



TRUTH,
RECONCILIATION
AND REPARATIONS
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THE GAMBIA

REPORT

VOLUME 3

**NOVEMBER 11TH, 1994
ATTEMPTED COUP**

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A. BACKGROUND

“It is heartbreaking with what happened on November 11. It was one of the darkest days in the history of The Gambia Armed Forces and The Gambia as a whole. That it was the morals went down very, very low as to what happened. As a result of the arrest and the summary execution of our officers and other ranks the morals were very down.”¹

Malang F.S. Camara Warrant Officer Class 1

1. November 11, 1994 marks one of the bloodiest days in annals of The Gambian military. On this day some of the best officers of The Gambia National Army (GNA) were summarily executed by the Junta who had taken over the country in a military coup d’état on July 22, 1994. The officers had planned a counter-coup against the Junta as they were aggrieved at the situation in the country and Army in particular. They felt that they had been betrayed by their colleagues whom they had helped to topple the Jawara Government and and that they had not made good on promises made to the men who had supported them.
2. On November 10, 1994 the eve of the incident, the Armed Forces Provisional Ruling Council (AFPRC) Junta members and their loyalist soldiers of The GNA attacked Yundum and Fajara Barracks with the intention of crushing disgruntled GNA officers and men who were attempting to stage a countercoup d’état. In the process, the AFPRC Junta members and their loyalist soldiers committed serious human rights violations and abuses, including extrajudicial killings, torture, arbitrary arrests, unlawful detention, and inhumane and degrading treatment in various locations at Fajara and Yundum Barracks, Mile II Central Prisons and at or around Brikama Forest.
3. During the attack, the Junta members and their loyalists apprehended, tortured and extra-judicially executed eleven (11) GNA officers and men. These include:
 - i. **Lieutenant Basiru Barrow**
 - ii. **Lieutenant Abdoulie Dot Faal**
 - iii. **Lieutenant Gibril Saye**
 - iv. **Lieutenant Abdoulie Bah (Achopin Chopin)**
 - v. **Lieutenant Bry Manneh (Nyancho)**
 - vi. **Lieutenant Buba Jammeh**
 - vii. **Lieutenant Momodou Lamin Darboe**
 - viii. **Cadet Amadou Mbackeh Sillah**
 - ix. **Sergeant Ebrima M. Ceesay**
 - x. **Sergeant Basiru Camara**
 - xi. **Sergeant Fafa Nyang**
4. Three other GNA soldiers (**Private (Pte.) Alhagie Kebbeh, Pte. Abdoulie A.J. Darboe and Pte. Mafugi Sonko**), were also arrested, unlawfully detained and tortured. They were physically kicked, beaten and hit with rifle butts. They were also mentally tortured by being fired at directly or indirectly as they stood handcuffed or tied with legatures.

¹ Testimony of Malang F.S. Camara, 18th March 2019, page 45, line 1004 to page 46, line 1013.

5. Subsequently, **Pte. Abdou Bah** and **Pte. Buba (Babai) Manneh** amongst others were also arrested and detained. The men who were arrested, but not executed were subsequently tried in Military Court Martials at Fajara Barracks and sentenced to terms of imprisonment.
6. The second three week session (February 11 to 28, 2019) of the public hearings of the the Truth, Reconciliation and Reparations Commssion (TRRC) focused mainly on the events of November 11, 1994 when a number of soldiers lost their lives. The Commission sought to get answers of how and why November 11 happened, who the main actors were, and ultimately, the whereabouts of those who disappeared. A total of twenty (20) persons testified on this significant event including current and former officers of the Gambian security forces, former government ministers including the former Vice Chairman and the Defence Minister of the defunct AFPRC Junta (both of whom played key roles on the event of this fateful day), victims, widows and family members of the slain soldiers. The Commission also relied on written statements and open source materials to make its conclusions.

B. SUMMARY AND ANALYSIS OF THE EVIDENCE

7. From the evidence presented and other relevant materials considered, the Commission is of the view that the following issues fall for determination:
 1. **Reasons for the Countercoup of November 11, 1994.**
 2. **Was November 11, 1994, a Coup Attempt or a mere Plan to overthrow the AFPRC Junta?**
 - (i) Evidence of planning the Coup?
 - (ii) Evidence of preparation and implementation of plan to overthrow the AFPRC.
 3. **AFPRC Junta’s response to the planned coup.**
 - (i) Common Plan by the Junta to crush the enemy
 - (ii) Ambush and attack on Yundum Barracks
 - (iii) Extra judicial killing of Basiru Camara and Ebrima M. Ceesay
 - (iv) Summary executions of detainees at Fajara Barracks and Brikama Forest
 - (v) Cover up and concealment of evidence.
 4. **Human Rights Violations and Abuses**
 - (i) Inhumane and degrading treatment
 - (ii) Torture
 - (iii) Unlawful killings
 5. **Other human rights violations and abuses in days following November 11, 1994**
 6. **Detentions at Mile II Prison**
 7. **Impact of human rights violations and abuses**
 8. **Legal issues surrounding the extrajudicial killings**
 9. **Conflicts in the testimonies**
 10. **Findings**
 11. **Recommendations**

C. REASONS FOR THE PLANNED COUNTERCOUP D’ETAT OF NOVEMBER 11, 1994

8. The evidence shows that disgruntled officers and men of the GNA planned and prepared to stage a countercoup d’état against the AFPRC Junta due to unfulfilled promises allegedly made by the AFPRC Junta members to the soldiers of the GNA. These promises included improving the welfare conditions of junior GNA soldiers by providing them housing and compensation for their participation in the July 22, 1994, coup d’état against the regime of **Sir Dawda Kairaba Jawara**. The aggrieved soldiers were also said to be concerned about the actions and policy directions of the AFPRC military regime.
9. **Dr. Binneh Minteh** was the second in command at Fajara Barracks in November 1994. He testified via video link from the USA, where he now lives on February 20, 2019. He told the Commission that the November 11, 1994, planned coup was an attempt to dislodge the AFPRC and restore constitutionality.² He informed the Commission that shortly after the July 22, 1994, coup, The Gambia’s “*security and political landscape was very polarized, there was a lot of discontentment, dissatisfaction and there was a lot of human rights abuses taking place across the country* ”³ He continued that “*the military Junta betrayed the guidelines, the principles that led to the July 22, 1994 coup in the first place, by deciding not to go back to the Barracks, by deciding to head a Transitional Government that was contradictory to the principles outlined in the manifesto that defines (sic) the coup of July 22, 1994. before the coup, we were a society valued with norms and to see public officials, former government Ministers humiliated, degraded and this include even senior officers, was something that we cannot just let happen in this country* ”⁴

Dr. Minteh further informed the Commission that **Dot Faal** (one of the main architects of the countercoup) made it clear to him that the countercoup was geared towards restoring confidence in public institutions in terms of the fight against corruption and promoting transparency.⁵
10. **Abdou Bah** was a lance corporal in the army in Novemeber 1994. He testified that Sergeant Major WO2 **Almamy Bojang** told him that the reason behind the planning of a countercoup d’état was because of the AFPRC Junta’s unfulfilled promise to increase salaries, improve the accommodation and welfare of soldiers, as well as the torture meted out by members of the Junta on the Ministers of the former Jawara regime.⁶
11. **Sait Darboe** a private soldier with Echo Company was living in the Yundum Barracks in 1994. He testified that some conditions within the camp were slightly improved after the July 1994 coup d’état. Their accommodation was renovated and new mattresses were bought. However, the conditions remained the same.⁷ The failed promises of the Junta “*to give them a better life*” made the soldiers angry and was one of the contributory factors that led to the November 11, 1994, incident.⁸

2 Testimony of Binneh Minteh, 20th February 2019, page 3, lines 34-35
 3 Testimony of Binneh Minteh, 20th February 2019, page 3, lines 38-40
 4 Testimony of Binneh Minteh, 20th February 2019, page 5, lines 81-84
 5 Testimony of Binneh Minteh, 20th February 2019, page 3, lines 34-35
 6 Testimony of Abdou Karim Bah, 25th February 2019, page 28, line 618 to page 29, line 632.
 7 Testimony of Sait Darboe, 21st February 2019, page 24, lines 523 to 529.
 8 Testimony of Sait Darboe, 21st February 2019, page 24, lines 530 to 533.

12. **Abdoulie J. Darboe (Abdoulie)** was a clerk in the GNA. He typed the agenda of the meeting between Council Members and Senior Non-Commissioned Officers (NCOs) at Fajara Barracks on November 10, 1994, and participated in the preparations for the counter coup of November 11, 1994, explained that: *“In those days with the soldiers’ welfare was totally bad. I can say this because we did not have correct accommodation, our salaries were very small, and transportation was always a problem for us. These are the issues that every soldier was talking about because we used to say in Mandinka, “Nying mol fanang kabrin kuwol falinta fanang hanysai kuwol falinta kumam falinno Soldier Kunda” meaning Oh these people, the Government has been changed, but nothing has been changed in the Army.”*⁹
13. In short, from the testimonies of the witnesses at the public hearings and the witness statements submitted to the Commission it can be adduced that the events of the November 11, 1994, were motivated by several reasons. These include (a) the human rights violations and abuses that were being committed by members of the Junta against members of the previous regime including the torture and humiliation of the ministers and senior officials of the ousted **Jawara** regime (b) poor welfare conditions of the soldiers at the military barracks (c) unfulfilled promises by members of the Junta to improve the conditions of the soldiers in the GNA and (d) the need to restore democracy by soldiers returning to barracks.

D. WAS NOVEMBER 11 1994 A COUP ATTEMPT OR MERE PLAN?

(I) EVIDENCE OF PLANNING

14. The evidence received at the Commission shows that this was indeed a coup d’état in the making and was not just a plan. The officers were determined to effect the coup d’état and no amount of talking from the Council members or their senior officers could dissuade them. This leads to the legitimate questions as to whether in fact there was an ongoing counter coup when the Junta members attacked Yundum and Fajara Barracks or that the AFPRC learned of a plan for a counter coup and moved in to nip it in the bud. This question is important as it implicates significant legal issues (ie) whether the alleged counter coupists in these Barracks could have been lawfully attacked and treated in the manner they were by the AFPRC Junta?
15. **Dr. Binneh Minteh** told the Commission that two months after the July 22, 1994, coup he was approached by Lieutenant (**Lt. Abdoulie Dot Faal**), who informed him that there was a planned coup to remove the Junta.¹⁰ According to **Binneh Minteh**, **Dot Faal** told him that the coupists were discussing with important members of society about the planned removal of the Junta. Although **Dot Faal** did not give him any specific names, he made it very clear to him that the plan was to set-up a transitional government that would comprise prominent Gambians and would be led by a civilian.¹¹ He stated that during his discussions with **Faal**, the latter made it clear to him that the planned coup was led by **Lt. Basiru Barrow**.¹² He also said that **Dot Faal** told him that 70-75% of the Army was behind the coup and this included men in Fajara and Yundum Barracks and that they even had operatives at the State House.¹³

16. In terms of the coup planning, **Dr. Minteh** testified that he had discussions with **Lt. Barrow** in Fajara and Yundum Barracks. In one of his subsequent discussions with **Dot Faal**, he knew that **Lt. Lamin Jarju** was also part of the plans. Later he was able to know all the officers and Non-Commissioned Officers (NCOs) involved in the planned counter coup.¹⁴ These included: **Lt. Basiru Barrow as the leader, Lt. Abdoulie Dot Faal, Lt. Lamin Jarju, Lt. Buba Jammeh, Lt. Momodou Lamin Darboe, Lt. Momodou Manneh, Lt. L.F Jammeh, 2nd Lt. Abdoulie Bah and Officer Cadet Sillah**.¹⁵ There were also some senior Non Commissioned Officers (NCOs), including warrant officers.¹⁶
17. **Dr. Minteh** further testified that plans for the coup operations occurred at Yundum and Fajara Barracks, to mobilize two or three platoons from Yundum Barracks to attack the State House in collaboration with operatives there.¹⁷ They also had platoons from Fajara Barracks as reinforcement to bolster the assault on the State House.¹⁸ Also, there were smaller separate teams consisting of five to six soldiers each. Each group was to arrest a Council member from their residence.¹⁹
18. **Dr. Minteh’s** narrative is corroborated by **Abdou Bah**²⁰ and **Sait Darboe**.²¹ In his testimony to the Commission on February 21, 2019, **Sait Darboe** told the Commission that, sometime after October 1994, **Sergeant (Sgt.) Fafa Nyang** told him that they were planning to get rid of the Junta and would brief the men about it once they were ready.²² Although **Sait Darboe** claims that he never attended any meetings held by the leaders of the counter coup, he noted that they (the planners) would brief the people they trusted after the meetings about their plans and how they were going to accomplish them.²³ **Sait Darboe** further testified that **Dot Faal** (who was his brother) used to brief him about the November 11 plans. He said they were very prepared because they trusted the officers involved, such as **Lt. Barrow, Lt. Dot Faal, Staff Sergeant (Sgt) Alhagie Cham Joof (Sir Jackal), and Lt. Gibril Saye**.²⁴ He was informed that **Lt. Basiru Barrow** would lead the attack on State House.²⁵ Even though **Sait Darboe** mentions **Gibril Saye** and strongly believes that he was part of the planned counter coup because he used to see him having discussions with **Dot Faal**, and **Lt. Joof Sir Jackal, Sergeant Ebou Ceesay, Nyang Kabareh** and others.²⁶ **Binneh Minteh** denies **Lt. Gibril Saye’s** involvement and testified that his name did not even come up at any time during his discussions with **Lt. Basiru Barrow** and **Dot Faal**.
19. **Sait Darboe** testified that the plan to overthrow the Junta did not remain a secret. On November 8, 1994, **Sanna Sabally, Edward Singhatey, Sadibou Hydara, and Baboucarr Jatta** (the Army Commander) came to Yundum Barracks and assembled the men under the flag pole.²⁷ Then **Sanna Sabally** addressed them by saying that, *“Yes, we know what is going*

9 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 11, lines 209 to 218.

10 Testimony of Binneh Minteh, 20th February 2019, page 4, lines 50-51

11 Testimony of Binneh Minteh, 20th February 2019, page 8, lines 135-139, page 9 lines 147-161

12 Testimony of Binneh Minteh, 20th February 2019, page 10, lines 174-175

13 Testimony of Binneh Minteh, 20th February 2019, page 11, lines 194-196

14 Testimony of Binneh Minteh, 20th February 2019, page 11, lines 182-187

15 Testimony of Binneh Minteh, 20th February 2019, page 12, lines 203-209

16 Testimony of Binneh Minteh, 20th February 2019, page 12, lines 209-210

17 Testimony of Binneh Minteh, 20th February 2019, page 12, lines 212-215

18 Testimony of Binneh Minteh, 20th February 2019, page 12, lines 215-216

19 Testimony of Binneh Minteh, 20th February 2019, page 12, lines 216-218

20 Testimony of Abdou Karim Bah, 25th February 2019, page 25, lines 557 to 562.

21 Testimony of Sait Darboe, 21st February 2019, page 25, lines 534 to 539.

22 Testimony of Sait Darboe, 21st February 2019, page 25, lines 534 to 539.

23 Testimony of Sait Darboe, 21st February 2019, page 26, lines 555 to 561.

24 Testimony of Sait Darboe, 21st February 2019, page 25, line 540 to page 26, line 554.

25 Testimony of Sait Darboe, 21st February 2019, page 26, lines 562 to 566.

26 Testimony of Sait Darboe, 21st February 2019, page 32, line 707 to page 33, line 717.

27 Testimony of Sait Darboe, 21st February 2019, page 28, lines 599 to 604.

on, we hear that there are some members here who want to overthrow our Government, but if it is true is better they forget it, and we should come together as one.” He continued that “from there, **Edward Singhatey** removed his pistol and fired three [or four] shot[s] in the air ‘pow, pow, pow, pow’. [...] I remembered by the time he fired shots in the air, some of the soldiers were speaking in our local languages saying that “hey jangfaa bii yahunaa, jangfaa tinyaanta leyy, toubaabo feyleh ayeh kidoo maala, jangfaa nyen tinyaanta leyy”²⁸ (literal translation: *everything is spoiled, got spoiled, nothing will work again because this Whiteman has already fired his gun which mean that nothing will go through..* Afterwards they left.”²⁹ Before the Council members and Army Commander left, they removed **Lt. Barrow** from his command at Yundum Barracks replacing him with **Captain Marong** and transferred **Barrow** to Fajara Barracks.³⁰ However, the plan to stage the countercoup was not abandoned despite the superstitious belief that it would fail due to Singhatey’s warning actions³¹

20. **Demba Njie** a former close protection officer and protocol to **Yahya Jammeh** told the Commission that on the morning of November 10, 1994, all the AFPRC Junta members except Chairman **Yahya Jammeh**, other members of the Junta led by Vice Chairman **Captain (Cpt.) Sanna Sabally** together with other senior members of the army and their orderlies went to Yundum and Fajara Barracks to hold talks with officers and men of these two Barracks soldiers about information that they had received about plans to stage a counter coup. Their intention was to disuade them from taking any action to overthrow the newly established AFPRC government.³²
21. **Malang Camara**, then a private soldier a radio operator on duty at the Communications Unit at Army Headquarters confirmed that these meetings did indeed take place on November 10, 1994. He told the Commission that while on duty in the morning around ten (10) to eleven (11) a.m. they received information from their sister Unit in Yundum that all the Council Members except the **Chairman Yahya Jammeh** were in Yundum Barracks to meet with the officers and men. These were **Cpt. Sanna Sabally**³³, Vice Chairman of Council, **Cpt. Edward Singhatey**, Minister of Defence, **Cpt. Saidibou Hydara**, Minister of Interior, **Cpt. Yankuba Touray**, Minister of Local Government and Lands soldiers.³⁴ As he worked at the Hqrs. he was able to confirm that all of the senior officers had also left to attend the meeting. These included: the Army Commander, **Baboucarr Jatta**, the deputy Commander, **Cpt. Momodou Badjie** (currently the National Security Adviser to the President, Adama Barrow), and **Cpt. Dennis Coker**, who worked as the Administrator and Quarter Master and other senior staff. Only a skeletal number of junior staff members were left at Hqrs.
22. Their colleague at the Yundum Barracks Communications Unit, **Private (Pte.) Ebrima Beyai**, briefed them about the activities at Yundum and the planned meeting which he told them was: *the meeting was about a rumour that some of the officers and soldiers were*

28 Testimony of Sait Darboe, 21st February 2019, page 28, lines 599 to 604: This statement is based on the cultural belief that plans do not materialise when a gun shot is fired in the air. In this case the coup plot will fail due to the gun shots in the air by Edward Singhatey who is very fair in complexion and is therefore described as the white man.

29 Testimony of Sait Darboe, 21st February 2019, page 27, lines 577 to 594.

30 Testimony of Sait Darboe, 21st February 2019, page 27, lines 595 to 598; page 28, line 620 to page 29, line 640 to page 30, line 647.

31 Testimony of Sait Darboe, 21st February 2019, page 30, lines 652 to 659.

32 Testimony of Demba Njie, 27th February 2019, page 26, line 566 to page 27, line 576.

33 At this point the Lieutenants were promoted to the rank of Cpt.ain

34 Testimony of Malang F.S. Camara, 18th March 2019, page 10, lines 192 to 203.

planning to boycott the Remembrance Day Parade that was to be held two (2) days or a day after the November 11 because normally Remembrance Day Parades are held every second Sunday of November each year. So that was to be held on that weekend, but it was rumoured that they were going to boycott the events.”³⁵ The Council wanted to know the reasons for the planned boycott. They were informed about the dissatisfaction of the officers and men. The incentives that the Junta members had promised had not materilaised. To incentivise the men to support the July 22, 1994 coup d’etat the Junta had promised that if they succeeded in their coup attempt they would improve conditions of service and welfare of the men. None of this had happened and the soldiers were going to show their grievance by boycotting the parade.

23. The meeting at Yundum Barracks lasted all day and when it ended in the evening their counterpart Beyai informed them that the Council members had left for Fajara Barracks to hold a similar meeting.³⁶ According to **Malang Camara** his colleague **Pte. Abdoulie Dibba**, radio operator on duty at Fajara Barracks, told them about the meeting at Fajara Barracks. This meeting did not hold however as **Sanna Sabally** informed the Commission that the planned Fajara Barracks meeting had to be cancelled as the meeting in Yundum Barracks took much longer than anticipated as they had to hold two separate meetings – one with the men and the other with the Officers and NCOs. When they left Yundum Barracks at around nineteen (19:00) hours on Thursday evening he had asked the men in Fajara Barracks to stand down until the following day Friday November 11, 1994.
24. **Abdoulie Darboe** testified that around three (3) to four (4) p.m., **Lt. L. F. Jammeh** gave him an assignment to type up the agenda of a meeting between the Junta Members and Senior NCOs on matters pertaining to the welfare of soldiers such as promotions, accommodation, transportation and other logistics that the soldiers lacked.³⁷ When he returned the paper to **Lt. L.F. Jammeh** who was standing about five (5) metres away from the meeting area at the other end of the Fajara Barracks Parade Grounds he could see **Sanna Sabally, Edward Singhatey, Sadibou Hydara and Yankuba Touray, Lt. L.F. Jammeh Second Lt. Joof (Sir Jackal)** as being present at the meeting with the NCOs.³⁸ He recalled that the NCOs present included, **Sgt. Sori Jadama**, and **W.O. Class 2 (W.O.2) Abou Trawally**.³⁹ The meeting between the Council members and senior NCOs lasted until around seven (7) p.m.⁴⁰
25. The witness testimonies presented to the Commission including that of **Dr. Minteh, Abdou Bah, Malang Camara, Abdoulie Darboe, Sait Darboe and Demba Njie** illuminate that from October 1994, to November 1994, there were coherent plans in place for a counter-coup against the Junta. Rumours about planned “*disturbances*” led to Junta members holding a meeting with the men and senior members of The GNA at Yundum Barracks to dissuade the men from operationalising their plans. According to **Sanna Sabally** at this stage they had assessed the plans to be “*disturbances*” or a “*mutiny*” and the purpose of the meeting was to assess the root causes of any dissatisfaction and to warn the men that no insurgency of any sorts would be tolerated that threatened their new government. While the **Jawara government** was a civilian government, theirs was a military government that was capable

35 Testimony of Malang F.S. Camara, 18th March 2019, page 12, lines 229 to 236.

36 Testimony of Malang F.S. Camara, 18th March 2019, page 13, lines 259 to 273.

37 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 6, lines 100 to 112; page 10, lines 202 to 206.

38 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 6, line 110 to page 7, line 121.

39 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 7, line 127 to page 8, line

40 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 10, lines 197 to 206.

of dealing with any such action. They left Yundum Barracks on that note with the intention to have a similar meeting at Fajara Barracks the next day. That meeting never held. What cannot be established is whether the Junta members went to Yundum Barracks in good faith to dissuade the men from engaging in any disturbances or whether they went to smoke out the leaders.

26. **Basiru Barrow** was noticeably absent from the meeting and was “nowhere to be found” according to **Sanna Sabally**.

(II) EVIDENCE OF PREPARATION AND IMPLEMENTATION OF PLAN TO OVERTHROW THE AFPRC

27. The evidence shows that officers and men of the GNA had taken actual preparatory steps to overthrow the AFPRC military regime on the evening of 10 November 1994.

28. **Binneh Minteh** testified that the coup was planned to be launched on the early morning hours of November 11, 1994.⁴¹ Two to three platoons, led by **Lt. Basiru Barrow**, were supposed to come from Yundum Barracks that night to attack the State House and another two platoons from Fajara Barracks as reinforcement at the State House.⁴² He told the Commission that at the State House, there were operatives who were also part of the coup with the responsibility to open the gates whilst soldiers who were tasked to arrest and tie **Chairman Jammeh**.⁴³ According to **Dr. Minteh**, he and his co-coupists in Fajara Barracks were supposed to be notified by **Lt. Barrow** as soon as he and his troops had started moving from Yundum Barracks to Banjul.⁴⁴ The plan was that once Barrow and his troops began moving from Yundum Barracks to Banjul smaller units were to be dispatched to go and arrest the AFPRC Council members - **Sanna Sabally, Edward Singhatey, Sadibou Hydara and Yankuba Touray** from their respective homes.⁴⁵

29. He further informed the Commission that, on November 10, 1994 he had lunch with his co-coup plotters **Lt. Dot Faal, Lt. Lamin Jarju, Lt. Bakary Manneh and Lt. Momodou Lamin Darboe** in his quarters in Fajara Barracks at around two thirty (14.30) p.m. During the lunch meeting, the coupists, for the most part, confirmed their respective operational roles and reaffirmed their commitment to end military dictatorship to restore the “lost glory that our country enjoyed before the (sic) July 22, 1994.”⁴⁶ They left around sixteen thirty (16:30) p.m for Yundum Barracks to go and start preparing for the coup. He and **Dot Faal** remained in Fajara to carry out the mobilisation of his troops.⁴⁷ He and **Dot Faal** were in charge of preparations in Fajara Barracks, being that **Dot Faal** was the Adjutant at Fajara at the time and he was the Battalion’s second in command.⁴⁸ He told the Commission that he and **Dot Faal** mobilised the men by falling them in and arming them. They opened the armouries and supplied the men the required weapons and ammunitions for the operation.

41 Testimony of Binneh Minteh, 20th February 2019, page 12, lines 220-221
 42 Testimony of Binneh Minteh, 20th February 2019, page 13, lines 225-229
 43 Testimony of Binneh Minteh, 20th February 2019, page 13, lines 229-231
 44 Testimony of Binneh Minteh, 20th February 2019, page 13, lines 237-238
 45 Testimony of Binneh Minteh, 20th February 2019, pages 13-14, lines 238-242
 46 Testimony of Binneh Minteh, 20th February 2019, page 15, lines 270-272
 47 Testimony of Binneh Minteh, 20th February 2019, page 15, lines 260-267
 48 Testimony of Binneh Minteh, 20th February 2019, page 15, lines 278-282

30. Operational orders were given and the men: were deployed: “some men at different parts of the Barracks for strategic reasons, Some men were deployed at the Training School area, some men at the back gate area going towards Katchikally and ... also had men deployed towards the Newtown area just to prepare in case anything happens”⁴⁹ After doing this they waited for a signal from **Lt. Barrow**.⁵⁰ When they did not receive any communication from **Barrow**, they decided that **Dot Faal** should go to Yundum Barracks to see what was happening there.⁵¹ While waiting he received an anonymous call from Yundum Barracks that he should not go to the Barracks as officers were being arrested and being tortured and it was unclear if some were alive or dead.⁵²

31. **Abdou Bah** testified that around twenty (20:00) to twenty thirty (20:30) p.m. on November 10, 1994, the men assembled at the Fajara Barracks headquarters and were briefed by **Lt. Binneh Minteh**⁵³ that the coup was going to take place that night and they should put together the necessary equipment to launch an attack at the given time.⁵⁴ **Abdou Bah** further testified that he, **Corporal Mustapha Faal** and **Madikay Faal (GNA)** went to the armoury to put the weapons and ammunitions together and load them into four vehicles (three Land Rovers and a Nissan or Toyota pick-up truck) that were to be deployed to various locations to capture and arrest the Council Members - **Sanna Sabally, Edward Singhatey, Sadibou Hydara, and Yankuba Touray**.⁵⁵ **Abdou Bah** testified that **Almamy Bojang** was supposed to go to **Sanna Sabally’s** residence, but he did not know who was tasked with arresting the other council members.⁵⁶ **Abdou Bah’s** narrative about the events was corroborated by **Abdoulie Darboe** who told the Commission that there was a lot of activity at the Fajara Barracks armoury He met a soldier called **Faal**, a Lance Corporal from the first Turkish Gendarmerie intake in 1991/1992 and another soldier inside the armoury.⁵⁷

32. **Bubacarr Bah** provides corroboration on the distribution of arms from the armoury on the evening of November 10, 1994. He testified that he went to Fajara Barracks around half past eleven (11) towards twelve (12) midnight and: “when I arrived at the Fajara Barracks, I found that the armory was opened that night and then I found a few people not knowing [sic] already there. I think so many people had taken their weapons. I knew after that I will explain subsequently. I saw some guys collecting some weapons from the armory. The Armourer was in my Class. He is my batch mate. We called him Class, **Mustapha Faal** he was also a Sergeant he also trained in Turkey as a Weapon Specialist like me. So, I went in there. I checked for the best weapon and took the weapon, some ammunition, many grenades, including hand grenades, and I came out. When I came out, he was busy issuing weapons; then later I ask him I said, ‘Ah! Boy, what is going on?’ he also gave me the same information that “they alleged that there are enemies coming to attack the Camp.” So then after taking my weapon, I also remained there, I remained together with **Faal**, I remained with **Faal** that was around after midnight. Sso we were there nothing, we were there nothing up to sharp two (2) am in the night.”⁵⁸

49 Testimony of Binneh Minteh, 20th February 2019, page 18, lines 326-330
 50 Testimony of Binneh Minteh, 20th February 2019, page 16, lines 297-300
 51 Testimony of Binneh Minteh, 20th February 2019, page 16, lines 301-303
 52 Testimony of Binneh Minteh, 20th February 2019, page 22, lines 403-408
 53 Testimony of Abdou Karim Bah, 25th February 2019, page 28, lines 605 to 609.
 54 Testimony of Abdou Karim Bah, 25th February 2019, page 28, lines 610 to 616.
 55 Testimony of Abdou Karim Bah, 25th February 2019, page 28, line 618 to page 29, line 632.
 56 Testimony of Abdou Karim Bah, 25th February 2019, page 29, lines 629 to 653.
 57 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 14, line 291 to page 15, line 319.
 58 Testimony of Bubacarr Bah, 12th February 2019, page 18, lines 370 to 383.

