notes that all members of the NIA listed above who appeared before the Commission (**Baba Saho**, **Foday Barry**, **Ousman Jallow**, **Ousman Sowe**, **Salimina Drammeh**) all denied being present when **Ebrima Barrow** was being tortured. **Ousman Sowe** for his part claimed that he never worked with **Edrissa Jobe (Alagie Morr)**. The Commission is unanimous in its view that the stories of **Lt. Omar Darboe** and **Ebrima Barrow** are to be believed for the following reasons:
 - i. *Torture was a modus operandi for the NIA to extract confessions from suspects during that time.*
 - ii. *Edrissa Jobe (Alagie Morr) gained notoriety as a torturer for the NIA especially in cases in which Yahya Jammeh had interest.*
 - iii. *That there is no evidence that the two witnesses had any incentive to fabricate lies against the persons they identified as their torturers.*
 - iv. *During their trial, Ebrima Barrow also accused the same set of persons for his torture thereby maintaining consistency in his account.*

6. In view of the above, the Commission finds that the statements of the NIA officers are not truthful as they intended only to seal themselves from responsibility.
7. Insofar as the suspected 2000 coup plot was concerned, only **Lt. Darboe** and **Ebrima Barrow** were tortured during interrogations at the NIA.

E. TORTURE OF NAWEC STAFF

1. The NIA deployed operatives to sensitive installations and government offices to spy on the citizens with the view to strengthening Yahya Jammeh's grip on power. The NIA operatives deployed in these locations were very powerful and committed numerous rights violations and abuses against the citizens with impunity.
2. Between 2001 and 2003, **Omar Cham**, an NIA operative was posted to NAWEC. During this period, he admitted to the Commission that he tortured the following NAWEC staff; **Gibril Wakka, Musa Oldie Jawo, Famara Naso, Simon Grant** and **Sainabou Keita**. Although **Omar Cham** denied torturing **Ebou Khan** and **Bakary Saho**, the Commission does not believe him.

2006 FAILED NDURE CHAM COUP

1. In March 2006, the then **CDS Ndure Cham** planned to overthrow the government of **Yahya Jammeh**. The coup failed. **Lang Tombong Tamba**, Deputy CDS ordered the arrests of several soldiers suspected to have been involved in the attempted coup. Investigations into this failed coup were held by a panel established for that purpose by **Yahya Jammeh** and the panel sat at the NIA headquarters. In the process of the investigations, the suspects were tortured to confess to the planned coup on national TV. The footage was to also be used for the successful prosecution of the coupist. The Commission now finds as follows:
 2. The Panel members were drawn from the Army, the Police and the NIA. These included: **Harry Sambou, Foday Momodou Hydara, ASP Demba Sowe, Lamin Cham, Abdoulie Sowe, ASP Malamin Ceesay, Corporal Boto Keita and Sergeant Sainey Ndure (deceased), Foday Barry, Nuru Secka, Yusupha Faye, N'fally Jabang, Ousman Bojang, CDS Lang Tombong Tamba, IGP Ousman Sonko, Alagie Martin, Manlafi Corr (deceased), Musa Jammeh (maliamungo, deceased), Baba Saho, and Tumbul Tamba (deceased)**
 3. The function of The Panel was to interrogate the suspects and record their statements. The Panel had statement takers from the Police and two civilians who served as Independent Witnesses for all the confessionary statements that were recorded. The Panel did not work alone in its investigations. It worked together with the Junglers from State House who performed two functions during the process. Namely:
 - (i) *To escort the suspects from Mile II Central Prisons to the NIA Headquarters and back.*
 - (ii) *To torture the suspects to confess to the allegations and to force them to answer questions to the satisfaction of the Panel*

