

Truth, Reconciliation & Reparations Commission (TRRC) Digest

Edition 6



Presented by:

The Truth, Reconciliation and Reparations Commission (TRRC) is mandated to investigate and establish an impartial historical record of the nature, causes and extent of violations and abuses of human rights committed during the period of July 1994 to January 2017 and to consider the granting of reparations to victims and for connected matters. It started public hearings on 7th January 2019 and will proceed in chronological order, examining the most serious human rights violations that occurred from 1994 to 2017 during the rule of former President Yahya Jammeh.

While the testimonies are widely reported in the press and commented on social media, triggering vivid discussions and questions regarding the current transitional process in the country, a summary of each thematic focus/event and its findings is missing.

The TRRC Digests seek to widen the circle of stakeholders in the transitional justice process in The Gambia by providing Gambians and interested international actors, with a constructive recount of each session, presenting the witnesses and listing the names of the persons mentioned in relation to human rights violations and – as the case may be – their current position within State, regional or international institutions.

Furthermore, the Digests endeavor to highlight trends and patterns of human rights violations and abuses that occurred and as recounted during the TRRC hearings. In doing so, the TRRC Digests provide a necessary record of information and evidence uncovered – and may serve as “checks and balances” at the end of the TRRC’s work.

After each release, the Digests are translated into Fula, Jola, Mandika and Wolof, and transmitted over local radio stations. In addition to translation and transmission of the Digests, ANEKED and The Point Newspaper facilitate panel discussions which aim to engage journalists, activists, victims, politicians and the general public to expand on the themes of the sessions, the trends and patterns arising as well as how the country can learn from the findings to prevent such atrocities in the future (#NeverAgain).

DISCLAIMER

The current publication is **NOT** a document emanating from the TRRC. It is produced by ANEKED and The Point Newspaper.

The information in this publication has been compiled from live testimonies given at the TRRC hearings. Great care has been taken to accurately represent the verbal testimonies, however errors cannot be fully excluded.

Please note that the culpability of any persons mentioned by witnesses can only be established by a competent court.

Discrepancies and conflicting testimonies are highlighted on the next page.



Sarjo Manneh holds a photo of his son Chief Ebrima Manneh (left) with Yahya Jammeh. Ebrima Manneh was forcibly disappeared and allegedly killed on the orders of Yahya Jammeh after he wrote an article about term limits for the Gambian presidency.

DISCREPANCIES/CONFLICTED TESTIMONIES

Malick Jatta vs Omar A. Jallow

On the enforced disappearance and killings of the West African migrants, Malick Jatta explained that his team did not drive to Kombo to pick-up the migrants but waited around Kanilai as the convoy arrived: “When they reached Woni, they saw a convoy of vehicles with full light heading towards them. Solo Bojang then led the convoy heading south to Casamance to a place near the graveyard of a village”.

Omar A. Jallow refuted that version of the facts, saying that: “They used two vehicles and drove to Banjul and picked almost 30 men from a white building, near to Coconut Residence¹ which was secured by officers from the Police Intervention Unit, PIU. He confirmed that Malick Jatta was part of this trip and that it was not true that he waited in Kanilai and joined the convoy later”.

Regarding the actual act of killing, Malick Jatta claimed that he killed only one person: “After the killing, the witness said that he went back and sat in the vehicle and claimed to be *“traumatised, confused. I cannot even explain the mood”*”.

Omar A. Jallow however stated that this statement of Malick Jatta was “a lie and while he did not know the exact number [of persons killed by Malick Jatta], it was surely more than five and more than the number Malick Jatta had confessed to. He also said that it was untrue that Malick Jatta went back to the vehicle after the shooting of the first person and stayed there. When asked if he believed that Malick Jatta was trying to minimise his own involvement, the witness said that it was possible”.

When naming the soldiers involved in the killings of migrants, Malick Jatta did not mention Omar A. Jallow, while Omar A. Jallow confessed having taken part in the operation.

INCIDENTS NOT PROBED BY THE TRRC

While in his testimony Malick Jatta mentioned Omar A. Jallow as one of the soldiers involved in the **killings of Daba Marenah, Alpha Bah, Ebou Lowe, Alieu Ceesay, Manlafi Corr, Masi Jammeh and a woman called Julia**, the Lead Counsel did not question the witness Omar A. Jallow about this incident.

In the course of this testimony Omar A. Jallow confessed to having participated in different torture sessions namely the torture of Imam Baba Leigh, Imam Bakawsu (Fofana) and a Marabou/Imam whose name the witness could not remember and in the **torture of the 30th December 2014 coup plotters**, including Sarjo Jarju alias Hitler, Lieutenant Amadou Sowe and another captain from the training school, whose name he could not remember either; and another man at the NIA, but he did not know who this man was. While the Lead Counsel asked the witness to describe the torture meted on the Imams, he did not probe the witness as to the circumstances surrounding the torture of the 30th December 2014 coup plotters.

¹A luxury hotel near Banjul.

OVERVIEW

The TRRC resumed its hearings on 8th July 2019 and ran until 25th July 2019. The sixth session focused on the suppression of the media and the freedom of the press, most specifically the persecution, arbitrary arrest, detention, torture and forced disappearance of journalists who under Yahya Jammeh were often called the “illegitimate sons of Africa”.

The session also looked into the extrajudicial killing of Deyda Hydara in 2004, the co-founder and editor of The Point Newspaper, a turning point in the attacks meted onto journalists by Yahya Jammeh. Further testimonies were also heard regarding the aftermath of the March 2006 failed coup, which led to suspected coup plotters being arbitrary arrested, detained, tortured and forcibly disappeared by the regime.

Witnesses also discussed the execution of the nine inmates in 2012 and the unlawful arrest and detention of political activists.

The serious human rights violations committed by the National Intelligence Agency, NIA and the infamous death squad team known as the “Junglers” were a recurrent theme throughout the session.

The last week of the session saw three members of the Junglers, Malick Jatta, Omar. A Jallow and Amadou Badjie testify before the Commission about the crimes against humanity committed under direct orders of Yahya Jammeh, and claim responsibility in a number of high-profile cases, including the forced disappearance and the massacre of over 50 West African migrants in 2005.

The three men were subsequently released from custody on 10th August 2019 following recommendation from the Minister of Justice, Abubacarr Tambadou.

During the sixth session of the TRRC hearings, 16 persons testified including 3 persons who confessed

to committing human rights violations and 13 victims (including 2 women). 3 persons testified via video conferencing/Skype.

In the course of the session, the human rights violations reported include:

-Arbitrary arrest and detention

-Enforced disappearance

-Torture

-Extrajudicial killing

-Detention under inhumane and degrading conditions

-Corruption of justice

-Persecution

59 persons were mentioned by witnesses in relation to human rights violations committed, namely:

-Amadou BADJIE (nickname Chairman): Member of the death squad team “the Junglers”. Confessed of having participated in the enforced disappearance and killing of nine Mile 2 Prison inmates in 2012; of Ebou Jobe and Mamut Ceesay in 2013; of Toumani Jallow and Abdoulaye Gaye in 2016. Confessed of having participating in the arbitrary arrest of Ndure Cham in 2013 and of having participating in the torture of Bakawusu Fofana and Imam Baba Leigh in 2012. Arrested in February 2017 and released on 10th August 2019 following recommendation from the Minister of Justice Abubacarr Tambadou after his testimony at the TRRC.

-Buba BADJIE: Police officer moved to the State House and incorporated to the Patrol Team and accused of having participated in enforced disappearance and the killing of nine Mile 2 Prison inmates in 2012.

-Ensa BADJIE (alias Jesus): Former Inspector General of Police, IGP. Accused of intimidating witnesses, of persecuting journalist Pap Saine in 2009 and of the arbitrary arrest of Halifah Sallah in 2009.

-Musa BADJIE: Member of the death squad team “the Junglers”. Accused of having participated in the enforced disappearance and killing of West African migrants in 2005.

-Nuha BADJIE: Former Lieutenant Colonel in the army and senior official within the death squad team “the Junglers”. Accused of participating in the killing of Baba Jobe in 2011; of the enforced disappearance and killing of nine Mile 2 Prison inmates in 2012; of Mustapha Colley in 2012; of Ebou Jobe and Mamut Ceesay in 2013; of Ndure Cham in 2013; of Sulayman/Saul Ndow and Mahawa Cham in 2013; of Toumani Jallow and Abdoulie Gaye in 2016. Also accused of participating in the torture of Imam Baba Leigh, Bakawsu Fofana and another Imam in 2012. His name is on the list of wanted persons issued by Gambian authorities in 2018.

-Sulayman/Saul BADJIE: Former Lieutenant General in the army and head of the death squad team “the Junglers”. Accused of participating in the enforced disappearance and killing of Mile 2 Prison inmates in 2012, of having been implicated in the enforced disappearance and killing of Ebou Jobe and Mamut Ceesay in 2013 and of participating in the enforced disappearance of Ndure Cham in 2013. His name is on the list of wanted persons issued by Gambian authorities in 2018. Reported to be in Equatorial Guinea at the time of release of this publication.

-Yankuba BADJIE: Former Director General of the National Intelligence Agency (NIA). Accused of arbitrary arrest and detention of Ndure Cham in 2013; accused of having overseen the torture of Imam Baba Leigh, Imam Bakawsu Fofana and another Marabou/Imam in 2012 as well as those

of Ebou Jobe and Mamut Ceesay in 2013. Accused of participating in the enforced disappearance of Ndure Cham in 2013. Arrested in February 2017 and later charged with the murder of Solo Sandeng.

-Foday BARRY: NIA official accused of being present during the interrogation Demba Ali Jawo without due process.

-Solo BOJANG: Kanilai Farm Manager and second in command of the death squad team “the Junglers”. Said to be a relative of Yahya Jammeh. Accused of participating in the enforced disappearance and killing of Haruna Jammeh in 2005, of West African migrants in 2005, of Daba Marenah, Alpha Bah, Ebou Lowe, Alieu Ceesay, Manlafi Corr, Masi Jammeh and a woman called Julia in 2006; of nine Mile 2 Prison inmates in 2012; of Ebou Jobe and Mamut Ceesay in 2013, of Ndure Cham in 2013, of Sulayman/Saul Ndow and Mahawa Cham in 2013. He is said to have been the one selecting many of the gravesites where victims’ remains were buried. His name is on the list of wanted persons issued by Gambian authorities in 2018. Last reported to be in Casamance, Senegal.

-Modou BUSSO: Police officer moved to the State House and incorporated to the Patrol Team and accused of having participated in the enforced disappearance and killing of nine Mile 2 Prison inmates in 2012. Arrested but released in August 2018.

-Kawsu CAMARA (alias Bombardier or Bomba): Colonel and member of the death squad team “the Junglers”. Accused of having participated in the killing of Deyda Hydara in 2004 and in the enforced disappearance and killing of West African migrants in 2005. Fled the country in 2017. Subjected to an arrest warrant for the murder of Deyda Hydara.

-Mam Lamin CEESAY: Police officer and working at the Serious Crime Unit of the Police Force in 2006. Accused of the arbitrary arrest of Musa Saidykhan. Reported to be the Commissioner of Police at Kanifing at the time of release of this publication.

-Bora COLLEY: Former Brigadier General in the army and member of the death squad team “the Junglers”. Accused of participating in the killing of Deyda Hydara in 2004 and killing of Daba Marenah, Alpha Bah, Ebou Lowe, Alieu Ceesay, Manlafi Corr, Masi Jammeh and a woman called Julia in 2006; and in the torture of persons interrogated by the panel investigating the March 2006 failed coup. His name is on the list of wanted persons issued by Gambian authorities in 2018.

-David COLLEY: Former Director General of The Gambia Prison Services. Accused of being complicit and present during the killing of nine death row inmates in 2012. According to media reports, David Colley was dismissed on 24th February 2017 from his position as Director General of The Gambia Prison Services and was charged with conspiracy to commit murder and abuse of office in March 2018, but released on bail².

-Manlafi CORR: Former corporal in the State Guard. Accused of having participated in the killing of Deyda Hydara in 2004 and in the torture of Sanna Sabally, Sadibou Hydara and Babucarr Sanyang in 1995 and of arbitrary arrest. Deceased (March 2006).

-Michael Sang CORREA: Captain in the army and member of the death squad team “the Junglers”. Accused of having participated in the killing of Deyda Hydara in 2004, of Daba Marenah, Alpha Bah, Ebou Lowe, Alieu Ceesay, Manlafi Corr, Masi Jammeh and a woman called Julia in 2006; and of having participated in the arbitrary arrest of Mamut Ceesay and Ebou Jobe in 2013. His name is on the list of wanted persons issued by Gambian authorities in 2018. Last reported to be in the United States.

-Momodou/Muhammed HYDARA: Acting Director of the NIA in March 2006. Accused of arbitrary detention and of being complicit of torture of journalist Lamin Cham. Reported to be living in Alaska, in the United States at time of release of this publication.

-Buba JALLOW: Member of the death squad called “the Junglers”, notably as a driver. Accused of participating in the killing of West African migrants in 2005.

-Fulo JALLOW: Former Lance Corporal. Accused of torturing journalist Omar Bah.

-Omar A. JALLOW (alias Oya): Member of the death squad “the Junglers”. Confessed to having participated in the enforced disappearance and killing of 48 persons including: of Haruna Jammeh in 2005; of around 30 West Africans in 2005; of nine prison inmates in 2012; of Mahmud Ceesay and Ebou Jobe in 2013; of Ndure Cham in 2013; of Sulayman/Saul Ndow and Mahawa Cham in 2012; of Toumani Jallow and Abdouli Gaye in 2016; of having participated in the killing of Baba Jobe in 2011; of Mustapha Colley in 2012; and confessed having participated in the torture of Imam Baba Leigh, Imam Bakawsu Fofana, another Marabou/Imam in 2012 as well as of the 30th December 2014 coup plotters in 2015. Accused of having participated in the enforced disappearance and killing of Daba Marenah, Alpha Bah, Ebou Lowe, Alieu Ceesay, Manlafi Corr, Masi Jammeh and a woman called Julia in 2006; Arrested in May 2017 and released on 10th August 2019 from detention following recommendation from the Minister of Justice Abubacarr Tambadou after his testimony at the TRRC.

-F.R.I JAMMEH: Former Inspector General of Police accused of ordering the arbitrary arrest of journalist Alieu Badara Sowe.

²See publication by The Point Newspaper: Ex-prison chief charged over Baba Jobe’s murder, 20 March 2018.