33. **Sait Darboe** further testified that their plan to stage a countercoup was “... known to **Yahya Jammeh** and the Junta because I remember November 10 that evening one of **Yahya Jammeh’s** brother called ‘**Buba Jammeh**’ **Kanilai**, called **Sanna Sabally** and told **Sanna** that ‘I do not understand the movement in the Barracks. Soldiers are armed with RPGs and AK47 moving up and down. I do not know what is going on.’” This information was passed to **Sanna Sabally** by **Buba Jammeh (Kanilai junior)**.⁵⁹ **Sait Darboe** informed **Fafa Nyang** that **Buba Jammeh** had ‘snitched’ and suggested that they arrest **Buba Jammeh**, but no action was taken.⁶⁰ This statement is corroborated by **Sanna Sabally** who told the Commission about the call he received from **Buba Jammeh (Kanilai junior)** and **Lance Corporal Jallow (Ironbender or Chinese)** telling him that after they left the coup plot was about to be launched as they already started distributing arms at Fajara Barracks. The two of them had left the camp. **Sanna Sabally** told the Commission that he alerted the Chairman and immediately called all his colleagues to reconvene for an emergency meeting at State house.
34. The above evidence provides clear evidence that the plan to overthrow the AFPRC Junta on the night of 10 November, 1994, had moved from a mere plan into actual operational execution. The act of (1) mobilising the men (2) opening the armoury (3) providing the men with arms and ammunition (4) loading four vehicles with weapons and ammunition and (5) deploying the coup leaders including **Dot Faal**, **Lt. L.F. Jammeh** and even **Basiru Barrow** to Yundum Barracks who would be later ambushed by AFPRC loyalists clearly demonstrate more than concrete steps being employed in commencing a military operation. For these and other reasons, the Commission finds that the countercoup to dislodge the AFPRC government of **Yahya Jammeh** by officers and men of the GNA on the night of 10 November, 1994, had begun before the members of the Junta and their orderlies responded violently to quell the countercoup.

E. JUNTA’S RESPONSE-TO THE PLANNED COUP

I. COMMON PLAN BY THE JUNTA

35. Immediately after hearing the information from **Buba Jammeh (Kanilai junior)** and **Lance Corporal Jallow (Ironbender or Chinese)** that they wanted to arrest them and had already started distributing arms **Sanna Sabally** called **Chairman Jammeh** and informed him that the situation had changed. “It was no longer a disturbance or a mutiny but an impending coup d’etat”. He called all the Junta members and convened a meeting at State house in Banjul during which they decided to launch an attack at Yundum and Fajara Barracks in order to quell the countercoup. At the meeting they agreed on a: “Common plan to go and meet the enemy and crush them”. Any soldier who died as a result would die based on this decision.⁶¹
36. Both **Edward Singhatey** and **Sanna Sabally** confirmed that at their meeting at State house, the members of the Council agreed that they were going to “crush the countercoup and kill

59 Testimony of Sait Darboe, 21st February 2019, page 26, lines 567 to 574; page 31, lines 669 to 678: “something is happening here in the Barracks Soldiers are moving carrying heavy weapons, so it seems like they want to carry on, go ahead with the coup d’etat”.

60 Testimony of Sait Darboe, 21st February 2019, page 31, lines 678 to 689; page 32, lines 695 to 697.

61 Testimony of Sanna B Sabally 24th April 2019, page 136, line 3107 -3141

the ringleaders.” This agreement between the Council Members amounted to a Common plan to kill the ringleaders of the countercoup. **Edward Singhatey** in his testimony stated that in addition to the Common plan already agreed upon as they were leaving State house to go and attack Yundum Barracks, **Yahya Jammeh** as Commander-in-Chief of the Armed Forces ordered: “them to take no prisoners”. This was understood by them as an order to kill the coupists.⁶²

37. Pursuant to the plan, the Junta mobilised soldiers in the State House and headed to Yundum Barracks. The mindset of the Junta and their loyalists as they headed to Yundum Barracks was summed up by what Sanna B. Sabally said, describing the purposes of their preemptive strike as “the best form of defence is attack.”⁶³ **Sanna Sabally** told the men: “We are going to fight. We are going to attack.” **Chairman Jammeh** was left at State House “to hold the rear with his men”.

The Junta members developed the mindset that: “they were going to war and to crush the enemy”. For them it was a case of *kill or be killed*. As soon as the AFPRC members were informed of an imminent coup launch, they went on the offensive. The Junta and their loyalist soldiers initiated the attacks, both in Yundum Barracks and subsequently Fajara Barracks. It is significant to take into account the fact that even before the Junta and their guards and other soldiers left the State House for Yundum and Fajara, they had already reached a common consensus to kill the enemy. This Common Plan was characterized by a common intention on the part of all the AFPRC members to commit the serious human rights violations and abuses that occurred on November 10/11, 1994. Instead of the coupists attacking the Junta, in their residences and ultimately the State House, it was the Junta, who upon being aware of the imminence of the coup that launched a vicious attack against the coupists.

38. **Yahya Jammeh**, the Chairman of the AFPRC and Commander in Chief of the Armed Forces went into action. He personally called **Malang Camara** at the Communications Centre at the Army Headquarters and spoke to him:⁶⁴ According to **Malang Camara**, **Chairman Jammeh** called him at twenty thirty (20.30) hours of the November 10, 1994 to find out if they had been briefed. He asked: “Are you people briefed?” When **Camara** asked him: “by who?” **Jammeh** replied: “By your Guard Commander.” When **Camara** replied in the negative he told him he would call back. He called back after about half an hour and instructed him to go and inform the Guard Commander that: *if Lt. Dot Faal, Lt. L.F. Jammeh, Sergeant (Sgt) Alieu Joof (Sir. Jackal), Lt. Alieu Bah, Sgt. Bah (Achopin Chopin), Lt. Bakary Manneh (Nyancho), Lt. Binneh Minteh, Lt. Gibril Saye, Lt. Basirou Barrow and Sgt. EM Ceesay, if any of these men should come to the H.Qrs and try to force their way in, they should open fire on them, they should shoot them.* He found this to be very unusual because **Jammeh** should not have spoken to him directly, the message should have been communicated to the Commander and it would have filtered down to them. In addition the words: “open fire” was something very serious for them to do. The instruction was very unusual but as instructed he went out to inform the Guard Commander. He was very surprised to get such an order.

62 Testimony of Sanna B. Sabally, 25th April 2019, Pages 138-139, Lines 3144-3155

63 Testimony of Sanna B. Sabally, 25th April 2019, Page 138, Lines 3146-3147

64 Testimony of Malang F.S. Camara, 18th March 2019, page 15, line 304 to page 16, line 322.

39. **Malang Camara** after relaying the message went back to his station duty. Back at his post he tried to contact **Binneh Minteh** as they were from the same village. All attempts to reach him failed.⁶⁵ The evidence of **Malang Camara** is useful in two respects. First, **Yahya Jammeh**, the head of State and Chairman of the AFPRC, personally called the Army Headquarters Communications Centre and gave instructions to **Camara** to convey to the guard commander on the night of November 10, 1994 to order his men to “open fire” on the officers and NCOs, men, soldiers named above. Second, it presupposes that the Junta was preoccupied with killing the suspected coup planners.
40. **Demba Njie** testified that around six (6) a.m., at the upstairs sitting room in State House, he heard a conversation between **Yahya Jammeh** and – he presumed - the other Junta members. Although **Demba Njie** could not hear what was being said on the other end of the telephone line, Yahya Jammeh listened for a while and after some time, the exact words he said were: “*kill them all the Ringleaders.*”⁶⁶ **Demba Njie** stated that those were words that he would never forget as it was the first time that he ever heard instructions to kill.⁶⁷ He believed that the Junta had captured some soldiers and they were going to kill them.⁶⁸ When **Yahya Jammeh** ordered the killing of all the ringleaders, **Demba Njie** was seated less than a metre away from him and could hear him **clearly** when he gave the order to kill in English.⁶⁹

II) AMBUSH AND ATTACK ON YUNDUM BARRACKS

41. After the meeting, the AFPRC Council members, **Sanna Sabally, Edward Singhatey, Sadibou Hydara and Yankuba Touray and Peter Singhatey** their guards and numerous State Guards left for Yundum Barracks. When they arrived near Yundum Barracks, they deployed scouts to go into the camp in order to get information about the state of deployment of the soldiers at the camp. **JCB Mendy** and **Lamin Senghore (Assasin)** both suggest that they were the two deployed for that purpose.
42. Describing the takeover of the Barracks **Sanna Sabally** told the Commission that they went into battle on a “*diamond*” formation⁷⁰ **Edward Singhatey’s** group went forward while **Sadibou Hydara and Yankuba Touray’s** team on the flanks left and right, while he held the rear guard.⁷¹ **Edward Singhatey’s** group first infiltrated the camp before the rest of the Junta forces advanced into the Barracks.⁷² This narrative is corroborated by **Edward Singhatey** who told the Commission that once the Junta and their forces arrived within close proximity to Yundum Barracks, the troops were arranged in a formation to attack the camp.⁷³ Then, he and two soldiers, including **Lamin Senghore (Assasin)**, infiltrated the camp and made their way towards the Guardroom.⁷⁴ During that reconnaissance mission, he noticed unusual movements in the camp, and there were more armed soldiers than guards, and he knew **something** was amiss. As they advanced around the Guardroom, hiding, a soldier who left

65 Testimony of Malang F.S. Camara, 18th March 2019, page 20, line 422 to page 21, line 439.

66 Testimony of Demba Njie, 27th February 2019, page 29, lines 623 to 633; page 30, lines 644 to 649.

67 Testimony of Demba Njie, 27th February 2019, page 29, lines 629 to 633.

68 Testimony of Demba Njie, 27th February 2019, page 29, lines 634 to 636.

69 Testimony of Demba Njie, 27th February 2019, page 29, line 637 to page 30, line 645.

70 Testimony of Sanna B. Sabally, 25th April 2019, page 145, lines 3297

71 Testimony of Sanna B. Sabally, 25th April 2019, page 145, lines 3299-3301

72 Testimony of Sanna B. Sabally, 25th April 2019, page 16, lines 3309-3311

73 Testimony of Edward David Singhatey, 17th October 2019, page 16, line 344

74 Testimony of Edward David Singhatey, 17th October 2019, page 17, lines 348-350

the Guardroom was subdued by **Edward Singhatey**.⁷⁵ He said that before he could contact **Sanna Sabally** by radio to join his team he heard gunshots towards the back gate, and a few minutes later, “*the camp was taken over, and it was under our control.*”⁷⁶

43. **JCB Mendy**, one of **Sanna Sabally’s** close protection bodyguards explained that he was not around when the Camp was being taken over.⁷⁷ He was dropped out of the formation to follow a soldier who was on the move; hence he was unable to reach the Barracks at the same time as the others.⁷⁸ By the time, he arrived thirty (30) minutes later, Yundum Barracks was seized and under the control of the Council members.⁷⁹
44. **Sanna** told the Commission that the two adjutants **Binneh Minteh** and **Dot Faal** were not aware of the guard changes. The coming Sunday November 13, 2000 was Remembrance Day celebrations and **Binneh Minteh** and **Dot Faal** as adjutants of the Fajara and Yundum camps respectively had the Guard command under their control. They could post the guards wherever they wanted. That is why they wanted to arrest **Kanilai junior** and **Lance Corporal Jammeh**. When the two escaped they did not know about this and the subsequent changes in the guard positions. They turned up to take their normal duties. On arrival at Yundum Barracks, **Sanna** went to the Communications Room and asked **Pte. Beyai** the soldier on duty to give the phone so he could talk to **Jammeh**. Immediately after speaking to **Jammeh** a call came from **Binneh Minteh**. He gave the phone back to **Beyai** and asked him to “*speak normal*”. **Minteh** asked if everything was okay at Yundum Barracks and if **Lt. Barrow** had arrived. **Beyai** answered not yet. Then a call came in from the airport from a **Lance Corporal Kebbeh** also asking if **Barrow** had arrived. According to Sanna Sabally at that point in time there were two Lance Corporal Kebbehs’ in the GNA. It was not possible to know which of the two was the caller. What is certain is the call came from the Airport. That is how they knew that **Barrow** was on the way and they laid an ambush for him. This narrative is corroborated by **JCB Mendy** who also narrated that the Junta and their forces laid an ambush “*awaiting for an enemy to arrive.*”⁸⁰
45. The testimony of the witnesses is conflicting as to whether there was actual fighting at Yundum Barracks as Junta loyalists seized the Yundum Barracks. According to **Sanna Sabally**: *There was shooting you cannot capture a camp without shooting.* **Edward Singhatey** says that shooting came from the back of the Camp. However, in his testimony, **Ensa Mendy**, one of **Yankuba Touray’s** bodyguards, said that the Junta and their loyalist troops did not encounter any resistance in Yundum Barracks.⁸¹ He added that upon occupying the Barracks, the Council members took cover not far from the Guardroom while some soldiers, including **Manlafi Corr**, were positioned at the Guardroom.⁸² **Alagie Kebbeh** testified that he heard “*gun shots in the Barracks and then there was chaos everywhere. Though the shooting did not last long, we had no other choice but to evacuate our families out of the barracks since most of us were living in the camp with our families.*”⁸³

75 Testimony of Edward David Singhatey, 17th October 2019, page 17, line 352-354

76 Testimony of Edward David Singhatey, 17th October 2019, page 17, line 357-360

77 Testimony of John Charles B. Mendy, 19th March 2019, page 34, lines 747-750

78 Testimony of John Charles B. Mendy, 19th March 2019, page 34, lines 747-752

79 Testimony of John Charles B. Mendy, 19th March 2019, page 34, lines 755-758

80 Testimony of John Charles B. Mendy, 19th March 2019, page 35, lines 772-773

81 Testimony of Ensa Mendy, 28th March 2019, pages 17-18, lines 367-368

82 Testimony of Ensa Mendy, 28th March 2019, pages 17-18, lines 377-379

83 Witness statement, Alagie Kebbeh, Incident ID 10033, page 9 para 12

46. There are also some differences in the narrative of how **Barrow** was ambushed. **Sanna Sabally** was in the Communications room when it occurred so **Lamin Senghore's** testimony⁸⁴ about **Sanna's** role in the ambush is inaccurate: "that a blue Pajero arrived, and the occupant alighted and said, *Gentlemen, are you ready for my operation?*" to which **Sanna Sabally** responded, *yes, we are only waiting for you.*"⁸⁵ **Sanna Sabally** in his testimony clearly indicates that he was not around when **Lt. Basiru Barrow** and **Dot Faal** were ambushed and arrested. **Ensa Mendy's** testimony is that sometime around one (1:00) a.m.,⁸⁶ a Land Rover entered the Barracks. A soldier alighted, and **Manlafi Corr** said "*Ahuua*" (*meaning ready for action*)⁸⁷ and the soldier that disembarked the vehicle responded, "*Ahuua let us go and fuck those bastards.*" He recognized the voice to be that of **Lt. Basiru Barrow.**⁸⁸ That was when **Manlafi Corr** and the other men captured **Lt. Barrow** and stripped him of his "jujus" (charms).⁸⁹ Both **Ensa Mendy** and **Sanna Sabally** confirmed that **Lt. Barrow** was mercilessly beaten.⁹⁰
47. **Sanna Sabally** narrated that when **Barrow** arrived at Yundum Barracks he was ambushed by **Peter Singhatey's** team. He was severely beaten and taken to the Guardroom.⁹¹ When he was apprehended they found a notebook in his pocket which contained plans of the coupists. The names of the persons who were to be arrested and killed that night was also contained in notebook. The Army Commander **Baboucarr Jatta** was the last name among the list of people to be arrested and killed at the Brikama Firing Range. The death squad Commander was one **Sgt. Solo Jadama** seconded by **Lance Corporal Lamin Bojang (Lamin Gundo)**. Upon seeing this information he became extremely angry and disappointed and he despatched **JCB Mendy** to quickly go and fetch **Baboucarr Jatta** from his residence in Banjulinding which is not far from Yundum Barracks.⁹² He also called and told him that if "*you do not get out of your house immediately you are dead*".
48. According to **Lamin Senghore's** narrative, a second vehicle was seen coming and the soldiers took cover, waiting for its arrival.⁹³ Unlike inside the Barracks, the street lights outside the Barracks were on, so there was a level of visibility.⁹⁴ The approaching vehicle was carrying **Lt. L.F. Jammeh, Lt. Lamin Jarjue** and **Sgt. Joof (Sir Jackal)** and **L.F. Jammeh** opened the door, rolled and took a firing position and then opened fire.⁹⁵
49. **Mafugi Sonko** told the Commission that on the night of November 11, 1994⁹⁶ he was instructed by his superior officer **Lt. Binneh Minteh** to drive some lieutenants to Yundum Barracks. He testified that: "*on the 11th of November I was not on duty but at night from nine (9) pm Lt. [Binneh] Minteh who was our Leader came to my room and found me lying*

84 Testimony of Lamin Senghore, 8th April 2019, page 29, line 633
 85 Testimony of Lamin Senghore, 8th April 2019, page 29, lines 639-640
 86 Testimony of Ensa Mendy, 28th March 2019, page 19, line 397
 87 Testimony of Ensa Mendy, 28th March 2019, page 19, lines 398-399
 88 Testimony of Ensa Mendy, 28th March 2019, page 19, lines 399-400; lines 403-404
 89 Testimony of Ensa Mendy, 28th March 2019, page 19, lines 406-408
 90 Testimony of Ensa Mendy, 28th March 2019, pages 24-25, lines 527-529
 91 Testimony of Sanna B. Sabally, 25th April 2019, page 149, lines 3393-3395
 92 Testimony of Sanna B. Sabally, 25th April 2019, page 157, lines 3554-3558
 93 Testimony of Lamin Senghore, 8th April 2019, page 30, lines 647-650
 94 Testimony of Lamin Senghore, 8th April 2019, page 30, lines 650-651
 95 Testimony of Lamin Senghore, 8th April 2019, page 30, lines 652-654
 96 Mafugi may have been mistaken here on the issue of date; at this stage, it was still November 10 as it was before midnight.

on my bed. He called me 'Mafugi Sonko' and when I answered him, he told me 'take these Lieutenants to Yundum and return.'"⁹⁷ Around ten (10) p.m., **Mafugi Sonko** transported five Lieutenants to Yundum Barracks based on their conversations, he believed that they were: **Lt. L.F. Jammeh, Lt. Darboe, Lt. Jammeh (Kekoyor -a fair coloured man presumably) Lt. Buba Jammeh, Lt. Manneh (Nyancho)** and **Lt. Barrow.**⁹⁸ **Mafugi Sonko** testified that while they were in the Land Rover vehicle that he was driving, he could not recall any of them having a gun.⁹⁹

50. **Abdoulie Darboe** testified that **Lt. L.F. Jammeh** told him that there would be a meeting at Yundum Barracks at nine (9) p.m. because the Fajara Barracks meeting ended without a compromise, which is why he wanted **Abdoulie Darboe** to go with him to serve as a clerk.¹⁰⁰ Around eleven (11) p.m. or twelve (12) midnight **L.F. Jammeh** and **Abdoulie Darboe** both went to the armoury and signed out a weapon (AK47) each before leaving Fajara Barracks.¹⁰¹ **Abdoulie Darboe, L.F. Jammeh** and **Sori Jadama** left Fajara Barracks in a Land Rover, but **Sori Jadama**¹⁰² got off around Banjulinding.¹⁰³
51. **Abdoulie Darboe** testified that, upon their arrival at Yundum Barracks after midnight towards one (1) a.m., together with **L.F. Jammeh**, bullets were shot at their vehicle immediately after they passed the Agricultural Office NARI.¹⁰⁴ **Abdoulie Darboe** further explained that: "*Immediately when we received a gunshot that is the time L.F. Jammeh stopped the vehicle, opened his door then started running towards the Airport end then these people were continuing firing, following him with firing while the others were engaging my people like Edward and his Guards. [...] Those firing, some were lying down on the grass and others were standing, those lying down were the people who were firing but when L.F. started running Edward said loudly, 'Do not allow him to escape, do not allow him to escape.' But L.F. was a brilliant soldier; then this is how he jumped over the fence, jumped airport fence. This is how he escaped.*"¹⁰⁵ This narrative is corroborated by **Sanna Sabally** whose narrative is that **L.F. Jammeh**¹⁰⁶ ran towards the airport and was able to get away from his pursuers when a car came between them.
52. **Mafugi Sonko** also explained the escape of **L.F. Jammeh** and their capture. He said: "*We proceeded until we arrived at Yundum Barracks, if you are entering the Yundum Barracks and come from the Banjulinding end as you get off the main road you have to turn right, as you are entering the first door there are flowers in there, that place is a little bit shady because there are a lot of trees and there is a lot of shade also so is a little bit shady. But I do not know. I am not aware until we got there, as soon as we arrived there then the firing started,*

97 Testimony of Mafugi Sonko, 11th March 2019, page 5, line 84 to page 6, line 103.
 98 Testimony of Mafugi Sonko, 11th March 2019, page 8, line 138 to page 9, line 182; page 10, lines 196 to 205; page 11, lines 220 to 223.
 99 Testimony of Mafugi Sonko, 11th March 2019, page 11, lines 220 to 225.
 100 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 12, lines 243 to 252.
 101 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 12, lines 240 to 242; page 13, lines 253 to 260; page 13, lines 276 to 279; page 13, line 262 to page 14, line 275; page 14, lines 286 to 290.
 102 Most probably this was the soldier that JCB Mendy was asked to trail
 103 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 14, lines 280 to 285; page 16, lines 322 to 326; page 16, line 337 to page 17, line 344.
 104 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 17, line 348 to 356.
 105 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 17, line 357 to page 18, line 368.
 106 Both Abdoulie Darboe and Sanna Sabally confirm that it was LF Jammeh who ran away when he was later captured along with the Kartong attackers. According to Sanna, LF Jammeh was shot in the arm as he tried to get away and the wound was visible on his arm when he was caught. He was one of the 9 mile II Death Row Inmates who was executed in August 2012.

we were being fired at, there was so much firing that I stopped my vehicle. At that time all of these Soldiers that I was carrying opened the door of the vehicle and they jumped out. Lt. L.F Jammeh and another guy managed to escape. Still, the rest of us, including myself, were captured; out of the six (6) that arrived at the Yundum Barracks, apart from the two (2) that escape [towards the direction of the airport], the rest of us were all captured.]”¹⁰⁷

53. Meanwhile in Banjul at the Army Headquarters around one thirty (1.30) to two (2.00) a.m. **Malang Camara** heard gun shots coming from the direction of the Kombos. He prepared himself for combat. He changed his uniform and took his rifle. At around seven (7) a.m. he got a call from his peer at Yundum Barracks informing him that they had a bad night at Yundum. There was shooting and arrests at the Barracks. At eight (8) a.m. he was instructed by **Couple Rascine** that he should escort **Cpt. Lawrence Jarra** to Yundum Barracks. This gave him the opportunity to see some of the actions at Yundum Barracks at first hand.
54. According to **Malang Camara** when they arrived at Yundum Barracks at around nine (9) a.m. the place was tense and chaotic. The guard room cells were full. Among the detainees were **Lt. Gibril Saye, Sgt. Basirou Camara, Sgt. EM Ceesay** and **Cadet Amadou Mbackeh Sillah**. The men were naked except for their underwear. **Kairaba Camara** was arresting and then he was arrested. **Provost Couple Tamba** was also arresting, Members of Junta and senior members of the Army were present. These were **Cpts. Sanna Sabally, Edward Singhatey, Saidibu Hydara and Yankuba Touray, Peter Singhatey**, the Army Commander, **Major Baboucarr Jatta, Cpt. Momodou Badjie, Cpt. Dennis Coker**. They were just near the Guard room in the car park. **Malang Camara** observed that many of the detained soldiers were “naked,” meaning that they only wore underwear; for example, **Kairaba Camara** was in uniform, but **Lt. Gibril Saye, Cadet Amadou Mbackeh Sillah and Sgt. E.M. Ceesay** were “naked” when they took them to the Guardroom.¹⁰⁸ From what **Malang Camara** saw, more than twenty (20) people were arrested and detained in the Guardroom Cell.¹⁰⁹ The partial nudity of the prisoners was corroborated by **Sanna Sabally**.
55. He did not want to be around this environment and he went to the Communications Centre. There was a truck packed outside the Ante room. He was curious as he saw that men were climbing up to see what was in the truck. He climbed up and saw two bodies. **Lt. Basirou Barrow** and **Lt. Dot Faal**. **Barrow** was dead but **Dot Faal** was still alive. He was half dead but still shaking. He went back to the Communications Centre. **Sait Darboe, Abdoulie Darboe and Alhagie Kanyi** were amongst the soldiers that climbed the truck to see the two slaughtered soldiers. **Alhagie Kanyi** upon seeing the suffering of **Abdoulie Dot Faal** and noticed that he was still breathing, albeit in a very laboured manner, took a pistol and finished him off to end his suffering.
56. In corroborating the narrative **Sait Darboe** testified that when he got to work with **Pte. Kemo Jawara** at around eight (8) a.m. he heard that “**Lt. Basiru Barrow** was shot dead he was inside the truck one Military Truck that they called ‘Valera’ we used to call it ‘Valera,’ it is a British Military truck.”¹¹⁰ The truck that **Sait Darboe** is referring to is the truck that the bodies and other captured soldiers not executed were put in at Fajara Barracks and transferred to

107 Testimony of Mafugi Sonko, 11th March 2019, page 11, line 225 to page 12, line 235; page 13, lines 253 to 258.
 108 Testimony of Malang F.S. Camara, 18th March 2019, page 27, line 586 to page 28, line 598.
 109 Testimony of Malang F.S. Camara, 18th March 2019, page 28, lines 599 to 603.
 110 Testimony of Sait Darboe, 21st February 2019, page 35, lines 761 to 770.

Yundum Barracks. **Sait Darboe** said he climbed onto the truck and saw the bodies of **Basiru Barrow** and **Dot Faal** lying with their heads swollen and blood all over their noses.¹¹¹ He had his own explanation for **Dot Faal’s** prolonged agony which he attributed to the local protection that persons particularly those in the security forces use to protect themselves from stabbing, gunshot wounds and all items that pierce or kill. **Sait** said that he heard that: “**Dot Faal** he was not shot dead because he had what we used to say bulletproof ‘Tooul’ in Wollof local language ‘Balandango’ in Mandinka. He was shot many (many) times, but the bullets could not penetrate him.”¹¹²

57. **Malang Camara** further told the Commission that he saw **Edward Singhatey** going towards the Ante Room Area. That is when he heard **Edward** asking them to bring **Fafa Nyang** out. When he was brought out he heard **Edward Singhatey** asking him to go and greet his friends. When **Fafa Nyang** climbed the truck he was shot in the back three (3) times by **Edward Singhatey**. **Fafa Nyang** fell to the ground with his intestines spilling out. He was left to lie on the ground. **Camara** stood by the door of the Communications Centre to look at **Nyang**. He could not bear the scene so he did not go close.
58. **Sait Darboe’s** narration of this incident is that: “he heard shouting. When he turned, he ‘saw a group of Soldiers beating **Sgt. Nyang** to death beating him, butt stroking, mounting his head until they broke his waist he was crawling.”¹¹³ **Baboucarr Sanyang** who was RSM at the time, told the Commission that he was detained in the Guardroom together with **Capt. Marong** then Commanding Officer at the Barracks and many other soldiers including **Fafa Nyang**. **Lt. Sanna Sabally** ordered the release of the Commanding Officer **Capt. Marong**, himself and a few others.¹¹⁴ According to him after his release he went to his office for a while and then moved to the Anteroom to speak with **Capt Marong** when he overheard **Sanna Sabally** speaking on the phone.¹¹⁵ **Sabally** was saying “Yes Sir, Yes Sir. We would do that exactly to set an example.” **Baboucarr Sanyang** believes that **Sanna Sabally** was speaking to the AFPRC Chairman **Yahya Jammeh**.¹¹⁶ **Baboucarr** indicated that after the conversation, **Sanna Sabally** ordered that **Fafa Nyang** be brought out of the cell. He claims that as he returned to his office he saw **Fafa Nyang** being escorted by **Batch Samba Jallow** to the Anteroom where the Council members were waiting. While in his office he heard gunshots.¹¹⁷ He did not actually see who fired the gun shots.
59. While it is clearly evident that **Fafa Nyang** was unlawfully killed by shooting and that **Edward Singhatey** and **Sanna Sabally** gave the order for him to be shot as both of them in their testimonies to the TRRC accept that they ordered the killing of **Fafa Nyang**. **Edward Singhatey** was emphatic that he instructed that **Fafa Nyang** be executed and those orders were implemented.¹¹⁸ What is not clear however, who actually shot **Fafa Nyang**. **Lamin Colley** the Medic claims that he accidentally shot and killed him. **Sait Darboe** testified that he saw the **Medic Lance Corporal Colley** use his AK47 to fire automatic rounds at **Fafa**

111 Testimony of Sait Darboe, 21st February 2019, page 35, lines 772 to 775.
 112 Testimony of Sait Darboe, 21st February 2019, page 35, lines 775 to 780.
 113 Testimony of Sait Darboe, 21st February 2019, page 35, lines 780 to 782; page 37, lines 816 to 818: “I saw Sergeant Nyang on the ground being beaten using the butt of the rifle butt-stroking him, mounting him, beating him, all kind of beating that you may imagine.”
 114 Testimony of Baboucarr Sanyang, lines 946-1002, pages 44to 45
 115 Testimony of Baboucarr Sanyang 20th March lines 1114-1126, pages 50.
 116 Testimony of Baboucarr Sanyang, 20th March, lines 1126-1137, page 51
 117 Testimony of Baboucarr Sanyang 20th March 2019 lines 1178, page 53.
 118 Testimony of Edward Singhatey, 17th October 2019, lines 1387 -1403, pages 62-63.