5. **Babou Loum** from Barra and **Lamin Ceesay** from Sukuta served as Independent Witnesses for the purposes of recording the confessionary statements of the suspects in relation to the 2006 Ndure Cham coup as well as other cases involving the NIA. The Commission notes that this system of "hired independent witnesses" used by the NIA is improper and ought to be stopped.
6. The Commission notes that **Omar Colley (Jah Guide)** was stationed at Mile II Central Prisons for the purposes of ensuring the transfer of detainees to the NIA for the purpose of interrogation and torture by the junglers. The transfer and tortures occurred at night.
7. **The national media service, Gambia Radio and Television Services (GRTS)** was occasionally brought to the NIA to record and broadcast confessions of suspects.
8. Following the failed coup by CDS **Ndure Cham**, as was typical with how Jammeh reacts to incidents of this nature, the key planners, accomplices and those who had knowledge of the coup but failed to report it to the authorities were swiftly arrested by the Junglers and paraded before a specially constituted panel comprising the NIA, police and army (from the State Guards) tasked to investigate the incident.
9. **Bunja Darboe, Wassa Camara, Yaya Darboe, John Pierre Mendy, Pharing Sanyang, Momodou Babady Sarr, Momodou Alieu Bah** and **Abdou Karim Jah**, were officers of The Gambia Armed Forces who were arrested in connection with the attempted coup.
10. **Sheikh Omar Faal** (Marabout), **Aliou Jobe, Demba Dem** and **Tamsir Jasseh, Musa Dibba, Mariam Jack Denton, M.C Cham** and **Sheriff Mustapha** were some of the civilians arrested in connection with the attempted coup.
11. The arrests were done by members of The Gambia Armed Forces including the Junglers.
12. The evidence reveals that the suspected coupist were made to appear before the panel often sitting at odd hours of the night at the NIA Headquarters. The suspects were interrogated by members of the Panel under intimidating circumstances. Some of the suspects including **Bunja Darboe** and **Wassa Camara** were assaulted or threatened during their interrogation. The Commission accepts the testimony of the witnesses that the interview environment was very threatening and under the circumstances, any confessions obtained would be involuntary and therefore inadmissible as evidence in court.
13. On the basis of the testimonies and evidence received by the Commission, the Commission is satisfied that **Yahya Jammeh** had complete power and authority in the appointment of individuals to the ad-hoc investigation panels set up to probe the coups. Therefore, since he exercised overall command over both the personnel selection and work of the NIA, **Jammeh** is responsible for the human rights violations that were committed by the NIA in collaboration with other security institutions, during the panel investigating into the 2006 coup attempt by **Ndure Cham**.
14. From the evidence, **Yahya Jammeh** not only directed the constitution of the panel and which personnel should sit on the panel, he was directly kept abreast of the work of the panels (including tortures) through **Musa Jammeh (Malia Mungu, deceased)** and other **State Guard personnel** who were part of the investigations.