-Ismaila JAMMEH: Member of the death squad team “the Junglers” in 2006. Accused of having participated in the enforced disappearance and killing of Daba Marenah, Alpha Bah, Ebou Lowe, Alieu Ceesay, Manlafi Corr, Masi Jammeh and a woman called Julia in 2006 and of being complicit of torture of Malick Mboob. Detained at Yundum Barracks at time of release of this publication.

-Musa JAMMEH (aka Maliampoogoo or General Manager): Former officer in the Gambia National Army and bodyguard of Yahya Jammeh. Accused of the arbitrary arrest of Buba Jammeh and of ordering the torture of journalists Lamin Cham, Musa Saidykhan and Malick Mboob and participating in the torture of persons interrogated by the panel investigating the March 2006 failed coup. Deceased (2007).

-Saikou JAMMEH: Soldier from the Bodyguard Unit. Accused of having participated in the killing of Daba Marenah, Alpha Bah, Ebou Lowe, Alieu Ceesay, Manlafi Corr, Masi Jammeh and a woman called Julia in 2006.

-Sainey JAMMEH: Soldier from the Bodyguard Unit. Accused of having participated in the killing of Daba Marenah, Alpha Bah, Ebou Lowe, Alieu Ceesay, Manlafi Corr, Masi Jammeh and a woman called Julia in 2006.

-Yahya JAMMEH: Chairman of the Armed Forces Provisional Ruling Council (AFPRC) and President of The Gambia until December 2016. Accused of ordering the killing of Deyda Hydara in 2004; of Baba Jobe in 2011; of ordering the enforced disappearance and killing of Haruna Jammeh in 2005; of 56 West African migrants in 2005, of Masi Jammeh in 2006; of nine inmates at Mile 2 Prison in 2012; of Mustapha Colley in 2012; of Ndure Cham in 2013; of Mahawa Cham and Saul Ndow in 2013; of Ebou Jobe and Mamut Ceesay in 2013;

of Toumani Jallow and Abdoulie Gaye in 2016; of having ordered the arrest and torture of journalists and of corruption of justice. In exile in Equatorial Guinea at the time of mention.

-Malick JATTA: Member of the death squad “the Junglers”. Confessed to having participated in the killing of Deyda Hydara in 2004; Dawda Nyassi in 2006; Ndogo Mboob in 2006. Confessed that he killed one migrant in 2005 but accused by others of having killed more than five; confessed having been present during the killing of Daba Marenah, Alpha Bah, Ebou Lowe, Alieu Ceesay, Manlafi Corr, Masi Jammeh and a woman called Julia in 2006; accused of torture of persons interrogated by the panel investigating the March 2006 failed coup and confessed having beaten only General Savage during these events. Also accused of enforced disappearance. Arrested in February 2017 and released on 10th August 2019 from detention following recommendation from the Minister of Justice Abubacarr Tambadou after his testimony at the TRRC.

-Michael JATTA: Member of the death squad team “the Junglers”. Accused of participating in the killing of West African migrants in 2005; of Daba Marenah, Alpha Bah, Ebou Lowe, Alieu Ceesay, Manlafi Corr, Masi Jammeh and a woman called Julia in 2006; of Baba Jobe in 2011; of nine death row inmates in 2012; of Ebou Jobe and Mamut Ceesay in 2013; of Sulayman/Saul Ndow and Mahawa Chamin 2013; of Toumani Jallow and Abdoulie Gaye in 2016 and of having participated in the torture of persons interrogated by the panel investigating the March 2006 failed coup as well as in the torture of Imam Baba Leigh, Bakawsu Fofana and another Imam in 2012 and of enforced disappearance.

-James JARJU: Head of Medics at Jeshwang Prison. Accused of refusing medical assistance to Pa Modou Faal during his detention.

-Momodou/Modou Lamin JARJU (alias Rambo): Major in the army and member of the death squad team “the Junglers”. Accused of participating in the killing of Baba Jobe in 2011; of nine Mile 2 Prison inmates in 2012, of Mustapha Colley in 2012, of Mamut Ceesay and Ebou Jobe in 2013; of Ndure Cham in 2013, of Sulayman/Saul Ndow and Mahawa Cham in 2013; of Toumani Jallow and Abdoulie Gaye in 2016 as well as of participating in the torture of Imam Baba Leigh, Bakawsu Fofana and another Imam in 2012 and of enforced disappearance.

-Saikouba JARJU: Member of the death squad team “the Junglers”. Accused of participating in the killing of nine Mile 2 Prison inmates in 2012; of Mamut Ceesay and Ebou Jobe in 2013; of Toumani Jallow and Abdoulie Gaye in 2016 as well as of participating in the torture of Imam Baba Leigh, Bakawsu Fofana and another Imam in 2012.

-Sarjo JARJU (alias Hitler): Member of the death squad team “the Junglers”. Accused of participating in the enforced disappearance and killing of West African migrants in 2005.

-Alieu JENG: Member of the death squad team “the Junglers”. Accused of having participated in the killing; of Deyda Hydara in 2004; of Haruna Jammeh in 2005; of West African migrants in 2005; of Daba Marenah, Alpha Bah, Ebou Lowe, Alieu Ceesay, Manlafi Corr, Masi Jammeh and a woman called Julia in 2006; and of Dawda Nyassi in 2006 and of having participating in the torture of persons interrogated by the panel investigating the March 2006 failed coup. Arrested in 2017, testified at the TRRC in August 2019. In detention at the time of mention.

-Lamin/Babading JOBARTEH: Minister of Justice in 2012. Accused of having been complicit and present during the killing of nine death row inmates.

-Boto KEITA: Police Officer. Accused of arbitrary arrest of journalist Lamin Cham.

-Bai LOWE: Member of the death squad team “the Junglers”, including as driver. Accused of having participated in the killing of Deyda Hydara in 2004 and of West African migrants in 2005. Is said to be residing in Germany at time of mention.

-Sanna MANJANG: Former Lieutenant Colonel in the army and member of the death squad team “the Junglers”. Accused of participating in the killing of Deyda Hydara in 2004; of West African migrants in 2005; of Dawda Nyassi in 2006; of Daba Marenah, Alpha Bah, Ebou Lowe, Alieu Ceesay, Manlafi Corr, Masi Jammeh and a woman called Julia in 2006; of nine Mile 2 Prison inmates in 2012; as well as accused of participating in the torture of persons interrogated by the panel investigating the March 2006 failed coup as well as of Imam Baba Leigh and Bakawsu Fofana and another Imam in 2012. Also accused of enforced disappearance. Fled the country in 2017. Subjected to an arrest warrant for the murder of Deyda Hydara. His name is also on the list of wanted persons issued by Gambian authorities in 2018. Said to be living in Guinea Bissau at time of mention.

-Malick MANGA: Former Warrant Officer Class One and member of the death squad team “the Junglers”. Accused of participating in the killing of Baba Jobe in 2011; of Mustapha Colley in 2012; of nine Mile 2 Prison inmates in 2012; of Ebou Jobe and Mamut Ceesay in 2013 and decapitating them; of Ndure Cham in 2013; of Mahawa Cham and Saul Ndow in 2013; of Toumani Jallow and Abdoulie Gaye in 2016; as well as in the torture of Bakawsu Fofana, Imam Baba Leigh and another Imam in 2012. Also accused of enforced disappearance. His name is on the list of wanted persons issued by Gambian authorities in 2018. Said to be in hiding in Senegal at time of release of this publication.

-Daba MARENAH: Present during the interrogation of Demba Ali Jawo without due process.

-Nfansu NYABALLY: Member of the death squad team “the Junglers”. Accused of participating in the killing of West African migrants in 2005; of Daba Marenah, Alpha Bah, Ebou Lowe, Alieu Ceesay, Manlafi Corr, Masi Jammeh and a woman called Julia in 2006; of Baba Jobe in 2011; of Mustapha Colley in 2012; of nine Mile 2 Prison inmates in 2012; of Mamut Ceesay and Ebou Jobe in 2013 and decapitating them; of Sulayman/Saul Ndow and Mahawa Cham in 2013; of Toumani Jallow and Abdoulie Gaye in 2016 as well as of participating in the torture of persons interrogated by the panel investigating the March 2006 failed coup as well as in the tortures of Imam Baba Leigh, Bakawsu Fofana and another Imam in 2012.

-Abdoulie SAINE: Accused of arbitrary arrest.

-Captain SAINE: Former Internal Director of the NIA. Accused of arbitrary detention of Malick Mboob, Musa Saidykhan and Madi Ceesay.

-Marie SAINE-FIRDAUS: Former Attorney General and Secretary of State for Justice. Accused of attempted corruption of justice.

-Harry SAMBOU: Director of the NIA in 2006. Accused of arbitrary detention of journalists in 2006.

-Lamin SAMBOU: Police officer moved to the State House and incorporated to the Patrol Team and accused of having participated in the killing of nine death row inmates in 2012.

-Sulayman/Saul SAMBOU: Member of the death squad team “the Junglers”. Accused of participating in the killing of Baba Jobe in 2011; of Mustapha Colley in 2012; of nine Mile 2 Prison inmates in

2012; of Mamut Ceesay and Ebou Jobe in 2103; of Ndure Cham in 2013; of Sulayman/Saul Ndow and Mahawa Cham in 2013; of Toumani Jallow and Abdoulie Gaye in 2016 as well as of participating in the torture of Imam Baba Leigh, Bakawsu Fofana and another Imam in 2012. Also accused of enforced disappearance.

-Mustapha SANNEH: Member of the death squad team “the Junglers”. Accused of participating in the killing: of West African migrants in 2005; of Daba Marenah, Alpha Bah, Ebou Lowe, Alieu Ceesay, Manlafi Corr, Masi Jammeh and a woman called Julia in 2006; of Mustapha Colley in 2012; of nine death row inmates in 2012; of Mamut Ceesay and Ebou Jobe in 2013; of Sulayman/Saul Ndow and Mahawa Cham in 2013 as well as of participating in the torture of persons interrogated by the panel investigating the March 2006 failed coup as well as in the torture of Imam Baba Leigh, Bakawsu Fofana and another Imam in 2012. Also accused of enforced disappearance.

-Pa Ousman SANNEH: Member of the death squad team “the Junglers”. Accused of participating in the killing of Baba Jobe in 2011; of participating in the enforced disappearance and killing of nine Mile 2 Prison inmates in 2012; of Mamut Ceesay and Ebou Jobe in 2013; of Toumani Jallow and Abdoulie Gaye in 2016 and of having participated in the torture of Imam Baba Leigh and Bakawsu Fofana and another Imam in 2012. Arrested in May 2017 and released on 10th August 2019 from detention following recommendation from the Minister of Justice Abubacarr Tambadou after his testimony at the TRRC.

-Yusupha SANNEH: Soldier from the Bodyguard Unit. Accused of having participated in the killing of Daba Marenah, Alpha Bah, Ebou Lowe, Alieu Ceesay, Manlafi Corr, Masi Jammeh and a woman called Julia in 2006.

-Ngorr SECKA: Director of Operations and shortly Deputy Director at the NIA. Accused of arbitrary detention of journalists including Lamin Cham. Reportedly serving with the Ministry of the Interior at the time of mention.

-Ousman SONKO: Former Inspector General of Police and Minister of Interior. Accused of being complicit of torture and of the extrajudicial killing of Deyda Hydara in 2004. Accused of having been complicit and present during the killing of nine death row inmates in 2012. Detained in Switzerland and under investigation by Swiss authorities for crimes against humanity at the time of release of this publication.

-Yankuba SONKO: Former Inspector General of Police. Accused of being complicit of enforced disappearance of Chief Ebrima Manneh in 2006.

-Samba SOWE: Former head of Investigation Department. Accused of arbitrary detention of journalists including Malick Mboob.

-Molamin TAMBA: Member of the death squad called “the Junglers”. Accused of participating in the enforced disappearance and killing of West African migrants in 2005.

-Mr. TAMBA: National Intelligence Officer. Accused of arbitrary arrest of Abubakarr Saidy-Khan.

-Lang Tongbomg TAMBA: Complicit in the arbitrary arrest and detention of Musa Saidykhan.

-Tumbul TAMBA: Head of the death squad “the Junglers”. Accused of participating and ordering the killing of Deyda Hydara in 2004; of Haruna Jammeh and Jahsaja Kujabi in 2005; of West African migrants in 2005; of Dawda Nyass in 2006; of Daba Marenah, Alpha Bah, Ebou Lowe, Alieu Ceesay, Manlafi Corr, Masi Jammeh and a woman called Julia in 2006 and of participating

in the torture of persons interrogated by the panel investigating the March 2006 failed coup; and of torturing of journalists. Also accused of enforced disappearance. Deceased (2007).

-Mamadou TANGARA: Gambian diplomat and politician who has served as Minister of Foreign Affairs since 2018, having previously from 2010–2012. Accused of persecution of Ndey Tapha Sossey.

-Sainabou WADDA-CEESAY: Former judge at the Kanifing Magistrates Court. Accused of corruption of justice. Judge at the Banjul High Court at time of release of this publication.

-Joseph WOWO: Former Chief Justice of The Gambia. Accused of corruption of justice.

7

TYPES OF HUMAN RIGHTS VIOLATIONS



torture



enforced disappearance



persecution



extrajudicial killing



corruption of justice



detentions under inhumane and degrading conditions



arbitrary arrest/detention



PLACES

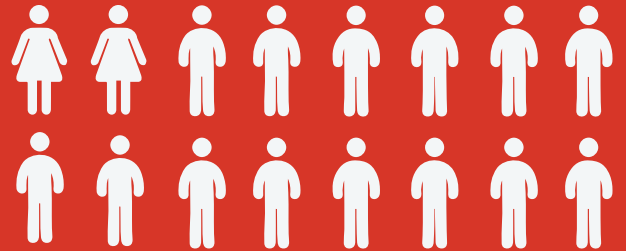
STATE HOUSE NATIONAL INTELLIGENCE AGENCY HEADQUARTERS KOTU POLICE STATION
BASSE POLICE STATION BANJUL POLICE HEADQUARTERS JESHWANG PRISON JIMPEX
SANYANG BEACH INDEPENDENT NEWSPAPER FARAFENNI SERREKUNDA POLICE STATION
STATE GUARD HOSPITAL/ MILITARY HOSPITAL YAHYA JAMMEH'S FARM IN KANILAI CASAMANCE
KANIFING MAGISTRATE COURT KANIFING POLICE STATION TALLINDING POLICE STATION
BRUSUBI POLICE STATION POLICE INTERVENTION UNIT HEADQUARTERS MILE 2 PRISON
BUNDUNG POLICE STATION BANJUL HIGH COURT

16

PERSONS TESTIFIED

13 victims (including 2 women)-
3 persons testified via Skype

3 perpetrators of human rights violations



59

PERSONS MENTIONED

in relation to human rights violations committed

The summaries of the testimonies are as follows:



WITNESS NAME: Lamin CHAM

TRRC HEARING DATE (S): 8th July 2019

EVENT(S) DISCUSSED: Persecution of journalists, unlawful arrest, detention and torture of the witness

POSITION BEFORE THE EVENT(S): Journalist

ROLE DURING THE EVENT(S): Editor at the Daily Observer and freelance reporter

POSITION HELD AT TIME OF TESTIMONY: Editor-in-Chief at the Standard Newspaper

SUMMARY OF TESTIMONY:

Mr. Lamin Cham started his testimony by stressing the importance of freedom of expression and freedom of the press as these allow for citizens to be informed, take part in national debates and hold leaders accountable. The witness went on to explain that before the 22nd July 1994 coup, the press was relatively free. He recognised that there were issues but stressed that there were no deliberate and very clear assaults on the media as it happened post July 1994 coup. He stated that journalists at the Daily Observer suffered harassment at the hands of the Armed Forces Provisional Ruling Council, AFPRC Junta and thereafter the Alliance for Patriotic Reorientation and Construction, APRC party.