Nyang while he was in the building of Bravo Company opposite where they were buried,¹¹⁹ he disputes that the shooting was accidental. He argues: that **Colley's** shot "... was not negligence; this was a deliberate act, not negligence."¹²⁰ He claims that he saw him: "he just faces the man cock his weapon spray on top of him; I would not call that negligence, I will call it deliberate. Negligence I understand when you hold your rifle and fires 'pow' I will call that negligent, but the weapon you hold and pointed at someone starts spraying him or her that is not negligence; that is deliberate to my understanding."¹²¹ **Lamin Colley's** claim that he shot and killed **Fafa Nyang** accidentally is also refuted by **Ensa Mendy**, **Baboucarr Mboob** and **Baboucarr Sanyang** who insist that it was intentional.

60. **Sait Darboe's** narration of events is not supported by any other narrative. In addition **Sait Darboe** was unable to see clearly everything that was happening regarding the killing of **Fafa Nyang** by reason of the fact that he was far away from the incident and observing from inside a building. However, all the witnesses who testified about the unlawful killing of **Fafa Nyang** did not actually see the shooter. They only saw him after he was shot dead. **Baboucarr Sanyang** saw him after he returned to the Anteroom to speak to his Commanding Officer and saw the body of **Fafa Nyang** lying on the ground near the Anteroom. **Malang Camara** came out of the Communications Centre and saw him laying on the ground. **Momodou Lamin Bah** testified that he saw **Alhagie Kanyi** bring out **Fafa Nyang** on the orders of **Edward Singhatey**. He saw him: "coming with **Fafa Nyang** pushing him, asking him to run until at the Anteroom between the Anteroom and the Cookhouse they asked him to 'Run for his life,' for **Fafa Nyang** to run for his life. Hands were tied behind with pants as he was running, looking behind then **Edward** first fired at him he fell down, he wanted to get up again somebody by his side which I later realized that it was **Lamin Colley** also finished him."¹²²
61. **Baboucarr Mboob's** testimony is also very similar to that of **Momodou Lamin Bah's**. He told the Commission that he heard **Edward Singhatey** order that **Fafa Nyang** be brought out and many soldiers ran to the Guardroom to bring **Fafa Nyang** out. He was stripped off all his clothing except for his underwear. He was forced to run and as he was doing so some soldiers were hitting him, others kicking him. When he got near the Anteroom **Edward Singhatey** ordered that he be executed.¹²³ He was shot. According to **Baboucarr Mboob**, when **Fafa Nyang** was shot, he saw **Staff Sgt. Gassama** and **Balla Gibba** in a shooting position. He is not sure who released the shot.¹²⁴ Soon thereafter the **Medic Colley** came out and shot **Fafa Nyang**. The first shot missed and the second one hit **Fafa Nyang** on the head and he died.

(III) EXTRA-JUDICIAL KILLING OF BASIRU CAMARA AND EBRIMA M. CEESAY (E.M.)

62. **Malang Camara** told the Commission that he saw **Sgt. EM Ceesay** being marched towards the Cook House. He heard multiple shots. When he enquired he was told **Edward** had

119 Testimony of Sait Darboe, 21st February 2019, page 42, lines 934 to 943.
 120 Testimony of Sait Darboe, 21st February 2019, page 42, lines 947 to 949.
 121 Testimony of Sait Darboe, 21st February 2019, page 43, line 950 to page 44, line 968.
 122 Testimony of Momodou Lamin Bah, 26 March 2019, lines 1209-1217 p54
 123 Testimony of Baboucarr Mboob 9th April 2019 lines 448-454, page 21
 124 Testimony of Baboucarr Mboob, 9th April 2019 lines 456-466, pages 21-22

ordered that **EM Ceesay** should be shot. He did not "want to be used" so he put his rifle in the boot of the car and went back to the Communications Centre. According to **Malang Camara, E.M. Ceesay's** unlawful killing occurred between twelve (12) noon and thirteen (13:00) p.m. on November 11, 1994.¹²⁵

63. **Sait Darboe** testified that: "after they left the Junta then these two (2) RSMs were the guys responsible of arresting the men because I even remember when Sergeant Major Saye was coming from his residence that morning holding his file, he came up to the main gate was halted by **Pa Sanyang** at gunpoint and told: that 'Sir, you are under arrest,' while **Papu** was standing in front of his office right at the Guard Room, **Sir Major Saye** was escorted by **Pa Sanyang** up to the Guard Room."¹²⁶ **Sait Darboe** heard **RSM Papu Gomez** order the Provost to strip **Lt. Saye** off his uniform, "jujus" and everything else was removed. He was put in the cell with other officers.¹²⁷ The other officers in the cell included **Baboucarr Manneh ('Nyancho')**, **Nyang Kabareh**, **Cadet Sillah**, **Cpl. Buba Camara**, **Lt. Buba Jammeh**, and **Lt. Lamin Darboe**.¹²⁸
64. **Sait Darboe** testified that he was present when **Sgt. Ebou Ceesay** was arrested as he "was coming from the Bahamas towards the Guard Room he came up to the Guard Room he was gunpoint, hands up, he said 'What happens?' they told him 'Hands up,' shout at him he raised his hands he was escorted to the Guard Room and put in the cells. **Nyang Kabareh** too his arrest in the Barracks I witness it he was too the same thing arrested and stripped, packed in the cell-like all of them."¹²⁹
65. **Sait Darboe** further testified that he witnessed the killing of **Sgt. Ebou Ceesay** at the camp in Yundum Barracks: The incident took place before the Junta left the Barracks. He said: "Sgt. **Ebou Ceesay** was inside the cell. They called him out. **Sanna** asked him to do his last prayers. He did it. **Sanna Sabally** told him to "march and go and join your friends" while the dead bodies were lying behind the Cook House. As he was going, **Lance Corporal Mboob**, his first name I think is **Baboucarr**, but I am not sure but the **Mboob**, yes. He was the one who shot **Sgt. Ceesay**. He shot him twice in the back and on the head. The Sergeant fell down. That was the end of **Sgt. Ceesay**. From there, **Sanna** and his people left."¹³⁰
66. Although **Sait Darboe** claimed that he saw **Baboucarr Mboob** fire two shots at **EM Ceesay** and kicking him, **JCB Mendy** on the otherhand claims that he saw **Alhagie Kanyi** shoot at **EM Ceesay** killing him.¹³¹ **Baboucarr Mboob** denied any involvement in the killing of **E.M. Ceesay**. He told the Commission that on their return to Yundum Barracks from the Forest at around 6-7pm they found that **Basiru Camara** and **E.M. Ceesay** were already executed.¹³²
67. **Basiru Camara** was shot and killed on the orders of **Sanna Sabally**. **Edward Singhatey** testified that after the killing of **Fafa Nyang**, **Sanna Sabally** ordered the killing of **Basiru Camara** and **E.M. Ceesay**. He said that after the order, **Sanna** went inside the Anteroom.

125 Testimony of Malang F.S. Camara, 18th March 2019, page 38, lines 833 to 836.
 126 Testimony of Sait Darboe, 21st February 2019, page 40, lines 890 to 897; page 44, lines 969 to 979
 127 Testimony of Sait Darboe, 21st February 2019, page 44, lines 983 to 986.
 128 Testimony of Sait Darboe, 21st February 2019, page 44, line 987 to page 45, line 990.
 129 Testimony of Sait Darboe, 21st February 2019, page 45, lines 998 to 1003.
 130 Testimony of Sait Darboe, 21st February 2019, page 59, lines 1316 to 1326.
 131 Testimony of JCB Mendy, 19 March 2019, lines 1913-1920, page 85
 132 Testimony of Baboucarr Mboob, 9 April 2019, from 783-790, page.

Edward Singhatey ensured that the soldiers standing around executed the order. He instructed them to shoot **Basiru Camara** and **E.M. Ceesay** which they did before he went inside the Anteroom. Both **Sanna Sabally** and **Edward Singhatey** accepted responsibility for the unlawful killing of **Fafa Nyang, Basiru Camara** and **E.M. Ceesay**.¹³³

68. **Sait Darboe** further testified that after the Council members left Yundum Barracks, another ditch was dug next to the same place where **Fafa Nyang, Basiru Barrow** and **Dot Faal** were buried to bury the bodies of the soldiers who were executed at the range [forest].¹³⁴ **Sait Darboe** heard that **Corporal Basiru Camara** was shot and killed at Yundum Barracks, but it was not in his presence and he does not know who killed him.¹³⁵
69. Even though the senior members of the Army were present including the Army Commander **Baboucarr Jatta** and his deputy **Momodou Badjie**, none of them did anything to stop the killing.¹³⁶ According to **Sait Darboe**: “none of them decided to stop them from being killed they were standing allowing these people killing them.”¹³⁷
70. With respect to who was in charge of things on the ground, **Malang Camara** told the Commission that **Sanna Sabally** was in charge of everything that was happening at Yundum Barracks because he was the one giving orders.¹³⁸ For example, he gave orders such as “get him” and “get him to the cell.”¹³⁹ **Malang Camara** explained that at: “the time the senior officers they are not to challenge Sanna’s orders because they will fall a victim then Sanna was on top of everything, nobody dares challenge his orders at the time.”¹⁴⁰ **Sanna Sabally** in his testimony to the Commission accepted full responsibility for the unlawful killing of the **EM Ceesay** and **Basiru Camara**. He concurred with the lead counsel when he reminded him that: “Criminal responsibility is two fold. The individual criminal responsibility and the command responsibility. And for command responsibility you either have to prevent it from happening or you punish. You failed to punish. At the end of the day you will be responsible for either. So in your particular case you failed to do either. So you will be responsible for their actions”.

F. JUNTA’S TREATMENT OF CAPTURED SUSPECTED COUPISTS

I. INHUMANE AND DEGRADING TREATMENT

71. After **L.F. Jammeh** escaped, **Edward Singhatey’s** guards, **Mustapha Touray** and **Pa Senghore** started hitting **Abdoulie Darboe** inside the vehicle:¹⁴¹ “They were hitting me with their legs, hands, gun butts, they were hitting me with their AK47s, some kicked me with their legs, some knocked me with hands.”¹⁴² **Edward Singhatey** also hit **Abdoulie Darboe**

by pulling his finger and slapping him.¹⁴³ Many people were hitting **Abdoulie Darboe**, but he only recognized **Pa Senghore** and **Mustapha Touray** because they were his batchmates in the army; later on, **Pa Senghore** asked him, “Class, Class, why are you here with these people?” but he did not respond.¹⁴⁴ As a result of the beatings he endured that night, **Abdoulie Darboe** sustained a rib injury that still hurts and prevents him from even walking sometimes and a bayonet stab wound at the back of the right side of his body.¹⁴⁵ They left him when after the got tired of beating him: “They just grab my legs and hands they throw me inside the vehicle there was a truck packed, but before I was put in the vehicle, I heard a group of soldiers that was attacking someone at the other vehicles, other groups were attacking another people like maybe it was in sections, three groups and in those groups, I heard **Dot Faal’s** voice that “You are trying to betray us but Allah would betray you people.” [...] **Dot Faal**, I can recognize his voice because I know him, he trained me, I know him personally. He trained me and after training, we were working together at Farafenni Barracks, then we were all later transferred to Fajara Barracks. I know him personally.”¹⁴⁶

72. **Sanna Sabally’s** response to **Dot Faal**, was: “You will know what I will do to you.”¹⁴⁷ **Abdoulie Darboe** explained that the Council members were there with their guards and **Peter Singhatey** was always near **Edward Singhatey** and his guards.¹⁴⁸ **Abdoulie Darboe** testified that “[w]ell, **Dot Faal** what I know was he lost his jaw, his jaw was completely hit by the butt of the gun that here even by seeing him his mouth cannot even close he just hold it like (gasping for air). This was how he was; the jaw was completely out, here.”¹⁴⁹ As far as he could tell, the others who the soldiers beat were **Lt. Basiru Barrow** and **Pte. Mafugi Sonko** (a driver assigned to **Dot Faal**): “Basiru also his neck was broken because his head was tilted until his neck was broken”,¹⁵⁰ and “Anyway Mafugi was also beaten because when we reached Mile II he was crying.”¹⁵¹
73. At Yundum Barracks, **Fafa Nyang** was also beaten seriously, and he sustained some injuries because you can see blood from his head” even though **Abdoulie Darboe** does not know who beat him.¹⁵² More than ten (10) or even up to fifteen (15) or twenty (20) detainees – were beaten. Some of the soldiers, were former TSG personnel who **Abdoulie Darboe** did not know.¹⁵³ He further explained: “I was just packed inside the truck we were there, when we heard **Edward Singhatey** calling the attention of the Soldiers around us that ‘He is throwing grenade’ then that is the time **Sanna** says ‘No, (no), do not kill them like this, you will kill them one by one for to be a lesson for the other Soldiers’ [...] Then that was the time we stayed there for a while [about one hour] then **Sanna** said, ‘No, these people will not come, let us go for them.’ So, this is the time the vehicles moved, then we see ourselves to Mile II; Remand Wing.”¹⁵⁴

133 Testimony of Edward Singhatey, 17 October 2019, pages 65/66, lines 1451-1469,
 134 Testimony of Sait Darboe, 21st February 2019, page 62, lines 1387 to 1391.
 135 Testimony of Sait Darboe, 21st February 2019, page 59, lines 1329 to 1334.
 136 Testimony of Sait Darboe, 21st February 2019, page 45, line 1004 to page 46, line 1023.
 137 Testimony of Sait Darboe, 21st February 2019, page 46, lines 1027 to 1034.
 138 Testimony of Malang F.S. Camara, 18th March 2019, page 27, lines 581 to 586.
 139 Testimony of Malang F.S. Camara, 18th March 2019, page 27, lines 587 to 588.
 140 Testimony of Malang F.S. Camara, 18th March 2019, page 43, lines 960 to 964.
 141 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 18, line 369 to page 19, line 392.
 142 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 19, lines 393 to 395.

143 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 19, lines 396 to 403.
 144 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 19, lines 404 to 411.
 145 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 19, line 412 to page 20, line 423.
 146 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 20, lines 424 to 433.
 147 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 20, line 434 to page 21, line
 148 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 21, lines 445 to 449.
 149 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 22, line 454 to page 23, line 459.
 150 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 22, lines 463 to 468.
 151 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 22, line 475 to page 23, line 491.
 152 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 23, lines 493 to 502.
 153 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 24, lines 506 to 514.
 154 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 24, line 515 to page 25, line 538.

74. **Mafugi Sonko** testified that **Peter Singhatey** and **Staff Sgt. Batch Samba (Edward Singhatey's driver)** led the soldiers who captured him and his colleagues.¹⁵⁵ Once they were stripped of their military uniforms, they were forced to lie on the ground, and they were being kicked and compelled to crawl.¹⁵⁶ He explained that “[t]hey were using rifle butts and hitting us with it and giving us blows and kicking us.”¹⁵⁷ He further described the “madness” of those soldiers: He sincerely believed that they were going to be killed. He heard **Peter Singhatey** tell **Batch Samba** to: *‘f--k them, these nonsense people.’ They kick us as we were crawling, we all facing one side crawling, and they will be kicking and using rifle butts and striking us from the back.*¹⁵⁸
75. As a result of being beaten with a rifle butt on his shoulders, **Mafugi Sonko** was injured and he had difficulty raising his left hand.¹⁵⁹ There were up to twenty (20) soldiers beating them up at that time; sometimes, four (4) or five (5) people would beat one person.¹⁶⁰ They were forced to crawl from the main gate to the Guardroom, which is estimated to be about 50 metres according to the Lead Counsel.¹⁶¹ **Peter Singhatey** was carrying a Kalashnikov AK47, while **Batch Samba** carried a big weapon called “LMG” (light machine gun) that takes about 100 rounds; the other soldiers who participated in beating them were all armed with AK47s.¹⁶² None of the soldiers in **Mafugi Sonko's** group was armed.¹⁶³
76. **Mafugi Sonko** explained that: *“As we entered the Guardroom all of us were lying on the ground, Peter Singhatey entered the guard room and he was looking around at us and looking at the soldiers who were also present there until he got to me he looked at me and said to Batch ‘No this guy is not among them.’”*¹⁶⁴ **Mafugi** was put aside, while **Peter** spoke to the captured Lieutenants in English.¹⁶⁵ **Mafugi** is not literate in English but he remembers that **Peter Singhatey** told **Batch Samba** that he **Mafugi** was not among the coupists and asked him to separate him from them. **Batch Samba** did not do so. He told **Mafugi**: *“fucking Soldier, go there.”* When **Peter** returned and saw that he was still there he said to **Samba Batch**¹⁶⁶: *“I told you that this guy is not among.”* **Peter** subsequently left and went towards the Guardroom they did not remove **Mafugi** from this group. He was left there then they came and took all of them into the Guardroom.”
77. After they crawled to the Guardroom, they got up and walked into the Cell where they were locked up.¹⁶⁷ **Peter Singhatey** was there with many other soldiers walking in and out; then, after a while, **Batch Samba** opened the doors to the cell and ordered them to get out and enter the vehicle that was already parked outside.¹⁶⁸ This occurred sometime after midnight, but **Mafugi Sonko** cannot provide an estimate.¹⁶⁹ The four of them – **Mafugi Sonko** and **Lts.**

155 Testimony of Mafugi Sonko, 11th March 2019, page 12, lines 237 to 252.
 156 Testimony of Mafugi Sonko, 11th March 2019, page 13, lines 263 to 268.
 157 Testimony of Mafugi Sonko, 11th March 2019, page 13, lines 269 to 271.
 158 Testimony of Mafugi Sonko, 11th March 2019, page 13, line 274 to page 14, line 284.
 159 Testimony of Mafugi Sonko, 11th March 2019, page 14, lines 286 to 290.
 160 Testimony of Mafugi Sonko, 11th March 2019, page 14, lines 291 to 297.
 161 Testimony of Mafugi Sonko, 11th March 2019, page 14, line 298 to page 15, line 305.
 162 Testimony of Mafugi Sonko, 11th March 2019, page 16, line 342 to page 17, line 352.
 163 Testimony of Mafugi Sonko, 11th March 2019, page 17, lines 353 to 355.
 164 Testimony of Mafugi Sonko, 11th March 2019, page 15, lines 306 to 316.
 165 Testimony of Mafugi Sonko, 11th March 2019, page 15, line 317 to page 16, line 323.
 166 Mafugi called Batch Samba by the name Samba Batch but this is one and the same person.
 167 Testimony of Mafugi Sonko, 11th March 2019, page 17, lines 356 to 361.
 168 Testimony of Mafugi Sonko, 11th March 2019, page 17, line 363 to page 18, line 371.
 169 Testimony of Mafugi Sonko, 11th March 2019, page 18, lines 372 to 377.

Barrow, Manneh (Nynacho) and Jammeh (kekoyor) - were taken to Mile II.¹⁷⁰ They were taken in a Land Rover with a tarpaulin cover by “**Peter Singhatey, Samba Batch** and other soldiers; to Mile II Prison.”¹⁷¹

(II) AFPRC RESPONSE-TEMPORARY DETENTION AT MILE II CENTRAL PRISON:

78. The captured soldiers including **Lt. Basiru Barrow, Lt. Dot Faal, Pte Mafugi Sonko** and **Pte Abdoulie Darboe** were taken to Mile II Central Prison. At Mile II Central Prisons, **Abdoulie Darboe** believes that when they entered the Remand Wing, **Sanna Sabally** insulted a prison officer who tried to tell him that the Remand Wing was full.¹⁷² **Sanna Sabally** said to him that *“Even if it is full, transfer the others to the other cells, let them be there; we are coming for them may be very soon.”* So, we were packed in one cell with the other detainees we met there [in Remand Wing].¹⁷³ Furthermore, he told the Commission that, *“when we arrived at Mile II the Guards there before he accepts us, he brought a book where he wrote all of our names, he wrote our names there then when Sanna came that is the list he took from the Prison Officer and then that was the list he was calling.”*¹⁷⁴
79. **Abdoulie Darboe** testified that at Mile II, he was with **Pte Mafugi Sonko, Lt. Basiru Barrow, Lt. Dot Faal, Second Lt. Manneh (Nyancho)** and others; they were between by ten (10) to twenty (20) soldiers.¹⁷⁵ Some of them had blood on their heads and others on their body; a former TSG person was seriously stabbed in his ribs with a bayonet and was crying that he would die.¹⁷⁶ While at the Remand Wing, **Abdoulie Darboe** tried to communicate with **Lt. Dot Faal** and **Lt. Basiru Barrow** because he knew them personal but: *“Dot at that time Dot Faal cannot talk he was only doing; he can do only sign. I said he completely lost his jaw, this down jaw he completely lost it even anyone who wants to look at him, you cry. Can you imagine who will know Dot Faal and, on that condition, it was terrible then Basiru also the head cannot - , his head was right directly on his shoulder like this (GASP). This is the only thing he can say; he cannot talk. It was Mafugi who told me that it is Sanna who hit Faal [...] on his jaw with the butt of the gun.”*¹⁷⁷

After roughly an hour, around 2 a.m.,¹⁷⁸ the detainees were escorted and transferred from Mile II to Fajara Barracks.¹⁷⁹ When they were asked to board the vehicle, **Abdoulie Darboe** saw the Army **Commander Baboucarr Jatta** for the first time (even though he had seen his vehicle GNA 1 at Yundum Barracks), and he told him, *“Ah! Darboe, you are also here, you are also with these people.”*¹⁸⁰

80. **Abdoulie Darboe** testified that, apart from **Baboucarr Jatta**, the following people were also present when they were being transferred from Mile II to Fajara Barracks: **Sanna**

170 Testimony of Mafugi Sonko, 11th March 2019, page 18, line 378 to page 19, line 406.
 171 Testimony of Mafugi Sonko, 11th March 2019, page 19, lines 407 to 413.
 172 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 25, lines 541 to 549.
 173 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 26, lines 553 to 560.
 174 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 36, line 797 to page 37, line 808.
 175 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 26, line 561 to page 27, line 568.
 176 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 27, lines 584 to 590.
 177 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 27, line 592 to page 28, line 614.
 178 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 31, lines 690 to 706.
 179 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 27, lines 580 to 583; page 29, lines 624 to 625.
 180 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 29, lines 626 to 638.

Sabally, Edward Singhatey, Peter Singhatey, Sadibou Hydera, Yankuba Touray, and their guards; Lt. Ousman Sonko (later became the Minister of Interior) and Cpt. Momodou Badjie,¹⁸¹ Pte. Baboucarr Njie (assigned to Sanna Sabally), Mustapha Touray Pa Senghore (both assigned to Edward Singhatey), Pte Zackaria Darboe (believes he was assigned to Sadibou Hydera and now works with the Immigration Department), Pte Buba Jammeh (Kanilai jnr. or Kanilai 2), Lance Corporal Lamin Fatty, Staff Sgt. or W.O. 2 Alhagie Martin and W.O. 2 Musa Jammeh (who was assigned to State House).¹⁸² Lamin Fatty categorically denies his participation.¹⁸³

81. **Mafugi Sonko** testified that upon their arrival at Mile II Prison’s main gate, they alighted from the vehicle: *“They did not want us to stand because as you are crawling, they will be hitting you with a rifle butt and kicking you, shuffling you around from there up to the Remand. Before we got on to the Remand that place is a little bit wide; they brought in other soldiers and they met us in there; there is one Lieutenant up to today my mind is on him he is called Lt. Dot Faal, this Lt. Dot Faal he was beaten so badly that his eye I am afraid it was spoil.”*¹⁸⁴
82. **Mafugi Sonko** explained that his group did not go to Mile II with **Dot Faal**,¹⁸⁵ but they met them at an open space inside Mile II and went to Remand Wing together.¹⁸⁶ As they entered Remand Wing, **Dot Faal** was unable to walk, and he could not crawl, so **Mafugi Sonko** and others held his hand and dragged him along; **Dot Faal** was almost paralysed from beatings.¹⁸⁷ At the time, **Peter Singhatey, Edward Singhatey, Sanna Sabally, Sadibou Hydera, Batch Samba Jallow**, and many other soldiers were present.¹⁸⁸ He explained that: *“When we entered, we were all taken into the Cells and locked; we could not fit into one Cell the Cell I was I was alongside **Dot Faal** we were about fifteen (15). The detainees were so many our group and **Dot Faal’s** group so much that they had to empty other cells containing some civilians to create space for soldiers who were brought in to be detained. [...] It was then **Sanna Sabally** he told **Peter Singhatey**, ‘You wait here, we are going to State to State House to get order what to do.’ I have not studied English; I do not speak English, but these words that he said I remember fully until the day I die.”*¹⁸⁹
83. According to **Mafugi, Sanna Sabally** left with **Edward Singhatey, Sadibou Hydera**, and other soldiers, while **Peter Singhatey** and ‘**Samba Batch**’ stayed.¹⁹⁰ **Mafugi Sonko** testified that *“So we were all there waiting until **Sanna Sabally** returned when he returned, we did not see **Edward**, we did not see **Sadibou**, he came and said to **Peter**, “bring all of these ones outside and let us go to Fajara where we are going to execute them.”*¹⁹¹ He explained that around five (5) a.m.: *“all of us came out, but when we come out we did not come out in groups, one at a time to climb onto the vehicle that vehicle was full and it left and then they brought in another one which was a truck, two vehicles left there, all the Soldiers who were*

181 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 35, lines 765 to 767.
 182 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 29, line 639 to page 31, line 689.
 183 TRRC DAY 41 Pt2 10.04.2019 - YouTube Lamin Fatty 10.04.2019 34:03-37:45/2:12:52 accessed 10.11.2021
 184 Testimony of Mafugi Sonko, 11th March 2019, page 20, lines 417 to 430.
 185 Testimony of Mafugi Sonko, 11th March 2019, page 20, lines 432 to 433.
 186 Testimony of Mafugi Sonko, 11th March 2019, page 21, lines 438 to 444.
 187 Testimony of Mafugi Sonko, 11th March 2019, page 21, lines 445 to 459.
 188 Testimony of Mafugi Sonko, 11th March 2019, page 22, lines 461 to 467.
 189 Testimony of Mafugi Sonko, 11th March 2019, page 22, lines 468 to 480.
 190 Testimony of Mafugi Sonko, 11th March 2019, page 22, line 481 to page 23, line 489.
 191 Testimony of Mafugi Sonko, 11th March 2019, page 23, lines 490 to 495.

*detainees were all in those vehicles and were now being taken to Fajara Barracks. [...] We used to hold him [Dot Faal], when we came out to Remand to climb onto the vehicle, we dragged him, we had to drag him to help him to get onto the vehicle.”*¹⁹²

(III) AFPRC JUNTA’S ATTACK ON FAJARA BARRACKS

84. Prior to the detainees being transferred from Mile II Central Prison to Fajara Barracks, the AFPRC Junta and their loyalist soldiers attacked Fajara Barracks around 1:30 a.m to 2 a.m. This is corroborated by **Malang Camara** when he said that he heard shots at this time of the morning at his position in the Communication Centre at H.Qrs.
85. According to **Edward Singhatey**, after taking over Yundum Barracks and capturing **Lt. Barrow** and **Lt. Dot Faal**, they realized that there were more coupists in Fajara Barracks, so the AFPRC members decided to go and attack Fajara Barracks as well.¹⁹³ When the Junta and their loyalist soldiers arrived at the Fajara Barracks, they divided into three groups.¹⁹⁴ One group was led by **Sanna Sabally**, another by **Edward Singhatey**, and the other by **Baboucarr Jatta**, together with **Yankuba Touray** and **Peter Singhatey**.¹⁹⁵ He described how Fajara Barracks was captured: *“**Baboucarr Jatta’s** group went through the Training school and they entered the camp first and from where we were, we could hear shots being fired; there was an exchange of fire. **Sanna Sabally** and I entered through the same place at the back gate towards the Bu Mini Stadium or the Bu Football Field.”*¹⁹⁶ **Sanna Sabally** proceeded with his group towards the field to cross to the Guardroom. I branched right between some administrative buildings and what they called Couple Line; it is a Junior NCO Accommodation. It is a storey Building. Then we took fire from the storey building, from there we returned fire. Later the firing stopped, and we proceeded towards the old mosque. As we approached the old mosque, we came under fire again; we returned fire and captured the soldiers firing at us from the old mosque. Once we captured them, we knew that we still had our objectives of taking the Camp; they were junior officers; we disarmed them and then let them go. We proceeded towards the Guardroom, but prior to that, we also took fire from the left, and we dash down. Still, I could hear somebody shouting faintly, ‘friendly fire, friendly fire,’ and apparently, it was **Sanna Sabally’s** group that were firing on us, thinking that we were some of the coupist that were retreating. Now, once that firing stopped, they realized that they were firing on us; I am sure they just heard some of the soldiers to my extreme left shouting, ‘friendly fire, friendly fire,’ and they stopped. We converged and then proceeded towards the Guardroom; before arriving at the Guardroom, somebody around the gate was firing at us from his position, so we returned fire and then we proceeded to take the Guardroom. We went to inspect that position by the gate”¹⁹⁷
86. According to **Binneh Minteh**, having received an anonymous call from Yundum Barracks that the officers were captured and mercilessly beaten and warned not to go to Yundum, he knew that the coup plans had failed. As he was then confiding with some of his NCOs about

192 Testimony of Mafugi Sonko, 11th March 2019, page 23, line 497 to page 24, line 512.
 193 Testimony of Edward David Singhatey, 17th October 2019, page 25, lines 528-529
 194 Testimony of Edward David Singhatey, 17th October 2019, page 32, lines 698-699
 195 Testimony of Edward David Singhatey, 17th October 2019, page 32, lines 699-700
 196 Testimony of Edward David Singhatey, 17th October 2019, page 32, lines 701-704
 197 Testimony of Edward David Singhatey, 17th October 2019, page 33, lines 710-727

the setback and what to do next, Fajara Barracks came under attack and the “... sound of gunfire as in real war zone, and you could hear them shouting ‘kill them all,’” I could hear **Sanna Sabally’s** voice “kill them all.”¹⁹⁸ This was when he knew the operation had failed and he left Fajara Barracks with some NCOs to escape the Junta.¹⁹⁹

87. **Bubacarr Bah** testified that it was at “... sharp two (2) am in the night that we heard firing from around the Fajara Barracks back gate the Training School area and the accommodation area we heard some firing coming towards us they were firing and then some of the {cells} (sic) were landing at our place then from our end also then firing started and I heard so many firing from our own towards to counter where the fire is coming from. I then realized that then there must have been a lot of people who had already weapons and then firing to that direction. It was night time some even fired the bulbs. Then the light goes off, so there that firing we were firing, we were firing to the area where their firing is coming from and then they are also firing, that lasted until the morning, that lasted until morning but what happened was from two (2) a.m to around six (6) a.m, when I exhausted my ammunition, I was left of course with some grenades then myself and Faal we decided to leave the Camp by the main gate ...”²⁰⁰

88. **Abdou Bah** testified that around 12:30 or 1 a.m., he heard a gunshot coming from around the back gate of Fajara Barracks, and everyone started running away; there was pandemonium.²⁰¹ After some time, he heard **Sanna Sabally** shout, “ceasefire, ceasefire, ceasefire.”²⁰² **Abdou Bah, Sergeant Nyang Kabareh, Corporal/ Lance Corporal Landing Badjie and Private Katim Touray** all fled to **Landing Badjie’s** house at Manjai Kunda.²⁰³

89. In Fajara Barracks, **Sanna Sabally** ordered the detained soldiers temporarily transferred to Mile II to be brought to Fajara Barracks. When they were brought, they were paraded in an extended line in the field. There, **Sanna Sabally**, the Commander of the group as well as the Vice Chairman of the AFPRC, singled out **Basiru Barrow** and **Abdoulie Dot Faal** and issued an order to the soldiers; Orderlies, guards, and State Guards personnel (who to) kill/execute them. **Abdoulie Darboe** told the Commission that at Fajara Barracks, **Sanna Sabally** instructed the detainees to parade inside the parade grounds.²⁰⁴ This is despite the fact that **Basiru Barrow** and **Dot Faal** were in very bad shape and visibly could not stand as: “they were lying inside the vehicle, and I am the very person who even carried **Basiru Barrow** from the vehicle, when he stood, he cannot stand [sic] then they tell me to leave him and later the Soldiers came and get him up then bring him where we were paraded, he was standing, but he cannot stand then he falls again. [...] **Dot Faal** also somebody I do not know who among the Soldiers who pull him about of the - - he was even forced, he hold his leg and just pulls him out of the truck on the ground then they carried him where we were paraded and that **Dot Faal** also at that time he cannot stand.”²⁰⁵ This narrative is corroborated by **Mafugi Sonko**.²⁰⁶

198 Testimony of Binneh Minteh, 20th February 2019, page 22, lines 412-417
 199 Testimony of Binneh Minteh, 20th February 2019, page 23, lines 418-420
 200 Testimony of Bubacarr Bah, 12th February 2019, page 18, line 383 to page 19, line 394.
 201 Testimony of Abdou Karim Bah, 25th February 2019, page 29, lines 654 to 665.
 202 Testimony of Abdou Karim Bah, 25th February 2019, page 30, lines 686 to 692.
 203 Testimony of Abdou Karim Bah, 25th February 2019, page 35, line 769 to page 36, line 783.
 204 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 32, line 707 to page 33, line 713.
 205 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 33, lines 714 to 730.
 206 Testimony of Mafugi Sonko, 11th March 2019, page 26, lines 557 to 563.