15. When **Bunja Darboe** appeared before the Panel, **Alagie Martin**, representing **Yahya Jammeh** in the Panel slapped him for not answering questions satisfactorily. The Commission accepts the evidence of **Bunja Darboe** that thereafter, the members of the Panel asked the Junglers to take him away. The Commission notes that consistent with the pattern of conduct or *modus operandi* of the Junglers, **Bunja Darboe** was taken downstairs to a secluded area within the NIA premises where they put a plastic bag over his head and he was beaten with whips and belts. The following individuals were involved in the torture of **Bunja Darboe** - **Alagie Martin, Nuha Badjie, Bora Colley, Mustapha Sanneh, Tumbul Tamba** (deceased) and **Modou Jarju (Rambo)**.
16. On another occasion, **Bunja Darboe** was taken to the NIA at night. **Tumbul Tamba** (deceased) lit a plastic bag and caused it to drip on his body. Cigarette butts were also extinguished on his body.
17. After appearing before the Panel, **Wassa Camara** was also beaten with whips and wires by the following Junglers: **Malick Jatta, Amadou Badjie and Mustapha Sanneh**.
18. The Commission notes that **Yaya Darboe** did not appear before the Panel. However, he was taken to the NIA at night, a plastic bag was placed over his head and he was beaten with wires by **Modou Jarju (Rambo), Michael Correa** and other junglers. On another occasion, **Yaya Darboe** was placed in a bag which was suspended in the air, swung around and made it drop on the ground. This was done several times by the Junglers
20. When **Tamsir Jasseh** appeared before the Panel, the Panel was not satisfied with the answers he provided. The Junglers were ordered to take him to another room where they placed a plastic bag over his head and he was beaten with sticks by **Malick Jatta, Michael Correa** and other **Junglers**.
21. When **Pierre John Mendy** appeared before the Panel, **Baba Saho** slapped him for providing an answer he was not satisfied with. According to **Pierre John Mendy, Foday Momodou Hydara** ordered the Junglers to take him down and torture him. He was beaten with sticks, wires and hose pipes by: **Sanna Manjang, Malick Jatta, Mustapha Sanneh, Michael Correa, Noah Badjie and Modou Jarju**.
22. On another occasion, **Pierre John Mendy** was taken to the NIA at night where he was beaten, electrocuted and his skin was peeled off with a plier. This according to him was done by **Sanna Manjang, Malick Jatta** and others he could not recognize.
23. After his interrogation by the Panel, **Serign Omar Faal** was taken downstairs by the Junglers. A plastic bag was placed over his head, he was beaten, his beard was forcefully shaved off and a knife was placed on his neck as if they were going to slaughter him. He only recognized **Malick Jatta** amongst his torturers.
24. After appearing before the Panel, **Aliou Jobe** was taken downstairs by the Junglers, a plastic bag was placed over his head and he was beaten with sticks by **Sanna Manjang, Michael Correa, Modou Jarju (Rambo)** and **Tumbul Tamba** (deceased)
25. The purpose for the torture was to obtain confessions from the suspects. Hence the reason why they were all paraded on TV to confess to their involvement in the foiled coup and to

- seek for pardon from tformer President. Jammeh When Bunja appeared before the Panel, the purported speech which was alleged to have been prepared by the coup plotters was dictated to him by the panel members. However, **Lang Tombong Tamba** and other members of the panel who appeared before the Commission denied this assertion.
26. The Commission notes that the 2006 investigation panels were engaged in manufacturing evidence. Suspects were coerced to write confessional statements which conformed to what the panel wanted. The statements were signed by an independent witness who was not present during the writing of the confessional statements and in many cases, the confessions were attained through torture.
26. The Commission notes that the removal of the alleged coupists from Mile II Prisons at odd hours of the night, to appear before the panel contravenes the Prisons Act, which stipulates that: *“Prisoners shall not be admitted into or removed from prison beyond 6:00p.m”*.
27. The Commission notes further that some members of the Junglers confessed that their group were sent to the NIA to torture the supscets of the 2006 coup plot as well as the persons arrested in relation to the Freedom Online Newspaper Saga. Those included **Manlafi Corr, Tumbul Tamba, Musa Jammeh (maliamungu), Michael Sang Correa, Momodou Jarju (Rambo), Nuha Badjie, Mustapha Sanneh, Malick Jatta, Amadou Badjie, Sanna Manjang, Omar Jallow (Oya), Solo Bojang, Bora Colley and Saikou Jallow**.
28. The evidence shows that 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 gained through beating and electricution of the suspects.
29. **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 will call and 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 victim. The suspect understood **Yahya Jammeh’s** statement to mean orders for the Junglers to rape her.
30. 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 agonies of the victims.
31. **Yahya Jammeh** and his band of Junglers including **Manlafi Corr, Tumbul Tamba, Musa Jammeh, Michael Sang Correa, Momodou Jarju (Rambo), Nuha Badjie, Mustapha Sanneh, , Malick Jatta, Amadou Badjie, Sanna Manjang, Omar Jallow (Oya), Saikou Jallow, Solo Bojang, Bora Colley Alagie Martin (eyes and ears of Yahya Jammeh)** as well as the members of the Panel **Harry Sambou, Foday Momodou Hydara, ASP Demba Sowe, Lamin Cham, Abdoulie Sowe, ASP Malamin Ceesay, Corporal Boto Keita and Sergeant Sainey Ndure, Foday Momodou Barry, Yusupha Faye, N’fally Jabang, Ousman Bojang, CDS Lang Tombong Tamba, IGP Ousman Sonko, Alagie Martin and Baba Saho, were responsible for the tortures mentioned above.**