Commenting on the relationship between the Daily Observer and the AFPRC regime in the beginning, the

witness stated that the AFPRC Junta relied on the Daily Observer before the advent of the television because it was popular, widely circulated and had a large following with the International Community paying attention to news published by them. He added that when the honeymoon period was over and the media started to hold them accountable to their manifesto, problems arose.

He stated that as early as 1994/1995, Yahya Jammeh started calling journalists the illegitimate sons of Africa.

He also recalled when on 25th July 1994, just after the coup, Sanna Sabally, the Vice-Chairman of the AFPRC came with a long convoy of vehicles to their offices and said that they had picked up someone who was allegedly selling the Daily Observer at a higher price than the official price and wanted to know why this was. Lamin Cham said that he knew at that moment that they were going to face issues with the Junta.

He went on to narrate the time the Daily Observer published on their front page a piece that refuted allegations of financial misappropriation made by the AFPRC against the previous regime. In response to the article, the AFPRC regime started stating that the Daily Observer, which was founded by a Liberian by the name of Kenneth Best, was going to destroy Gambia as it had destroyed Liberia. The witness further stated that Kenneth Best started having problems with the AFPRC as a result and in October 1994, he was detained in Kartong in a secret location before being deported to Liberia. His nephew Rodney Sieh, who was the witness' immediate superior and a BBC correspondent, was also deported to Liberia in November 1994. An immigration officer was then posted at the newspaper's office gate. According to the witness, this was to deter foreigners from entering the Daily Observer's office and they thought by doing so, they would prevent knowledge and expertise being passed.

Lamin Cham told the Commission that the Daily Observer's staff was continuously harassed. He specified that all the staff members were frequently arrested and taken in for questioning by the National Intelligence Agency, NIA acting on orders of the Junta. He said that journalists would be **detained** for a few hours or a few days. However, in May 1999, the paper was sold to one Amadou Samba who was perceived to be very close to Yahya Jammeh. The witness stated that they all felt the newspaper would no longer be independent and the then Editor-in-Chief Baba Galleh Jallow³ resigned as a result. Despite the paper being sold to Amadou Samba, the editorial staff tried their best to maintain its independence. Nevertheless, Demba Ali Jawo, a prominent critic of the Yahya Jammeh regime was asked to resign in December 1999 by the new management.

Lamin Cham explained that when then APRC member and former minister under the People's Progressive Party, PPP regime, Buba Baldeh took the post of Managing Director in 2001, the paper's independence was severely compromised. He added that as a result of his interference in the stories being published by the paper, including his reluctance to publish stories about the opposition such as Lamin Waa Juwara, there was a mass resignation of journalists in June 2001. He added that though the official owner of the paper was Amadou Samba, there were strong rumours that Baba Jobe, an APRC senior member, owned it or had shares.

Further discussing the treatment of journalists under the Yahya Jammeh regime, the witness explained that the President had made his hatred for journalists public knowledge.

Yahya Jammeh would claim that journalists were against progress, were not patriotic and would refer to them as the opposition.

The witness also recalled when one of their reporters, Abdoulie Savage went to Bakau/Fajara Barracks in the aftermath of the alleged November 1994 coup and was

beaten and almost killed by soldiers there. He added that under Yahya Jammeh, journalists worked in a very hostile climate and believed they were the most targeted professional body in the country through **enforced disappearances, tortures and killings.**

Yahya Jammeh viewed freedom of expression as a threat to his tyrannical rule and wanted to ensure he was never challenged. According to the witness, Yahya Jammeh viewed journalists as "communication agents" and targeted them as they refused to "go his way".

Lamin Cham then specifically discussed the case of Deyda Hydara, at the time the co-owner and editor of The Point Newspaper. The witness stated that it was clear that it was because of Deyda Hydara's work and criticism of the regime, especially his "Good Morning Mr. President" column, that he was **killed** in December 2004 late in the night whilst dropping his staff. He added that it was a turning point for journalists in The Gambia and signaled to them that they were in "serious trouble". Deyda Hydara's state sanctioned brutal **murder** galvanised the media to come out and be publicly heard internationally that they really had "a serious trouble".

On 30th May 2006, the witness who was now working as a BBC correspondent, was **arrested** outside Serrekunda Police Station. The witness was handed over to some officers, including Boto Keita who was part of the Criminal Investigation Unit to Banjul Central Police Station.

Once at Banjul Central Police Station, he overheard one of the police officers say "*but you were just asked to call him for questioning*" and another responded that the order had changed and they were told to "*get him at all cost*". The witness was then taken to an office with a round table and a television. After some time, one police officer informed him that he was to sleep in the office and can thank the stars as all the others related to the "Freedom issue" were locked up in the cell downstairs.

³Executive Secretary of the Truth, Reconciliation and Reparations Commission, TRRC at time of mention.

Upon being asked to clarify what the “Freedom issue” was about, the witness explained that the Freedom Newspaper used to publish sensitive stories online that were not reported in the local newspapers and that one day the editor’s email account, Pa Nderry M’ Bai, had been hacked. Information was stolen, including names and email addresses of people who had communicated with the editor and shared with the NIA. There was a press release, which asked for those whose names had been leaked to report to the police station. Lamin Cham added that he believed they might have been looking for reporters or informants but, in the process, they took along nearly hundreds of persons. However, he personally had never communicated with Pa Nderry M’ Bai so he was confused as to why he was being **detained**.

The witness further explained that later that night, one of the police officers guarding him allowed him to make a phone call. The witness alerted the friend whom he was with before his arrest and the BBC Africa Service who then contacted the British High Commission who then started making enquiries about the witness’ whereabouts.

He remembered that the next day, Inspector General of Police Ousman Sonko came, greeted the witness by his name but did not say anything else. The former Member of Parliament, Duta Kamaso was also brought in. Nothing was said to her and she was eventually taken elsewhere. The witness could not say where but he remembered seeing her that same evening at the NIA after being escorted by Boto Keita and co.

Upon being asked if he had been told of the reason for his **detention**, the witness responded in the negative. He also said he was not provided with any food nor given access to a lawyer.

Discussing his time at the NIA, the witness told the Commission that Muhammed Hydara⁴, the Deputy Director of the NIA, asked him if he knew why he has been brought in. When the witness said no, he told him “*you will find out in good time*” and left. At around 2am, the witness was escorted to a yard still within the premises of the NIA and placed in some kind of pint.

Before the witness could utter a word, a group of eight drunk men led by **Tumbul Tamba** and **Musa Jammeh** started beating him.

Describing the **torture** meted onto him, the witness said they used rubber chains to beat him and stamped on his back, legs and feet. He added that he was profusely bleeding as a result.

Lamin Cham explained that during his **torture**, they asked why he was congratulating one Omar Bah and who James was. The witness also recalled questions such as “*How much is the BBC paying you?*”, “*Why do you lie?*”, “*Why can’t you make a report without mentioning Jammeh?*”. The witness said he had no idea what they were talking about but they went on for a while.

They then led him to a room where he found Muhammed Hydara and Ngorr Secka, the then Director of Operations at the NIA. Muhammed Hydara who was leading the interview told the witness it was better to cooperate otherwise the men would come back to **torture** him. He proceeded to ask the same questions the witness had earlier been asked. The witness said he kept repeating he had no idea what he was talking about.

After a while, **Musa Jammeh** aka **Maliampoogoo** shouted in Mandinka “*I told you we have to kill this man or else he would not talk*’.

The witness said he was scared as Musa Jammeh was known to be a vicious man and if there was a “Maliampoogoo”, then there must have been an Idi Amin, referring to the former dictator of Uganda. Upon being asked to clarify, the witness explained that “Maliampoogoo”⁵ was a notorious general in Idi

⁴Also sometimes referred to as Momodou Hydara.

⁵The correct spelling is Maliyamungu and he was known as Idi Amin’s “hit man” and “principal hangman”.

Amin's army whom Idi Amin himself feared had not gone mad because of the vicious ways he handled his victims. He further explained that in this context, when he said there must have been an "Idi Amin" on whose behalf he was acting, he was referring to Yahya Jammeh because during his questioning, Musa Jammeh would leave the room to answer calls from someone.

Witness Cham specified before the Commission that during his questioning, though Ngorr Secka could visibly see that he had been tortured, he did not say anything. He just wrote down the witness' responses. When they were done questioning him, the witness was taken back to the reception where he was helped by Duta Kamaso, Lamin Fatty and Malick Mboob. The witness said he was terrified as during his **torture**, Tumbul Tamba stated that they knew that the witness and Ebrima Sillah⁶ were responsible for sending out government secrets.

Lamin Cham further explained that when he arrived, he was surprised to see journalists Lamin Fatty and Malick Mboob as they had been missing for quite some time and he did not know they were being detained at the NIA. Malick Mboob consoled him by telling him he had also been **tortured** including having a gun shoved into his mouth.

The next day, the witness was taken to the Military Hospital, also known as the State Guard Hospital where he was kept he believed in an attempt to conceal his wounds. He added that his friend came twice to see him and they denied having the witness in custody. The witness was then returned to the NIA where in addition to Duta Kamaso, Lamin Fatty and Malick Mboob, he saw one Lamin Bojang, a small boy who had been horrendously **tortured** and one soldier by the name of Buba Bojang all detained in connection with this "Freedom thing".

On discussing further what happened to the boy, Lamin Cham explained that he could not have been older than 10 years old. He was said to be some sort of computer wizard and was suspected of either communicating with Pa Nderry or of helping people communicate with him.

The witness was told that the **boy** had been **severely tortured** by the same gang that had **tortured** the witness.

Going back to the panel that interviewed him, the witness clarified that apparently the panel that interviewed those connected to the Freedom case, was the panel that was set up after the March 2006 attempted coup led by Ndure Cham. The panel included NIA officials, police and state guards. From the police, the witness recognised Lamin Cham⁷, Abdoulie Ceesay (still serving in the police force at the time of testimony) and Lamin Ndow.

The witness said that the police officers on the panel were shocked when they saw the state in which he was after his first **torture** and added that much later, he learnt that they had abandoned the panel in protest. He specified that the police officers he mentioned were not part of the torturers.

Two days after his first torture, Tumbul Tamba and three other individuals came back for the witness and **tortured** him for about 10 minutes. He was then ushered into a room where he found Muhammed Hydara and Ngorr Secka. He also saw cables and other gadgets he could not identify. He was terrified as he thought they were going to use them on him but they did not.

The witness was questioned again and then Muhammed Hydara told him he could go back to sleep. On 4th June 2006, Ngorr Secka told the witness to call someone to bail him out. His neighbour, Alkali Jarjusey did and the witness left the NIA premises. Upon his release, he was told to report every day to the NIA which he did for a month. The witness said that every single time he went, he would call the British Commission before and after.

During his unlawful **detention**, the witness was made to be part of an operation to locate and arrest

⁶The Minister of Information and Technology at time of release of this publication.

⁷Not to be confused with Lamin Cham the journalist.

Omar Bah and was forcefully taken to his house to have it unlawfully searched. They also made him go through his emails and checked for any link to the Freedom Newspaper.

He added that he had not seen Ngorr Secka in ten years until five days prior to his testimony, when the State Intelligence Service, SIS hosted an international conference of intelligence chiefs of West Africa and Ngorr Secka attended.

On the effects of his **detention** on his life, the witness said he had to leave the country as he was afraid. He went to London where friends helped him do a course at the London School of Journalism. He then moved to Dakar to continue his exile. Unfortunately, it was difficult for him to secure an English-speaking job. He commented on his suffering continued as he lost income and self-dignity. He was well known around and suddenly, he was made an enemy of the state.

He finally returned to The Gambia early 2012 a completely different man. He stated he did not think he had recovered psychologically nor in terms of resources and said

“I am still a broken man from that experience”.

On the repressive laws that are detrimental to the progress of journalists in The Gambia, Lamin Cham stated that though many have been removed, there still exists loopholes that the powers can exploit.

The witness added that people are disappointed that the establishment was not implementing the policies and principles that would inspire the people to be in a different Gambia and it is said that *“the evil forces that actually perpetrated these atrocities against people are still very much alive”*.

PERSONS MENTIONED BY WITNESS DURING TESTIMONY:

Arbitrary arrest

Boto Keita

Torture

Tumbul Tamba, Musa Jammeh

Complicit of torture

Muhammed Hydara

Arbitrary detention

Muhammed Hydara, Ngorr Secka

WITNESS NAME: Saikou JAMMEH

TRRC HEARING DATE(S): 8th & 9th July 2019

EVENT(S) DISCUSSED: Persecution of journalists, unlawful arrest, detention and torture of the witness

POSITION BEFORE THE EVENTS: Journalist

ROLE DURING THE EVENTS: Held various roles

POSITION HELD AT TIME OF TESTIMONY: Secretary General at the GPU

SUMMARY OF TESTIMONY:

After expanding on his career, profession, the role of the Gambia Press Union, GPU and his role as the Secretary General of the GPU, witness Saikou Jammeh delved into how during the Yahya Jammeh era when a lot of human rights violations were happening, the GPU became known in many circles as the “One Man Left Standing in The Gambia” which was taken to mean that it was the only institution that was taking the government of Jammeh to task.

Witness Jammeh also talked about the major achievements of the GPU including the role of the Union in the setting up of the Faculty of Journalism at the University of The Gambia and engaging the services of a lawyer to represent a journalist in court when they were arrested or charged.

He also gave an overview of press repression in Gambia, the state of human rights in Gambia as well as the human rights situation of media professionals in The Gambia between July 1994 and January 2017.