90. In addition, **Abdoulie Darboe** told the Commission that they were transported from Yundum Barracks to Mile II Prison and Fajara Barracks in their state of semi nudity and paraded inside the field:²⁰⁷ “Then **Sanna Sabally** started after counting to 3; “1, 2, 3 fire” then they started firing at us then that is the time soldiers started, you see people are falling down until around 6, 7 when I heard somebody was talking to him “But, Ala Stop.” And that voice seems to be like **Baboucarr Jatta**, who was telling them that “Ala stop sie.” That time I think I was left with only **Mafugi Sonko**, who was physically on the ground and but the rest and others have ran ----- so much noise made behind us that is when these people started running towards the Training School end.”²⁰⁸

91. **Abdoulie Darboe** further told the Commission that all the individuals who escorted them from Mile II Prison to Fajara Barracks were present when **Sanna Sabally** ordered them to shoot. However, he “cannot identify who is shooting because you know all of them were armed they were all having guns, when **Sanna Sabally** said “1, 2, 3 fire” you hear firing all over, you cannot know who is firing and who is not firing.”²⁰⁹ Regarding the detainees who died as a result of the shooting, **Abdoulie Darboe** testified that there were three of them, “Yes, there were two (2) Gendarmerie Officers whom I do not know, but there were two (2) Gendarmerie Officers and I believe this man Nyancho I believe he was also there who lost his life at Fajara.”^{210, 211}

92. **Abdoulie Darboe** also believed that **Binneh Minteh** was the one who was injured at that Fajara Barracks shooting since **Sanna Sabally** had called his name from the list he had at Mile II Prison and his name was also mentioned at Fajara Barracks. However, he was surprised to hear Binneh Minteh’s testimony to the TRRC that he was not present at the line up and had escaped before the Junta arrived.²¹² **Abdoulie Darboe** could only speculate about the identity of the man who ran in the direction of the Fajara Barracks shouting: “I am shot, let us run” before he escaped.²¹³

93. **Abdoulie Darboe** testified that he recalls more than three people fleeing towards the training school after the soldiers began shooting at them at Fajara Barracks.²¹⁴ Most of the detainees were former TSG personnel who **Abdoulie Darboe** was not used to, so he could not identify them.²¹⁵ Some of the soldiers who ran after the detainees trying to flee returned to say that they did not catch them.²¹⁶ At that point, **Abdoulie Darboe** heard **Baboucarr Jatta’s** voice telling **Sanna Sabally**, “nyanta, nyanta (let us go, let us go)”; then they were ordered to board the same truck again, and **Sanna** told **Abdoulie Darboe** to ‘Come and get your relative’ (in Mandinka), referring to **Basiru Barrow**.²¹⁷ He got **Basiru Barrow** and put him in the truck, then they all left for Yundum Barracks.²¹⁸ **Dot Faal** was also carried onto the truck by one soldier, but he does not recall who.²¹⁹

207 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 33, line 733 to page 34, line 745.
 208 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 34, lines 746 to 756.
 209 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 35, lines 774 to 778.
 210 This can be a case of mistaken identity for the Commission had credible evidence that he was killed at Yundum Barracks
 211 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 36, lines 781 to 787.
 212 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 36, line 788 to
 213 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 37, line 825 page 39, line 862.
 214 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 38, line 845 to page 39, line 862.
 215 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 39, lines 863 to 865.
 216 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 39, lines 866 to 868.
 217 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 39, line 868 to page 40, line 875.
 218 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 40, lines 872 to 873.
 219 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 41, lines 901 to 906.

94. **Mafugi Sonko** told the Commission that when they got to the Guardroom at the Fajara Barracks: “**Sanna Sabally** said, ‘all of you soldiers that are standing here, we are going to kill all of you from Lieutenant to Sergeant, all will be killed.’ So, after that we were divided and the Lieutenants were taken aside, some people like me I am a Private and the Corporals, full Corporals all of us stood at one side, the Lieutenants stood at the other side, and the Sergeant and other Ranks; O2s [Warrant Officer Class 2] and the likes [...] **Sadibou** also spoke there and he said, “you people want to overthrow this government but we take this gun and put into your asses.”
95. When **Mafugi Sonko** heard these words he knew that this is no more a joking matter and things were getting very serious. These guys were going to kill us. He cried and spoke out so that everyone present heard what he said. He asked them: “to pardon me because I do not know anything that was happening, it was **Lt. Minteh** that asked me to take these Lieutenants to Yundum, as I got to Yundum was when I realized that there was some betrayal happening. Still, I do not know anything about what is happening.” It was then that **Sadibou Hydara** asked him: “which Lieutenants?” When he started calling their names - **L.F Jammeh, Basiru Barrow, Buba Jammeh and Jarju** they brought them out from the crowd one after the other, so once they were taken from the group, **Sanna Sabally** said, ‘in fact, let us take them to the field over there and just kill them. So that was how they took us. Still, at that time, no one was crawling, getting from the Guardroom to where they were supposed to kill us, we walked, nobody crawled, but we were surrounded by soldiers many, many soldiers.’²²⁰
96. **Mafugi Sonko** identified their captors as: **Sanna Sabally, Edward Singhatey, Peter Singhatey, Sadibou Hydara and Batch Samba Jallow**, but **Mafugi Sonko** did not know the rest because they were from Yundum Barracks, not Fajara Barracks.²²¹ He explained that he does not know **Yankuba Touray** and even if he were present, he would not be able to identify him.²²² **Abdoulie Darboe** corroborated this narrative.
97. **Mafugi Sonko** testified that once **Dot Faal** was segregated and shot, he did not die instantly because he would gasp for air and take some time before taking another gasp, and this lasted for a long time.²²³ The second shooting was directed at the group of lieutenants who were segregated from the other detainees. A lot of people fell to the ground once the shooting started, but others remained standing.²²⁴ He recalls that more than five people fell to the ground. The one person who died in that second shooting was **Lt. Barrow**.²²⁵ It was **Abdoulie Darboe** who stopped **Mafugi Sonko** from going towards the soldiers who were being shot at.²²⁶
98. Then there was a third shooting in which **Lt. Momodou Lamin Jarju** and other GNA personnel standing behind **Mafugi’s** group ran away because the lights were off and the place was dark; they covered some ground before their captors realized that some soldiers had run away.²²⁷ **Peter Singhatey** stated that “some of them are running away” and then “the Soldiers in the Camp [were] scattered, some stayed amongst us that was when the order

220 Testimony of Mafugi Sonko, 11th March 2019, page 23, line 512 to page 26, line 552.
 221 Testimony of Mafugi Sonko, 11th March 2019, page 26, line 564 to page 27, line 577.
 222 Testimony of Mafugi Sonko, 11th March 2019, page 27, lines 578 to 583.
 223 Testimony of Mafugi Sonko, 12th March 2019, page 3, line 43 to page 4, line 56.
 224 Testimony of Mafugi Sonko, 12th March 2019, page 4, lines 57 to 61.
 225 Testimony of Mafugi Sonko, 12th March 2019, page 5, lines 81 to 90.
 226 Testimony of Mafugi Sonko, 12th March 2019, page 4, lines 64 to 68.
 227 Testimony of Mafugi Sonko, 12th March 2019, page 4, line 69 to page 5, line 75.

was given that ‘these dead bodies be carried and taken into their vehicle [Gumbo Lowe’s truck – he was the driver assigned to that vehicle].’ And we did that.”²²⁸ **Mafugi Sonko** explained that **Lt. Momodou Jarju** ran away at Fajara Barracks.

99. When the order was given to carry the bodies back into the vehicle, more than five dead bodies were put into the truck. Apart from **Dot Faal** and **Basiru Barrow**, **Mafugi Sonko** recalls at least two individuals he did not recognize.²²⁹ **Mafugi Sonko’s** clothes were soaked with blood as he and others lifted **Dot Faal’s** body into the vehicle while he was gasping for air, almost dead but still alive.²³⁰ Then **Gumbo Lowe** drove the truck to **Yundum Barracks** on **Sanna Sabally’s** orders.²³¹ **Mafugi Sonko** and others laid on the truck’s floor among the dead and injured bodies while the armed soldiers were standing along the sides inside the truck.²³²
100. The testimony provided to the Commission is that there was a deliberate attempt on the part of the Junta under the Command of **Capt. Sanna Sabally to Edward Singhatey and Baboucarr Jatta** to kill the captured detainees who were paraded at Fajara Barracks on the morning of November 11, 1994 in line with their Common Plan of eliminating the coup leaders. Among them were: **Lt. Lamin Jarju, Sgt Joof Cham Sir Jackal, Lt Basiru Barrow and Lt Dot Faal. Lamin Jarju and Cham Joof** escaped from Fajara Barracks.
101. **Demba Njie** testified that around one (1) a.m. in the early hours of November 11, 1994, he was sleeping at his sister’s house at Mile 7 when she woke him up to say that she heard gunshots, but he did not take it seriously and went back to sleep.²³³ After some time, his sister knocked again to say that the gunshots were getting serious. Then he received a call at the same time from the late **Captain Kalifa Bajinka** at State House saying that fighting was ongoing at Fajara Barracks and he should come to State House.²³⁴ **Demba Njie** told him to send some men to escort him to State House.²³⁵ **Demba Njie** testified that when he arrived at State House around three (3) a.m.,²³⁶ he “... found **Chairman Jammeh** in a very, very confused situation moving in and out, walking through the sitting room, going down the stairs, there was even situation he said ‘leave me, I am going to fight, let me go and fight, let me go and fight’ and people trying to calm him ‘sir, do not worry, there are people to take care of the situation.’”²³⁷ He heard that there were gunshots at Fajara Barracks, but he had no idea about what was happening at Yundum Barracks.²³⁸

(IV) EXECUTION AT BRIKAMA FOREST

102. When the Junta members went to State House they were reminded that they had unfinished business. The Common Plan was that: “no prisoners would be taken” and that: “all the ring leaders would be killed.” The Council members unanimously agreed to return to Yundum

228 Testimony of Mafugi Sonko, 12th March 2019, page 5, lines 75 to 79; page 7, lines 126 to 138.
 229 Testimony of Mafugi Sonko, 12th March 2019, page 8, lines 157 to 161.
 230 Testimony of Mafugi Sonko, 12th March 2019, page 8, lines 146 to 153.
 231 Testimony of Mafugi Sonko, 12th March 2019, page 9, lines 162 to 165.
 232 Testimony of Mafugi Sonko, 12th March 2019, page 9, lines 164 to 170.
 233 Testimony of Demba Njie, 27th February 2019, page 27, lines 582 to 587.
 234 Testimony of Demba Njie, 27th February 2019, page 27, line 587 to page 28, line 597.
 235 Testimony of Demba Njie, 27th February 2019, page 28, lines 597 to 600.
 236 Testimony of Demba Njie, 27th February 2019, page 28, lines 601 to 606.
 237 Testimony of Demba Njie, 27th February 2019, page 28, lines 607 to 612.
 238 Testimony of Demba Njie, 27th February 2019, page 28, lines 613 to 616.

Barracks and finish the job by executing the remaining detainees pursuant to the original agreement that they should crush and kill the enemy.²³⁹ The reprieve earlier in the morning by sparing the lives of **Gibril Saye, Abdoulie Bah (Achopin Chopin) Bry Manneh (Nyancho), Buba Jammeh, Momodou Lamin Darboe and Amadou Mbackeh Sillah** was seen as a breach of the earlier agreement that they would take no prisoners. At Yundum Barracks they had a meeting in the Officer's mess at which all of them- **Sanna Sabally, Edward Singhatey, Saidibu Hydera and Yankuba Touray** and Army Commander **Baboucarr Jatta** and **Cpt. Momodou Marong**, the Camp Commander. At the meeting, the Council members decided to kill the remaining officers detained in the cells. **Marong** who was a lawyer advised them against this. According to **Marong's** statement, admitted in evidence as I.D MF 1 on page 57, he advised the Council members against killing the soldiers on the grounds that it was extra-judicial.²⁴⁰ He advised them that even though the Constitution was suspended, human rights was a universal agenda and killing the officers would amount to murder under the Criminal Code and would be unlawful.²⁴¹ He further advised them that there was no limitation for murder under the Criminal Procedure Code.²⁴² Advising the Junta against carrying out the execution, **Marong** advised them that there was no Decree authorizing them to kill anyone.²⁴³ The Junta, in the end, disregarded his advice as to the illegality and unlawfulness of their actions and proceeded to kill the captured soldiers. According to **Marong**, the Army Commander, **Baboucarr Jatta**, who was at that meeting, did not take any steps to dissuade the Junta or advise them to spare the officers' lives.²⁴⁴ He said that **Jatta** did not object when the Junta decided to execute the soldiers even though he was the head of the Army.²⁴⁵

103. **Mafugi Sonko** saw the AFPRC Junta members when they returned to Yundum Barracks around two (2) p.m. He also saw them leave with detainees. He explained that all Council members were present except **Yahya Jammeh** and he did not recognize **Yankuba Touray**. The Army Commander, **Baboucarr Jatta**, and the Military Police were also present.²⁴⁶ He further explained that: *“At that time, all of us were standing. Those that were brought from the Fajara Barracks, from the rank of Lieutenant to the Sergeant, were brought in a vehicle that had a tarpaulin. The vehicle was parked. I counted 12 Lieutenants that were in the vehicle.²⁴⁷ Between God and me, those I counted will number up to twelve (12) individuals; they were all taken into the vehicle and the tarpaulin was pulled down. All of those that were taken were naked²⁴⁸ and then they headed towards Brikama. Baboucarr Jatta, Sadibou Hydera, Peter Singhatey, Edward Singhatey, Sadibou Hydera, all of these were there; it was only Yahya that I did not see.”²⁴⁹*
104. **Mafugi Sonko** testified that the twelve (12) detainees taken away from Yundum Barracks that afternoon were the first batch to be taken away and included **Lt. Buba Jammeh (Kekoyo**

Buba) and Manneh (Nyancho).²⁵⁰ He told the Commission that after the left for Brikama he did not see them again.²⁵¹ Then they came for the next set of detainees. This group included **Lt. Camara** and **Lt. Saye**. According to **Mafugi Sonko**: *“[a]fter the vehicle left no other Army Head was in there. All of them also followed the vehicle except the Guards inside the Camp and the others who were guarding us in the cells.”²⁵²*

105. The number of captured soldiers that **Mafugi Sonko** says were taken for execution is far in excess of the evidence before the Commission. Several witnesses suggest that it was only six (6) officers who were taken to the forest to be summarily executed. However, **Abdou Bah** puts the figure at eight (8). **Malang Camara** was not present but was told by his colleagues when he returned to work on the Monday after the weekend break that they were more than ten (10) to fifteen (15) in total.²⁵³ The inconsistency in the narratives of the actual numbers of the soldiers that were executed in the forest is of concern to the Commission who are required to *“establish and make known the fate and whereabouts of disappeared victims”²⁵⁴.*
106. **Sait Darboe** who witnessed the incident says he saw **Sanna Sabally, Edward Singhatey, Sadibou Hydera and Yankuba Touray** with their escorts - **Private Baboucarr Njie Ponkal; Private JCB Mendy, Private Mustapha Touray (Churo), Muhammed Sambou, Lamin Marong, Lance Corporal Batch Samba Jallow and others** in the Officers' Mess.²⁵⁵ **Baboucarr Njie Ponkal** claimed that he did not go to Yundum Barracks and the range because he got injured at Fajara Barracks and was asked to stand down. **Sanna Sabally** confirmed that this could be true.
107. **Abdou Bah** testified that he saw **RSM Papu Gomez** and **Alhagie Kanyi** tying the hands of about eight (8) officers whose names had been called in the Guardroom. Their hands were tied at the back.²⁵⁶ The officers were removed from the Guardroom and put in a Land Rover with the registration number “GNA 111.” The nominal roll call of the detainees by **RSM Gomez** and the tying of the prisoner's hands is corroborated by **Sait Darboe** who said: *“They came out and marched straight to the Guardroom where the names of the detained soldiers were called by RSM Papu Gomez.²⁵⁷ As they came out RSM Papu Gomez was the one tying them. I was standing nearby. If they say ‘Lt. Bakary Manneh,’ he comes out, Papu will take them, using an electric cable, I think, he will tie their hands and push them inside the Land Rover. The hands of Lts. Saye, Lamin Darboe, Baba Jammeh, and Cadet Sillah were all tied. It was a green Land Rover.”²⁵⁸* The difference in the narratives of **Abdou** and **Sait** is that **Abdou** does not mention **Alhagie Kanyi** and in the number of persons.
108. As the vehicles left Yundum Barracks, *“Sanna was leading, followed by Edward Singhatey, Yankuba Touray, Sadibou Hydera, then the.”²⁵⁹* **Sait Darboe** recalled that many soldiers went with the Council members because they were their escorts. **Sait** also explained that he saw **Alhagie Kanyi**. He said: *“at that time I saw Sgt. Alhagie Kanyi sitting at the back of the Land Rover his gun pointing at them, Buba Jammeh [Kanilai] was the one sitting in front of the Land Rover I do not remember the driver.”²⁶⁰*

239 Testimony of Edward David Singhatey, 17th October 2019, pages 69-70, lines 1559-1564
 240 Statement of Cpt.. Momodou Marong, page 57, para. 104 [Marong did not testify before the Commission]
 241 Statement of Cpt.. Momodou Marong, page 57, para. 104 [Marong did not testify before the Commission]
 242 Statement of Cpt.. Momodou Marong, pages 57 -58 para. 104 [Marong did not testify before the Commission]
 243 Statement of Cpt.. Momodou Marong, page 59 para. 106 [Marong did not testify before the Commission]
 244 Statement of Cpt.. Momodou Marong, page 60 para. 108 [Marong did not testify before the Commission]
 245 Statement of Cpt.. Momodou Marong, page 60 para. 108 [Marong did not testify before the Commission]
 246 Testimony of Mafugi Sonko, 12th March 2019, page 13, line 257 to page 14, line 280.
 247 The evidence points to 6 officers and not 12 that were taken to the Brikama Nyambai forest.
 248 Meaning they were stripped off their uniforms
 249 Testimony of Mafugi Sonko, 12th March 2019, page 14, line 297 to page 15, line 319.

250 Testimony of Mafugi Sonko, 12th March 2019, page 14, line 320 to page 16, line 351.
 251 Testimony of Mafugi Sonko, 12th March 2019, page 51, lines 1137 to 1143
 252 Testimony of Mafugi Sonko, 12th March 2019, page 18, lines 369 to 380.
 253 Testimony of Malang F.S. Camara, 18th March 2019, page 42, lines 920 to 928.
 254 TRRC Act, 2017, Section 13 (b)
 255 Testimony of Sait Darboe, 21st February 2019, page 55, line 1221 to page 56, line 1260.
 256 Testimony of Abdou Karim Bah, 26th February 2019, page 18, line 372 to page 19, line 400.
 257 Testimony of Sait Darboe, 21st February 2019, page 49, line 1085 to page 50, line 1107.
 258 Testimony of Sait Darboe, 21st February 2019, page 50, lines 1109 to 1115; page 53, lines 1192 to 1194.
 259 Testimony of Sait Darboe, 21st February 2019, page 54, lines 1204 to 1207.
 260 Testimony of Sait Darboe, 21st February 2019, page 54, line 1208 to page 55, 1220.

109. Although **Abdou Bah** did not see them when they boarded the vehicle, he saw them inside the vehicle as it left Yundum Barracks.²⁶¹ About two (2) to three (3) hours later, the same vehicle returned and drove past the Officers' Mess behind the lime trees. Then some soldiers started digging a ditch.²⁶² **Abdou Bah** himself peeped through the tiny window of the bathroom cell and saw the soldiers digging. They pulled the lifeless bodies by the legs from the back of the Land Rover and threw them into the ditch.²⁶³ Abdou Bah testified that “[w]hoever left that cell that day never came back,” which made him believe that the soldiers who were taken out of the cell that day were all killed and buried in the ditch.²⁶⁴ After that, the Council members, including **Sanna Sabally, Edward Singhatey, Sadibou Hydara, Yankuba Touray, and the Army Commander, Baboucarr Jatta**, left with their entourage.²⁶⁵
110. After that, **Abdou Bah** described the atmosphere at Yundum Barracks. He said: “*The whole camp got so quiet. It was completely silent. It is hard to imagine, hard to explain. The sorrow in that place was just too much and it does not matter if you are detained or outside; everybody was down.... It was so sorrowful to remember how it happened that day. So, it was a turning point for the country.*”
111. The detained soldiers were taken to a range behind Brikama and about four (4) or (5) kilometres from Siffoe, known as **Cpl. Lamin Bojang Range**. It is the only range around that area.²⁶⁶ In his testimony on February 28, 2019, **Alhagie Kanyi** testified that following their arrival at Brikama Nyambai Forest, the captured soldiers were paraded with their hands tied behind their backs and their backs facing the AFPRC Junta members **Sanna Bairo Sabally, Edward Singhatey, Sadibou Hydara** and **Yankuba Touray, Baboucarr Jatta, Peter Singhatey, B.A. Njie, B.Njie (Ponkal), Lamin Fatty, JCB Mendy, Susso** were also present at the said execution scene.²⁶⁷ **Sanna Sabally** asked the captured soldiers to say their last prayers. The Junta members and their orderlies and guards, formed an extended line and **Sanna Sabally** ordered them to shoot the captured soldiers. They all shot and killed the following soldiers: **Lt. Gibril Saye, Lt. Abdoulie Bah (Achopin Chopin) Bakary Manneh (Nyancho), Lt. Lamin Darboe, Lt. Buba Jammeh and Cadet Amadou Sillah**.
112. **Sait Darboe** suggested that current National Security Adviser **Momodou Badjie**²⁶⁸ was present, however other witnesses including **Sanna Sabally, Baboucarr Jatta** and **Edward Singhatey** state that **Momodou Badjie** was not present.
113. **JCB Mendy** confirms this narrative of the executions of the soldiers. He said that upon arrival at the forest, they ordered everyone to come down.²⁶⁹ The captured soldiers were made to kneel down and **Sanna Sabally** ordered them to say their last prayers and an order was made to “*shoot them and kill them*”. Immediately thereafter, he heard rapid shooting.²⁷⁰ This testimony is also supported by the evidence of **Alhagie Kanyi** and **Baboucarr Mboob** both of whom confirmed that the soldiers were made to kneel down, the Council members

and their orderlies formed an extended line and the order was given by **Sanna Sabally** to shoot and the soldiers were shot. It is difficult to ascertain who actually participated in the shooting.

114. They were gone for about two (2) hours in the estimation of **Sait Darboe**. He waited to see what would happen. When they came he saw the macabre sight of the truck returning with the dead bodies of the soldiers. He saw the bodies of **Lts. Gibril Saye, Jammeh, Lamin Darboe, ‘Bry’ [Sic] Manneh and Cadet Sillah** with blood everywhere.²⁷¹ According to **Sait Darboe**: “*They were brought and taken to the cookhouse. It was horrible, dragging them out, it was horrible. And the thing is how they were killed. It was like they were butchered. None of them was killed by a gunshot; they were killed with bayonets. As a professional soldier, as an experienced soldier, I know. By the time I stood in front of them, I saw Sgt. Major [Lieutenant] Saye’s hand was broken. One of his eyes was removed; you can see the eye; it was a dirty killing.*” The use of bayonets is not corroborated by other witnesses even though **Sait** insists that this is indeed the case.
115. The bodies of the slain soldiers were treated with contempt and disrespect. They were just dumped and there were no rites. According to **Sait Darboe**: “*They left us with the dead bodies.*”²⁷² This narrative is corroborated by the Army Commander, **Baboucarr Jatta** who told the Commission that they just brought the bodies and left them there. He had to arrange for their burial.²⁷³ Ironically he says that he buried them at the Barracks for safety so that their corpses would be easily located at the appropriate time. The grave sites were never marked and the family members of the deceased were not given any information concerning their loved ones. In addition, no information was given to the public about the fate of the killed soldiers. **Baboucarr Jatta** told the Commission that the Junta did not want the journalists to know what had happened. Thus indicating a cover up.²⁷⁴
116. **RSM Baboucarr Sanyang** confirmed that they were buried at Yundum Barracks in two ditches near the cookhouse. The ditches had been dug to erect toilets, but the project was abandoned due to lack of funds. He confirmed that these were the pits in which the killed soldiers were buried. He arrived at the scene when the second grave was being covered with soil.²⁷⁵ This corroborates **Sait Darboe’s** narrative that: “*What I know is that I found that they had dug the ditches already. Who dug it, I did not know? I was standing there with Alhagie Kanyi and another soldier; I forget his name. They started dragging them and throwing them inside the ditch. Sergeant Major (referring to Lt. Saye) was the last man then. He was the tallest, one of the tallest soldiers by the time. They took him to the ditch. His legs were coming out of the ditch. Then Alhagie Kanyi rushed to the cookhouse to get an axe, a big axe. He came with the axe. He decided to cut the legs. He cut the two legs then pushed them inside the ditch just like that. If you dig that ditch where they are, you will find what I am telling you; you will find that Sir Major Saye’s legs were cut. It is Alhagie who cut his legs with an axe.*”²⁷⁶ **Alhagie Kanyi** vehemently denies the allegation that he cut off Sayes limbs.

261 Testimony of Abdou Karim Bah, 26th February 2019, page 19, line 402 to page 20, line 424.
 262 Testimony of Abdou Karim Bah, 26th February 2019, page 20, lines 425 to 434.
 263 Testimony of Abdou Karim Bah, 26th February 2019, page 21, lines 438 to 444.
 264 Testimony of Abdou Karim Bah, 26th February 2019, page 21, line 445 to page 22, line 465.
 265 Testimony of Abdou Karim Bah, 26th February 2019, page 22, line 466 to page 23, line 484.
 266 Testimony of Sait Darboe, 21st February 2019, page 56, line 1259 to page 57, line 1279.
 267 Testimony of Alhagie Kanyi, 28 February 2019, pages 28-29, Lines 605-738.
 268 Testimony of Sait Darboe, 21st February 2019, page 51, line 1134 to page 53, line 1191.
 269 Testimony of John Charles B. Mendy, lines 1638-1649, page 70-71
 270 Testimony of John Charles B. Mendy, lines 1705-1758, page 76-78

271 Testimony of Sait Darboe, 21st February 2019, page 57, line 1287 to page 58, line 1293.
 272 Testimony of Sait Darboe, 21st February 2019, page 58, lines 1295 to page 59, line 1316.
 273 Testimony of Baboucarr Jatta 18TH April 2019, line 3505 to 3516
 274 Testimony of Baboucarr Jatta 18th April 2019 line 3505 to 3516
 275 Testimony of Baboucarr Sanyang, 21 March 2019, lines 1839-1905, pages 82-84
 276 Testimony of Sait Darboe, 21st February 2019, page 62, line 1394 to page 63, line 1404.