32. Alagie Martin, the following Junglers: **Manlafi Corr, Tumbul Tamba (deceased), Musa Jammeh (MaliaMungu, deceased), Michael Sang Correa, Momodou Jarju (Rambo), Nuha Badjie, Bora Colley, Mustapha Sanneh, Malick Jatta, Amadou Badjie, Sanna Manjang, Omar Jallow (Oya), Nuha Badjie, Saikou Jallow, Solo Bojang, General Sulayman Badjie, Ismaila Jammeh** participated in the physical torture of the 2006 alleged coupists.

F. TORTURE OF SAM KAMBAI AND OTHERS (MFDC REBELS) 2007

1. **Sam Kambai, Kebba Secka, Mouminy Baldeh and Kemo Conteh** were arrested in connection with some alleged arms dealing with about 10 MFDC rebels who were also arrested and detained at the NIA. A panel was established to investigate the allegation against **Sam Kambai** and others. The Panel comprised **Sheriff Wadda, Baboucarr Jallow, Baboucarr ARK Jallow, Samba Gajaga, Lamin Darboe, Edrissa Jobe (Alhagie Morr)** (all NIA operatives), as well as **Salifu Nyang** and **Boto Keita** (police officers).
2. The Commission notes that Panel applied the modus operandi of previous investigative panels at the NIA of using Junglers or NIA Personnel to torture witnesses and elicit confessions from them. The Commission accepts the evidence of **Kebba Secka, Mouminy Baldeh, Kemo Conteh** and **Sam Kambai**, as well as the MFDC rebels were severely tortured by NIA officers including **Edrissa Jobe (Alagie Morr)** and **Lamin Darboe**.
3. **Sam Kambai** was tortured on multiple occasions and forced to sign a confessionary statement prepared by the investigators comprising of **Lamin Darboe, Musa Kinteh, Alagie Morr** and others. The Commission thus finds that **Lamin Darboe, Musa Kinteh** and **Edrissa Jobe (Alagie Morr)** tortured **Sam Kambai** in order to extract a manufactured confession from him.
4. The Commission notes the severity of the sexualized torture of **Sam Kambai**, who was forced without success to sign a prepared confessionary statement.

G. ALLEGED LANG TOMBONG TAMBA COUP (2009)

1. The evidence reveals that the 2009 coup was a plot to purge **CDS Lang Tombong Tamba** from the army and as a result, witnesses were bribed by former President **Yahya Jammeh** to give false testimony against **Lang Tombong** and others in an attempt to fabricate and convict him.
2. The operations of the 2009 investigative panels as with the 2006 panel which were set up at the NIA included the use of torture against accused persons who were brought before the panel in relation to either of the alleged coups. The Commission also finds that the members of the panel of investigators in 2009 namely: **Numo Kujabi, Ensa Badjie, Numo Kujabi, Solo Bojang, Bora Colley or Saul Badjie, Sukuta Jammeh (deceased), Alhagie Camara, Edrissa Jobe (Alagie Morr), Sainey Ndure (deceased), Lamin Cham, Omar Colley,**

Louise Gomez (deceased), Lamin S Sanyang, Jerreh Gomez, Yankuba Badjie, Sheriff Gassama and Buba Beyai were aware of the torture of witnesses and therefore culpable for same. Many members of the panels testified as to use of torture to obtain confessions.