The witness described this period as a “...very long and painful 22 years for journalists in The Gambia”.

He said it was a period when The Gambia was consistently ranked as one of the worst places for journalists, at some point ranked only above Eritrea which is known as the North Korea of Africa and Equatorial Guinea.



The witness explained how Yahya Jammeh with the first arrest of Mr. Kenneth Best, then owner of the Daily Observer, after passing a decree essentially banned political expression as a result of which Halipha Sallah and Sidia Jatta were eventually **arrested, detained, prosecuted and convicted**, he said.

He explained how in 1995, Yahya Jammeh labelled journalists as illegitimate sons of Africa, referring to them as dead and rotten horses, and called on people not to buy newspapers because journalists were not patriotic and that they should allow to starve to death. He said that Yahya Jammeh also consistently used the law against journalists, stating that he did not believe in killing journalists but will hang them using the law and sending them to jail until they get old and became useless to society. He said Yahya Jammeh also imposed a lot of taxes on media to a point that those who were operating in the media businesses were barely making enough to keep their heads above water.

He further explained how this weakened the media houses to the point that they were only able to operate within the Greater Banjul Area as they could not afford to send their staff further out or even hire a reporter in the regions to be able to supply information from those areas. So it was that difficult.

When asked what he thought Yahya Jammeh's motive was, the witness said he believed Jammeh wanted to keep The Gambian people ignorant of what was happening in the country i.e. the human rights abuses especially towards journalists and looting of public funds at all levels. He gave the Commission the example of the **killings** of Omar Barrow, Sud FM reporter in 2000 during the April 10th and 11th protests and that of Deyda Hydara, Proprietor of The Point Newspaper in December 2004.

He also pointed out how Yahya Jammeh allowed newspapers to operate to a certain extent but blocked radio stations, which were more useful in terms of getting messages to people who are not educated, people who could not afford newspapers and in a language that they understood. He said Yahya Jammeh only allowed the national news outlet, Gambia Radio and Television Services, GRTS with the motive of keeping people in the dark.

Saikou Jammeh went on to explain how President Jammeh waged a war against journalists using the courts in addition to taxes to suppress journalism and became violent towards journalists and media houses that wrote articles they did not like, physically assaulting or torturing them and carrying out arson attacks that burnt down, media houses. He also talked about the **disappearance** of Chief Ebrima Manneh, a then influential journalist at the Daily Observer Newspaper responsible for the International page column in July 2006 who was still to be accounted for.

When asked about his thoughts on the circumstances surrounding the death of Deyda Hydara in 2004, witness Jammeh said he believed it was because of how Deyda Hydara was prominent in the challenge and subsequent victory over the setup of the National Media Commission that was initiated by the Gambia Government in 2002.

He said that after this victory, the National Communication Act was repealed, the government amended the Newspaper Registration Act to add a provision on false publication; renamed the Act to the Newspaper Registration and Broadcasting Act to cover all other broadcasting; increased the bound for registering newspaper from fifty thousand dalasi to half a million dalasi and also amended the criminal code where they increased the penalty also.

He said that when these amendments were passed, Deyda Hydara wrote in his paper that he was going to challenge that law as well. It was two days later that he was killed.

The witness went on to explain how the GPU and The Point Newspaper continued to press for justice for the **killing** of Deyda Hydara through annual commemoration of his death, continually asking the question “Who Killed Deyda Hydara” in the newspapers and including supporting the family of Deyda Hydara to file a suit against The Gambia government before the ECOWAS Court for failure to investigate his death. He said the ECOWAS ruled in favour of the family, awarded the family fifty thousand US Dollars and ordered the Gambia Government to investigate but although the family was eventually paid the award by the new Government in 2017, investigations were yet to be carried out.

He further added that after the change of government in 2017, Sanna Manjang and Kawsu Camara were mentioned in Banjul Magistrate Court to have been indicted in the killing of Deyda Hydara although the case was eventually withdrawn and he did not know why.

The witness was further probed to expand on the **disappearance** of journalist Chief Ebrima Manneh to which he said that Chief Manneh was taken by the National Intelligence Agency, NIA and that according to his colleagues that were present at the time, Sarja Faal was said to have reported Chief Manneh to the NIA. He also said that Pa Malick Faye was also implicated.

Witness Jammeh explained to the Commission how the GPU continued to engage the government on the matter of the disappearance of Chief Manneh and how in 2009, with the support of then Minority Leader of the National Assembly Momodou Sanneh, the question of the disappearance of Chief Manneh was raised to which Marie Saine-Firdaus, then Justice Minister responded that they had looked for Chief Manneh everywhere in government prisons but to the best of their knowledge Chief Manneh was not in the custody of The Gambia government.

The witness also explained how prior to this, the Media Foundation for West Africa and the GPU had instituted a case against The Gambia government for the disappearance of Chief Manneh before the ECOWAS Court of Justice and the court eventually ruled in favour of Chief Manneh and ordered the government to pay a compensation of one hundred thousand US dollars and also ordered the government to release Chief Manneh with immediate effect.

He told the Commission how the government continued to resist the ruling with Justice Minister Saine-Firdaus stating that proper procedure was not followed and even went as far as trying to engage the ECOWAS Assembly to see how best they can restrict access to the ECOWAS Court. He said the government also continued to deny the **disappearance** of Chief Manneh with a statement by then Inspector General of Police, Yankuba Sonko in 2010 who told the Standard Newspaper that he learned from Interpol that Chief Manneh was somewhere in the United States but would not provide details.

He also said that in 2011 President Jammeh told the media he had no hands in the death of Chief Manneh but when the GPU in an open letter to the President raised the question of how the President knew Manneh was dead when the government claimed they did not know where Chief Manneh was, no explanation was provided.

The witness explained another instance that same year when they heard then Vice-President Isatou Njie Saidy was approached by the then President of the International Federation of Journalists, Omar Farrow at an international conference, she told him Chief Manneh might have died in the desert, which they knew was false because Chief Manneh disappeared; basically all of them telling conflicting stories about the whereabouts of Chief Manneh; clearly a cover-up by the government he said.

He said that on the contrary, Yahya Dampha, a reporter for Foroyaa Newspaper in 2007 reported seeing Chief Ebrima Manneh at Fatoto Police Station when he went along with Amnesty International, visiting various places in the country including the police station to look at the conditions of people that were kept there

but the government continued to deny keeping him. The witness recalled that Yahya Dampha was **arrested** for the report he made.

On the issue of **torture** of journalists, the witness mentioned the arrest of Lamin Cham who worked for the BBC at the time, Pa Modou Faal, a sports reporter for GRTS and Malick Mboob who worked for the Daily Observer in connection with the Freedom Newspaper saga but recommended that the Counsel try to get further details from Lamin Cham or Malick Mboob who were expected to testify after him.

The witness went on to answer questions about a number of journalists and events as chronicled below:

Musa Saidykhan, then Editor-in-Chief for Independent Newspaper

He said Musa Saidykhan was arrested alongside Madi MK Ceesay, Managing Director of the Independent Newspaper at the time and taken to the NIA Headquarters where they were **tortured** for three weeks. He said other staff they found at the time of their arrest were also taken but released later and the newspaper shutdown, never to reopen. He said that shortly after, Musa Saidykhan went into exile but Madi Ceesay stayed in the country.

Dodou Sanneh, GRTS Reporter

In September 2006, Dodou Sanneh was detained when he was sent by Modou Sanyang, then Director General of the Daily Observer Newspaper to deliver a letter to one Lamin Saine in Banjul. The witness said Dodou told him he did not know the place he was sent to was the NIA office in Banjul and that when he got there, they **detained** him for a day. Then the following day, the NIA came and set up a panel to investigate him, asking him about his relationship with Modou Sanyang. They were also telling him that he was exaggerating the number of people that he said were attending the United Democratic Party, UDP rallies which he was assigned to cover during the campaign in the run up to the 2006 presidential elections, which he denied but was nonetheless handed a dismissal letter.

The witness explained that one day, Dodou Sanneh was called by Modou Sanyang to join GRTS again and

was assigned to cover the visit of the Senegalese Chief of Defence Staff to The Gambia. After the coverage, he submitted his report and was commended by both Modou Sanyang and then Chief of Defence Staff, Lang Tombong Tamba asked him for a copy of the report. However, after providing a copy of the report, Dodou was called and again given his termination letter.

The witness explained that Dodou Sanneh told him he filed a complaint of wrongful termination with the Office of the Ombudsman but they did not do anything. He then wrote a petition to the Office of the President to say that his services were wrongfully terminated by GRTS and that was when the NIA **arrested** him and this time around they **tortured** him.

Witness Jammeh explained that Dodou narrated to him that he lost his left leg and his right arm and became paralysed as a result of the torture and was going to Dakar, Senegal for treatment.

He said Dodou also told him he was charged with giving false information to a public officer, was convicted and sentenced to a fine which he paid.

He said that Dodou Sanneh passed away in 2018 after having suffered trying times including not having support after his wife who was supporting him passed away.

Lamin Fatty

The witness recalled Lamin Fatty worked for the Independent Newspaper as a reporter in 2006 during the attempted coup by Ndure Cham. He said that Lamin reported about the arrest and detention of 22 people that were allegedly involved in the coup, including Samba Bah who was the Minister of Interior or Secretary of State at the time. However, it turned out this was an error. The Samba Bah that was arrested and detained was a Corporal in the Army thus Lamin Fatty was **arrested, detained** at the NIA for three months and was also **tortured** despite the fact that the Independent published a prominent correction and

also gave the opportunity to Samba Bah to also clarify that he was not the one who was **arrested**.

Witness Jammeh went on to explain that Lamin Fatty was eventually charged to court and was convicted by then Magistrate Buba Jawo and ordered to **pay a fine** of fifty thousand even though Samba Bah himself appeared in court to testify that he did not suffer anything, as a matter of fact, he was quite satisfied with the rejoinder.

He said that with the help of the GPU, Lamin Fatty eventually paid the fine but appealed the case however, while that was on going, he fled to Senegal after he said he was tipped off that they were coming after him again.

Alhagie Abdoulie Ceesay, Managing Director of Taranga FM

The witness explained that Alhagie Abdoulie Ceesay took over the management of Taranga FM Radio in 2015 after his father, Ismaila Ceesay left because the radio was constantly being attacked at the time.

He said shortly after the December 30th attack on State House, the Radio was asked to stop airing the news in local languages and Alhagie was **detained**.

However, the witness explained that Alhagie Ceesay was tortured as a result of a WhatsApp message that he sent to a lady, a caricature where a gun was pointed at the President.

He (Saikou Jammeh) said that according to what Alhagie Ceesay explained to him, besides the beatings he suffered, at some point he told them that he was thirsty and they brought in raw cooking oil and forced him to drink it after which he said he suffered from diarrhea for almost two weeks.

The witness said that Alhagie was charged and released and but a month or so later, they went after him again, took him and again **tortured** him. He was charged and was appearing in the Magistrate in Banjul

and also the High Court. He said Alhagie applied for bail at least five times and was refused bail by the courts. Eventually he got sick and he was admitted to the Royal Victoria Teaching Hospital, RVTH and while he was there, of course he escaped and went into exile in Senegal.

Alhagie Jobe, Deputy Editor of the Daily Observer Newspaper

The witness explained that Alhagie Jobe was chased while he was driving home from work in July 2013, was **arrested**, taken to the NIA and **tortured** after he crashed his car.

He said Alhagie was taken to the High Court where he was charged with sedition but was acquitted and discharged with the support of the GPU who helped pay for legal services for him. However, shortly after that, he got a tip-off that there were people coming after him so he ran away and went into **exile**.

The witness explained that with the help of the GPU and the Media Legal Defence Initiative, a UK based media rights organisation, they were able to file a suit against The Gambia government at ECOWAS Court for Alhagie Jobe and three other journalists namely Fatou Jaw Manneh, Fatou Camara and Lamin Fatty.

The Court eventually decided in favour of the four journalists and ordered the government to pay compensation of twenty five thousand dollar each, which has been paid by the new government.

Omar Bah, reporter for the Daily Observer

The witness said Omar Bah was arrested in July 2001 and **tortured** in connection with the treason trial of Lieutenant Landing Sanneh. He told the Commission that Omar was no longer in the country.

Momodou Gassama, Independent Newspaper

He said Momodou Gassama was also **arrested** and **tortured** at the Kanifing Police Station.

When questioned about arson attacks against media houses, the witness said that he believed the first arson attack was in 2001 against Radio One FM which was

owned by the late George Christensen. He explained that the station was not only the first private FM radio station in The Gambia, but in Africa as a whole; a landmark in the history of journalism in The Gambia.

The witness said it was believed the station was attacked as a result of its popular Sunday News Hour programme where political and economical issues were discussed. He said George Christensen sustained **severe burns** during the attack and some of his equipment was damaged. He said the GPU made calls for investigations but it had never been investigated.

The witness also explained that shortly after the attack, Alieu Bah, a DJ at the radio found a letter purportedly written by the Green Boys from Yahya Jammeh's Youth Movement who he said were known for carrying out atrocities on behalf of the Jammeh regime on his doorstep saying that had it not been for the child in his house, they were going to burn him that particular night for his engagement with Radio One FM.

Witness Saikou Jammeh also reencountered a serious arson attack against the Independent Newspaper in 2004 when gasoline was poured on the printing machines and set on fire and how the culprits tried to lock the staff that were working inside to burn. Fortunately, he said there were no fatalities although some sustained **burns**. He recalled that, Head of Production at the paper Namorry Trawally found a pistol that was thought to have been dropped by the culprits and surrendered it to the police.

The witness told the Commission that then leader of the National Reconciliation Party, NRP and National Assembly Member, Hamat Bah took to the floor of the National Assembly and named then Presidential Guards, Sanna Manjang, Sheriff Jasseh and Khalipha Bajinka as people who took part in that **attack**.

Another arson attack mentioned by the witness was that against the then BBC Correspondent, Ebrima Sillah in 2004 who reported about some misunderstanding between The Gambia and Guinea Bissau at the time.

He said **Ebrima Sillah** was sleeping when they came at night and set **his house on fire with him, his wife and his kid were inside** but they luckily were able to escape and afterwards he (Sillah) went into exile.

The witness expounded that prior to the attacks, Ebrima Sillah received a letter, purportedly from the Green Boys, as final warning and **threatening** to teach him a lesson for criticising their president unnecessarily.

He said Demba Jawo also received one of such letters, advising him to warn his journalists, they are going to teach one of them a lesson for the way they were criticizing the former president.