117. The Junta members left Yundum Barracks and went to a football match as if nothing had happened. **Sait Darboe** was at the football match and he saw them there. He testified: *“There was a football match between The Gambia and Liberia. [...] Yes, this is what I mean that November 11, I think there was a football match. After they brought the dead bodies, Sanna went straight to the Stadium. [...] They were all there at the Stadium. They went to watch that football match. [...] As if nothing had happened, exactly [...] They left us with the dead bodies.”*²⁷⁷

G. HUMAN RIGHTS VIOLATIONS AND ABUSES

118. Serious human rights violations and abuses occurred on November 10 and 11, 1994, in multiple places, namely, Yundum Barracks, Fajara Barracks and Brikama and Siffoe Forest. The nature and scope of the violations and abuses that occurred in each of these places vary and are discussed below.

(I) INHUMANE TREATMENT AND TORTURE

119. As discussed in preceding paragraphs the Junta and their loyalist forces arrested, tortured, and detained soldiers believed to be staging the countercoup including **Basiru Barrow, Dot Faal, Fafa Nyang** and **Pte. Abdoulie Darboe** and **Mafugi Sonko**. The evidence shows that at the time of their capture, these soldiers were severely beaten by and under the instructions of the Junta leaders present including **Sanna Sabally, Edward Singhatey, Sadibou Hydara, Yankuba Touray** and **Peter Singhatey**. All the victims who testified - **Mafugi Sonko, Abdoulie Darboe** as well as some of the perpetrators including **Lamin Senghore, Ensa Mendy** and **JCB Mendy** all confirmed that the arrested soldiers were mercilessly beaten by kicking, hitting with rifle butts, stamping and punching. This was the modus operandi at the time As a result, **Lt. Basiru Barrow, Lt Dot Faal, Fafa Nyang, Abdoulie Darboe, Mafugi Sonko** and others sustained severe injuries.

120. In addition they were stripped of their uniforms and left wearing only their underwear to humiliate and degrade them even further. **Abdou Bah** testified that when they came back from their interrogation at around one thirty (13:30) to two (14:00) as the Military Police guards were escorting them back to the cell, he saw the following Council members sitting at the Officers Mess -**Sanna Sabally, Edward Singhatey, Sadibou Hydara, and Yankuba Touray** and the **Army Commander, Baboucarr Jatta** laughing at them.²⁷⁸ **Abdou** said: *“So we came passing, as we were passing, we were looking at them we can see they were laughing at us. Remember we were all in underwear. So, I guess for us being humiliated, they like that and they were laughing; it became entertainment to them.”*²⁷⁹

121. When the Junta members who testified before the Commission were asked their views regarding the unlawfulness of their conduct (i.e) beating and torturing captured soldiers and how they perceived relevant applicable laws, including the additional protocols of the Geneva Conventions on the treatment of civilians or persons who are *hors combat* both **Sanna**

277 Testimony of Sait Darboe, 21st February 2019, page 58, lines 1295 to page 59, line 1316.

278 Testimony of Abdou Karim Bah, 26th February 2019, page 15, line 311 to page 16, line 328.

279 Testimony of Abdou Karim Bah, 26th February 2019, page 16, lines 330 to 332.

Sabally and **Edward Singhatey** appeared to have accepted the acts of their subordinates of beating and torturing of the captured soldiers as normal under the situation. **Sanna Sabally** stated *“this Geneva Convention forget it, it does not operate anywhere in this world.”*²⁸⁰ **Edward Singhatey** indicated that the rules in the Geneva Convention especially the human treatment of prisoners was never taken seriously by The GNA.²⁸¹ There was a total dis-regard for the Geneva Convention on the Treatment of Prisoners which prompted a reaction from **Lamin Sise**, Chair of the TRRC. He cautioned **Sanna Sabally** and told him that it was unacceptable and regrettable that important instruments like the Convention and its protocols were being relegated to the realm of irrelevance and it was particularly serious: *“that such an unfortunate statement was made on the platform of the TRRC thus compromising the work of the Commission. He emphasised the importance of the Convention and the Protocols which had taken over a century to develop. The instruments did not stop wars they tried to regulate wars.”*²⁸² **Sanna Sabally** had to apologise to the Commission for the statement that he made with regard to the Geneva Convention on Treatment of Prisoners of War.²⁸³

(II) MURDER OF LT. BASIRU BARROW AND LT. ABDOULIE DOT FAAL

122. **Basiru Barrow** and **Abdoulie Dot Faal** were killed in the most inhumane manner. After being seriously beaten and tortured they were taken from one site to another in spite of the fact that they were visibly incapacitated. They were taken from Yundum Barracks to Mile II Central Prisons and then to Fajara Barracks where they were shot at and killed. **Abdoulie Dot Faal** did not die immediately but was left to die a long, painful and agonizing death. The preponderance of the witnesses have all testified to this fact that the two soldiers were put in a truck and were subjected to insults and public curiosity. **Edward Singhatey** would order soldiers *“to go and see your friends”* and the soldiers scrambled up and down the truck to see the dead **Basiru Barrow** and the dying **Dot Faal**. **Malang Camara** testified that he saw soldiers climbing onto a truck that was parked almost in front of the Signals Centre and Anteroom to see what was inside.²⁸⁴ He also decided to climb on top of the truck; he saw two bodies and one of them was not yet dead: *“The two (2) death bodies were that of Lt. Basiru Barrow and Lt. Dot Faal, but Dot Faal was still not completely dead. [...] He was still shaking; the body was still shaking you could see him moving his - -. So, he was not still completely dead.”*²⁸⁵ **Abdoulie Darboe** also testified that: *“die maybe you feel something pain but Dot Faal before he died, it takes time [...] he was just trembling, doing this and the chest was making sound (gasping), it take so many minutes before he stops breathing, some hard breathing.”*²⁸⁶

123. This was a contravention of the rules governing the treatment and conditions of detention of civilian internees under International Humanitarian Law (IHL) are very similar to those applicable to prisoners of war. In non-international armed conflicts, Article 3 common to the 1949 Geneva Conventions and Additional Protocol II provide that persons deprived of

280 Testimony of Sanna Sabally 24th April 2019 page 142 line 3237

281 Testimony of Edward Singhatey 16th October 2019 page 117, line 2663- 2683

282 (564) SANNA SABALLY TRRC SITTING 24TH APRIL 2019 PART 3 - YouTube: Statement by Chairman Lamin Sise 1:59:34-2:03:52/2:09:43

283 (564) SANNA SABALLY TRRC SITTING 24TH APRIL 2019 PART 3 - YouTube 1:27:15-1:28:25/2:09:43

284 Testimony of Malang F.S. Camara, 18th March 2019, page 29, lines 627 to 633.

285 Testimony of Malang F.S. Camara, 18th March 2019, page 29, line 633 to page 30, line 649.

286 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 44, line 964 to page 45, line 996.

liberty for reasons related to the conflict must also be treated humanely in all circumstances. In particular, they are protected against murder, torture, as well as cruel, humiliating or degrading treatment. It is clear that in the killing of **Basiru Barrow** and **Dot Faal** these provisions were totally ignored.

124. The killing of **Basiru Barrow** and **Dot Faal** raises two significant issues. **First, Barrow** and his co-coupists, according to **Mafugi Sonko**, were unarmed and either way, the Junta and their loyalists were able to arrest them and place them in custody in the Guardroom. Second, they were later transferred to the Mile II Central prisons, where they could have remained. The decision to go back to Mile II and remove the detainees from there and take them to Fajara Barracks after any perceived hostility had ceased entirely, purposely to execute the officers and men, was a premeditated intention to kill. They were detained until such time that it became clear that the attempted coup had been thwarted. That means; therefore, **Barrow** and his group posed no real, imminent or any threat for that matter to the Junta at that stage. Therefore, there was no justification for their execution, particularly considering that, **Barrow** and **Dot Faal** had been detained and tortured so horrifically and they were physically incapable of attacking or causing any sort of harm to the Junta.

125. Further, during the testimony of **Sanna Sabally**, he discredited the Geneva Convention as a “*dead letter law*” that nobody adheres to during conflict. Impliedly, **Sanna Sabally**, being an officer, was aware of the existence of the Geneva Conventions, even if he completely disregards its applicability in conflict. The Commission reasonably concludes that the Army officers are taught the principles of the Geneva Convention, at least in theoretical terms. **Edward Singhatey**, during his testimony, also accepted the rules governing the treatment of soldiers caught in conflict. However, he justified the Junta’s actions on the premise that here in The Gambia, during training exercises by soldiers in the bush, no mercy is shown to soldiers classified as captured, wounded or injured. It can reasonably be inferred that even though soldiers were taught the Geneva Conventions, they regarded the same as irrelevant or only theoretical that do not apply in real-life situations of conflict. The decision to completely disregard the Conventions on November 11, assuming that it does not even apply, was based on the military mindset and not on the Conventions’ applicability or non-applicability. The Commission does not believe that the Junta, on November 11, averred its mind to the Conventions and suppose that the Council members did; they were so intoxicated with power and the anger to crush the coup outweighed adhering to the Conventions.

(III) MURDER AND ATTEMPTED MURDER OF CAPTURED DETAINEES PARADED AT FAJARA BARRACKS

126. The killing of the coupist and other soldiers by firing squad in the early hours of November 11, 1994 was part of the Common Plan to kill the ring leaders and take no prisoners. The Junta members felt entitled and it was unthinkable that anyone would take their victory away from them. **Sait Darboe** told the Commission when the Junta members - **Sadibou Hydara**, **Edward Singhatey**, **Sanna Sabally** and **Yankuba Touray**, were going inside the Officers’ Mess in the afternoon, he was standing by the flagpole and he overheard **Edward Singhatey** say, “*If you want to enjoy, you have to risk your life, so is life,*” and then **Yankuba Touray**

said, “*We can forgive, but we cannot forget, let them dance to their tune.*”²⁸⁷ The death of **Barrow** and **Faal** cannot only be attributed to the shooting, but to all the maltreatment they were subjected to culminating ultimately to their shooting.

(IV) KILLING OF FAFA NYANG

127. **Fafa Nyang** was shot in the back as he climbed up the truck to see his friends. He fell down and was left lying with his intestines spilt on the ground. He was killed on the orders of **Sanna Sabally** who ordered that the remaining ring leaders should be brought out of the cells and killed. As **Sanna Sabally** had given the order, **Edward Singhatey** ensured that it was executed. He ordered the men to bring **Fafa Nyang** out of the cell and shoot him. Which they did²⁸⁸.

(V) UNLAWFUL KILLING OF EM CEESAY AND BASIRU CAMARA

128. **Basiru Camara** and **E.M. Ceesay** were summarily executed at Yundum Barracks on 11 November, 1994, by soldiers under the command of **Sanna Sabally** and **Edward Singhatey** pursuant to orders given by both of them. With regards to the killing of **Basiru Camara** and **E.M. Ceesay**, **Momodou Lamin Bah** in his testimony suggest that in the afternoon after the Junta had returned from the forest with the bodies of the killed officers, he saw **Edward Singhatey** and **Alhagie Kanyi** leading **Basiru Camara** towards the Cookhouse and soon after he heard gunshots and he presumed that **Basiru Camara** was killed there and then.²⁸⁹ **RSM Baboucarr Sanyang** testified that soon after **EM Ceesay** and **Basiru Camara** were gunned down, he left his office to go and see what had happened and he saw **Lamin Colley** and **Baboucarr Mboob** dragging the body of **EM Ceesay** to one of the ditches that was there.²⁹⁰ **Basiru Camara** and **EM Ceesay** were not only unlawfully killed, they were treated inhumanely and were denied a proper burial

(VI) COVER UPS AND CONCEALMENT OF EVIDENCE

129. Several cover-ups were made by the Junta to conceal the real events surrounding the November 11, 1994. The first was the announcement made by **Sanna Sabally** to the men who were going to attack Yundum Barracks that they were going to meet an “*unknown enemy*.” To him they were unknown even though they had adequate information about the planned coup and coupists and in fact had held a meeting with them earlier in the morning of November 10, 1994. The back rear who had volunteered to go with them did not proceed beyond Denton Bridge.

130. The second was **Sanna Sabally**’s radio announcement that there was a firefight in a coup attempt in Fajara Barracks in which some soldiers, including **Lt. Basiru Barrow**, were killed. The Junta knew that this narrative was false and seriously misleading. No soldier

287 Testimony of **Sait Darboe**, 21st February 2019, page 48, line 1061 to page 49, line 1083.

288 [EDWARD SINGHATEH TRRC DAY 94 PT2 17.10.19 - YouTube](#) 31:37-37:04/1:29:33 accessed 10.11.21

289 Testimony of **Momodou Lamin Bah** 26th March 2019, lines 1542-1554 p69

290 Testimony of **Baboucarr Sanyang**, 23 March 2019, lines 1994-1995, page 88

was killed in action. The ringleaders were captured with hardly any armed resistance. They were tortured and detained before being murdered in cold blood. The hiding of the truth by spreading lies about what happened was deliberate by the AFPRC to misinform the public.

131. Vice Chairman **Sanna Sabally**, went to Radio Gambia and made a public announcement on the events of November 10 to 11, 1994. In his testimony to the Commission **Sanna Sabally** said that he apologized to the residents of Bakau for the sleepless night as a result of the shootings at Fajara Barracks and informed them that this was caused by fighting between soldiers who were trying to stage a coup and the loyalists who were trying to stop them. In the process, some soldiers lost their lives. A video recording of an oral statement made by **Cpt. Sanna Sabally** on Radio Gambia at time stamp 0019 to 0024 a picture of newspaper was captured on the screen and a voice believed to be that of the Vice Chairman Lieutenant **Sanna Sabally** on Radio Gambia apologising to the residents of Bakau.
132. Witnesses at the TRRC including **Sait Darboe**, **Abdoulie Darboe** and **Demba Njie** describe the announcement as false. **Sait Darboe** said that *“the report is false because there was no fighting because the soldiers were captured and massacred.”*²⁹¹ **Abdou Bah** also testified that around 7 a.m., when they heard the announcement on the Radio Gambia’s 7 o’clock news that soldiers attacked the Junta and some of them, including **Lt. Barrow**, were killed during the fighting.²⁹² They found the announcement surprising because it was the Junta that attacked them, not the other way around, and he did not know that anyone had died during the fighting.²⁹³
133. **Demba Njie** testified that from his recollection, **Sanna Sabally** made an announcement saying that some elements wanted to overthrow the government and there was some fighting. Unfortunately, some soldiers lost their lives.²⁹⁴ However, **Demba Njie** opined that **Sanna Sabally’s** announcement was untrue because he believes that *“the time they referred to there was no fighting, there were arrest and so on and so forth, and instructions were given by Yahya Jammeh to kill them all, especially the Ringleaders.”*²⁹⁵
134. Similarly, **Sait Darboe** describes the statement contained in a video record played during his testimony in which **Yahya Jammeh** was *“Addressing the Nation the Head of State Lieutenant Yahya Jammeh said the main objective of the plotters according to some captured documents was to install an all-Military government”*²⁹⁶ as a lie. In the video **Yahya Jammeh** said that *“All the weapons were moved to Fajara Barracks which was the headquarters of the coup plotters,”* At timestamp two (2) minutes five (5) seconds, **Yahya Jammeh** said: *“By 1 o’clock: they (Referring to the coup plotters) had lined up people to shoot, they had lineup the loyalist to shoot them, but the mistake they made was that they were brutalizing them, punishing them and asking them to crawl, drill them for one hour subjecting them to all sort of maltreatment to the point that they decided to killed [sic] them. They lined them on the tar road, and they wanted to kill them, so they put the light out to shoot them. These people escaped; one of them ran on foot all the way to Fajara and informed Sabally. Sabally was shocked when he saw his body there were a lot of lacerations on his back.”*²⁹⁷

291 Testimony of Sait Darboe, 21st February 2019, page 65, lines 1452 to 1457.

292 Testimony of Abdou Karim Bah, 26th February 2019, page 4, line 60 to page 5, line 76.

293 Testimony of Abdou Karim Bah, 26th February 2019, page 5, lines 77 to 84; page 6, lines 95 to 100.

294 Testimony of Demba Njie, 27th February 2019, page 31, lines 680 to 686.

295 Testimony of Demba Njie, 27th February 2019, page 31, line 687 to page 32, line 690.

296 Testimony of Sait Darboe, 21st February 2019, page 65, lines 1458 to 1460.

297 Testimony of Sait Darboe, 21st February 2019, page 66, lines 1482 to 1491.

135. **Sait Darboe** vehemently denied this and said: *“They are all lying they just say that to camouflage Gambians, but there was nothing like fighting as they entered inside Fajara Barracks they started firing up, making noise but they did not shoot at anybody and nobody shoot at them, who were they fighting with which Forces were fighting with. -----I don’t know which fighting he is saying.”* **Sait Darboe** further emphasised: *“[n]o, (no, no) that is a blue lie they are the one who lineup these people the coup plotters to kill them, not the coup plotters, no, (no, no) it is they who lineup these people to kill them - the Junta. [...] Yahya Jammeh is lying. He turns things.”*²⁹⁸

136. In addition, **Sait Darboe** testified that the weapons at Yundum Barracks were only moved after November 11, 1994 when they removed all the heavy weapons and transferred them to State House and some to Fajara Barracks.²⁹⁹ Having decided to execute the remainder of the ringleaders, the Junta ordered the removal of officers from the cells and took them to Nyambai Forest in Brikama, where they were executed. To execute that number of people in Yundum Barracks in broad daylight was considered by the Junta to be reckless; hence, primarily to conceal evidence, they drove the detainees to the forest and murdered them in execution style. This was to avoid all the soldiers in Yundum Barracks witnessing the commission of such magnitude in daylight. That was why only the Council members, their Orderlies and guards and soldiers attached to the State House, except for **Baboucarr Jatta**, the Army Commander and a few loyalist soldiers like **Alhagie Kanyi**, went to the forest

(VII) DENIAL OF A DECENT BURIAL

137. After the executions, all the bodies, instead of being given to their families for proper burial, were hurriedly buried in mass graves in Yundum Barracks at various locations. The undignified nature of how the murdered soldiers were buried is at stark odds with Gambian culture, religion and general norms. The Junta dumped the bodies unceremoniously and left. This was done to conceal their crimes and the seriousness of what they did. The mass burial of murdered soldiers was part of the Junta’s efforts to conceal the illegality of their action and tamper with evidence and any subsequent administration of justice. The Junta had complete control over the bodies and knowing that releasing the bodies would reveal the extent of the torture and savagery of the killings, they decided to bury them, believing that they had covered their crimes perpetually. The AFPRC ensured the details of these gruesome murders remained a tight secret. They maintained silence over the whole issue. All these were attempts by the Junta to hide evidence. The Commission heard the harrowing story of human loss, suffering and unimaginable acts of cruelty meted against the dead soldiers that the Junta were trying to hide. The circumstantial evidence in relation to their collective conduct in concealing and tampering with evidence leads to a reasonable conclusion, based on strong adverse inferences, the Junta members and their close associates committed the crime of murder. Unacknowledged, unprotected, unpreserved there was a strong chance that the mass grave would be desecrated or destroyed contrary to Baboucarr Jatta’s assertion that he ordered that the soldiers should be buried there for protection.

298 Testimony of Sait Darboe, 21st February 2019, page 67, lines 1496 to 1500.

299 Testimony of Sait Darboe, 21st February 2019, page 66, lines 1473 to 1481.

H. OTHER HUMAN RIGHTS VIOLATIONS AND ABUSES IN DAYS FOLLOWING NOVEMBER 11, 1994

138. In addition to having a Common Plan of crushing the enemy, Junta members had the mindset that they were specifically targeted to be killed by the coupists. They were angry and had to take revenge against ‘the enemy.’ They were dealing with the enemy and in the words of **Sanna Sabally** ‘*there is no small enemy.*’ Even when the enemy is unarmed, incapacitated or dead. They had to be dealt with and severely. Persons involved in the coup plot or perceived to have been involved with arrested and detained, beaten, tortured or killed.
139. Arrested soldiers were beaten severely before being detained. Beating was part of the modus operandi. Right was not important but victory. It was a matter of life and of death. You kill or be killed. This is how **Sanna Sabally** described the situation to the Commission so the soldiers who were captured were subjected to the most severe beating from the point of arrest to detention. **Abdoulie Darboe** testified that, in the afternoon of November 11, 1994, when WO2 **Abou Trawally**, **Sgt. Seedy Manjang**, **Pte. Kairaba Camara** and **Lance Corporal Modou Njie (also a medic)**, **Cpl. Abdoulie Jallow (Doctor)**, **Cpl. Mballow SaidyKhan**, **Cpl. Yahya Dampha**,³⁰⁰**Pte Babai Manneh** and **Lance Cpl.**
140. **Abdou Bah** testified that they were in bad shape when they were brought in. **Modou Njie** the Medic at Fajara was injured and bleeding and explained that **Peter Singhatey** shot him on his foot when he was arrested by **Peter Singhatey** and **Lamin Fatty**.³⁰¹ This narrative that **Modou Njie** was shot in the leg by **Peter Singhatey** is corroborated by **Lamin Fatty** who told the Commission that he was part of the team who went to arrest **Modou Njie**. He himself made **Njie** to crawl and kicked him but when **Peter Singhatey** shot him in the leg he immediately regretted his action. **Sgt. Nyang Kabareh** and **Kairaba Camara** were seriously beaten when they were arrested. **Sgt. Nyang Kabareh**, had deep lacerations on his naked back from the beating meted out to him by the Military Police.³⁰² The Military Police who were under the command of **Lt. Frazer Joof** and **Sgt. Famara Jassey**³⁰³ severely tortured persons that were arrested. According to **Sait Darboe**: “*even those executed they were tortured before being killed, but they were also first tortured before being killed in Yundum Barracks at the Military Police Headquarters they were all beaten seriously, they were all Soldiers, no Civilians.*”³⁰⁴
141. Arrested soldiers were stripped off their uniforms and left only in their underwear. **Mafugi Sonko** testifies that: “*I was there. I saw many because WO2 Trawally was from Farafenni. He was also arrested and brought in and stripped naked, then he met me in the cells.*”³⁰⁵ **Abdou Bah** and **Landing Badjie** were stripped off their uniforms as their trousers and shirts were taken, but they were left with their underwear.³⁰⁶ Inside the Guardroom cells, they found about fifteen (15) to twenty (20) detainees all in partial nudity wearing only their underwear.³⁰⁷ **Abdou Bah** testified he also saw **Lt. Buba Jammeh**, **Lt. Momodou Lamin**

300 Yayha Dampha is still in the GNA and is now a Cpt.ain or Lieutenant; He is worked with the Motor Transport Unit (MTO) in the GNA

301 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 54, line 1210 to page 57, line 1263.

302 Testimony of Sait Darboe, 21st February 2019, page 68, line 1536 to page 69, line 1544.

303 Testimony of Sait Darboe, 21st February 2019, page 69, lines 1545 to 1549.

304 Testimony of Sait Darboe, 21st February 2019, page 69, lines 1550 to 1557.

305 Testimony of Mafugi Sonko, 12th March 2019, page 19, lines 401 to 404.

306 Testimony of Abdou Karim Bah, 26th February 2019, page 11, line 219 to page 12, line 237.

307 Testimony of Abdou Karim Bah, 26th February 2019, page 11, line 219 to page 12, line 241.

Darboe, **Cadet Sillah**, **Lt. Gibril Saye**; **Sgt. Seedy Manjang**; **Mafugi Sonko**; **Mballow SaidyKhan**, and later on **Sgt. Nyang Kabareh** all half naked.³⁰⁸ **Sanna Sabally** corroborated that men were stripped naked and left only with their underwear³⁰⁹.

142. **Abdou Bah** was arrested around three (3:30) or four (4) p.m. on November 11, 1994,³¹⁰ while he and **Landing Badjie** were sleeping on a mat under an orange tree in their compound. **Peter Singhatey** came with some men in three (3) saloon cars.³¹¹ **Abdou Bah** recognized **Mr. Lamin Jobarteh**, a police officer, who also trained at Fajara Barracks and later became the Attorney General and Minister for Justice under that regime.³¹² **Peter Singhatey** had the muzzle of his AK 47 pointed at **Abdou Bah’s** head. He kicked him and told him to roll around. The men used his shoe-laces to tie his hands behind his back. They did the same thing to **Landing Badjie**.³¹³ After **Peter Singhatey** asked them for their weapons and **Landing Badjie** told him where they were kept. Both **Abdou Bah** and **Landing Badjie** were transported in the back seat of a Mitsubishi Gallant to Yundum Barracks.³¹⁴
143. The next morning, November 12, 1994, the soldiers came into the Guardroom asking whose trousers they were holding. **Abdou Bah** believed it was his because they found a grenade or something similar inside it:³¹⁵ But even before he could identify it as his he was slapped by **Provost Kairaba Camara**.³¹⁶ **Sgt. Major Jarjue** intervened and asked **Kairaba Camara** to stop. **Abdou Bah** stated that that was the only time he was beaten during that entire incident.³¹⁷
144. **Alagie Kebbeh** was shot in the leg by **Edward Singhatey** on Sunday, November 13, 1994 in the Guardroom at the Yundum Barracks. He described how he was arrested by **Lamin Fatty** and another soldier who arrested him from his residence and forced into the boot of a Toyota Corolla vehicle. They drove him around stopping intermittently to increase his anxiety and discomfort. He was lost as he did not know where he was. They eventually took him to the Guardroom at the Barracks for questioning by the two Junta members, **Sanna Sabally** and **Edward Singhatey**. This narrative is corroborated by **Lamin Fatty** himself who deeply regretted his ignominious actions and apologised to the **Alagie Kebbeh** and participated in a reconciliation event at the TRRC after his testimony.
145. On arrival at the Guard room **Kebbeh** found **Sanna Sabally**, **Edward Singhatey** and **Batch Samba Jallow**, **Edward’s** driver and **Marong** his orderly. When **Sanna Sabally** started questioning him, **Edward Singhatey** deliberately shot him in the thigh.³¹⁸ This caused some consternation in the room. And in a rare show of sympathy **Sanna Sabally** rushed to the aid of **Alagie Kebbeh** and pulled his pistol to shoot **Edward Singhatey**. He stopped in his tracks and got aid for **Kebbeh**. He however told the Commission that if he knew that **Kebbeh** was among the leaders of the coup he would have shot him himself³¹⁹. **Singhatey**

308 Testimony of Abdou Karim Bah, 26th February 2019, page 12, line 242 to page 13, line 272.

309 Sanna Sabally TRRC SITTING 24TH APRIL 2019 PART 3 - YouTube

310 Testimony of Abdou Karim Bah, 26th February 2019, page 9, lines 167 to 169.

311 Testimony of Abdou Karim Bah, 26th February 2019, page 6, line 122 to page 7, line 130.

312 Testimony of Abdou Karim Bah, 26th February 2019, page 8, lines 139 to 147.

313 Testimony of Abdou Karim Bah, 26th February 2019, page 7, lines 132 to 136; page 8, lines 162 to 165.

314 Testimony of Abdou Karim Bah, 26th February 2019, page 8, lines 147 to 160.

315 Testimony of Abdou Karim Bah, 26th February 2019, page 13, lines 274 to 275; page 14, lines 291 to 297.

316 Testimony of Abdou Karim Bah, 26th February 2019, page 14, line 299 to page 15, line 300.

317 Testimony of Abdou Karim Bah, 26th February 2019, page 15, lines 301 to 304.

318 Testimony of Alagie Kebbeh 9th April 2019, line 543

319 Sanna Sabally DAY 2 TRRC SITTING 25TH APRIL 2019 PART 1 - YouTube 37:34-40:46/1:28:18 accessed 10.11.2021

acknowledged that the shooting did take place but he did not fire the shot. The shot came from someone else inside the room³²⁰.