H. TORTURE OF SUSPECTED DRUG DEALERS

1. **Babou Cham** and others were suspected to be drug dealers. They were brought to the Special Operations Unit of the NIA where they were tortured through severe beatings, electrocution as well as being stripped naked by the following panel members, namely **Ebrima Jim Drammeh, Lamin Darboe, Sukuta Jammeh (deceased)** and **Edrissa Jobe (Alagie Morr)** to confess.
2. Premised on the confession of **Ebrima Jim Drammeh** as to his participation and torture of **Babou Cham** and others and on the evidence of **Babou Cham** himself, the Commission finds that **Sukuta Jammeh (deceased), Jim Drammeh, Edrissa Jobe (Alhagie Morr)** and **Lamin Darboe** are responsible for the torture of the suspects.

I. TORTURE OF LAMIN KARBOU AND OTHERS

1. **Lamin Karbou** was tortured at the NIA and it was so severe that he ran naked in the afternoon from the NIA to the police headquarters.
2. The Commission does not believe the evidence of **Ebrima Jim Drammeh** that he did not order **Edrissa Jobe (Alagie Morr)** to torture **Lamin Karbou**. This is because **Ebrima Jim Drammeh** was the head of operations at that time and he had control over operational matters. During his testimony, he had earlier stated that he did not torture anyone at the NIA and later, he confessed that he tortured **Fernando Co** and others. He was also hesitant to state that **Lamin Karbou** was stripped naked just like the others. **Lamin Karbou** on the hand was consistent throughout his testimony as to this incident, premised on the above, the commission believes **Lamin Karbou's** version of the incident.
3. Based on **Lamin Bo Baaji's** own admission that he was aware of the torture of **Lamin Karbou** and others although he failed to investigate the incident and or bring to account the perpetrators. The Commission finds that the detention of **Lamin Karbou** at the NIA for two weeks without a court order was unlawful and **Lamin Bo Baaji** was complicit in the torture and unlawful detention of **Lamin Karbou** and others.
4. Even though **Ebrima Jim Drammeh** admitted that **Momodou Hydara**, Deputy Director General of the NIA at the time was present while **Fernando Co** and others were tortured, he did nothing to stop it or punish the perpetrators.
5. The Commission finds that during this period there was a prevalent culture of not only torturing, but humiliating detainees by striping them naked to expose their private parts. Considering the cultural context of The Gambia, the Commission finds that the purpose of stripping the detainees was to demoralise them and make them confess to whatever they wanted from them.

6. From the evidence provided, the Commission finds that the Special Operations Unit of the NIA was set up to execute the “Executive Directives” of **Yahya Jammeh** in relation to his personal business deals, arresting and handing over senior government officials and any other issue that he perceived to affect his personal security and self perpetuation in power.

J. TORTURE OF ABASS JARJU AND OTHERS

The Commission finds that:

- 1 **Yahya Jammeh** issued operational orders for the arrest of **Abass Jarju, Jogo Sowe, Saidou Sowe, Ebrima Camara** and Wurry in order to confiscate their money (which turned out to be counterfeit). Consequently, the above suspects were tortured by the following members of the Special Operation Unit- **Lamin Darboe, Gibril Kanyi** and **Alasana Baldeh** to elicit information as to the whereabouts of the money. Based on the confession of **Basiru Sey** as to his groups’ participation in the torture of the above persons, the Commission finds that: **Basiru Sey, Lamin Darboe, Gibril Kanyi** and **Alasana Baldeh** are responsible for the torture of the above persons.
2. **Lamin Darboe** was not truthful when he said he ‘never gave orders’ for suspects to be tortured at the Special Operations Unit. This is because his subordinates **Basiru Sey, Gibril Kanyi** and **Alasana Baldeh** all stated that he gave orders as to the nature of the punishment that was to be meted on persons under their custody
3. Given that **Basiru Sey** confessed to his involvement in the tortures that were carried out by Special Operations team, the Commission believes that he did not shield himself from any responsibility or diminish his participation in the tortures.
4. The Commission also finds that former President Yahya Jammeh’s use of the NIA as his personal tool, made it possible to create a loophole that could be exploited by NIA officers to use the agency to resolve civil issues and make money out of it, as evident in the testimony of **Basiru Sey** and **Lamin Darboe**.