The witness said that all of these cases were published in the newspapers, which is how he and the other journalists that testified were able to use to gather and verify all the information they were sharing with the hope of seeking the truth and pursuing justice.

Moving on to arbitrary closures of media houses,

the witness said he could recount about **fifteen incidents of arbitrary closure without due process being followed**

except in the case of Citizen FM in 1998. The witness explained that the modus operandi was that mostly, you would have two or three operatives of the NIA who would walk into the offices and tell them to either cease publication or cease broadcasting, saying they received orders from the top which was taken to mean orders from the presidency. He recalled Yahya Jammeh saying once that people usually say an order from the top but his (Jammeh's) office is the top most office in the country and that the only office that is above his office is the office of God.

The witness said that broadcast media suffered the most, especially those with programmes that reviewed newspaper stories in local languages. He went on to chronicle the closures of various media houses including Sud FM, Citizen FM, the Independent Newspaper and Taranga FM.

The Counsel then began questions on **deportation** of media practitioners which the witness said started in October 1994, soon after the coup such at that of Mr. Kenneth Best, Proprietor of the Daily Observer Newspaper; Kemo Ceesay, a Sierra Leonean was deported in 1995; Chekeluba Kennet Chuku, a Nigerian popular for his commentary at the Daily Observer paper, Mohammed Ellicott Saidy, Editor of the Daily Observer a Ghanaian; Mohammed Mbowyor a Congolese who was **tortured** at the NIA Headquarters before he was deported; Sulay Musa the witness said was a Nigerian and Ebrima Ernest, a Sierra Leone who used to work for The Point Newspaper .

The questioning moved to the arrest and detention of journalists, which the witness confirmed they recorded one hundred and forty between 1994 to 2016 and were still counting.

He explained that the arrested in most cases were **detained** in an arbitrary fashion, **harassed**, intimidated and/or **tortured** and in the case of **Chief Ebrima Manneh, disappeared**.

He added that journalists such as Alhagie Yoro Jallow, Baba Galleh Jallow, Alhagie Mbye, and Lamin Daffeh, all of them from the Independent Newspaper were **arrested** or invited for questioning regularly yet they remained resilience and continued working but by 2006, the entire management of the Independent Newspaper had left the country.

The witness recalled the **arrest** and prosecution of Sidia Jatta and Halipha Sallah of the Foroyaa Newspaper in August 1994. He said they defied Decree Number 4 of the Junta which banned political expression and

went ahead and published the Foroyaa Newspaper. He added that they were subsequently convicted but the sentences were suspended.

The witness also recalled the **arrest** of Ebrima Sankareh in November 1994 for criticising the government in a letter to the BBC and that of Abdoulie Savage in November 1994 a reporter for the Daily Observer who was **arrested** and beaten up.

Moving on to newspapers that were banned, the witness explained that the government ordered the printing services not to print private newspapers though it was printing the government's own newspaper.

The witness explained that this was significant and a major setback because a lot of the media houses did not have their own printing press and they would have to print with the national printing press. The ban greatly affected the quality of the newspapers, caused delays in the circulation of the papers and increased the cost of production.

Witness Jammeh confirmed to the Commission the **arrest** and **detention incommunicado** of Babucarr Sankanu for reporting on Voice of America the failure of the Junta to return the country to civilian rule.

He also confirmed that in May 1996, Alieu Badara Sowe and Bruce Asemota were **arrested** and **detained incommunicado** for sixteen days for an article that they wrote about The Gambia police. The police demanded that they disclose their source of information, a demand that became common practice despite the fact it being a cardinal principle in journalism that is privileged information or confidential information that should not and cannot be disclosed. He explained that the NIA and The Gambia Police Force at the time of Yahya Jammeh had total disregard for this.

The witness also explained the **government's tactics of questioning journalists about their citizenship including Baba Galleh Jallow, Alhagie Yoro Jallow, Pap Saine and Deyda Hydara.**

The witness then went on to highlight the **arrest, detention** and sometimes **torture** of dozens of journalists for flimsy reasons.

The witness said he was also with Sanna Camara when they were both arrested in 2014 in connection with reports that soldiers were going to the beaches and arresting young people called "bumpsters" whom the tourism authorities have claimed were a nuisance, beating and torturing them. There were claims that some of them died as a result of that.

He said they went to the beach to interview with some of the boys and when they were coming then Sanna Camara took a picture of someone who was from one of these Eastern European countries believed to be a pilot for the then President. The gentleman complained to the soldiers and they came and arrested them. He said they were taken to Senegambia Police Station where they were kept for a few hours before being released. The witness then a list of 13 journalists there were persecuted wither through arbitrary arrests, detentions and/or charged with frivolous charges.

He said that Mr. Saine was also accused of and charged with committing a fraud because he was not a Gambian and that he obtained a Gambian passport illegally. That year, Mr. Saine was appearing before two courts at the same time. The witness recalled a particular day when Mr. Saine appeared at the Kanifing Magistrate Court and in the afternoon, he had to rush to Banjul to appear before another court. Mr. Saine was acquitted of both charges.

When asked about the journalist that went into exile, the witness stated that while they did not have an up-to-date list, the Doha Centre for Media Freedoms which conducted a study in 2010 on the situation of Gambian journalists in exile discovered that at least twenty percent of practicing Gambian journalist were living in exile at the time.

Recounting the problems that the journalists had to face with the repressive laws that were used to muzzle journalists or the practices of journalism, the witness said that most of the laws were inherited from the colonial government and with little amendment made during the regime of President Jawara government but

when Yahya Jammeh came, he did a lot of amendments on these laws such as the Newspaper Registration Act which increased the bound for registration of a newspaper and which he added was not in line with international standards or Gambia's obligation under international laws which frowns upon any kind of registration system that would place unnecessary burden on citizens to be able to exercise their rights to freedom of expression.

The witness said that during amendment, the government also inserted a provision in the criminal code for false publication and broadcasting in addition to false news to expand the scope. He said they also increased the penalty from about one thousand to a minimum of fifty thousand dalasi and maximum of two hundred and fifty dalasi with jail term from six months to two years imprisonment, making it more draconian. He added that they also increased the penalty for sedition and criminal defamation to be the same as false publications.

The witness also expanded on the amendment of the Information and Communication Act of 2009. He said in 2013, the government amended the Act to say that publication of false information on the internet would attract a jail term of either fifteen years or a fine of three million dalasis or at the discretion of the court, a fine and jail term.

He said this was done because by 2013, the internet became very influential in the political discourse of the country and a lot of information was being sent out from The Gambia to online newspapers based outside the country by people working in the system with access to information that was of legitimate public interest but which they could share any other way as the regime did not like that out.

The witness went on to discuss access to relevant information for journalists, stating that The Gambia had never ever enjoyed any distinguished recognition of access to information from a legal point of view from the 1970 constitution to the 1997 constitution and that the way Yahya Jammeh operated made it even more difficult as journalists were denied access to public officers holding public information and even public documents.

He added that throughout the Jammeh presidency, the only time that some journalists were allowed to access State House and to report from there was when Fatou Camara was Director of Press and Public Relation and when she was able to convince Yahya Jammeh to allow the private press to cover the State House albeit with limitations as to where they could go and even what they could or could not ask.

He also talked about the impact the repression had on the relationship between journalists and the public fuelled by Yahya Jammeh's denouncing of the media saying that journalists were bad people, enemies of the people, enemies of development and that at some point, the relationship between journalists and members of the public was characterised by fear and paranoia. If they found two or three people sitting down and discussing, once they identified themselves as a journalist or they knew they were a journalist, all of them would keep quiet so as not to get in trouble.

He said that at some point, journalists switched on what they called their survival mode, self-censoring to be able to go about their journalistic work.

When questioned about what the GPU as a body did by way of lobbying or submitting reports in addition to reaching out or taking cases to the ECOWAS Community Court, reaching out to the African Union, AU or to other international human rights organizations, the witness told the Commission that the GPU in 2010 and 2014 made submissions to the Universal Periodic Review, UPR of the United Nation Human Right Council and that this year The Gambia is due for hearings at the UPR in October. He added that besides the African Commission on Human and People's Rights and the ECOWAS Court of Justice, they had filed cases with the Supreme Court of the Gambia as well.

In his closing remarks, Witness Saikou Jammeh said that following the TRRC hearings, some of the people that were the leaders of these very heinous crimes had a very difficult childhood which he said made him raise the issue of children and as a society, the kind of environment we created for our children to grow up in a very comfortable manner.

He urged the Commission as part of its work to the promotion of social protection, particularly for children. He pointed out that when one looks at what happened in The Gambia during the regime of Yahya Jammeh as well as what happened elsewhere from Congo to Libya where you had the Gaddafis, the Mobutos and even as far as to Russia, all people had a very difficult childhood upbringing. He stated that if we do not take care of children at this point, at some point they come back to haunt society.

Coming back to the media, the witness asked everyone in The Gambia to not see and attack on journalists in isolations, because journalists are not enemies of the people, that they are friends of the people and that the people who are enemies of the people are those that seek the suppression of freedom with fear. He added that when an attack is made on journalists, this attack aimed at curtailing the rights and freedom of every individual in society.

He said that human rights violations, looting of money and under development of the country all happened because the media failed or was forced to fail in its responsibility to hold the government into account.

He expressed his commitment to the TRRC process as much had happened with very little answers, so many terrible things with no justice at all. He also expressed hope that the Commission will get to the bottom of the truth of what happened in cases where crimes were committed against journalists.

PERSONS MENTIONED BY WITNESS DURING TESTIMONY:

Complicit of Enforced Disappearance

Yankuba Sonko

Attempted Corruption of Justice

Marie Saine-Firdaus

Persecution of Journalists

Yahya Jammeh



Photo: Jason Florio

Sainey MK Marenah, a dissent Gambian journalist was the correspondent for The Standard Newspaper. He fled into exile in Senegal after being persecuted by the National Intelligence Agency, NIA during the Yahya Jammeh regime.



WITNESS NAME: Demba Ali JAWO

TRRC HEARING DATE(S): 9th & 10th July 2019

EVENT(S) DISCUSSED: Political environment for journalists; Persecution and prosecutions of journalists, Unlawful arrests, Detention and torture of the witness and other members of the press; Murder of Deyda Hydara; General human rights of the population, Repressive laws

POSITION BEFORE THE EVENT(S): Reporter at The Daily Observer Newspaper

ROLE DURING THE EVENT(S): Reporter at The Daily Observer

POSITION HELD AT TIME OF TESTIMONY: Consultant

SUMMARY OF TESTIMONY:

After giving an overview of his education and career, Mr. Jawo ran the Commission through his role and responsibility as a reporter and news editor at the Daily Observer until his services were terminated in 1999 when Mr. Kenneth Best, proprietor of the Newspaper sold the business to Amadou Samba, a Gambian businessman and close associate of Yahya Jammeh and his regime. He explained that though Mr. Best was **deported** in 1994, he continued to own the newspaper until 1999.

The witness told the Commission that his services were terminated about a week after Mr. Samba took

ownership of the business and the reason given was that the company was being restructured however, he said he did not believe that was the right reason for his termination. He said he believed the reason his services were terminated was because of the popular weekly political commentary column in the paper he used to author that was sometimes hard-hitting and critical of the government.

He believed that **someone** did not want him to continue what he was doing hence, **his sacking after the new government took over.**

The witness said that the commentaries he used to make were based on the feelings of ordinary people of the country about how the then transitional government was not going the way they were supposed to and he was trying as much as possible to capture that. The witness gave an example of when the Imam at State House, Imam Fatty was criticizing other religious sects such as the Ahmadiyahs during a sermon where Yahya Jammeh was present and he wrote a commentary criticizing the imam and the government for allowing it. He said the Imam later threatened him during a sermon because of what he wrote.

He said after his dismissal in 1999 from the Daily Observer, he became a freelance journalist and was Banjul Correspondent for the Associated Press as well as the reporter for BBC African Service in Gambia but in 2000, Dr. Baba Galleh Jallow appealed to him to take over his position as Editor-in-Chief of the Independent Newspaper when he (Baba Galleh) left to the US for further studies.

The witness told the Commission that the Independent Newspaper was not very popular with the government because it carried a lot of criticism as far as the government was concerned and he started another column called the Independent Critic publishing very similar commentary to what he used to write on the Focus column at the Daily Observer. The Independent became a thorn in the flesh of the government. He was

at the Independent Newspaper for about a year before he left to continue his work as a freelance journalist, continuing with the Associated Press and BBC.

The witness also told the Commission that he also served as the President of the Gambia Press Union, GPU in 1998 while he was at the Daily Observer and the Independent newspapers for seven years before handing over to the new President, Made Cesar. He said he was appointed as the Course Director for The Media Training Centre, to train journalist from 2005 to 2006 after which he took up an appointment in Dakar as head of the English desk of news agency from 2006 to 2017 when he was offered the ministerial position with the new government of The Gambia.

Talking about his professional training, Mr. Jawo said he graduated from the International School of Journalism in Berlin Editor with a diploma in journalism in 1991. He said that in addition to local courses and seminars, he also trained in Israel in 1997 on the running of press enterprises and received training in Ghana in news editing a few years later.

The witness also talked about books he authored including a book called A Living Mirror: The Life of Deyda Hydara which he co-authored with a friend, Ahmat Alota in 2007 and in 20013, a compilation of his commentaries from the Daily Observer column he called Focus. He said he recently launched a book called A Date with Destiny, an autobiography.

Witness Jawo talked about his relationship with Ahmat Alota and Deyda Hydara, calling them close friends and Dedy a mentor whom he met in 1979. He narrated a time when he was **arrested** in 1979 for publishing an article on the Nation Newspaper that was critical of what was happening at the Police. He was detained for a day and made to report daily for two weeks when Deyda advised him to stop going and that was the end of the matter.

On the circumstances surrounding the **deportation** of Mr. Kenneth Best, then proprietor and managing director of the Daily, Mr. Jawo told the Commission that this happened in October 1994. He said Mr. Best was picked up a few days before and no one knew where he was taken to by the authorities.

After a few days in **detention**, he said **Mr. Best** was taken straight from the detention place to the airport without any due process and **deported** back to his home country, Liberia where he fled from to seek refuge in the Gambia and which was just coming out of a **civil war**.

Mr Jawo said that after the deportation of Mr. Best, the newspaper continued even though there was a lot of harassment from the authorities but they insisted they were going to continue the newspaper with Mr. Theophiles George, a Gambia publisher as managing director appointed by Mr. Best. He said those of them that were left at the Observer did everything they could to ensure that the paper survived.