146. **Alagie Kebbeh** suffered greatly from the shooting which resulted in permanent injury as he now walks with a limp. At the time of the incident he was given first aid by **Abdoulie Sarr** the army medic and hospitalised for two days at the clinic in the Barracks. On the November 14, 1994 the Army Commander **Baboucarr Jatta** authorised his transfer to the Royal Victoria Teaching Hospital in Banjul. He spent three (3) months in hospital under very heavy army guard even though he was strapped to a fifteen (15) kilogram iron weight to stop him from moving. After the three (3) months they took him back to the Yundum Barracks clinic. At the Clinic he was charged with participating in the November 11, 1994 foiled coup and was imprisoned at the Security Wing No. 4. He was shackled but his fellow prisoners challenged the prison authority on this inhumane action. The chains were removed. However **Kebbeh** continued to suffer because of his injury. He had to be hospitalised again for a month in 1997 due to serious bleeding. This is corroborated by **Mafugi Sonko** who told the Commission: “The soldiers came to realize that **Kebbeh** was very tired and weak. They came and took him out. I do not know whether he was taken to Banjul or what other hospital they took him to, but after that, he was not brought back to the cell again. He was taken directly to Mile II.”³²¹

I. DETENTION AT MILE II CENTRAL PRISONS

147. After being detained at Yundum Barracks for few weeks, the detainees were transferred to Mile II Central Prison. **Bubacarr Jatta**, the medic at Mile II Central Prisons, testified that the following detainees were brought to the prison: **Malick Nyang Kabareh, Abdoulie Jallow, Omar Njie, Kairaba Camara, Mafugi Sonko, Lamin Babai Manneh, Seedy Manjang, Abdoulie Darboe and Abou Trawally**. It could be more, but he could only remember these names.³²² All of the November 11 detainees arrived in Mile II Prison with injuries;³²³ their injuries were consistent with beatings.³²⁴ For example, **Lamin Babai Manneh** had a whitish discharge with blood clots coming out of his eardrum. He explained, “(T)he problem that caused my eardrum was they laid me down, and then they put a gunshot across my ear.”³²⁵ **Mr. Jatta** testified that **Mr. Manneh** told him that he was hit many times with gun butts at the time of his arrest.³²⁶ The detainees had “... multiple injuries, bruises at some point, some of them it was difficult even to move, they had difficulties when walking...”³²⁷ **Mr. Jatta** testified that **Aliou Bah**, who was one of the detainees, told him that **Lt. Barrow** was toothless at that time. They had to support him to move because he was in so much pain.³²⁸

148. **Ebrima Ismaila Chongan**, former Assistant Inspector General of Operations who was at the Mile II Security Wing as one of the Security detainees, told the Commission that: “Around December 20, 1994, -----the Military Police escorted some people who were very

320 EDWARD SINGHATEH TRRC DAY 94 PT2 17.10.19 - YouTube 1:15:15-1:29:33/1:29:33 accessed 10.11.2021
 321 Testimony of Mafugi Sonko, 12th March 2019, page 20, line 418 to page 21, line 451.
 322 Testimony of Bubacarr Jatta (medic), 22nd January 2019, page 34, line 750 to page 35, line 762.
 323 Testimony of Bubacarr Jatta (medic), 22nd January 2019, page 35, lines 768 to 769.
 324 Testimony of Bubacarr Jatta (medic), 22nd January 2019, page 37, lines 809 to 813.
 325 Testimony of Bubacarr Jatta (medic), 22nd January 2019, page 35, line 773 to page 36, line 790.
 326 Testimony of Bubacarr Jatta (medic), 22nd January 2019, page 37, lines 805 to 808.
 327 Testimony of Bubacarr Jatta (medic), 22nd January 2019, page 36, lines 791 to 802.
 328 Testimony of Bubacarr Jatta (medic), 22nd January 2019, page 30, lines 648 to 656; page 45, line 1001 to page 46, line 1023.

haggard. These were the people they accused or implicated in the November 11 coup. I can remember some of the guys who came from the Gendarmeries. There was **Sergeant Seedy Manjang** and there was **Ba Sainey**. **Ba Sainey**, I cannot remember his surname. There was another Private, I think **Babai Manneh**. Then there was **Sgt. Nyang Kabareh**. **Kabareh** was from the GNA side, so **Captain Cham and Baboucarr Jeng**³²⁹ knew that. Then there was, I think, another **Pte Njie**. There was **Abdou Bah** a former Genderme -----and then there was another guy. I think his name is **Landing Badjie**. He was Military Police driver or something like that.”³³⁰ **Ebrima Ismaila Chongan** further described them: “So you can see that these people have gone through severe trauma-----you can see the clothes were not clean and they seem to have lost [sic] a lot of weight all of them, they must have gone some form of torture before they came there.”³³¹ The detention of the alleged coupists was corroborated by **Baboucarr Malick Jeng**, former RSM and also a security detainee at the Mile II Prison. He told the Commission: that a “group of Soldiers were brought in to join us, including **WO2 Trawally Abou, Sgt. Nyang Kabareh and Pte. Njie**, who was a medic. I cannot remember the rest who were allegedly involved in the November 11 incident ...”³³²

149. **Abdou Bah** told the Commission that about three weeks after their arrest on November 11, he and the other detainees were transferred from Yundum Barracks to Mile II Prison³³³ They went to Mile II with their military uniforms and were taken to Security Wing No.1).³³⁴ At Mile II, they took all their personal items (even “jujus” (charms), but as far as **Abdou Bah** could tell, none of the things taken were recorded. None of his personal belongings were ever returned.³³⁵ They were neither informed of the reason for their detention nor granted access to a lawyer.³³⁶ About eight (8) of them included **Abdou Bah, Landing Badjie, Mafugi Sonko, Baba Saidy Khan, Ba Sainey Jammeh, Sgts. Seedy Manjang and Nyang Kabareh** (who was either at Security Wing No. 1 with them or taken to Security Wing No. 4).³³⁷ Security Wing number one (1) has twelve cells. They found **AIG Ebrima Chongan, RSM Jeng and Mamat Cham** there.³³⁸ **Abdou Bah** explained that they were locked up for twenty three (23) hours a day with a thirty (30)-minute break in the morning and another thirty (30) minutes break in the afternoon.³³⁹

150. While at Security Wing Number 1, **Abdou Bah** had a toothache. He complained about this for a week before he was taken to RVTH in an ambulance under escort.³⁴⁰ The dentist decided to remove the tooth. However, the guards were in such a hurry that the doctor broke **Abdou Bah’s** tooth as he pulled it out, which led him to use an instrument that looked like pliers to pull the remaining part of the tooth inside his gum.³⁴¹ As a result, **Abdou Bah** bled heavily, so the doctor gave him a piece of cotton to bite on to stop the bleeding and gave the guards the paracetamol for him.³⁴² **Abdou Bah** returned to his cell at Mile II and received

329 Cpt.ain Mamat Cham and RSM Jeng were bot Security detainees
 330 Testimony of Ebrima Chongan, 7th January 2019, page 62, line 1395 to page 63, line 1405.
 331 Testimony of Ebrima Chongan, 7th January 2019, page 63, lines 1411 to 1414.
 332 Testimony of Baboucarr Malick Jeng, 20th February 2019, page 29, lines 630 to 633.
 333 Testimony of Abdou Karim Bah, 26th February 2019, page 24, lines 517 to 520.
 334 Testimony of Abdou Karim Bah, 26th February 2019, page 26, line 571 to page 27, line 582; page 28, lines 599 to 600.
 335 Testimony of Abdou Karim Bah, 26th February 2019, page 27, line 579 to 586, lines 591 to 593.
 336 Testimony of Abdou Karim Bah, 26th February 2019, page 27, lines 587 to 590.
 337 Testimony of Abdou Karim Bah, 26th February 2019, page 28, lines 601 to 607.
 338 Testimony of Abdou Karim Bah, 26th February 2019, page 28, lines 608 to 618.
 339 Testimony of Abdou Karim Bah, 26th February 2019, page 30, lines 666 to 667.
 340 Testimony of Abdou Karim Bah, 26th February 2019, page 31, lines 683 to 687.
 341 Testimony of Abdou Karim Bah, 26th February 2019, page 31, line 688 to page 32, line 693.
 342 Testimony of Abdou Karim Bah, 26th February 2019, page 32, lines 693 to 696.

paracetamol when the prison guards changed shifts.³⁴³ Messrs. **Malang Sidibeh** and **Pa Badjie** were very helpful prison guards to whom **Abdou Bah** is extremely grateful.³⁴⁴ They took “risks, by going the extra mile. By going to our families, talking to our families about our situation, making them know that we are still alive because most of us who got arrested never communicated with our family members. My family did not know; they thought I was dead because that was what they were told. So those two (2) people I am going to say thank you to them; they were helpful.”³⁴⁵

151. **Abdou Bah** and **Landing Badjie** spent about six months at Mile II Prison.³⁴⁶ On two occasions, they were taken to a Court Martial at the Officers’ Quarters at Fajara Barracks to testify as state witnesses against **Nyang Kabareh**.³⁴⁷ After they were released from Mile II Prison, they were not allowed to go home, but instead, they were detained at Yundum Barracks for a month.³⁴⁸ While at Yundum Barracks, members of the Military Police took them back to Fajara Barracks to the Commander’s Office for Orders, which meant that they were charged.³⁴⁹ **Abdou Bah** testified that: “My charge was that I was involved in November 11, or if I am not involved this is what it says ‘you had information about what was about to happen on November 11 and you did not inform the appropriate authority. So that being the case, your service is terminated. You have been dismissed from the Force.’ The last word I was told is ‘but you are still a reserve’ meaning I cannot leave the country. I am a reserve after being dismissed. [...] I went and collected my little pension, got a passport, and left the country. [...] I left on September 28, 1995.”³⁵⁰
152. The breach of their due process rights and the prolonged nature of their detention resulted in unlawful detention. In the case of **Mafugi Sonko** his unlawful detention is incomprehensible. **Peter Singhatey** had on two occasions told **Batch Samba Jallow** to remove him from the group as “he was not among them.” Yet when **Batch Samba** refused to comply, **Peter Singhatey** turned a blind eye and allowed **Mafugi** to go through a painful process that he should not have gone through. **Mafugi** claims that he never appeared before a court-martial or any court of law for that matter yet he was imprisoned for nine (9) years.
153. **Mafugi** does not recall any paperwork before his admission into Mile II Prison³⁵¹ He was not granted access to a lawyer, and he was not given any information about the reason for his arrest.³⁵² He explained that “[a]s for me there was only one time that they came and they brought a paper which I have with me here that they will take me to the Court Martial. At the Court Martial **Mafugi Sonko** told the Commission that after the documents were handed over to the Judge, he read the papers and he said to them: “**Mafugi Sonko** should not have come to the Court Martial, he should have gone to the civilian court. After that, they gathered all the documents and they left.”³⁵³ After **Mafugi Sonko** returned to Mile II, the court-martial proceedings at Fajara Barracks continued but he did not attend neither

343 Testimony of Abdou Karim Bah, 26th February 2019, page 32, lines 697 to 699.
 344 Testimony of Abdou Karim Bah, 26th February 2019, page 31, lines 699 to 703.
 345 Testimony of Abdou Karim Bah, 26th February 2019, page 32, lines 702 to 708.
 346 Testimony of Abdou Karim Bah, 26th February 2019, page 36, lines 804 to 805.
 347 Testimony of Abdou Karim Bah, 26th February 2019, page 37, lines 806 to 815.
 348 Testimony of Abdou Karim Bah, 26th February 2019, page 37, lines 806 to 816.
 349 Testimony of Abdou Karim Bah, 26th February 2019, page 37, lines 825 to 827.
 350 Testimony of Abdou Karim Bah, 26th February 2019, page 37, line 824 to page 38, line 842.
 351 Testimony of Mafugi Sonko, 12th March 2019, page 25, lines 539 to 541.
 352 Testimony of Mafugi Sonko, 12th March 2019, page 28, lines 612 to 615.
 353 Testimony of Mafugi Sonko, 12th March 2019, page 35, line 775 to page 36, line 782.

did he appear before a court again for nine (9) years. He was not given access to a lawyer nor informed of the reasons for his detention.³⁵⁴ He testified that one day, **David Colley**, Commissioner of Prisons, told him that his situation had changed from detainee to prisoner, and he would be imprisoned for nine (9) years.³⁵⁵ The lawyers who served as Defence at the Court Martial were: “**Cpt. S. Fofana, Lt. S. Seckan and Lt. B. Darboe and Major Gibba; and the members of the panel were Major Gibba, Cpts. Saine, Sarr, Singhatey and Dibba.**”³⁵⁶ **Sgt. Kejaw Touray** investigated the case.

154. **Mafugi Sonko** explained that the prisoners who were taken to court in his presence and imprisoned included: **O2 Trawally, Babai Manneh, Omar Njie, Sgt. Manjang, Sgt. Nyang Kabareh**. They were eventually dismissed from from the Army and “they gave each one of them a letter telling them that ‘they were no longer in the Army.’ But this did not happen to him. In his words: [...] *Apart from the only day that myself and Sanna Sabally were taken to the Court Martial, I have never gone back to court any other time and I was not given any other document and this was how I was taken and my status changed from being a detainee to a prisoner. And there is no civilian court in this country that anyone can say that I have stepped my foot in. Captain Alieu Ann was the President of the Court Martial. When I was returned to the prison that was it. A jumper was given to me and I was taken and locked up as a prisoner. I was released [sic] in 2003; it was David Colley who brought me my [military] uniform and told me, “Day after tomorrow you are going to be released [sic].”*³⁵⁷
155. **Mafugi Sonko** was transferred from Mile II Prison to Jeshwang Prison following a demonstration by prisoners in the main yard about the food shortage and they began to resist being taken out of their cells to work outside the Prison.³⁵⁸ At Jeshwang Prison, **Mafugi Sonko** was tied up for almost three weeks. He described to the Commission how: “for almost three (3) weeks, my hands were tied behind. The only time I was untied was when I was going to eat. After eating, my hands were tied behind me again. [...] For three (3) weeks, I was tied. After the three (3) weeks, my hands were untied. I was there for almost two (2) months and then taken to Cell Number 5. I spent many years there, close to five (5) years. Then I was returned to Mile II. I was in Mile II until my ninth (9) year in detention. In 2003 I was released. [...] I speak to you, **Mafugi Sonko**; my hands were tied. If I want to ease myself either to urinate or to poop, where we were, there was a small chamber pot my hands were bound, but given that this chamber pot was there, I somehow managed to ease myself if that be urinating or otherwise, I had a way of doing it, but there was no water which you can use to cleanse yourself or to take care of yourself after the process. [...]”³⁵⁹
156. **Abdoulie Darboe** testified that throughout his 16 months of detention, from November 11, 1994, to March 1996, he did not have any family visits. His family did not know where he was and were not allowed to visit him. A friend was able to visit him about two weeks before his release.³⁶⁰ He was never charged with a crime nor given access to a lawyer.³⁶¹ A couple

354 Testimony of Mafugi Sonko, 12th March 2019, page 36, lines 782 to 799.
 355 Testimony of Mafugi Sonko, 12th March 2019, page 36, line 789 to 802; page 39, lines 859 to 860.
 356 Testimony of Mafugi Sonko, 12th March 2019, page 32, line 704 to page 34, line 745. See, also, Exhibit 0026.
 357 Testimony of Mafugi Sonko, 12th March 2019, page 36, line 80 to page 37, line 827.
 358 Testimony of Mafugi Sonko, 12th March 2019, page 37, line 839 to page 38, line 851.
 359 Testimony of Mafugi Sonko, 12th March 2019, page 40, line 890 to page 41, line 899; page 52, line 1170 to page 53, line 1175.
 360 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 65, line 1460 to page 66, line 1470; page 82, line 1850 to page 83, line 1862.
 361 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 66, lines 1475 to 1476; page 69, lines 1540 to 1545.

of statements were taken from him by the NSS (NIA) and “[t]he GNA Military Intelligence, CID unit.” The first statement was taken about four (4) or five (5) months after their detention and, after a few weeks, they were told to appear before Army Commander, **Baboucarr Jatta**.³⁶² Then they were taken to Fajara Barracks; when **Baboucarr Jatta** came out, he said, “why **Darboe**? **Darboe** is not supposed to be here; I told you that according to the DPP, **Darboe** has no case to answer.”³⁶³ However, **Abdoulie Darboe** was not released; he was returned to Mile II.³⁶⁴ About four (4) or five (5) months later, **Cpt. Frazer Joof**, head of the Military Police, went to Mile II for the release of **Abdoulie Darboe**. He said to him: “*Lucky Darboe, today you are going to see your family. [...] Hope you have all your baggage with you?*”³⁶⁵ However, he did not see his family; he was taken to the Military Police Office at Yundum Barracks, where after **Cpt. Joof** received a phone call which changed the situation. **Joof** said to him: “*Ah! Darboe, I am sorry, I got information that somebody [a corporal] said he would produce evidence against you. So, you will be taken back at Mile II.*”³⁶⁶ **Cpt. Joof** spoke to **Sgt. Jassey** on the way back to Mile II, he broke down as he said, “*Look, this man’s case let nobody involve me again anymore, let nobody involve me in Darboe’s case anymore. You try to kill this man; you cannot kill him, you want to charge him, you have no ground to charge him, why are you keeping him? Why can’t he join his family?*”³⁶⁷

157. Then one day, **David Colley** the Director General of the Prison in the presence of the Deputy Director of the Prison, told him that “*we got a letter from the Army Headquarters that you are released from detention, so we will release you now.*”³⁶⁸ After his release **Abdoulie Darboe** had difficulties obtaining his salary arrears. The army commander, **Sam Sarr**, who was fired a few days later, refused to sign his document. He was eventually paid the salary owed to him.³⁶⁹ Thereafter, he was discharged from the army. His certificate of discharge, dated April 13, 2000, stated: “*Ex-Private Darboe Abdoulie was a serving member of The Gambia National Army from the 25th day of August 1991 until 31st March 1996 when his service was no longer needed by the Army. During the period under review, Abdoulie was found to be a fairly good Clerk. I, therefore, do not hesitate to recommend him to anyone, company, went to the or organization that may need his service.*”³⁷⁰

158. One day, while they were still detained at Yundum Barracks, their uniforms were returned to them as the International Committee of the Red Cross (ICRC) were coming to visit. **RSM Papu Gomez** threatened them to be careful about what they tell ICRC because, after the ICRC would leave and they would be left with them.³⁷¹ **Abdou Bah** testified that he told ICRC everything he knew even though they were under armed guards during their interview.³⁷² However, after the interview with the ICRC, they were taken to Mile II but after that throughout their time at Yundum Barracks, he did not see any of the detainees being

362 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 66, lines 1480 to 1488.; page 67, lines 1497 to 1498.

363 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 66, line 1490 to page 67, line 1504.

364 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 67, lines 1505 to 1510.

365 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 67, lines 1510 to 1514.

366 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 68, lines 1516 to 1525.

367 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 68, lines 1525 to 1534.

368 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 69, lines 1546 to 1556.

369 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 69, line 1561 to page 72, line 1622.

370 Testimony of Abdoulie J.K. Darboe, 26th February 2019, page 76, line 1713 to page 77, line 1723; page 83, lines 1863 to 1868.

371 Testimony of Abdou Karim Bah, 26th February 2019, page 24, line 528 to page 25, line 552.

372 Testimony of Abdou Karim Bah, 26th February 2019, page 26, lines 553 to 559.

beaten.³⁷³ During their detention in the Guardroom, **Abdou Bah** testified that some of their guards would sneak information to them. They were told that “*they have got a day that they are supposed to come and finish all of us because they did not want none of us to live.*”³⁷⁴

159. **Abdou Bah’s** narrative of being locked up for twenty three (23) hours a day with a thirty (30)-minute break in the morning and another thirty (30) minutes break in the afternoon for six months and **Mafugi Sonko** having his hands tied for three (3) weeks tantamounts to shackling and lockdown.³⁷⁵ Such treatment is a contravention of the UN basic principles, Rule 3. “*Imprisonment and other measures that result in cutting off persons from the outside world are afflictive by the very fact of taking from these persons the right of self-determination by depriving them of their liberty. Therefore the prison system shall not, except as incidental to justifiable separation or the maintenance of discipline, aggravate the suffering inherent in such a situation*”. The UN Special Rapporteur on Torture **Juan E. Méndez** has decried: “The practice of prolonged or indefinite solitary confinement” as it inflicts pain and suffering of a psychological nature, which is strictly prohibited by the Convention Against Torture.”³⁷⁶

J. IMPACT OF HUMAN RIGHTS VIOLATIONS AND ABUSES

160. The events of November 11, 1994 had a grave negative impact on the GNA soldiers’ morale. **Sait Darboe** testified that he was affected by the killing of his colleagues to such an extent that he went to the toilet at Yundum Barracks and wrote: “*The Junta we are coming for you, and we will revenge for these killing; you people killed our brothers on the ground. So better be prepared; we are coming for you.*”³⁷⁷ Jammeh did not take kindly to this he went to Yundum Barracks with the Council members to threaten the graffiti writers. According to **Sait**: “*That writings led the Council Members to come to the Barracks Yundum Camp 95 (1995) Yahya Jammeh, Edward Singhatay, Sanna Sabally, Yankuba Touray, Sadibou Hydara, Babucarr Jatta, all of them came there. They asked us to fall in. We did. When I say fall in what I mean is that they assembled us in a military formation. Then Yahya Jammeh spoke saying that ‘Yes, we heard that some soldiers want to overthrow my government. They have gone as far as to write on the wall that they will revenge. If anyone is sure of himself, let them come. The one that wrote that on the toilet if he is a man let him come and let us fight physically.’*” **Sait Darboe** further explained that after the Junta members left **Babucarr Jatta** told them after they had said that: “*if they knew the one who wrote that on the toilet, they would pull him out and shoot him.*”³⁷⁸ A reward of a plot of land and money was offered for anyone that gave information leading to the knowing the graffitist. **Sait Darboe’s** identity was never revealed until he himself confessed that he was the graffitist after **Yahya Jammeh** lost the elections and left the country.³⁷⁹ The fact that no one snitched on him in spite of the fact that a reward was offered to the person revealing the identity of the graffitist shows that this was a general feeling in the Army.

373 Testimony of Abdou Karim Bah, 26th February 2019, page 24, lines 521 to 526.

374 Testimony of Abdou Karim Bah, 26th February 2019, page 26, lines 560 to 566.

375 Testimony of Abdou Karim Bah, 26th February 2019, page 30, lines 666 to 667.

376 [UN Human Rights Experts \(Again\) Push for Access to U.S. Prisons, Call for Solitary Reform | Solitary Watch](#)

377 Testimony of Sait Darboe, 21st February 2019, page 71, lines 1594 to 1598.

378 Testimony of Sait Darboe, 21st February 2019, page 72, lines 1598 to 1610.

379 Testimony of Sait Darboe, 21st February 2019, page 72, lines 1611 to 1619.

161. **Demba Njie** testified that when he saw the Council Members and other soldiers celebrating the execution of their comrades at State House, he described his emotions as follows: *“I regret being a soldier because we claim to be soldiers with a difference and anything leading to killing and being proud of it, especially your fellow Gambians because I knew in that case it is was not protected the national integrity to the total integrity of the country. It was against finishing your fellow countrymen. I felt ashamed; I felt very, very worried.”*³⁸⁰
162. **Malang Camara** testified that morals were low in the Army *“---- morals went down very, very low as to what happened. As a result of the arrest and the summary execution of our officers and other ranks the morals were very down. It was wrong for the military Junta to embark on extra judicial executions; it was wrong for the senior officers at the time not to make any effort to stop the savagery and brutality of these horrific events. I was a junior at the time. I knew the right thing do under those circumstances was to follow the military due process of the law and use the Court-martial rather than to take the law onto their own hand.”*³⁸¹
163. The impact of November 11, 1994 on the families of the victims was devastating. Four of the widows of the November 11 attackers testified at the public hearings of the TRRC and one provided a statement. Awa Njie, Mariama Marong Baldeh, Sunkari Yarboe, and Mbaya Demba (Mariama) publicly testified and Fatou Sowe provided a statement. Overnight they became widows, their children orphans, parents lost their sons and other close family members lost their siblings, uncles and nephews. In an extended family system, the impact on different levels of family relationships is immeasurable. Hearing about the death of a loved one is difficult but it becomes even more difficult when the news is unexpected and from unconventional sources. The Army did not inform the families and the families received the news in the public sphere. It was not only disturbing but extremely troubling to know that the person they loved and counted on was unlawfully killed in cold blood. The death of the November 11 attempted coupists was violent and extrajudicial and news of the deaths were sudden and shocking to their family members. While some got the information very early on, others did not for years and the uncertainty and lack for closure for years caused many families immense psychological distress.
164. The bodies were not handed over to the families for proper burial and funeral rites had to be carried out without the bodies. Wives had to mourn without being sure about the definite fate of their husbands. Wives living in the different military barracks were forcefully evicted from their living quarters immediately after November 11. They were forced to relocate to their parents and other relatives. They lost status and a sense of belonging, and this was compounded by the de-kitting of their husbands when the military came to take their uniforms.
165. Due to the misleading information given by the Junta, public reaction was critical and negative which was particularly difficult for the families. The soldiers killed by the Junta were portrayed as perpetrators. This resulted in confusion or feelings of guilt and shame leading to emotional and psychological trauma. They became ostracised by the people they knew, loved and trusted. At the same time, they lost their main sources of financial support, their homes, livelihoods and suffered great emotional and mental distress.
166. **Awa Njie**, widow of **Dot Faal**, was the mother of an eight month old boy on the night that her husband was killed. She narrated to the Commission how the incident of November 11 changed her life forever. From being an army wife living in the Barracks with her husband, she became homeless overnight. She last saw her husband when he told her that he was going to a meeting. She never saw him again. After hearing gun shots from around 3:00a.m to 6:00a.m, she naturally got worried and went looking for him in the Barracks the next morning. She was shunned, spoken to harshly and asked to leave. Her brother who had heard the news about **Dot Faal's** death came to take her away. After initially resisting, she went with him. However, the lack of information about what happened to her husband was too much to bear. She sneaked back into the Barracks in the hope of getting some information. She got nothing and had to return to her brother's house as he had come looking for her.
167. After she received confirmation from a friend (policewoman) that her husband had died, she went to her mother's home in Farafenni for the traditional mourning. Awa said: *“After the death of my husband, things were too tough for me as I was left with the responsibility of taking care of the family. I tried to secure a job but unfortunately I was unable to as all institutions were scared to offer me a job because there was a high possibility of the heads of the institutions losing their positions after appointing me. Among the institutions was Gambia Ports Authority. Their boss Modou Lamin Gibba, told me that he has seen so many of my applications on his desk but he was scared to bring me on board. As a result of those challenges, I decided to engage myself in petty business.”* Awa found it difficult to stand on her feet. Housing was a problem as well as educational opportunities for her son. The family also suffered socio-economically as **Dot Faal** was the sole breadwinner of the family.
168. **Fatou Sowe** is the widow of the late **Sgt. Fafa C. Nyang**. They had two children, a boy, **Sering Tijan Nyang** and a girl, **Isatou Nyang**. They lived in Yundum Barracks for approximately two to three months. She worked at Institute for Continuing Education (ICE) High School then. Her mother-in-law, who had come to visit them from Ballanghar and was staying with them in the Barracks for two months, was due to return home that day, November 11, 1994. Fatou was to drop her off at the car park and drop off the kids at the family compound in Dippakunda before proceeding to work. While they were on their way, they heard news on the radio that there was an attempted Coup d'état and one soldier had lost his life. The public was advised to remain calm and continue their business. On receiving the news, she advised her mother in law that under the circumstances it was not safe for her to travel home to Ballanghar and she dropped her and the children at the family home in Dippakunda and proceeded to work. She tried to contact her husband several times that day but could not reach him. In spite of several attempts to know his fate, she did not have any information until on Sunday when her grandfather got the information through an influential family friend that **Fafa Nyang** was killed.
169. On Monday 14, November 1994, the newspapers published the news about the death of **Dot Faal, Barrow and Fafa Nyang**. The funeral rites were done that same day without the bodies. The Army did not give an official information to the family about **Fafa Nyang's** death. **Fatou Sowe** did the traditional mourning. Few weeks after November 11, she went to collect her belongings from Yundum Barracks. She took the two-door wardrobe with her as she did not want to spend time at the Barracks unpacking her things. There was also a rifle

380 Testimony of Demba Njie, 27th February 2019, page 30, line 660 to page 31, line 666.

381 Testimony of Malang F.S. Camara, 18th March 2019, page 47, lines 1045 to 1049.

in the house that she took with her. Sometime afterwards, some military personnel came to her house to collect the wardrobe, the rifle and **Fafa's** uniforms, and in her words *“that was the last time soldiers came to the house to either see me or my family.”*

170. **Sunkari Yarbou** and **Mariama (Marong) Baldeh**, widows of **Basirou Barrow** in a joint testimony to the TRRC on March 27, 2019 told the Commission about the harrowing time that they went through as a result of the November 11, 1994 failed coup-d'etat. **Sunkari** was the first wife and they had been married for ten (10) years. They had two sons and one daughter aged seven (7) years, three (3) years and nine (9) months respectively. **Mariama** was the second wife and they had been married for five (5) years. They had two daughters aged two (2) years, three (3) months and five (5) months respectively. **Sunkari** had a home business and **Mariama** was a nurse at the RVTH. They also lived with **Basiru Barrow's** nephews and their maids.
171. After the family had dinner together, **Basiru** left for work on the evening of November 10, 1994 and told them that he would return the next day. That was the last time they saw him. The next day, he did not come home and there was an announcement on the radio by **Sanna Sabally** that there was a coup attempt and that the coup leaders along with some soldiers were killed whilst others were arrested. There was no information from the Army and it was through the BBC radio that they heard about their husband's death. **Sunkari** had gone out to see if she could get any information about **Basiru**. She told the Commission that when she got to Westfield she saw many people gathered at one point listening to the radio: *“so I also went there to confirm what they were listening to, subsequently I heard my husbands' name being mentioned among those who were killed. My legs could no longer carry me and the people around me helped me to board the taxi and I went home”*. She found **Marong** crying and their house was full of sympathisers.
172. That night, around three (3) a.m, they heard a knock on the compound gate. **Basirou's** cousin opened the gate and they saw a group of soldiers with guns who told them that they came to collect **Basiru's** belongings to be returned to the GNA. **Sunkari** recognised one **Yusupha Ceesay** but not the rest. They opened her wardrobe and took away all his uniforms and military boots. They also went to **Mariama's** room and did the same.
173. The Army refused to give the body to the family for burial. A family friend called **Pa Abdou Asiz** who was like a father to **Basiru** speak to **Sadibou Hydara's** father's to appeal to **Sadibou** so that the body would be given to the family for burial. He was told that the body could not be released to the family as **Basiru** *“wasn't fighting for the State but instead he was fighting against the government, therefore his corpse cannot be given to the family for burial.”*
174. On November 12, 1994 at around five (5.00) p.m. **Sunkari** and **Mariama** were taken to the NIA for questioning. Upon arrival at the NIA office, **Sunkari** was taken to **Mr. Bah's** office while **Mariama** was taken to **Mounirou Darboe's** office. **Sunkari** told the Commission that after she entered, **Babucarr Jatta** (Army Commander) followed and then **Daba Marena** of the NIA came in too. They asked her how many children **Basiru** had. She did not answer and according to her they then asked her: *“how many compounds did my husband have? I told them I don't know. They also asked if my husband sacrificed a black cow at our house.”*

*I told them that I did not know anything about that. He asked me to sit at the corridor and wait. As I was waiting outside, I saw **Sanna Sabally** and **Edward Singhateh** going to the Director's office. They spent some time and later they left and I was asked to go in. When I entered the Director's (**Mr. Bah**) office, he told me that they need to clarify certain things and he knows that I will be able to provide him with some of the information. He asked me the soldiers who have been visiting my husband for the past three weeks before his death. I told him, no one visited my husband apart from his driver who usually drive him to and from work. He asked specifically whether **BB Dabo** had been visiting him, I responded “no.” **Mariama** also told the Commission that she was questioned along the same lines.*

175. When asked whether their husband had shown any odd or unusual signs on November 10, 1994, they said no. It was normal for him to go for night duty. However, sometime earlier, he had confided in them that he had disagreements with the Junta about the timeline for the transition. He: *“disagreed with the Chairman when he announced that he was going to serve for two years instead of six months as per earlier agreement.”*
176. According to **Sunkari** what she hated most was: *“my husband was painted like a criminal which wasn't the case. They said in the radio that he was a rebel and a coup leader ----- Today I can tell Gambians that my husband, Lt Basirou Barrow was a great and brave soldier who loved his country. He lawfully served his country and his people but he was unlawfully, unjustifiably and inhumanly executed by Jammeh and his junta members”*.
177. Uncertainty surrounding **Barrow's** circumstances gave some credibility to the rumour that he had not died but had escaped to Senegal. This led **Mariama Baldeh** to travel to a remote village in Casamance in search of **Basiru Barrow**. She did not find him but she found many soldiers who had fled the country and gone into hiding. She returned home disappointed.
178. The family suffered greatly after **Basiru's** death. **Sunkari** had to open a small canteen to sell food in order to feed her family and pay the children's school fees. After completing their schooling, they did not get jobs until **Lamin**, the eldest son, ended up opening his own business. **Mariama** had to quit her job at the RVTH because of threats she received from **Almamo Manneh** and she felt unsafe. She took up employment at Stop Step Pharmacy at Westfield where she worked for twelve (12) years before she was able to set up her own pharmacy in Tallinding.
179. **Mariama Mbaya Demba**, the widow of **Gibril Saye**, told the Commission that she last saw her husband on Friday, November 11, 1994. He left for work as usual and went to visit his father at Banjulding which was the tradition. Every Friday, he would visit his father before going to work. He also informed her that after work, he would be going to Banjul Sea Port to clear his car from the Ports. According to her: *“that was our last conversation and I have not heard from or seen him since.”*
180. After the third day of not knowing about **Gibril's** whereabouts, his sister **Yamu Saye** went to the Observer Newspaper to report that her brother was missing. The following day, **Sadibou Hydara** responded through a newspaper article saying that **Gibril Saye** died in Yundum Barracks as a result of the foiled coup. A few days after **Gibril's** death was confirmed, her mother-in-law asked her to leave the house which they were renting at Latrikunda, because her husband who paid the rent was no more alive. She was not allowed to take anything with her except her own things. She went back to her family home in Kartong.