K. TORTURE OF DARU HAIRU MARABOUT AND OTHERS

Based on the testimony of **Basiru Sey**, members of the Special Operation Unit are responsible for the tortures of an ex-soldier, a cattle rustler and the Daru Hairu Marabout who had a problem with .Jammeh

L. TORTURE OF UDP SUPPORTERS- 2016 DEMONSTRATIONS

From the totality of the evidence of the UDP witnesses who testified, as to how and where they were arrested and beaten during the demonstrations of April 14 2016. The Commission finds as follows, that:

1. The suspected leaders of the demonstration were first taken to NIA and tortured and the others were brought at night to the NIA from Mile 2 Prison and tortured. It is evident that the beatings meted on the UDP supporters was as a result of the demonstration against the proposed electoral law.
2. The following UDP supporters were victims of torture at the NIA in April 2016:

<ol style="list-style-type: none"> i. <i>Alasana Beyai</i> iii. <i>Lamin Camara</i> v. <i>Ebrima Janko Ceesay</i> vii. <i>Alhagie Fatty</i> ix. <i>Ebrima Jadama</i> xi. <i>Bubacarr Jaiteh</i> xiii. <i>Lamin Jatta</i> xv. <i>Momodou Lamin Jawneh</i> xvii. <i>Nogoi Njie</i> xix. <i>Modou Ngum</i> xxi. <i>Lamin Sonko (Fa lang)</i> xxiii. <i>Ebrima Touray</i> xxv. <i>Baboucarr Touray</i> xxvii. <i>Kekuta Yarbo</i> 	<ol style="list-style-type: none"> ii. <i>Kafu Bayo</i> iv. <i>Fatou Camara</i> vi. <i>Buba Ceesay</i> viii. <i>Ebrima Jabang</i> x. <i>Bubacarr Jah</i> xii. <i>Alhagie Jammeh</i> xiv. <i>Fatoumatta Jawara</i> xvi. <i>Lamin Marong</i> xviii. <i>Ousman Njie</i> xx. <i>Sader Secka</i> xxii. <i>Baboucarr Touray</i> xxiv. <i>Modou Touray</i> xxvi. <i>Kalilou Saidykhan</i>
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3. Ousman Sonko and General Saul Badjie were present at the NIA and knew that the UDP detainees were being tortured but failed to prevent or investigate same or punish the perpetrators.
4. Most of the torturers were wearing face masks to conceal their identities. However, witnesses, such as Nogoi Njie, identified **Sheikh Omar Jeng** and **Tamba Masireh** as among those involved in the torture.
5. By providing medical treatment to the UDP detainees in order to hide the evidence of their torture prior to their court appearance, the commission finds Dr Lamin Sanyang is complicit in the torture of the UDP detainees.

M. TORTURES AT HOLLGAM

The evidence reveals that **Ebrima Keita** , **Musa Fofona** and **Pa Alasan Jallow** were detained at Hollgam. Both **Ebrima Keita** and **Musa Fofona** were consistent in their testimony, as to their detention and torture torture, expect for when they both described **Amadou Bojang** differently. This is immaterial as Amadou Bojang admitted that they were detained at Bulldozer under his command. The Commission does not believe the testimony of **Amadou Bojang** that he and his men did not torture **Musa Fofana** , **Ebrima Keita** and **Pa Alasan Jallow**. Thus, the Commission holds that **Amadou Bojang, Ebrima Ceesay, Babucarr Trawally, Alpha Bojang** and **Babucarr Singhateh** are liable for the torture and unlawfull detention of **Pa Alasan Jallow, Ebrima Keita** and **Musa Fofana**.