He explained how after the deportation of Mr. Best they were constantly being raided by immigration officers almost on a daily basis, checking on the immigration status of the credentials of the foreign journalists working at the Observers. He said at some point, an immigration officer was permanently stationed at the entrance of the newspaper premises, checking on everyone that went in and out which was a lot of pressure, causing some of the non-Gambian stat to sometimes avoid coming to the paper.

He said that some of the other foreign members of staff were also unceremoniously deported and without due process including Rodney Sieh, a Liberian journalist and Mr. Best's nephew working as a sports journalist; Cherno Ojuku Ceesay, Sierra Leonean journalist also arbitrarily deported in 1996; Sulay Musa, a Nigerian journalist who was deported for jubilating the death of dictator Sanni Abacha of Nigeria who was a close ally of President Jammeh. He said the then Nigerian Ambassador who was also close Jammeh was believed to be behind Musa's deportation. He also mentioned the **arbitrary deportation** of Muhammed Mbowyor, a freelance Congolese journalist, Chikeluba Kennett Chuko, a Nigerian journalist, Mokoma Coly, a young Liberian journalist and Pa Winton, a technician at the paper.

He recalled talking to then Director of Immigration, Nai Ceesay to try to stop the deportation of Coly and Winton but to no avail. A Ghanaian by the name of Mohammed Ellicott Saidy who was editor in chief at one point was deported in 1996 back to Ghana was also deported. He said he could not recall all remembers there were more. He said some of the journalists and reporters left on their own accord because the pressure from the government was too much for them including Justice Fofana, a Sierra Leonean who was arrested a few times and David Summers, an Englishman. He recalled Pascal Ezee also left as a result of the change management that wanted the news to be handled in a particular way and which they were not comfortable with.

He said he believed that the intention behind all these deportation was to cripple the Daily Observer because they had the notion that non-Gambian journalists were running the paper and if they cleared them out, the paper would close down but the Gambian staff took over and made sure the paper remained despite the pressure from the government.

The witness talked about the disappointment felt by the remaining Gambian staff when they learned that Mr. Best had sold the paper to someone close to the regime after all their struggles and without consulting with them.

The witness said that the foreign journalists were not necessarily targeted more than others, the Gambian journalists also equally got their share of the harassment and brutality.

He called many Gambians that went through the **harassment** including Abdallah Savage who went to the army barracks in Fajara during the November 11th alleged failed coup and he was seriously brutalized and his equipment destroyed mainly because they worked for the Daily Observer, the biggest newspaper at that time with a lot of influence with many Gambians and non-Gambians that relied on the news.

He said that at some point, almost all the staff at the Daily Observer must have had a brush with the authorities at one point or another and for one reason or another. He recalled a case in 1998 when a reporter witnessed the collapse of one part of the walls at State House after a rainstorm and he saw that some armoured cars were packed inside the State House. He said the journalist published a story about it and got the paper in trouble. National Intelligence Agency, NIA operatives came and picked him up along with Dr. Baba Galleh Jallow and the author of the story, Geran Senghore and taken to the NIA Headquarters.

Touching on the change of management from Kenneth Best to Amadou Samba, the witness said that though they did not have any hard evidence, the perception was that Amadou Samba was a front and Yahya Jammeh actually owned the Daily Observer and was controlling it. He said the indication of that was that all the managing directors and editors in chief were being appointed from State House.

As the President of the GPU, the witness said he received cases of journalists whose rights were being violated almost on a weekly basis. He recalled the arbitrary arrest of Dr. Baba Galleh Jallow and Alhagie Yorro Jallow, co-proprietors of the Independent Newspaper because their citizenship was being questioned. He said Pap Saine and Deyda also suffered the same fate as well as the attempt to burn down Radio One FM in 2001 in which the proprietor, George Christensen suffered some burns while trying to put out the fire. He said there was also an attempt to fire bomb Alieu Bah's house while he was sleeping. Alieu was a staff of Radio One FM. The witness also cited the Citizen FM troubles with the law including being forcibly closed down at one point and Baboucar Gaye, the Proprietor and Ebrima Sillah **arrested**, all of which were being handled by the GPU among others.

He said complaints were made to the authorities each time there was such an incident but mainly as a formality as they suspected of having sanctioned those acts and nothing was done about them including the complaints of **torture** although he added that most of the torture complaints came later when he had left the GPU Presidency.

He told the Commission about the killing of Deyda Hydara in 2004 when he was **shot dead** by men in a taxi in a drive by shooting on his way from the celebration of the 13th anniversary of The Point Newspaper. He said the government never did any serious investigations into the matter. He recalled a report in 2005 or 2006 released by the NIA who instead of a serious investigation into the matter were disparaging Deyda Hydara, calling him all sorts of names, putting the blame on Deyda instead of investigating the matter. He said he was not aware of any other statement by the government apart from that.

The witness told the Commission that the issue of the death of Deyda Hydara always made the government uncomfortable with heavy handed responses to any attempt they made towards his death. He recalled an event on the first anniversary of Deyda Hydara's death when they had invited journalists from the sub region and at the end of the session; they decided to visit the site of his death only to find heavy military presence ordered from above as they were told. He also recalled the GPU facing a lot of issues in getting a permit to march to present a petition to the Inspector General of Police, IGP and Minister of Interior and when the permit was issued, the conditions attached was that only journalists could be at the march and even with that, they were escorted by a heavy presence of security to both sided from the Arch to the offices. He said the petition that was made to the IGP and Minister of Interior was for journalists to be given more security as well as asking for the investigation into the death of Deyda Hydara.

The witness talked about the particular occasion in 2009 when the President was asked about the death of Deyda Hydara during an annual interview he used to give to the Gambia Radio and Television Services, GRTS. He said the President did not say nice things about Deyda, adding that he was not more important than people that died in road accidents. He said the GPU was not happy about the President's statement and the then President of the GPU, Ndey Tapha Sosseh who was in exile at the time issued a press release that was carried by most of the newspapers which he

said put the editors and senior officials of newspapers in trouble. They were **rounded up, detained**, taken to court and convicted.

The witness also talked about how the GPU had suggested to the authorities that they get help from foreign agencies such as the FBI or UK security and even Senegal to support them in the investigation into the death of Deyda Hydara as the Gambia security may not have the capacity but this was always declined. He said he at some point heard vaguely that help was sought from outsiders but could not recall in detail.

He said they even suggested to the authorities to give the family of Deyda Hydara access to the autopsy report and bullets removed from his body so they can get a their own private investigation but that never happened until this day and until the time of his testimony, the case is still pending without anything substantive except for names such as Bombardier being mentioned.

The witness also talked about the two ladies that were in the car with Deyda Hydara at the time of his death. He said they were injured and hospitalized and that the GPU unhappy with their treatment here, made arrangements for them to be treated in Dakar, Senegal. He said one of them was Ida Jagne, living in the United States at the time of his testimony and Nyansara Jobe, a former staff of the Point Newspaper who is still in the country as far as he know but was not certain if she still worked with the Point. Mr. Jawo said that he was not aware of any formal complaint filed by the ladies nor any redress or compensation that was given to the ladies.

Going back to the **arrest** and **detention** of media personnel after the press release by then GPU President, Ndey Tapha Sosseh, the witness listed Pap Saine, Managing Editor of the Point Newspaper, Sam Sarr, Editor-in-Chief of Foroyaa Newspaper, Emil Touray, former president of the GPU, Pa Modou Faal and Sarata Jabbie both working with The Point Newspaper as they ones he could recall.

He said **Sarata Jabbie** was suckling a baby at the time and was **arrested with the baby.**

He said he was out of the country at the time thus could not provide more details but recalled that they were charged with sedition. He said he could not recall what happened to Ndey Tapha Sosseh as the author of the press release but he could recall that she got into trouble with the authorities later on with a different issue where she was charged with treason.

Going back to his own personal arrest back in 1998 in connection to the story of the wall at State House collapsing, the witness recalled Baba Saho who he believed was a senior officer at the NIA as one of the NIA operatives that **arrested** him. He said the reason they were given for their arrest was that they suspected they were keeping arms at the Observer premise. The witness added that they did not show any identification to indicate they were NIA officers or any warrant card nor did they search the premises.

When they got to the NIA Head office in Banjul, he was taken to an office he believed to be that of Baba Saho because he seemed very comfortable in the office. He said they brought a copy of the Weekend Observer with the story about the wall and it was at this point that he had an idea as to why he was there as he was never told why he was detained. He said he was never cautioned about his rights nor were they charged. He said he was detained in a room near the sea with the glass broken and a lot of mosquitoes that caused him not to sleep. He said he was shown a bench and told he could sleep there and when needed to drink, he was pointed to the sink in the toilet to drink from. With regards to food, he said a warden came in both nights and told him he was given 5 Dalasi to buy him food and asked him what he wanted and subsequently both him half a loaf of bread with butter and coffee.

The witness said he was isolated without any idea as to how long he was going to be there and not allowed access to anyone nor did he know or see where his colleagues that were arrested with him were until after two nights in

detention when they were called by Baba Saho in the presence of then Director General of the NIA at the time, Daba Marenah and Foday Barry and cautioned about being involved in such stories then released.

Apart from his arrest and detention at the NIA, the witness said he received a note tantamount to a **death threat** at his home from a group claiming to be supporters of Yahya Jammeh and also threatening to teach one of his journalists a lesson because of his criticism of the president among other things at the time he was President of the GPU. He said he took the note to the police station to report the incident but no action was taken. A couple of months later, there was an **arson attack** at journalist Ebrima Sillah's house while he and his family were sleeping but luckily they were able to escape.

A few months after that, **Deyda Hydara** also got **killed.**

The witness also recounted an event in early 2004 at Sindola Hotel in Kanilai where he was attending a seminar when Major Bajinka, then head of the Presidential Guard came in while they were having dinner at the restaurant with a group of soldiers, came to the table and shook hands with him. He said that not long after that, there was a story in the online paper called the Gambia Echo talking about a planned attempt on his life on that night when Bajinka was supposed to identify him to the men for them to tuck him away later. He said he had no idea if this was speculative or the truth but someone told him that Bajinka did not want him dead so he told them he was not there. He added that years later in 2015, he met Bajinka (who also had to run into exile) in Dakar and they chatted for a while. After he (Bajinka) left, a friend told him that Bajinka told him he developed goose pimples when he saw him because he recalled how narrowly he (Jawo) had escaped death.

He said that though the death threats did not make him feel secure he thought life must go on and as a journalist he was not going to give up no matter what.

In response to a question about the general human rights situation in the Gambia, the witness stated that the situation gradually got “very, very bad” when the Junta took over especially compared to the country being known for its respect for human rights in the previous regime leading to the relocation of the African Commission on Human and Peoples’ Rights to the Gambia and the country being known as the human rights capital of Africa.

He recalled the first days of the Junta’s rule when their relationship with the press was very cosy as they proceeded to try and paint the previous regime black by calling a press conference and showing evidence of corruption. He said they were using the press to popularize themselves and to get the international community to accept what they were saying. He said the honeymoon between the press and Junta eventually came to an end when the journalists realized that they are professionals that had to do their work regardless.

He attributed this to the fact that there was a clamour for change in the country before the Junta came and people embraced the change, not really caring, who came in.

On the issue of the targeted campaign against journalists and how it affected press freedom and journalists in their day to day work, the witness talked about the **anti-press** decrees that were promulgated and how Halipha Sallah and Sidiya Jatta became the first casualties with the decree banning political activities which they defied and published the Foroyaa Newspaper and subsequently got arrested, detained, taken to court and charged for violating the decree.

He talked about the amendment of the Newspaper Act, making it more draconian leading to a clash between the authorities and the media and also the National Media Commission Act in 2002 which allowed for journalists to be taken to court for writing something the government was not happy about. He said the GOU decided to challenge the law in the Supreme Court. The case dragged on through the courts for a while and the Act was repealed before the completion of the case. He speculated that this may have been due to the pressure from all sides including the international community but added that it did not stop there as the

government went on to enact other pieces of legislation which were just as draconian such as the Newspaper Amended Act which was even more repressive, increasing the bond for registering a newspaper.

He acknowledged that as a result of the environment, journalists had to adapt to dealing with a powerful enemy to survive and continue doing their work. He said the state media, both electronic and print were transformed into the mouthpiece of the regime, only reporting what favoured the regime and negative reports against the opposition. The media became the personal fiefdom of Yahya Jammeh and his regime and certainly not for the tax payers who were funding it he added.

He said that access to information became a very important issue because members of the government would hardly talk to private media at one time; private journalists were banned from the State House and official functions.

Talking about the impact of the laws and change of management at the Daily Observer, the paper went down rapidly, becoming the mouthpiece of the regime like the state newspapers with journalists complaining that the office managing director of the Observer became just like a political bureau where regular meetings of the APRC transforming into a structure of the ruling party. When asked if the ruling party succeeded in silencing journalists, Mr. Jawo relied in the negative saying that although the environment was very **hostile** to journalists with the regime trying all it could to suppress journalists, they were quite resilient and went on doing their work nonetheless.

He said they were motivated by the fact that they considered themselves as professionals and knew that they had a role to play in the society and they were not prepared to allow anybody to prevent them from playing that role.

He said that after the killing of Deyda Hydara, it became apparent that these people were prepared to go to any extent to silence them so they had to employ certain survival tactics.

He said some left the profession while others went into exile but those that were left behind continued to do the work under very hostile circumstances pointing out the errors and giving voice to the voiceless despite all that.

He said that the victimization was not easy on him particularly as the head of the GPU that it was very tough operating in a hostile environment and without the funds they needed to do their activities as they wanted to. On the impact of his personal **detention** on his health and his family, he said that his family was supportive as they knew his choice to become a journalist and he tried to not let it change his way of life but instead became defiant, continuing to write his critical articles.

Asked about the slow pace of reform in the new regime, he agreed but pointed out that reform is a multisectoral process involving many stakeholders. He said the process has started and was going on when he was a minister and the government is serious about carrying out the reforms but things can get bureaucratic which is probably what is causing the delay but he is certain it will go ahead.

Answering a question of the importance of giving voice to the voiceless and how he can ensure this intention is translated into possible actions in the future, the witness said that the Gambian media has been playing its role effectively despite the repression at that time, using the private media.

In his closing remarks, the witness read a statement commending the Commission and Commissioners on the work they are doing in reconciling the people and fulfilling their mandate.

In regards to the massive human violations he experienced and lessons learned, Mr. Jawo focused his closing remarks on the protection and safety of journalist, media reform and professionalism.