181. At the time of **Gibril's** death, she had a twelve (12) days old baby boy who was their second child. When her first son was in grade two (2) and the second one in nursery school, their paternal uncle (**Bolong Saye**) came for them and took them to stay with him. She was kept out of the children's lives and was not informed when the boys were circumcised which was very upsetting for her. When **Ebrima**, completed High School, he took the perilous 'backway' to Europe. Unfortunately **Alieu**, developed mental illness. His grandmother asked her to come and take her son as he had started misbehaving. She went for him and brought him to her home. Her brother **Buba** took him to the Tanka Tanka Psychiatric Hospital and after assessing him, they were told that he is mentally stable but that he was suffering from stress. She struggles to pay for his traditional treatment but is supported by her current husband who has other responsibilities. Since **Alieu** left his paternal family, no one from the family came to visit him.
182. **Matty Sallah**, widow of the late **Lt. Abdoulie Bah (Achopin Achopin)** testified via video link from the United Kingdom on the March 3, 2019. They got married in 1992 and had a son Omar. Omar Bah who was born on the 10th November, 1993, but her husband had two other sons namely **Ousman** and **Essa Bah**. November 10, 1994, was her son's first year birthday. She last saw **Abdoulie** when he came to her home at **Nemakunku** to congratulate **Omar** on his first birthday before going for night duty at Yundum Barracks.
183. On the morning of November 11, 1994 she woke up unwell and could not go to work. She decided to call in sick. As she was going to the telephone booth outside to call the school, she met up with Sheriff Bah, her husband's sibling who asked her if she didn't hear what happened at the Barracks that the soldiers were killing each other. On receipt of this information she changed her plans to call the school and tried to call Yundum Barracks instead. All attempts to reach him failed as the receiver of the call would always respond that her husband **Lt. Abdoulie Bah (Achopin Achopin)** was busy at the time. She however observed: *"that the receiver spoke in a low and troubled voice."*
184. **Matty Sallah** told the Commission that she spent the day making calls until about 4:00p.m when she made the last call and whilst she was on her way home from the phone booth, she met one **Kawsu Badjie**, a friend of her husband. She asked him if he knew about her husband's whereabouts and he told her that he was at the Barracks. She noticed that he was downcast. It was at this point that she decided to go to the Barracks to find out for herself what was happening. The response she got was the same as the one she got on the phone. That is: *"he is busy."* She observed that the atmosphere at the camp was tense compared to her previous visits. As one vehicle was leaving the camp, she attempted to enter the vehicle, but a soldier grabbed her and told her if she wants peace she should go home. Then she knew that all was not well. She stood standing for a long time and eventually went home.
185. In the evening of November 11, 1994, she heard radio announcement that there was a coup attempt and some soldiers including **Lt. Basirou Barrow, Lt. Abdoulie 'Dot' Faal, Lt. Gibril Saye** and **Lt. Fafa Nyang** lost their lives. She did not hear her husband's name and she thought her husband was alive. With this renewed hope, she went to the phone booth the next day and called the Barracks again seeking answers about her husband's whereabouts. The response was the same. The receiver would always tell her that her husband was busy.

186. **Matty Sallah** further informed the Commission that on Sunday November 13, 1994, the Army was celebrating Remembrance Day. She was cooking when one of the children who was playing outside named **Sedat Jallow**, informed her that some soldiers had gone into her room. When she went to see what was going on, she recognised one of the soldiers as **Sgt. Jasseh** from Faraba. When she asked him what was happening, he told her that she should not be worried as nothing was going on. As she was talking to him, the other soldiers who were at the entrance of the compound suddenly started running away. She went to her room and found that: *her room was disheveled and unkempt, even her beddings were overturned.*
187. **Matty Sallah** made considerable effort to have information about her husband. She believed that her husband was alive. This was **Abdoulie Bah's** mother's belief also and she kept on saying: *"my son is alive. He will come home. He is not dead"*. This hope was killed by the information that she received from his friends. For instance, **Ousman Jallow**, her husband's friend told her that her husband was arrested. **Samba Baldeh**, another soldier, told her that he did not know anything about her husband. After several months, an informant on the promise that she should never disclose his identity, told her that her husband was killed. She kept her promise and kept this information to herself. She also advised her nephew whom she was with at the time never to talk about this incident to anyone.
188. She left The Gambia and the teaching in 2005, to travel to the United Kingdom where she lives with her current husband and her son; **Omar Bah**. Things were not easy for her and for the other children of **Abdoulie** who had to grow up without their father. It was also very difficult for the family as **Abdoulie** was the first born in the family and the main breadwinner.
189. The information blackout was extremely difficult and it was only through the TRRC that they had the facts about what happened on November 11, 1994. Knowing the truth is important and it is one of the reasons that prompted **Matty Sallah** to accept the apology of **Sanna Sabally** during his public hearing at the TRRC. Not only did **Sanna Sabally** apologise, but he was also forgiven by **Matty Sallah**, who as he ended his two-day testimony with an apology to the victims of November 11 and their families, sent an SMS text through the TRRC lead Counsel **Essa Faal** saying that. *"I Matty Sallah, the late Abdoulie Bah's wife, and on behalf of the Sallah family has forgiven wholeheartedly [Sanna Sabally] for his honesty and truthfulness for the crime he committed."*
189. On April 17, 2019, the TRRC visited the site at Yundum Barracks where the remains of the dead soldiers were buried. The Research & Investigations Unit which was engaged with searching for the remains of victims of November 11, 1994 at Yundum Barracks had discovered the remains of seven victims believed to have been the officers of the GNA killed during the November 11 incident. The discovery came after nearly two weeks of excavation. Members of the media and families of victims attended the scene of the exhumations. The family members of those who required it received psycho-social support. The remains are yet to be identified and returned to their loved ones for proper burial.

K. LEGAL ISSUES SURROUNDING THE EXTRA-JUDICIAL KILLINGS

190. From the testimonies of **Abdoulie Darboe**,³⁸² **Mafugi Sonko**³⁸³ and **Binneh Minteh**, it is not disputed that on November 11, 1994, **Lt. Basiru Barrow**, **Lt. Abdoulie Dot Faal**, **Sgt. Basiru Camara**, **Sergeant Fafa Nyang**, **Lt. Gibril Saye**, **Lt. Abdoulie Bah (Achopin Chopin)**, **Lt. Bry Manneh Nyancho**, **Lt. Buba Jammeh**, **Lt. Momodou Lamin Darboe**, **Cadet Amadou Mbackeh Sillah** and **Sgt. Ebrima M. Ceesay** were all captured by the Junta and detained at Yundum Barracks. According to **Mafugi Sonko**, **Basiru Barrow** and his co-coupists that he travelled with from Fajara Barracks to Yundum Barracks were unarmed.³⁸⁴ It is inconclusive whether they were carrying pistols or not, but according to **Mafugi Sonko**, they were unarmed. However, according to the testimony of **Abdoulie Darboe**, he and **L.F Jammeh** each withdrew an AK47 from the armoury in Fajara before leaving Fajara Barracks. This is consistent with **Abdou Bah's** testimony, who said that **Cpl. Mustapha Faal** and **Madikay Faal** (both of GNA) went to Fajara Barracks armoury to put weapons and ammunitions together and load them onto vehicles.³⁸⁵ This was corroborated by **Madikay Faal**, who did not testify, but provided a statement that **Abdoulie Dot Faal** instructed **Mustapha Faal** to give the men ammunition and he assisted the latter in providing the men with ammunition.³⁸⁶ The Commission, therefore, concludes that **Dot Faal**, **L.F Jammeh**, and the other coupists were armed. Weapons were drawn from the armoury in Fajara Barracks and it would seem highly improbable that these soldiers would go to Yundum to launch the coup without carrying weapons.
191. When **Lt. Barrow** and other coupists arrived in Yundum Barracks, they were swiftly apprehended. **L.F Jammeh** and **Sgt. Joof (Sir Jackal)** managed to escape.³⁸⁷ The captured soldiers were seriously beaten, butt struck, kicked and stripped of their clothing, leaving only their undergarments and made to crawl while they were severely beaten by their captors. They were detained in a cell for some time. The ringleaders were then moved to Mile II Prison. They were later taken to Fajara Barrack, where **Barrow** and **Faal** were summarily executed.
192. This raises two significant issues. First, **Barrow** and his co-coupists, according to **Mafugi Sonko**, were unarmed and either way, the Junta and their loyalists were able to arrest them and place them in custody in the Guardroom. Second, they were later transferred to the Mile II Central prisons, where they could have remained. The decision to go back to Mile II and remove the detainees from there and take them to Fajara Barracks after any perceived hostility had ceased entirely, purposely to execute the officers and men, was a premeditated intention to kill. They were detained until such time that it became clear that the attempted coup had been crushed. That means; therefore, Barrow and his group posed no real, imminent or any threat for that matter to the Junta at that stage. Therefore, there was no justification for their execution, particularly considering that, Barrow and Dot Faal had been detained and tortured so horrifically and they were physically incapable of attacking or causing any sort of harm to the Junta.

382 Testimony of Abdoulie J.K Darboe, 26th February 2019, page 23, lines 493-502

383 Testimony of Mafugi Sonko, 11th March 2019, pages 11-12, lines 225 – 235, page 13, lines 253 - 258

384 Testimony of Mafugi Sonko, 11th March 2019, page 11, lines 220 – 225

385 Testimony of Abdou Karim Bah, 25th February 2019, pages 28-29, lines 618-632

386 Witness Statement of Madikay Faal, page 4, 3rd paragraph.

387 Testimony of Mafugi Sonko, 11th March 2019, page 11, line 225 to page 12, line 235; page 13, lines 253-258

193. Further, during the testimony of **Sanna Sabally**, he discredited the Geneva Convention as a “dead letter law” that nobody adheres to during conflict. Impliedly, **Sanna Sabally**, being an officer, was aware of the existence of the Geneva Conventions, even if he completely disregards its applicability in conflict. **Edward Singhatey**, during his testimony, also accepted the rules governing the treatment of soldiers caught in conflict. However, he justified the Junta’s actions on the premise that here in The Gambia, during training exercises by soldiers in the bush, no mercy is shown to soldiers classified as captured, wounded or injured. It can reasonably be inferred that even though soldiers were taught the Geneva Conventions, they regarded the same as irrelevant or only theoretical and do not apply in real-life situations of conflict. The decision to completely disregard the Conventions on November 11, 1994 assuming that it does not even apply, was based on the military mindset and not on the Conventions’ applicability or non-applicability. The Junta, on November 11, averred its mind to the Conventions and did what they did based on their Common Plan to crush the enemy and their anger against the coupist.
194. Generally speaking, the Geneva Conventions only apply to international armed conflicts. However, Common Article 3³⁸⁸ applies to all four Conventions, covering non-international armed conflicts. International humanitarian law (IHL) distinguishes two types of armed conflicts:³⁸⁹
- (i) International armed conflicts, opposing two or more States, and
 - (ii) Non-international armed conflicts, between governmental forces and non-governmental armed groups, or between such groups only. IHL treaty law also establishes a distinction between non-international armed conflicts in the meaning of common Article 3 of the Geneva Conventions of 1949 and non-international armed conflicts falling within the definition provided in Art. 1 of Additional Protocol II.³⁹⁰
195. Additionally, the applicability of the Geneva Conventions on the protection of those affected by non-international conflicts was held in a 1999 judgment by ICTY, in *Prosecutor v. Dusko Tadic*,³⁹¹ where the Tribunal ruled that grave breaches apply not only to international conflicts, but also to internal armed conflict.³⁹² Strictly speaking, in The Gambian context, was November 11 an armed conflict or a mere skirmish resulting in one force subduing and containing the other without actually any serious armed confrontation for a long period of time?
196. Article 4 of the Conventions (Convention III)³⁹³ relates to prisoners of war, including persons who have fallen into the power of the enemy, i.e., members of the armed forces of a party to the conflict. Article 12 of the Conventions,³⁹⁴ on the Responsibility for Prisoners’ Treatment, provides that war is a relationship between one State and another, or, between one belligerent power and another. Therefore, it is not a relationship between individual persons.³⁹⁵ Therefore,

388 International Committee of the Red Cross; Treaties, States Parties and Commentaries; Convention (III) relative to the Treatment of Prisoners of War. Geneva, 12 August 1949. found in www.icrc.org.

389 Ibid 390

390 International Committee of the Red Cross (ICRC) Opinion Paper, March 2008, How is the Term “Armed Conflict” Defined in International Humanitarian Law?, found in www.icrc.org

391 Tadic, Case – International Criminal Tribunal for the former Yugoslavia; www.icty.org.

392 Ibid 393

393 Ibid 390

394 Ibid 390

395 Ibid 390

the principle is that prisoners of war are not in the power of the individuals or military units who have captured them, but in the hands of the State itself, of which these individuals or military units are only the agents.³⁹⁶ Regarding the power of the State over prisoners of war, the Convention makes a distinction between the responsibilities involved in the exercise of this power in terms of whether they rest on individuals acting in the capacity of agents carrying out their normal duties or on individuals who override their authority or act in their private capacity.³⁹⁷ In such circumstances, any breach of the law committed by one or more individuals must answer for their acts.³⁹⁸ The principle of responsibility also requires that a state agent found guilty of an act in breach of the Convention should make reparation.³⁹⁹

197. The responsibility envisaged here by the Geneva Convention in so far as the State's duty was exercised by the AFPRC Junta on November 11, was the perpetrator. Therefore, the duty bearer and violator, on this occasion, were the same, the Junta and those acting on their orders.
198. Firstly, within the context of the international obligation on the State, regarding the power of the State over prisoners of war, it is important to distinguish that the acts of torture, cruel, degrading and inhumane treatment of detainees (prisoners) and the subsequent extra-judicial killings of 11 soldiers, were all carried out by the AFPRC, the Council members themselves, directly and on a few occasions indirectly, but with their full and complete orders and instructions. The Junta's orderlies and guards and other soldiers who tortured, shot and executed defenceless prisoners of war, the captured coupists, were expressly acting on the orders of the AFPRC, for and on their behalf and pursuant to a Common plan agreed upon by the Council unanimously.
199. Since November 11 was almost a one-sided affair, as the countercoup plotters were arrested and detained even before they formally launched the coup, it is unclear if the relevant provisions of the Geneva Conventions apply to the events that occurred here on that unfortunate night. First, November 11 was characterised by a short period of armed conflict, possibly in Fajara Barracks. There was no fighting in Yundum, according to the witnesses, except for Edward Singhatey and Sanna Sabally. Second, it was an internal conflict rather than an international conflict. Nonetheless, whereas the Geneva Convention does not strictly apply, the Commission may still draw inspiration from its ideals regarding how the wounded, sick, prisoners of war, and the like are treated in combat or situations of armed conflict. In addition, the Commission pays attention to protection and values for humane treatment of prisoners enshrined in other relevant international instruments such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Basic Principles for the Treatment of Prisoners, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Code of Conduct for Law Enforcement Officials, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials were not applied.
200. The Commission notes that relevant aspects of the Geneva Convention may be applicable in relation to the inhumane treatment of the captured soldiers on November 10 and 11 1994 and

396 Ibid 390
 397 Ibid 390
 398 Ibid 390
 399 Ibid 390

the immediate aftermath. There is strong evidence to establish torture, inhumane treatment and murder of prisoners (detainees), thus, breaching the relevant Articles of the Geneva Convention. In terms of the humane treatment of prisoners, Article 13,⁴⁰⁰ on the prohibition of physical maltreatment, requires that all protected persons, in the form of prisoners of war, must at all times be humanely treated.⁴⁰¹ This includes the obligation to protect the life and health of prisoners and the prohibition of reprisal measures against prisoners of war.⁴⁰² The witnesses' evidence before the Commission corroborates each other in terms of the torture of **Barrow, Abdoulie Dot Faal**, and the other officers and men captured by the Junta. Based on what the Junta members and their guards were saying to the captured soldiers, it is clear that their actions were reprisal measures against the coup plotters they regarded as "traitors" in their minds and deserved the worst form of treatment, including death by point-blank shooting. The fact that the captured soldiers were restrained and detained and later transferred to a prison, all the while under the control of the Junta, means that the detainees could be labelled as prisoners within the meaning of the Conventions. They were thus entitled to rights provided by the Conventions.

201. The AFPRC personified the State. The AFPRC assumed and exercised all the relevant powers of the State. The AFPRC passed "The Constitution of The Republic of The Gambia (Suspension And Modification) Decree, 1994", Decree No. 1, 22nd July 1994, dated 29th July 1994.⁴⁰³ Section 6 of Decree No. 1 above, so far as the establishment and legislative powers of the AFPRC, expressly vests in the AFPRC power to make laws. The role traditionally vested in the House of Parliament was removed and replaced with the AFPRC, as the supreme legislative body, as well as being the Executive. The AFPRC was both the Executive and Legislature and performed this dual role by Decree. In this context, the AFPRC was the State by all accounts and therefore, it was the entity entrusted by law to protect the rights and adhere to the obligations imposed by the relevant Articles of the Geneva Conventions (Articles 4 and 12 relating to prisoners of war). Importantly, however, the same State, headed by the AFPRC regime, was the direct violator of the very rights and duties it was supposed to protect and safeguard. Therefore, the Commission concludes that the AFPRC breached its obligations under the relevant provisions of the Geneva Conventions.
202. The Geneva Conventions are also relevant to institutional reforms. The Commission notes with serious concern admissions by both **Sanna Sabally**⁴⁰⁴ and **Edward Singhatey**⁴⁰⁵ regarding the blatant disregard of the Conventions. These officer received training in top military institutions yet, before the Commission, they displayed ignorance and or total disregard for the Geneva Conventions. If officers, with high degrees of professional training from some of the best military academies in the world, flouted international law in such a grave manner, what would then be expected of the ordinary soldiers, non-commissioned officers and the men?
203. Even though the Commission is comfortable with analyzing the evidence from the point of view of applicable customary international law, it is also prudent to look at this from the angle of domestic law. At a minimum, the Junta's conduct on November 11 amounts to **nothing** less than murder and assault, causing grievous bodily harm.

400 Ibid 390
 401 Ibid 390
 402 Ibid 390
 403 The Constitution of The Republic of The Gambia (Suspension And Modification) Decree, 1994; Decree No. 1.
 404 Testimony of Sanna B. Sabally, 24th April 2019 P142, line 3237
 405 Testimony of Edward Singhatey, 16th October 2019 line page 117 line 2633-2683

204. Section 187 of the Criminal Code, Cap. 10, Laws of The Gambia states that: “*Any person who of malice aforethought causes the death of another person by an unlawful act or omission is guilty of murder.*”
205. Malice afterthought shall be deemed to be established by evidence proving any one or more of the following circumstances:
- an intention to cause the death of or to do grievous harm to any person, whether such person is the person killed or not;
 - the knowledge that the act or omission causing death will probably cause the death of or grievous bodily harm to some person, whether such person is the person killed or not, although such knowledge is accompanied by indifference whether death or grievous bodily harm is caused or not, or by a wish that it may not be caused;
 - using violent measures in the commission of, or attempt at, a felony.
206. The testimonies of **Sanna Sabally** and **Edward Singhatey** that the AFPRC Junta unanimously agreed “*to crush and kill all the ringleaders of the coup and not take any prisoners*” manifestly proves a criminal intent to kill. Upon arresting the soldiers and detaining them, and after a long period to reflect on their plan, the Junta nonetheless decided to execute the plan by shooting eleven officers as described above. Therefore, the Commission concludes that the actions of all the Junta members and all those that shot and killed are all jointly and individually criminally responsible and recommends the investigation and prosecution of all of them.
207. The Common plan to kill is also a criminal offence under the laws of The Gambia. Section 204 of the Criminal Code states that “*Any person who conspires with any other person to kill any person, whether such person is in The Gambia or elsewhere, is guilty of a felony, and is liable to imprisonment for a term of fourteen years.*” The Junta had a Common agenda and plan, to commit a criminal enterprise in the form of crushing the enemy by execution, summarily.
208. In addition, the torture carried out by the orderlies and guards, apart from murder, also amount to assault causing actual bodily harm as per section 228 of the Criminal Code, attracting a punishment of up to five years.

COMMAND RESPONSIBILITY

209. November 11, 1994, precedes the Rome Statute of the International Criminal Court (ICC). The ICC would, therefore, not have jurisdiction over the events of November 11, 1994.⁴⁰⁶ However, it is important to draw inspiration from these international treaties on the responsibility of commanders and other superiors. Article 28 of the Rome Statute states that a military commander or person acting as military commander shall be criminally responsible for crimes [within the jurisdiction of the court] committed by forces under his or her failure to exercise control properly over such forces where.⁴⁰⁷

406 Article 24 of The Rome Statute; Non-retroactivity *ratione personae* www.icc-cpi.int
 407 Article 24 of The Rome Statute; Non-retroactivity *ratione personae* www.icc-cpi.int

ARTICLE 28⁴⁰⁸ RESPONSIBILITY OF COMMANDERS AND OTHER SUPERIORS

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

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

210. In the Nuremberg trials, the forerunner to the ICC, it was established that certain international crimes of heinous nature could not shield junior officers from prosecution. The barbarity of November 11 in terms of the extra-judicial killings and brutal torture by the Junta’s guards and other loyalist soldiers means that soldiers acting on the orders or command of the Junta cannot justifiably claim immunity for their crimes on the basis that they were simply following or executing the Junta’s orders.

211. By 1994, crimes such as torture and certain human rights violations had been regarded as *jus cogens* crimes. In other words, it had become customary international law⁴⁰⁹ that certain acts were universally prohibited under international law due to the common and general understanding that those crimes were prohibited, regardless of whether a particular State had signed and ratified a particular international instrument or not in respect of those customary crimes. Torture, for example, is an international crime and it is an absolute right that the State cannot derogate from. In terms of November 11, the evidence of the torture of **Barrow**,

408 Rome Statute – International Criminal Court www.icc-cpi.int
 409 Chapter V, Peremptory norms of general international law (*jus cogens*) www.legal.un.org

Abdoulie Dot Faal and the other detainees by the Junta violates the *jus cogens* status of these crimes. Witnesses said that **Dot Faal** was tortured to such extent that his jaw had dropped and he was unable even to close his mouth. Some said that his head was almost hanging on his shoulder due to the extreme torture he was subjected to. For **Dot Faal, Mafugi Sonko** and others said that he was in such a state that when the detainees were transported to Mile II, he could not walk and the other detainees had to drag them. By all accounts, he was tortured and left for dead, before both he and **Barrow** were later executed in Fajara Barracks by the Junta. Those responsible for these acts of torture, the Junta members or men under their control and command, should be criminally accountable for their crimes, either in a hybrid tribunal system or some form of tribunal where international law and crimes will be applicable.

212. Much as this is the case, it is doubtful whether a State that has not domesticated these international rules can proffer charges against any person in domestic proceedings for violations of these rules. For instance, The Gambia, with a dualist system in terms of the international law, only ratified the UN Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (UNCAT) on September 28, 2018, and has not in fact up to today included the crime of torture in the Criminal Code [Criminal Offences Bill 2019] that was tabled before the National Assembly in 2020 and is currently through the stages in Parliament. It is unlikely that a Court in this country will entertain a charge of torture. As such, until there are applicable and appropriate statutes that cover the issue of torture, we can only rely on provisions in the Criminal Code [Criminal Offences Bill 2019] which to some extent can cover the prescribed conduct, e.g., grievous harm under section 214 of the Criminal Code which provides that “*Any person who unlawfully does grievous harm to another is guilty of a felony, and is liable to imprisonment for a term of seven years.*” Section 228 provides that “*Any person who commits an assault occasioning actual bodily harm is guilty of a misdemeanour, and is liable to imprisonment for a term of five years.*”
213. Therefore, there is a strong correlation between Article 7 of the Rome Statute regarding crimes against humanity and the crimes committed by Jammeh, with a systematic intention and executed systematically to achieve the State pursued objectives.

POLICY DECISION

214. The evidence and facts presented before the Commission both by **Sanna Sabally** and **Edward Singhatey**, their orderlies and guards, as well as the victims, show that the serious human rights violations and abuses that occurred on November 10 and 11th 1994, in Yundum and Fajara Barracks and Brikama Forest, at various times, spanning a considerable period, ranging from torture, inhumane, cruel and degrading treatment of the captured soldiers, and ultimately, execution style killings, were deliberate, calculated, strategic and brutal to serve as deterrence.
215. The Common plan agreed by the Junta to crush the enemy and kill the ringleaders was intended as a warning of the nature of horrific barbarity that will befall any soldier or civilian who threatens the Junta or at least Jammeh’s reign even in the slightest sense.

216. The Common agreement of the Junta was to respond to the planned or attempted coup with unprecedented cruelty and brutality. According to witness testimonies, captured soldiers were seized upon by the Junta’s orderlies and guards and beaten severely, hit and butt-struck with AK47 rifles, officers reduced to only their underwear by private soldiers acting on the orders of the Junta, without any sense of compassion and sympathy. Many perpetrators even admitted to meting out torture and other forms of inhumane treatment to their class, that is, soldiers that they joined the Army and trained with, in other words, their comrades and on occasions their batch, company, platoon and battalion mates.
217. **Lt. Basiru Barrow** and **Lt. Abdoulie Dot Faal**, the supposed ringleaders in the eyes of the Junta, were beaten, assaulted, tortured and wounded to such lengths that by the time they were being transported to and from Mile II to Fajara Barracks to meet their ultimate fate, they were almost incapacitated. The evidence suggests that particular treatment was meted out to them as the leaders. The Gambia is typically characterized by the profound influence of religion and culture, compassion, forgiveness, empathy and respect. The assertion that November 11 ended “*Gambia’s innocence*” is a fitting description of the transformation from pre-November 11 civility to post-November 11 barbarity that continued with intensity under Yahya Jammeh.
218. Furthermore, the coupists subjected to such aggression were colleagues, friends, and comrades with the Junta members and their guards and loyalists until July 1994. Both **Sanna Sabally** and **Edward Singhatey** stated that **Basiru Barrow** was one of the original planners of the July 22, 1994, coup before he withdrew from the scheme. By all accounts, he had the confidence and respect of his colleagues to such extent that had he not withdrawn; he could have been the leader of the July 22 coup. **Edward Singhatey** admitted to being comrades with Fafa Nyang, yet he instructed soldiers to shoot him in cold blood.
219. In November 1994, Section 14 on the protection of the right to life of Part III of the 1970 Constitution of The Gambia, protecting fundamental rights and freedoms, was not affected by the “*The Constitution of The Republic of The Gambia (Suspension And Modification) Decree, 1994*”, Decree No. 1, July 22, 1994, dated July 29, 1994.⁴¹⁰ It means, therefore, that that constitutional provision was subsisting and the Junta simply decided to violate the Constitution.
220. Therefore, considering the totality of the savagery and the manner in which it was carried out leads to a strong inference and conclusion that the November 10, 1994, Common plan was the seed of a broader insidious AFPRC government policy and decision to crush any rumour of coup or potential threat to its power. The Common plan expanded into a State-sanctioned policy. It was the beginning of what later became a pattern that continued throughout Jammeh’s dictatorship to respond to any suspicion or rumour of coup, real or otherwise, with fierce brutality meted out by the NIA and later the Junglers. This policy decision derived from the Junta’s distorted logic, like November 11, torture, enforced disappearances and extrajudicial killings, are effective methods to prevent or limit coup planning by soldiers and completely silence dissident voices within the civilian population.

⁴¹⁰ The Constitution of The Republic of The Gambia (Suspension And Modification) Decree, 1994; Decree No. 1.