N. UNLAWFUL DETENTION OF FAMILY MEMBERS OF THE DECEMBER 30 2014 ATTACKERS OF STATE HOUSE

In the aftermath of the December 30 2014 attack on State House, several military personnel and family members of those that absconded were detained at the NIA. During their detention, the Commission finds as follows, tha

1. The suspected December 30 attackers including Sarjo Jarju, were tortured by some members of the Junglers at the NIA premises to confess to their participation in the attack. Premised on the testimony of **Ousman Jallow** and statement of **Sarju Jarju** as to his torture, the Commission finds that that **Pa Ousman Sanneh, Mustapha Sanneh, Mo Badjie, Sulayman Sambou, Micheal Jatta, Saikouba Jarjue, Omar Jallow (Oya)** and **Momodou Jarjue (Rambo)** participated in his torture under the direction of **Nuha Badjie**.
2. **Lamin Darboe** and his team participated in the torture of the suspects of the 30th December Attack on State House under the direction of the then Director General of the NIA **Yankuba Badjie**, and the Deputy Director General, **Louise Gomez (deceased)**. Thus, the Commission finds them culpable in the torture of the 30th December attackers. The Commission does not believe the testimony of **Lamin Darboe** that he was not present during the torture of the suspects.
3. **Fatou Sonko** mother of **Dawda Bojang** together with her husband and about thirty family members of the suspected attackers on State House, including a teenager ,were unlawfully detained at the NIA for a lengthy period to lure their relatives that absconded as confirmed by the Amnesty International Report.

O. ENFORCED DISAPPEARANCES

The evidence reveals that Yahya Jammeh ordered the killing of scores of people generally perceived as opposed to him. Many of the victims disappeared without trace. Evidence from the Junglers reveal that they were secretly killed on the orders of Yahya Jammeh and buried in old wells and graves in properties/farms belonging to him in Foni and the Foni/Cassamance border. Apart from some of the victims killed and buried at Yundum barracks, the Commission had been unable to iderntify the exact locations of the graves and thus unable to exhume or recover the remains of the victims. As such, they remain disappeared.

The evidence also reveals that **Chief Ebrima Manneh, Kanyiba Kanyi, Momodou Lamin Nyassi, Bubai Sanyang** have also been disappeared at the hands of the security agents of the State. Their whereabouts have still not been uncovered.

TORTURE OF TUMANI JALLOW & ABDOULIE GAYE

Alpha Jallow (a PIU Officer) was arrested for the burning of voters' cards at the APRC headquarters in Kanifing. He is the only witness that testified with respect to their arrest and torture sometime in 2016 after the burning of the APRC. He indicated that Sheikh **Omar Jeng** and other NIA operatives participated in torturing him, **Tumani Jallow, Alhagie Badjie, Matar Ceesay and Sgt Jariatou Badjie** at the NIA.

The Commission received credible evidence from **Omar Jallow (Oya)** that **Sheikh Omar Jeng** handed over **Tumani Jallow** and **Abdoulie Gaye** to him and other Junglers including **Pa Sanneh, Saikouba Jarju, Sulayman Sambou, Michael Jatta, Nfansu Nyabally, and Malick Manga**. This group of Junglers took the duo into their vehicles and killed them by strangulation as they were driving towards Mandinaba.

Sheikh Omar Jeng is responsible for the torture of **Tumani Jallow** and **Abdoulie Gaye Badjie, Matar Ceesay and Sgt Jariatou Badjie**

DESTRUCTION OF MATERIAL EVIDENCE

Ousman Sowe, current Director General of the NIA deliberately presided over the destruction of material evidence when he secured the renovation of the NIA premises including rooms and facilities that were obvious to be of interest in an investigation into the NIA. In spite of clear legal advice from his legal officer (A M O Badjie) against this action, **Ousman Sowe** deliverately and with willful intent went ahead with the renovations. He is therefore responsible for concealment and or destruction of material evidence.