PERSONS MENTIONED BY WITNESS DURING TESTIMONY:

Arbitrary Arrest

Baba Saho

Complicit to Detention Without Due Process

Daba Marenah, Foday Barry

WITNESS NAME: Abubakarr Saidy-Khan

TRRC HEARING DATE(S): 10th July 2019

EVENT(S) DISCUSSED: Persecution of journalists, arrests and detention of journalists

POSITION BEFORE THE EVENT (S): Journalist

POSITION DURING THE EVENT(S): Journalist

POSITION AT THE TIME OF TESTIMONY: Journalist

SUMMARY OF TESTIMONY:

Abubakarr Saidy-Khan told the Commission that he started working for the Foroyaa Newspaper in 2005 as a newspaper distributor then moved to writing articles in 2009. He added that he joined the profession at a time when the climate was not conducive to journalists and cited the **murder** of Deyda Hydara and the **forced disappearance** of Chief Manneh as examples.

He explained that the Foroyaa Newspaper was also seen as an opposition paper as it was very critical of the Yahya Jammeh regime when it came to human rights, freedom of expression and environmental issues. The editorial style was direct and they would write recommendations and open letters directed to the government and Yahya Jammeh. He added that members of the editorial board who were very outspoken and legal-minded were also associated with opposition parties.

The witness testified that even security officers treated journalists in a deplorable manner. He recalled when he was singled out at a press conference at the Police Headquarters by the then Inspector General of Police, IGP Ensa Badjie and threatened because of the paper's publications. He stated that he reported the IGP's threats to his managing editor Samuel (Sam) Sarr who advised him to continue doing his work and not mind the IGP's threats.

Discussing access to government events and programmes, the witness explained that most of the private media houses, including the Foroyaa Newspaper, were sidelined by the government and only the state



media such as Gambia, Radio and Television Services, GRTS and the Daily Observer were given access to cover government functions.

The witness further testified that on 15th June 2009, at around 6pm, he was at the office brewing “attaya” with a senior colleague, Suwaibou Touray, when a drunk man came in to ask for Sam Sarr but he had already left to go home, which was next to the office. The witness asked the drunken man who he was but he never responded and left. Later two plain clothed National Intelligence Agency operatives, including one Mr. Tamba, went to Sam Sarr's house and identified themselves. The witness said from where he was standing, he could observe Sam Sarr speak with them though he (the witness) could not ascertain what exactly was said.

He stated that he then realised that Sam Sarr was being **arrested** and decided to document the **arrest** as a similar incident had happened to Chief Manneh and he had **disappeared**. As he was taking photos of the ongoing arrest, the flash from the camera went off and the officers who noticed asked what he was doing. He told them he wanted to record the arrest and report it. Mr. Tamba seized his camera, forced him to get into their vehicle and all four of them left.

On the reason for the **arrest** of Sam Sarr, the witness disclosed that it was in relation with the publication of a press statement in the Foroyaa Newspaper, which had been drafted and sent by Ndey Tapha Sosseh, at the time in Mali. The witness explained

that the press statement was in response to remarks Yahya Jammeh had made during an interview with the late Kebba Dibba of GRST. Witness Saidy-Khan told the Commission that Yahya Jammeh had been asked about Deyda Hydara's **murder** and rumours accusing him to which he responded angrily *"look those people, all those people who are asking about the death or circumstances surrounding the **death** of Deyda Hydara, I am sorry to say this but they should go to Deyda Hydara in the grave and ask him as to who **killed** him"*.

Witness Saidy-Khan explained that the Foroyaa Newspaper published the press statement on Friday 12th June and The Point Newspaper on Monday 15th June. Following the publication by The Point Newspaper, Pap Saine, Ebrima Sawaneh, Sarata Jabbie Dibba, Emil Touray, Pa Modou Faal, all from The Point Newspaper, were **arrested** and taken to the NIA Headquarters located at Banjul Marina Parade just opposite the High Court of The Gambia.

Going back to his **arrest** and that of Sam Sarr, the witness explained that on their way to the NIA Headquarters, they were silent in the car. He specified that he had his recorder with him, which he had hidden and hoped to record conversations but they were silent.

Upon arrival at the NIA, they found Pap Saine, Ebrima Sawaneh, Sarata Jabbie Dibba, Emil Touray and Pa Modou Faal. He explained that they were **detained** in the reception area of the building, given mattresses to sleep and bread to eat. He added that at that point, they were still not provided with any information regarding their **arrest**.

The following day, then NIA officer Alhagie Morr Jobe came and asked them to give statements. The witness said that he responded he did not know what statement he could give because his only role was to document the arrest of his managing editor and as a journalist, he had the right to document an event and report it. Alhagie Morr Jobe responded in wolof *"suma raka fi do ghetto deh"*, which the witness translated as "this place is not a ghetto, you have to speak". The witness therefore wrote that he reserved his statement for posterity. He added

that Sam Sarr and Emil Touray also refused to give a statement whilst the others did.

On whom he recognised at the NIA during their detention, the witness gave the names of the then Director of the NIA Yankuba Badjie, Alhagie Morr Jobe and one Mr. Hydara who was involved with their case.

He explained that they were **detained** for three days without access to a lawyer then escorted to Kanifing Magistrate Court and made to appear before Magistrate Sainabou Wadda Ceesay without any legal representation. The charges were read to them (sedition, publishing seditious material and "other stuff") to which they all pleaded not guilty and were given the opportunity to argue for bail to be granted. Nevertheless, Magistrate Sainabou Wadda Ceesay rejected their application for bail and they were sent to Mile 2 Prison at the remand wing. He added that later there was a negotiation for Sarata Jabbie Dibba because she was a lactating mother with a very young child at the time.

When they arrived at Mile 2 Prison, he was placed in the same cell as Pap Saine, Emil Touray and Pa Modou Faal, whilst Sam Sarr was at cell number 11.

The witness described the conditions as terrible and filthy. He said the remand wing was overcrowded with about 147 inmates and used this time to interview them, with the articles being published on Foroyaa Newspaper, after they were released.

The witness said they went back to Kanifing Magistrates Court on Monday 22nd June and each of them was granted bail. He added that this time around, they were represented by a lawyer.

On his trial, the witness explained that it lasted about three to four months. He stated that the case was later transferred to the High Court because it was a very complicated case and their lawyer at the time, Antouman Gaye had argued that they could not take their plea because there were additional charges when they appeared at the High Court. Antouman

Gaye argued that charges at the Lower Court had to be withdrawn before they could make a plea at the High Court. The charges were subsequently withdrawn at the Lower Court, and they took their plea at the High Court.

He stated that at the High Court, Justice Wowo was the presiding judge at first who the witness described as a “mercenary judge” and added that it was clear that he (Justice Wowo) was ready to convict them. At some point, Lawyer Antouman Gaye walked out of frustration and in protest.

When the witness and his co-accused tried to make an argument, Justice Wowo would not allow them to speak.

The witness added that eventually the case was transferred to Judge Fagbenle and the witness was acquitted and discharged. The judge ruled that there was no case for the witness to answer, however, Pa Modou Faal, Emil Touray, Ebrima Sawaneh, Sarata Jabbie Dibba, Pap Saine and Samuel Sarr were convicted and sentenced to three years in prison. He added that they only spent 27 days in prison as they were eventually pardoned by Yahya Jammeh.

Witness Saidy-Khan told the Commission that he continued as a journalist despite being afraid and that his **arrest, detention** and subsequent trial were hard on him.

He then discussed the “Witch-hunt” incident. He explained that in February 2009, witchdoctors from Guinea Conakry were hired by Yahya Jammeh to come and screen witches and wizards in the country, for reasons only known to Yahya Jammeh. His managing director Sam Sarr asked him to investigate and he went to Makumbaya where he spoke to one family. He was told of the case of one old woman that had been abducted, held captive and made to drink hallucinogenic concoction in order to screen for witchcraft.

He said shared the story with his editors Foroyaa and it was published with the headline “The burial of an abductee in Makumbaya”. He added that the old woman had died as a result of her **torture**. He also revealed that during the course of his investigation, he found out that military officers were accompanying the witchcraft doctors from Guinea Conakry, as well as the Green boys, a militant group working for Yahya Jammeh. They would go to villages such as Jamburr and Gunjur Bereding, abduct elderly people, take them to a compound called Baba Jobe’s compound in Kololi (he specified that Baba Jobe was in prison at the time) and hold them captive for weeks. He said this incident lasted about 3 months. He recalled going to Essau and seeing a teacher being mercilessly beaten for refusing to drink the hallucinogenic concoction. He invited the Commission to read all the articles, which were archived at Foroyaa.

When asked about what experience some of the women had, he disclosed that one revealed that she had been raped by a Green boy. On the effect that the concoction had, he also testified that the victims would urinate or defecate on themselves without realising and the Green boys would come and “clean them up as part of the screening”.

Abubakarr Saidy-Khan told the Commission that his colleague Halifa Sallah wanted to document these human rights violations and send the video to the ECOWAS and other international institutions. However, IGP Essa Badjie was tipped off and followed them to Makumbaya. When Halifa Sallah returned home from the field mission, he was arrested by Ensa Badjie for trying to document these human rights violations and taken to Banjulliding Police Station where he spent a few days. He added that his wife’s laptop was seized as well as the video camera.

Continuing on with his testimony, the witness said that Halifah Sallah was then moved to the Police Headquarters, spent a few days there before being taken to Brikama Magistrate Court. At the hearing, he was made to represent himself and was refused bail. Witness Saidy-Khan explained that Halifah Sallah was

then taken to Mile 2 Prison and a week later made to appear before court again before Magistrate Olajabutu. This time around he was granted bail, however through some loophole regarding who could bail him, Halifah Sallah was unable to post bail. He was taken back to Mile 2 Prison followed by the cries of his entourage. After three weeks at Mile 2, he was pardoned by Yahya Jammeh.

The witness said in 2010 he was invited to the Tallinding Police Station by one Gorgi Mboob and was told that the articles he wrote were fake news. The witness responded that he (Gorgi Mboob) could write an opinion letter to Foroyaa Newspaper and challenge the articles. He added that his response did not go down well with the junior officers that were also present. He was asked to go behind the counter, which to him seemed like an arrest so he refused. They dragged behind the counter and there was a push and pull between him and six police officers who were trying to take him to a cell. He explained that they hit him and at this point his brother joined in as well to defend him.

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

The witness told the Commission that the fourth incident took place on the 6th of September 2012. Prior to that Yahya Jammeh had announced on television that death-row inmates were going to be executed and *“if anybody doubts, he is going to drink alcohol and eat pork”*. Shortly after nine Mile 2 Prison inmates were executed on 23rd August 2012.

He said that he told his brother, Babucarr Ceesay that they should request for legal authorisation to stage a protest against the execution which he believed was

illegal and unconstitutional. They wrote a letter and submitted it to the Police Headquarters in Banjul. Later that day, the witness was called to come and receive the permit. He said that his instinct told him that the senior police officer that had placed the call was deceiving him and he (the witness) was going to be arrested. He shared this with his brother who insisted that they go since they had already had the courage to request for the permit.

Abubakarr Saidy-Khan testified that when they got to the Police Headquarters, they were arrested and **detained**. They were taken to the office at the Interpol department where they were asked to give their statement but they refused. The witness stated that they also tried to get them to turning on each other. He added that they thought that the Americans and British were the ones sponsoring their activity and they wanted to prevent an “Arab Spring” happening in Gambia. They were later separated, he believed in attempt to stop them from communicating and he (the witness) spent the night at Kotu Police Station whilst his brother spent the night at Brusubi Police Station. The next day, on September 7th, the witness was taken to Brusubi Police Station where he spent the night. He specified that his brother had already been moved.

Witness Saidy-Khan further testified that their houses were unlawfully searched but they did not find anything there. He added that luckily when they searched, they did not find the nylon bag that contained the materials of the protest.

On the reason for their **arrest**, the witness specified that whilst at the Police Headquarters, they were told that it was in connection to the letter they sent for a request to protest against the execution of the nine inmates. He added that during their **unlawful arrest**, they did not have access to a lawyer but they were later bailed. The case was eventually dropped because there was no evidence against them.

The witness proceeded to explain that some time in October, together with his brother, they were called for a meeting with the then Minister of Justice Lamin Jobarteh and the then Solicitor General Pa Harry Jammeh who advised them against getting involved in “such things”. The witness said that they told him he was considered a stubborn journalist and that he should be careful.

Continuing on with his testimony, the witness revealed that later in the same month, on 25th October 2012, he received a death threat via email from an anonymous source.

Fearing for his life, he decided to flee the country and go to Senegal. He tried to persuade his brother who had received the same death threat to come with him but he refused and stayed back.

The witness explained that he spent five years in exile and even though he was in Senegal, the former regime did not stop threatening him. He was one time threatened to be extradited and brought home, if he did not stop writing on the Internet and was advised by one Senegalese officer that he should not spend a year in the same area because plain-clothes officer from The Gambia would tract him.

On the impact his exile had on him, the witness stated he did not get to see his younger brothers grow as they were young at the time he left. He also added that he faced economic hardship in Senegal.

Witness Saydi-Khan disclosed that in 2016, he was accused of being a spy for Yahya Jammeh because there was a border issue between Senegal and Gambia. He was reported to the Senegalese authorities by an unknown person. He was in a cell for three days in Senegal and then he was later taken to the Senegalese

High Court. The Senegalese authority kept him in the prison for one month seven days. He persistently complained and was finally taken before a court.

PERSONS MENTIONED BY WITNESS DURING TESTIMONY:

Corruption of justice

Justice Wowo

Arbitrary arrest

Mr. Tamba, Ensa Badjie

Arbitrary detention

Yankuba Badjie, Alhagie Morr Jobe, Mr. Hydara



NAME OF WITNESS: Ndey Tapha SOSSEH

TRRC HEARING DATE(S): 11th July 2019

EVENT(S) DISCUSSED: Persecution of journalists including the witness, murder of Deyda Hydara, executions of nine inmates, execution of the West African nationals

POSITION AT TIME OF EVENT(S): Journalist, Editor-in-Chief at the Daily Observer (2004), Secretary General then President of the GPU

POSITION AT TIME OF TESTIMONY: Advisor to the Minister of Information and Communication Infrastructure

SUMMARY OF TESTIMONY:

Ndey Tapha Sosseh explained to the Commission that between 1996 and 1998, she personally did not face threats nor was she harassed when she was working at the Daily Observer. She stated that though colleagues were picked up and she heard of news of other non-Gambian journalists from the Daily Observer before her who were harassed a lot, she did not really capture the magnitude of the persecution journalists faced. She added that she was cocooned by senior journalists who did everything to protect her and was never sent to cover events deemed dangerous nor Yahya Jammeh. She also said that government officials were very nice with her.