L. CONFLICTS IN TESTIMONIES

221. The Commission cannot conclusively establish the veracity of Lt. Gibril Saye's involvement or the lack of it in the planned coup d'état. It pays attention to **Dr. Minteh's** testimony because he appears to have been very close to **Dot Faal** (as his Deputy in Fajara) and he had a few meetings with **Barrow**. It is reasonably plausible to suggest that he would have been privy to know all those involved in the coup, especially the officers. **Minteh** said in his testimony that he was able to know all the officers and NCOs engaged in the coup.⁴¹¹ Besides, apart from **Sait Darboe**, there is no witness before the Commission who implicated **Lt. Saye** as a participant in the counter coup.
222. Testimonies differ about the meeting at Fajara Barracks on November 10, 1994. The Communications Officer **Malang Camara** says that his colleagues at the Communications Centre at Fajara Barracks told him that the meeting took place and **Beyai** his colleague at Yundum Barracks told him that the Junta and their entourage had left for the meeting at Fajara. **Sanna Sabally** informed the Commission that it did not hold. **Sanna's** narration is more credible as he was the convener of the meetings.
223. There are also differences in the narration of the events on the night of November 10, 1994 at Yundum Barracks. The testimony is that there was shooting only after the arrival of the vehicle driven by **Mafugi Sonko** carrying **LF Jammeh** and **Dot Faal** amongst others. Except for the outlier evidence of **Ensa Mendy**, there is nothing to suggest that the coupists fired any weapons in response at Yundum Barracks. All the other evidence suggests that the shooting came from members of the Junta and their loyalist troops. It can therefore be concluded from the evidence that the shooting came only from the Junta members and their loyalists. This fact would have significant implications with regards to the handling, treatment and fate of the apprehended soldiers who were suspected of involvement in the countercoup.
224. It is not clear who fired the first shots that hit **Fafa Nyang**. While two witnesses **Momodou Lamin Bah** and **Malang Camara** testified that **Lamin Colley** shot **Fafa Nyang**, **Malang Camara's** attributed the shooting to **Edward Singhatey**. However, **Malang** did not witness the shooting as he was at a distance. Another witness (**Baboucarr Mboob**) believes that it may have been fired by either **Staff Sergeant Gassama** or **Balla Gibba**. In view of the clear evidence of **Momodou Lamin Bah** of the incident and the fact that several elements of his testimony on this subject is corroborated by other witnesses, the Commission accepts his evidence as representing the truth and that **Fafa Nyang** was shot and killed by **Edward Singhatey** and **Lamin Colley**.
225. **Alhagie Kanyi** in his testimony indicated that he together with **Edward Singhatey** killed **Fafa Nyang** and **Basiru Camara**. This testimony is not credible at all as the evidence of **Alhagie Kanyi** shooting **Fafa Nyang** is not supported by any other witness. However, all the witnesses except **Alhagie Kanyi** who testified on the issue agree that **Lamin Colley (Medic)** fired the last shots that killed **Fafa Nyang**. **Lamin Colley** himself testified before the Commission and accepted that the final bullet(s) that killed **Fafa Nyang** came from his weapon albeit accidentally. As such the Commission cannot accept **Alhagie Kanyi's** evidence that it was him and **Edward** who killed **Fafa Nyang**.

411 Testimony of Binneh Minteh, 20th February 2019, page 11, lines 182-187

226. Whatever the case **Edward Singhatey** confirmed that **Sanna Sabally** gave the order that **Fafa Nyang** should be brought out of the cell and shot and he **Edward Singhatey** ordered the men to obey the instructions and waited to see that it was done. While it is not clear who fired the first shots that hit **Fafa Nyang**, the Commission believes that it was indeed **Edward Singhatey** who fired that shot and that **Lamin Colley's** deliberate/intentional shooting of **Fafa Nyang** finished him off. It is evident that **Fafa Nyang** was killed on the orders of **Sanna Sabally** and **Edward Singhatey** pursuant to a Common plan by members of the AFPRC.
227. It is also not clear who shot and killed **Basiru Camara**. **Alhagie Kanyi** claims that he and **Cpt. Edward Singhatey** shot and killed **Fafa Nyang** together with **Basiru Camara**. From the evidence, the Commission accepts that **Basiru Camara** was killed by **Alhagie Kanyi** and **Edward Singhatey**. The two killings – **Basiru Camara** and **Fafa Nyang** occurred at different times of the day. **Fafa Nyang** was killed in the morning while **Basiru Camara** was killed in the early afternoon. **Baboucarr Mboob** suggested that **Alhagie Kanyi** made a mistake by swapping **Fafa Nyang** for **E.M Ceesay**. **Baboucarr Mboob** further claims that it was in fact **Alhagie Kanyi** who killed **EM. Ceesay**, but he was not there to see it as he only learned about the killing when they returned from the forest. It is however noted that, **JCB Mendy** also alleged that it was **Alhagie Kanyi** who shot and killed **E.M. Ceesay** which **Kanyi** denied. **Kanyi** in turn blamed it on **Baboucarr Mboob** also stating that he did not see it happen. Meanwhile **Sait Darboe** also claimed that it was **Baboucarr Mboob** who killed **EM Ceesay**.
228. That said however, the testimony of **Baboucarr Mboob** that he was not present when **EM Ceesay** was killed is doubtful. **RSM Baboucarr Sanyang** testified that soon after **EM Ceesay** and **Basiru Camara** were gunned down, he left his office to go and see what had happened and he saw **Lamin Colley** and **Baboucarr Mboob** dragging the body of **EM Ceesay** to one of the ditches that was there⁴¹². The denial by **Baboucarr Mboob** that he was present at the material time suggests that he had something to hide. On this basis, the Commission concludes that **EM Ceesay** was killed by **Baboucarr Mboob** and that he merely blamed it on **Kanyi** because he had heard **JCB Mendy** testify and blame it on **Kanyi**. The Commission is of the view that **JCB Mendy** is not to be believed and is merely putting the blame of the killing of **EM Ceesay** on **Alhagie Kanyi** because **Kanyi** implicated him in the killings at the forest.
229. It is apparent to the Commission that there is a blame game ongoing between **Alhagie Kanyi** and **Baboucarr Mboob** and between **JCB Mendy** and **Alagie Kanyi**. The Commission is of the view that the finger pointing between the trio will not help anyone of them. All three of them participated in the operation leading to the deaths of the eleven (11) officers and men at Yundum Barracks and the Brikama Forest (Firing Range). As such, all of them as participants in the Common plan to execute the soldiers are culpable for these killings and should be treated as such.
230. With regards to the timing of the killing of **Basiru Camara** and **E.M. Ceesay**, **Momodou Lamin Bah** in his testimony suggest that in the afternoon after the Junta had returned from the forest with the bodies of the killed officers, he saw **Edward Singhatey** and **Alhagie**

412 Testimony of Baboucarr Sanyang, 23 March 2019, lines 1994-1995, page 88

Kanyi leading **Basiru Camara** towards the Cookhouse and soon after he heard gunshots and he presumed that **Basiru Camara** was killed there and then.⁴¹³ **Baboucarr Sanyang** told the Commission that he believed that the extra judicial executions both **Basiru Camara** and **E.M. Ceesay** occurred after the Junta returned from the forest, however, he is not sure of the time and the sequence of events⁴¹⁴. **Abdoulie Darboe** said that he saw **Sgt Camara, Lt. Saye** and **Cadet Sillah** being put in a truck (presumably to be taken to the forest for execution)⁴¹⁵. It appears that **Abdoulie Darboe** was mistaken about this fact. He also stated that two hours after the Junta left with the captured soldiers they returned. He could hear his colleagues saying in Mandinka that they are coming referring to the Junta. Soon afterwards, he heard gunshots around the Cookhouse. A Provost came to where they were in the Guardroom and told them that it was **E.M. Ceesay** who had just been killed⁴¹⁶. From the above, it may be concluded that it is not clear exactly what time **Basiru Camara** and **E.M. Ceesay** were executed. However, the Commission finds that both **Basiru Camara** and **E.M. Ceesay** were summarily executed at Yundum Barracks on 11 November, 1994, by soldiers under the command of **Sanna Sabally** and **Edward Singhaty** pursuant to orders given by both of them. The Commission finds further that both **Baboucarr Mboob** and **Alhagie Kanyi** participated jointly with members of the Junta and their orderlies pursuant to the orders of **Sanna Sabally** and **Edward Singhaty** and the Common plan agreed at State House.

M. FINDINGS

Based on the information detailed above the Commission makes the following findings, that:

1. The planned counter coup of November 11, 1994, was motivated by several reasons. These include (a) the human rights violations and abuses that were going on being committed by members of the Junta against members of the previous regime including the torture and humiliation of the ministers and senior officials of the ousted Jawara regime, (b) poor welfare conditions of the soldiers at the military barracks, (c) unfulfilled promises by members of the Junta to improve the conditions of the soldiers in the GNA and (d) the need to restore democracy and for soldiers to return to Barracks. However, it appears to the Commission that the principal reason was that there was dissatisfaction among the soldiers that their colleagues who had moved on to become the government of the day with all the benefits that came with it. They however, did not keep the promises made to the soldiers to improve their general condition after their hard work of securing and consolidating the July 22 coup of 1994. In essence, the November 11, 1994, counter coup was launched mainly to punish the AFPRC for not keeping their promise to uplift the general condition of soldiers in the GNA.
2. The plan to overthrow the AFPRC Junta on the night of 10 November 1994 moved from a mere plan into actual operational execution. The act of (1) mobilising the men, (2) opening the armoury, (3) providing the men with arms and ammunition (4) loading four vehicles

with weapons and ammunition and (5) deploying the coup leaders including **Dot Faal, Lt. L.F. Jammeh** and **even Basiru Barrow** to Yundum Barracks who would be later ambushed by AFPRC loyalists, clearly demonstrate more than concrete steps being employed in commencing a military operation. For these and other reasons, the Commission finds that the counter coup to dislodge the AFPRC government of then **Capt. Yahya Jammeh** by officers and men of the GNA on the night of November 11, 1994, had begun before the members of the Junta and their orderlies responded violently to quell the counter coup.

3. In the morning of November 10, 1994, members of the Council **Sanna Sabally, Edward Singhaty, Saidibou Hydera, Yankuba** except **Cpt. Yahya Jammeh** went to Yundum Barracks together with their orderlies and **Peter Singhaty** to seek to dissuade the soldiers from carrying on with their plans to stage the counter coup.
4. In the evening of November 10, 1994, the Junta members during several meetings established a Common plan to attack both Fajara Barracks and Yundum Barracks with a view to crushing an imminent planned counter coup to depose the Junta. The plan and orders received from **Cpt. Yahya Jammeh** was to crush the counter coup, take no prisoners and kill the ringleaders.
5. Upon receiving information from **Buba Jammeh** Kanilai that the counter coup was imminent the Junta members comprising of all the council members except **Yahya Jammeh** but including then **Peter Singhaty** together with their orderlies and some elements from the State Guard Battalion stationed at State House (the Loyalist group) attacked Yundum Barracks and then Fajara Barracks on the night November 10, and morning of the November 11, 1994 in order to crush the counter coup.
6. **Lt. Barrow** arrived at the camp into an ambush that had been set by the Junta members where he was captured. Up to the stage **Lt. Barrow** was captured and detained there was no fighting or exchange of fire, as such between the counter coupists and the loyalists.
7. Later on, a vehicle arrived at Yundum Barracks at Yundum driven by **Mafugi Sonko** carrying **Lt. LF Jammeh** and **Lt. Abdoulie Dot Faal** amongst others. There was shooting only after the arrival of the vehicle. There is no credible evidence to suggest that the coupists fired any weapons at Yundum Barracks. All the evidence suggests that the shooting came from members of the Junta and their loyalist troops.
8. The Loyalist soldiers captured several members of the counter coupists and undressed them leaving them only in their briefs/undergarments which amounts to inhumane and degrading treatment. Additionally, their manhandling and beating also amounts to the torture.
9. The captured soldiers from Yundum Barracks were transported to Mile 2 Prison where they were kept until the Junta and their loyalist troops captured Fajara Barracks.
10. When and loyalists the Junta arrived at Fajara Barracks there was significant exchange of fire between them and the coupists. This lasted for hours from approximately around two (2) am until around six (6) am. The loyalist forces were led in the attack at Fajara Barracks by **Cpt. Sanna Sabally, Capt. Edward Singhaty** and then **Major Baboucarr Jatta (Army**

413 Testimony of Momodou Lamin Bah 26th March 2019, lines 1542-1554 p69
 414 Testimony of Baboucarr Sanyang, 21 March 2019, (lines 1940-1992 also 1543-1544 page 69
 415 Testimony of Abdoulie J. Darboe of 26 February 2019, lines 1154-1156, page 52
 416 Testimony of Abdoulie J. Darboe, of 26 February 2019, lines 1171-1207, pages 53-54

Commander) captured more soldiers. The detained captured soldiers were picked up from Mile 2 Prison, taken to Fajara Barracks where they were paraded at the field, the officers segregated from the men and fired at hitting Lt. Barrow and Lt. Faal. Lt. Jarju and Lt. Alhagie Joof escaped from Yundum Barracks. This amounts to attempted murder.

11. **The following individuals are complicit and therefore responsible for the attempted murder of Lt. Momodou Lamin Jarju and Sgt. Joof Sir Jackal etc and the murder of Lt. Basiru Barrow and Lt. Abdoulie Dot Faal:**

1. Capt. Sanna B. Sabally (Vice Chairman and Member of the AFPRC)
 2. Capt. Edward Singhatey (Minister of Defence and Member of the AFPRC)
 3. Capt. Sadibou Hydera (Minister of Interior and Member of the AFPRC)
 4. Capt. Yankuba Touray (Minister of Local Government and Lands and Member of the AFPRC)
 5. Major Baboucarr Jatta (Chief of Defence Staff)
 6. Lt. Peter Singhatey (Commandant Gambia National Army Training School (GNATS))
 7. Cpl. Alhagie Kanyi
 8. Pte. Baboucarr Njie (De Chebb, or Njie Ponkal)
 9. Pte. John Charles B. Mendy (JCB Mendy)
 10. Pte. Baboucarr Ahmad Njie (B.A. Njie)
 11. Pte. Albert Gomez
 12. Pte. Lamarana Barry
 13. Pte. Ensa Mendy
 14. Pte. Jali Musa Suso
 15. Pte. Lamin Marong
 16. Pte. Mustapha Touray (Churro)
 17. Pte. Lamin (Pa) Senghore (Assasin)
 18. Pte. Baboucarr Mboob
 19. Pte. Batch Samba Jallow
 20. Pte. Zackaria Darboe
12. The captured soldiers were given inhumane and degrading treatment and subjected to serious torture. More significantly however, the Commission is concerned that these former most senior officers of The Gambia National Army then and still today have no regard or respect for the rules of humane treatment of captured enemy combatants. They seem to think that the Geneva Conventions are useless and are all over the world honoured more in their breach than in their observance. The Commission also notes that this position of brutalizing or torturing enemy combatants seems to be acceptable practice in the armed forces of The Gambia.
13. Both retired **Cpts. Sanna Sabally** and **Cpt. Yahya Jammeh** issued statements explaining to the general public what had happened on November 10 and 11, 1994. They were both false. They were all intended to cover up the fact that the Council Members and their loyalists deliberately lined up the captured soldiers and attempted to kill them by shooting. While many of them escaped, **Lt. Basiru Barrow** and **Dot Faal** were hit by bullets. Their statements were only intended to cover up their crimes and mislead The Gambian people.

14. The captured soldiers were returned to Yundum Barracks and detained where both **Lt. Barrow** and **Lt. Dot Faal** died. It was in fact **Alhagie Kanyi** who released the final shots that killed both **Lt. Basiru Barrow** and **Lt. Abdoulie Dot Faal** soon after the group arrived at Yundum Barracks. However, the Commission is of the view that both Barrow and Faal were already dying as a result of the injuries from the serious inhumane treatment, beatings, torture and gun shot injuries they sustained in the hands of the Council members and their loyalists from the night of the 10 to the morning of 11 November 1994. As such, the Commission finds that even though **Alhagie Kanyi** fired the last shots the responsibility for the killing of **Barrow** and **Dot Faal** rests with all the Council members and their orderlies and loyalists who were present and participated in those activities.
15. That **Fafa Nyang** was killed by then **Cpt. Edward Singhatey** and then **Cpl. Lamin Colley** on the orders and instructions of Sanna Sabally and Edward Singhatey himself in pursuance of the Common plan agreed by the members of the Council to execute the ringleaders of the November 10/11 countercoup.
16. With regards to the final shots that killed **Fafa Nyang**, the Commission does not believe **Alhagie Kanyi's** evidence on the matter. The Commission as mentioned earlier finds the testimonies of the numerous witnesses and clear admission by **Lamin Colley** that he fired the final shots that killed **Fafa Nyang** as more reliable.
17. All the military members of the AFPRC and their loyalists who participated in the incident together with then **Cpl. Lamin Colley** (medic)(who deliberately and intentionally finished off **Fafa Nyang**) are all jointly and severally responsible for the murder of **Fafa Nyang** who was unarmed at the time of his killing, under arrest, stripped to his underwear and had his hands tied behind his back.
18. Both **Basiru Camara** and **E.M. Ceesay** were summarily executed by shooting at Yundum Barracks on November 11, 1994, by soldiers under the command of **Sanna Sabally** and **Edward Singhatey** pursuant to orders given by both of them. **Baboucarr Mboob** and **Alhagie Kanyi** participated jointly with members of the Junta and their orderlies pursuant to the orders of **Sanna Sabally** and **Edward Singhatey** and the Common plan agreed at State House.
19. Under the orders of **Cpt. Sanna Sabally** and pursuant to the Common Plan agreed at State House, members of the Junta except **Cpt. Yahya Jammeh** returned to Yundum Barracks on the afternoon of November 11 and removed the detained officers (suspected ringleaders) (**Lt. Gibril Saye, Lt. Abdoulie Bah (Achopin Chopin), Lt. Bry Manneh (Nyancho), Lt. Buba Jammeh, Lt. Momodou Lamin Darboe and Cadet Amadou Mbackeh Sillah**) took them to Brikama forest and executed them thereby committing murder.
20. The Junta wanted to hide their crime and as such, they brought the bodies to Yundum Barracks and buried them there in unmarked graves supposedly for "*protection of the bodies.*"

21. The victims of human rights violations and abuses include the following GNA officers who were extra-judicially killed and/or tortured by the Junta and soldiers acting on their orders:

- i. Lt. Basiru Barrow
- ii. Lt. Abdoulie Dot Faal
- iii. Sgt. Basiru Camara
- iv. Sgt. Fafa Nyang
- v. Lt. Gibril Saye
- vi. Lt. Abdoulie Bah (Achopin Chopin)
- vii. Lt. Bry Manneh (Nyancho)
- viii. Lt. Buba Jammeh
- ix. Lt. Momodou Lamin Darboe
- x. Cadet Amadou Mbackeh Sillah
- xi. Sgt. Ebrima M. Ceesay

22. The following GNA soldiers were tortured:

- i. WO2 Abou Trawally
- ii. Sgt. Malick Nyang Kabareh
- iii. Pte. Abdoulie Jallow
- iv. Pte. Omar Njie
- v. Pte. Kairaba Camara
- vi. Pte. Mafugi Sonko
- vii. Pte. Lamin Babai Manneh
- viii. Seedy Manjang
- ix. Pte. Abdoulie Darboe
- x. Pte. Alhagie Kebbeh
- xi. Pte. Abdou Bah

**PERSONS ADVERSELY MENTIONED
(INCLUDING PERSONS MOST RESPONSIBLE)**

23. The AFPRC Junta bears the greatest responsibility for November 11, 1994. They are individually and collectively responsible for the torture, assaults, beatings and extra-judicial killings of the 11 GNA officers and the torture, beatings, arbitrary and unlawful detention of the five private soldiers. The Junta include the following then Captains:

- | | | |
|--------------------|----------------------|-----------------------|
| i. Yahya Jammeh | ii. Sanna B. Sabally | iii. Edward Singhatey |
| iv. Sadibou Hydara | v. Yankuba Touray | |

24. **Cpt. Peter Singhatey**, a senior member of the GNA, was present at all the execution scenes and allegedly took part in the executions. He is therefore, jointly and individually responsible for the extrajudicial killings. He reportedly played an active and commanding role.

25. At the time, the Commander of the GNA, **Baboucarr Jatta**, claimed to have played a command role in the attack against Fajara Barracks. He was present when Lt. Barrow and Lt. Faal was executed. He was also present in Yundum Barracks when **Fafa Nyang, E. M Ceesay** and **Basiru Camara** were executed and at Nyambai Forest where **Gibril Saye, Abdoulie Bah, Buba Jammeh, Bry Manneh, Momodou Lamin Darboe, Cadet Amadou Sillah** were executed. There is no evidence before the Commission that he stopped these executions, even though he was the Army Commander at the material time and the most senior officer on the ground. He is therefore, criminally culpable based on command responsibility for his failure to prevent or ensure those responsible were subsequently held accountable for their actions.

26. The following orderlies and bodyguards, as well as loyalist soldiers, are individually criminally responsible for their direct participation in carrying out unlawful orders to commit one or more crimes of killing, torture, arbitrary arrests, and unlawful detention:

- i. **Pte. Batch Samba Jallow (deceased)**
- ii. **Cpl. Alhagie Kanyi**
- iii. **Pte. Baboucarr Njie (De Chebb or Njie Ponkal")**
- iv. **Pte. John Charles B. Mendy (JCB Mendy)**
- v. **Pte. Baboucarr Ahmad Njie (B.A. Njie)**
- vi. **Pte. Albert Gomez**
- vii. **Pte. Lamarana Barry**
- viii. **Pte. Ensa Mendy**
- ix. **Pte. Jali Musa Suso**
- x. **Pte. Lamin Marong**
- xi. **Pte. Mustapha Touray (Churro)**
- xii. **Pte. Lamin (Pa) Senghore (Assasin)**
- xiii. **Pte. Baboucarr Mboob**
- xiv. **Pte. Lamin Colley**

27. The Commission does not accept the testimony of **Alagi Kanyi** that he and Capt. **Edward Singhatey** shot and killed **Fafa Nyang** together with **Basiru Camara**. From the evidence, the Commission accepts that **Basiru Camara** was killed by **Alhagie Kanyi** and **Edward Singhatey**. The two killings – **Basiru Camara** and **Fafa Nyang** occurred at different times. The evidence shows that **Fafa Nyang** was killed in the morning while **Basiru Camara** was killed in the early afternoon. **Baboucarr Mboob** suggested that **Alhagie Kanyi** made

a mistake by swapping **Fafa Nyang** for **E.M Ceesay**. **Baboucarr Mboob** further claims that it was in fact **Alhagie Kanyi** who killed **EM. Ceesay**, but he was not there to see it as he only learned about the killing when they returned from the forest. It is however noted that, **JCB Mendy** also alleged that it was **Alhagie Kanyi** who shot and killed **E.M. Ceesay** which **Kanyi** denied. **Kanyi** in turn blamed it on **Baboucarr Mboob** also stating that he did not see it happen. Meanwhile **Sait Darboe** also claimed that it was **Baboucarr Mboob** who killed **EM Ceesay**. That said however, the testimony of **Baboucarr Mboob** that he was not present when **EM Ceesay** was killed is doubtful. **RSM Baboucarr Sanyang** testified that soon after **EM Ceesay** and **Basiru Camara** were gunned down, he left his office to go and see what had happened and he saw **Lamin Colley** and **Baboucarr Mboob** dragging the body of **EM Ceesay** to one of the ditches that was there⁴¹⁷. The denial by **Baboucarr Mboob** that he was present at the material time suggests that he had something to hide. On this basis, the Commission concludes that **EM Ceesay** was killed by **Baboucarr Mboob** and that he merely blamed it on **Kanyi** because he had heard **JCB Mendy** testify and blamed it on **Kanyi** and also as revenge on **Kanyi** who blamed the killing on him. In addition, the Commission is of the view that **JCB Mendy** also merely blamed the killing of **EM Ceesay** on **Alhagie Kanyi** because **Kanyi** implicated him in the killings at the forest.

28. It is apparent to the Commission that there is a blame game ongoing between **Alhagie Kanyi** and **Baboucarr Mboob** and between **JCB Mendy** and **Alagie Kanyi**. The Commission is of the view that the finger pointing between the trio will not help anyone of them. All three of them participated in the operation leading to the deaths of the 11 officers and men at Yundum Barracks and the Brikama Forest (Firing Range). As such, all of them as participants in the Common plan to execute the soldiers are culpable for these killings and should be treated as such.
29. That both **Basiru Camara** and **E.M. Ceesay** were summarily executed at Yundum Barracks on 11 November, 1994, by soldiers under the command of **Sanna Sabally** and **Edward Singhatey** pursuant to orders given by both of them. The Commission finds further that both **Baboucarr Mboob** and **Alhagie Kanyi** participated jointly with members of the Junta and their orderlies pursuant to the orders of **Sanna Sabally** and **Edward Singhatey** in compliance with the Common Plan agreed to at State House.
30. The testimony of **Baboucarr Mboob** in this regard is not to be believed. The Commission is of the view that he was merely lying about his conduct in order to shield himself from responsibility.
31. That at Yundum Barracks there was shooting only after the arrival of the vehicle driven by **Mafugi Sonko** carrying **LF Jammeh** and **Dot Faal** amongst others. Except for the outlier evidence of **Ensa Mendy**, there is nothing to suggest that the coupists fired any weapons in response at Yundum Barracks. All the other evidence suggests that the shooting came from members of the Junta and their loyalist troops. It can therefore be concluded from the evidence that the shooting came only from the Junta members and their loyalists. This fact would have significant implications with regards to the handling, treatment and fate of the apprehended soldiers who were suspected of involvement in the counter-coup.

417 Testimony of Baboucarr Sanyang, 23 March 2019, lines 1994-1995, page 88

32. The widows, orphans, parents and other family members of the slain soldiers suffered inordinately. They were not given information about their death of their husband, son, father or beloved family member. They were not given the bodies for burial. They were ostracised by the Army and society and had to live a very difficult life especially those who did not have an income. Some of them
33. That the Junta embarked on a Cover Up of the incidents of November 10 and 11 1994 that were intended to mislead the public. The statement over Radio Gambia by **Sanna Sabally** on the morning of November 11 and of **Yahya Jammeh** were intended to cover up the fact that the Council Members and their loyalists deliberately killed the coupists and persons perceived to be their allies and buried them in unmarked graves at Yundum Barracks to cover up the fact that they were murdered.

N. RECOMMENDATIONS

In view of the above findings, the Commission therefore, recommends as follows:

1. The Commission further recommends that:
 - (a) all the military members of the Junta **Yahya Jammeh, Sanna Sabally, Edward Singhatey and Yankuba Touray**, and senior military officers who participated in the November 11, 1994, tortures and killings-**Baboucarr Jatta, Peter Singhatey and Papu Gomez**, - be prosecuted as appropriate for the crimes they committed including the murders/unlawful killings, torture and inhumane and degrading treatment of the captured counter-coupists. In this context, the Commission notes that some of the perpetrators who testified may be eligible for amnesty. This recommendation should therefore, be read together with the relevant recommendations for amnesty or negotiated immunity given in order to assist eventual prosecution.
 - (b) Where any of the above-mentioned person is granted an amnesty or immunity from prosecution, the person shall be banned from taking up a position in or employment with The Gambia Government.
 - (c) All the perpetrators listed below be banned from taking up a position in or employment with The Gambia Government for ten years. These include:
 - vi. **Cpl. Alhagie Kanyi**
 - vii. **Pte. Baboucarr Njie ("De Chebb," or" Njie Ponkal")**
 - viii. **Pte. John Charles B. Mendy (JCB Mendy)**
 - ix. **Pte. Baboucarr Ahmad Njie (B.A. Njie)**
 - x. **Pte. Albert Gomez**
 - xi. **Pte. Lamarana Barry**
 - xii. **Pte. Ensa Mendy**
 - xiii. **Pte. Jali Musa Suso**
 - xiv. **Pte. Lamin Marong**
 - xv. **Pte. Mustapha Touray ("Churro")**
 - xvi. **Pte. Lamin Colley**
 - xvii. **Pte. Lamin (Pa) Senghore (Assasin)**
 - xviii. **Pte. Baboucarr Mboob**

- (d) As for **Pte. Lamin Fatty**, the Commission notes that he participated in the inhumane treatment of **Pte. Alhagie Kebbeh** by putting him in the boot of a vehicle. However, on the basis of his confession, apology and participation in a public reconciliation with the victim, the Commission makes no further recommendation against him.
- (e) All the perpetrators listed in paragraph 9 (c) above who have not succeeded in getting amnesty may be prosecuted subject to the discretion of the Attorney General in view of the need to have witnesses for the effective prosecution of those who bear the greatest responsibility for the crimes committed. The persons listed above may now be holding different ranks or positions within the Army or other institutions.
2. Provide adequate training of all soldiers in areas of relevant international law, such as international humanitarian law, which includes the Geneva Conventions. Provide adequate training of all soldiers in the relevant areas of the Geneva Conventions to understand the duty to respect fundamental rights and freedoms, including principles of *hors combat* and civilian status.
 3. Provide adequate training of all soldiers on courses in areas of international criminal law, such as the Rome Statute; in particular crimes against humanity and responsibility of commanders and other superiors.
 4. Provide adequate training of all soldiers on courses in relevant international human rights law in general.
 5. Ensure continuous appraisal of these trainings or courses to achieve understanding, compliance and implementation in simulated 'wars' and bush exercises.
 6. Provide adequate training of all soldiers on the importance of respect for the Constitution and the rule of law to ensure soldiers respect the principles of constitutionality in a democracy.
 7. Ensure accreditation of these training programmes and courses.
 8. Making satisfactory completion of at least a minimum mandatory basic training in the areas mentioned above as a requirement and issue for consideration in determining promotions.
 9. Implement targeted sensitisation programmes to help change the mindset of the Army for the better and towards respect for established rules and conventions.
 10. Establishment of community support system for the elimination of discrimination and stigma.
 11. Target government institutions and agencies and strategic local partners to integrate victim support processes into their ways of working in The Gambia.