P. RECOMMENDATIONS

The Commission recommends that:

1. **Yankuba Badjie**, the former Director General of the NIA and **Sheikh Omar Jeng** be prosecuted for their complicity in the unlawful detention and torture of **Tumani Jallow** and **Abdoulie Gaye** at the NIA and for their roles in handing over **Tumani Jallow** and **Abdoulie Gaye** to the Junglers knowing reasonably well that they were highly likely to be tortured and killed.
2. **Yankuba Badjie, Sheik Omar Jeng and Tamba Masireh** be prosecuted for their role in the torture against **Solo Sandeng** and the April 14th 2016 UDP demonstrators at the NIA.
5. **Edrissa Jobe (Alagie Morr)** be prosecuted for the torture against **Lamin Karbou** and others at the NIA.
6. **Lamin Darboe**, the head of the Special Operations Unit, prosecuted for his role in all the tortures committed by Special Operations at the NIA.
7. **Basiru Sey, Alasan Baldeh and Gibril Kanyi** be reprimanded for all the tortures they committed as members of the Special Operations Unit.
8. **Lt.Col Amadou Bojang, Ebrima Ceesay, Babucarr Trawally, Alpha Bojang and Babucarr Singhateh** for the be reprimanded the torture and unlawfull detention of **Pa Alasan Jallow, Ebrima Keita** and **Musa Fofana**.
9. **Ousman Sowe**, the current Director General, be banned from holding public office with the government of The Gambia for a minimum period of 10 years destruction and concealment Of evidence at the NIA

10. The following present and former NIA officials who directly and indirectly participated in the torture of detainees and other gross human rights violations and abuses must be banned from holding any office with the government of The Gambia for a minimum of 10 years which the Commission believes commensurate with the severity of their actions:

1. *Lamin Bo Baaji*
2. *Tejan Bah*
3. *Foday Barry*
4. *Ebrima Jim Drammeh*
5. *Salimina Drammeh*
6. *Momodou Hydara*
7. *Ousman Jallow*
8. *Lamin Jobarteh (Babadinding)*
9. *Baba Saho*

That Harry Smbou and Samsideen Sarr be banned from holding public office for five years for their participation in the torture of **Omar Dampha** and **Ballo Kanteh** respectively.

INSTITUTIONAL REFORMS

10. The NIA must be completely overhauled and re-orientated to ensure that its principal function and duties are limited to its traditional intelligence gathering role and such related responsibilities.
11. The NIA must be completely stripped of its policing powers which allowed the institution to concern itself with ordinary matters that traditionally falls within the jurisdiction of the police in the exercise of its law-and-order duties.
12. The Special Investigations Unit of the NIA which over the years had been used to oppress and brutalise perceived opponents of **Yahya Jammeh** and those who befell the misfortune of coming into contact with the NIA, must be disbanded immediately.
13. The extensive legal powers given to the NIA to investigate and concern itself with the private issues and lives of citizens and businesses must be removed immediately. This is important to fulfill, observe and protect citizens constitutional right to privacy and confidentiality and to completely depart from the unlawful practice of the agency misusing its powers and authority by unnecessarily intimidating and harassing private citizens especially persons that are of interest to the state socio-politically.
14. The recruitment process of NIA personnel must be overhauled and more stringent essential requirements at the minimum must be introduced to ensure the institution hires individuals who possess minimum academic qualifications and professional experience to effectively and competently carry out the required functions of the institution.
15. All detention facilities at the NIA must be removed to ensure that the culture of arbitrarily detaining suspects completely ceases. This is important in shifting the mindset and direction of the NIA to an intelligence-based institution and not a policing and detention centre.

16. All NIA staff must undergo adequate and comprehensive training to inculcate the culture of discipline and values that promote respect for fundamental human rights and freedoms and upholding the rule of law in a democratic system. This is integral to any reconstruction efforts to end the culture of impunity that characterized the NIA as an instrument of torture and oppression during Jammeh's 22 years of dictatorship.