The witness further explained that when she got to a more senior position, she had developed a very good relationship with reporters. However, there was a sense of self-censorship for some reporters and they would actually withhold their stories deemed controversial until she was present on Thursday in order to print them on

Friday. As a result, she received feedback that some people were not happy with some of the stories she had approved.

She remembered the time a protocol officer from the office of the Vice-President who had always been nice to her stopped responding to her request for an interview following a story she had published. The protocol officer also told her that the then Vice-President, Isatou Njie-Saidy was not happy with the story to which the witness responded that she had the right to respond and if she did, it would be published. Thereafter, she believed there was some sort of blackout in relation to her as she would reach out to government officials to crosscheck stories and they would never respond though they used to before the incident.

Upon being asked about instances of direct interference, witness Sosseh stated that there were no instances directed at her but possibly sometimes at her managing director. She specified that he never directly told her not to write a story but rather would convince her to wait on a story or try to get more information.

She added that as the **first woman to be appointed Editor-in-Chief of a newspaper**, she felt she had something to prove and therefore published stories that were **critical** even though the environment was one of **harassment and intimidation**.

Discussing the **death** of Deyda Hydara, the witness disclosed that on the night of his **murder**, whilst on her way home, she drove past the Point Newspaper and saw Deyda Hydara's Mercedes parked out. She thought that maybe he was still at work working on a major story. When she got home, she unplugged the landline before going to bed as she always did, the reason being she sometimes worked 15 hours a day and needed to disconnect.

However, when the news of Deyda Hydara's murder broke and upon being unable to reach her, Sheriff Bojang came rushing to her house, banged very loudly on the gate and said "Ndey where are you? Everybody is calling!"

He then told her that **Deyda Hydara was dead** and that he was going to the **mortuary**. She wanted to go with him but he said no, adding "**I don't think you want to see that**".

Witness Sosseh told the Commission that in the wake of Deyda Hydara's death, there was an emergency meeting at the Gambia Press Union, GPU office. They decided on steps that were to be taken by the media to show how aggrieved they were but also determined and in solidarity with the Hydara family. They agreed on a media blackout and a solidarity march.

The witness further stated that colleagues expressed understanding if she was not allowed to participate in the blackout as the owner of the Daily observer at the time was Amadou Samba who was perceived to be close to Yahya Jammeh. There were also insinuations at the time that Baba Jobe, a close associate of Yahya Jammeh who was very often at the Daily observer's office, was actually the owner though there was no paper trail.

She testified that she was however determined to stand in solidarity with her colleagues whatever the consequences would be. She decided not to tell management but instead held a meeting with her then sub-editor, Malick Mboob and then assistant editor Pa Kemu Jarju to inform them of the GPU's decision. She said that she also spoke to the printers and asked if they could help her not publish the paper if management decided to work behind the scenes and the person in charge of the printers agreed. She was suspended as a result but the media blackout lasted seven days.

Witness Sosseh further disclosed that the GPU executive wanted to express concerns about the state of security for journalists and media houses and therefore had a

meeting with the National Security Council, NSC. At the meeting, the Vice-President told them that it was practically impossible to provide a uniformed policeman alongside each and every journalist, which the witness said was not what the GPU wanted. She explained that they rather wanted to highlight the fact that journalists were **harassed** by security personnel and were shot at.

The witness said that they also told them of their intention to march but they were denied permission. She added that as there was a lot of international media attention following the death of Deyda Hydara, they were granted permission to go ahead the day just before the march was to take place. However, they were told to follow a particular route, only journalists were allowed to take part and they were forbidden to chant slogans.

According to the witness, during the meeting with the NSC, the issue of investigations was discussed and they were told that the **murder** was being investigated.

Going back to the peaceful march, Ndey Tapha Sosseh explained that tanks were positioned at all angles from the Arch to the High Court as if the soldiers were going to war. She also said that she later heard that they had orders to shoot at demonstrators if they made noise, which resulted in the then Army Commander Vincent Jatta being sacked immediately after as he apparently refused to give the order to his men. The witness said that though she was a bit worried, she was in front of the march despite her promise to her mother not to be. She said she was defiant as she felt like it could have been her and Deyda Hydara had been a mentor.

The witness testified before the Commission that for the one-year commemoration of the death of Deyda Hydara, the GPU organised a two-day conference event which the government did not attend though they were invited. Those participating in the conference also attempted to visit the site where Deyda Hydara was shot but they were prevented by a heavy police presence.

She explained that a few years later, despite repeated attempts by the GPU to meet with the authorities to talk about the Deyda case, there was some ridiculous National Intelligence Agency, NIA report that gave possible motives as to why anyone who wants to kill Deyda Hydara and essentially blaming Deyda Hydara for his death.

Years later, the witness met with a former security personnel who confirmed that it was Yahya Jammeh himself who ordered the killing of Deyda Hydara.

In 2009, following disparaging comments made by Yahya Jammeh during an interview on Gambia and Radio Television Services, GRTS about Deyda Hydara's death, the witness wrote an open letter and shared with the GPU executive for final approval. The letter, which was perceived as harsh, was edited and then published on Monday 15th June 2009. Parts of the letter read as follows:

"The Gambia Press Union wishes to express its shock and disappointment over the inappropriateness of the provocative statement of the head of State President Jammeh on GRTS Tuesday night in relation to the death of veteran Gambian journalist the late Deyda Hydara. It is rather unfortunate and the Union is indeed saddened that the second time the head of State has so chosen to discuss the death of Deyda Hydara, he again has dwelled on the issue of character assassination and ridicule [...].

The Union need not remind President Jammeh that it is difficult to presume that the Gambia government is concerned over the death of Deyda Hydara unless and until the Gambia government and its relevant security institutions are seen to be determined and resolved to seriously commit themselves in a professional manner to embark on investigating the events that led to the death of our dear colleague and brother. We also wish to bring to the attention of the head of state that the Government of The Gambia and its relevant security apparatus have the primary responsibility to ensure the protection of each and every Gambian life and therefore the murder of any

Gambian should be an issue of paramount concern and curbing such a menace a priority. Mere statements or speculation and ridicule regarding the events leading to the death of Deyda Hydara cannot and will not be accepted as exoneration of the Gambian government. Neither by the Union, international journalist associations, the Hydara family or other interested parties. The death of any Gambian, more so of one who was most vocal on issues of human rights, freedom of expression and the development of the country in general even if it meant clashing with the powers that be can only be deemed suspicious until such time that the State can logically, reasonably, factually and forensically, and within the shortest possible period prove otherwise. We demand an investigation of fact and forensics spearheaded by the Gambian government. Should the relevant government institutions not have the resources or wherewithal to carry on with the investigations, we are at the Gambia Press Union think that it is time to publicly admit that and invite other states and international policing and security institutions such as Interpol who already have a desk at the Police Headquarters to take over the investigations.

The President, the venom with which you spoke about websites with the picture of the slain journalist and the slogan "Who Killed Deyda Hydara" is alarming. We are very much aware that the issue be kept alive and until such a time that his killers are brought to book, this slogan and its accompanied image will remain on the website of the Union and that even then we will coin a statement fitting to forever haunt the perpetrators of this heinous crime. The killing of Deyda Hydara if nothing else has only strengthened the resolve of true journalists to remain steadfast, truthful and committed to speaking in defense of the weak and vulnerable."

The witness told the Commission that though she expected a reaction, she could not have foreseen what followed suit. Whilst she was travelling, security personnel went to the GPU in search of her. She specified that at this point in time she had received some security training from Amnesty International

so she never said where exactly she was going when she was out of the country. As nobody could tell the investigators where she was, they thought someone was hiding her. As a result, Pap Saine, Ebrima Sawaneh, Sam Sarr, Abubakarr Saidy-Khan, Emil Touray, Pa Modou Faal and Sarata Jabbie were picked up. She was also told that the NIA had called others in.

Ndey Tapha Sosseh narrated her efforts to have her colleagues released. She contacted friends at Article 19 (a London-based NGO), BBC, CNN and other major news networks in order to get the information out about the **arrest** of journalists in connection to the open letter.

She explained that she also contacted a lawyer and was very concerned about Sarata Jabbie because the witness had encouraged women who had babies to take them to work so they would breastfeed and Sarata Jabbie was taken with her baby.

Witness Sosseh further explained that they first held a press conference in Bamako, Mali on the day of the arrest. She then went to Dakar, Senegal to organise another press conference. She held meetings with government officials as she wanted to use ECOWAS to exert pressure. She went to Ghana and Nigeria and held meetings with civil society groups. She continued campaigning tirelessly for almost three months, which apparently angered Yahya Jammeh.

The witness stated that despite her relentless efforts, her colleagues, except for Abubakarr Saidy-Khan were convicted and sentenced to two-year terms with a fine of about two hundred thousand dalasi which if not paid would be commuted to another two-year sentence. She added that she remained undeterred and eventually they were pardoned on a Ramadan evening. Yahya Jammeh claimed it was in the spirit of Ramadan but she believed it was because of the pressure.

Following this incident, the witness **remained in exile** for nine years. Nevertheless, she explained that she continued working on issues related to the media, The Gambia and was very vocal against the human rights violations taking place. She stated that she was at some point the Secretary General of the Coalition for Change Gambia, CCG having been approached by Amadou Scattred Janneh and others who formed it. They were of the opinion that because of where she was based, it was easier for her to speak out on issues and to travel. The mandate of the coalition was to sensitise and raise awareness with the objective of bringing about peaceful change in The Gambia and the members of the association cut across the spectrum of civil society.

Witness Sosseh said that as a result of her activism, the Gambian government targeted her. On several occasions, there were attempts to extradite her. She narrated the time she needed to renew her passport because it was full due to all her travels. As she was based in Mali, she sent a person to deposit the request for a new passport. He was called to say that the passport was ready and should be picked up but when he arrived, he was told to leave as they had been instructed to **arrest** the person who was going to pick up the passport. She added that the person who had warned him did so because it turns out he was a former student of his.

The witness told the Commission that she was then advised to apply for Malian citizenship through her husband to ensure she was not stateless and remained safe regardless of whichever government came into power in Mali and any relationship with the Gambia government it may subsequently have.

Ndey Tapha Sosseh also narrated the time she had to travel to Zimbabwe for a conference. Upon stepping out of the airport, she was stopped by plain clothed security agents asking if she was a Gambian as well. When she responded yes, they told her she was on an international persons wanted list.

They said she was trying to **destabilise the government** of The Gambia, was wanted for **insulting Yahya Jammeh** and for **sedition**.

She stated that she managed to send a message to the Malian Foreign Minister who then contacted the Malian Ambassador in South Africa as they did not have an embassy in Zimbabwe. The organisers of the meeting also came and later resolved the problem with the help of the Malian authorities. She flew back to Mali where the Foreign Minister warned her to be careful about the countries she was visiting because the wanted list had been sent out to different countries including Mali.

Witness Sosseh also commented that the **Malian Minister of Foreign Affairs** met with his Gambian counterpart, **Mamadou Tangara** in Kampala in 2011 and he told him that **Yahya Jammeh** was not happy with Mali because they were given the witness a platform to destabilise the country.

She added that Mamadou Tangara personally came to Mali to try and have her extradited, claiming she was planning a coup d'état. Upon Mali asking them to provide evidence, they did not pursue. The Malian government told her that Yahya Jammeh was dangerous and had elements in Mali tracking her.

Further discussing how she was targeted by the Gambia government, the witness revealed that she once interviewed a Jungler who confirmed that it was the Junglers that had **killed** Deyda Hydara and that Yahya Jammeh had ordered the **killing**. He also implicated the then Interior Minister Ousman Sonko and said he was aware. He also told her that her name was on a list of journalists to be **killed** along with Demba Jawo and Baba Galleh, which the NIA had a copy of.

She explained that he told her of a specific incident when she had travelled to Conakry, Guinea for a conference when she was still residing in Gambia. He gave her the name of the hotel she stayed at and told her that they had planned to plant drugs in her bag. They had already alerted the security at the police and had someone who was in the hotel to plant the drugs in her bag so that she would have been arrested for possessing and drug smuggling into The Gambia.

According to the witness, he also told her that when she was President of the GPU she was being followed. The witness stated that she knew for a fact that was true. She explained that she had learnt through her security training that every single time she saw a familiar face she did not really know, she should approach the person so that they would have to change the person. Once you interacted with the person who was following you, it meant you could identify the person. Whenever the GPU had a gathering, she would therefore go up to whoever was following her and talk to them just to make sure that they knew that she knew why they were there.

The Jungler also told the witness that they knew her car and number plate. She told the Commission that they had infiltrated her mechanic's garage and had instructed someone to loosen the bolts of her steering wheels the next time her car went for servicing so she would lose control. The witness said that the Jungler confirmed the same had been done to Mai Fatty⁸, resulting in an accident. Fortunately for the witness, she lent her car to a relative and they thought she had sold it.

The witness said that during her time interviewing him, one of her friends whom she had informed would call every hour to ensure that it was not a trick to get her back of Gambia because attempts to get journalists out of Senegal back into Gambia had happened before. She gave the example of the case of Yahya Dampha who was arrested in The Gambia with Amnesty International staff, one of whom an

American. He had reported that Chief Manneh was seen in Fatoto and was helping Amnesty International staff on the ground document human rights abuses in Gambia.

Authorities intervened and the Amnesty International staff were released. However, they refused to leave without Yahya Dampha as they knew he could be killed or go missing like Chief Manneh. The witness stated that he eventually moved to Senegal whilst waiting for a visa to move to Europe. However, one day, there was an abduction attempt at gunpoint and he managed to escape by shouting “*thief, thief*”.

Continuing on with her interview with the Jungler, the witness said she was quite frightened after. She said that when she went back to her hotel, she switched off her AC as he told her that they had the capacity to put cyanide as gas into the AC and kill you in your sleep.

The Jungler also told the witness he was involved in almost 100 killings including that of the West African migrants and 44 Ghanaians. He simply told her they were at the wrong place at the wrong time.

He told her they were discovered unarmed by security forces on 21st July evening, in a boat. Yahya Jammeh thought that they were mercenaries who were sent to overthrow him. The migrants were then taken to the NIA and they were instructed to **execute** them. All of them, except for the last batch (they were put in different pickups) were **killed** using machetes and nails somewhere along Sanyang or another beach because it was almost daybreak and they did not want to be seen with those individuals. The witness said that he also stated this is how one of them escaped.

Continuing on with the killing of the migrants, the witness explained that the Jungler told her that the ones who were killed in Kanilai had an easier fate because most of them were shot. The Jungler also narrated how one of

the men who begged them said he had money which they could take in exchange for his freedom. They did but still killed him.

According to the witness, the Jungler also mentioned injecting vinegar into people’s jugulars to eliminate them. Witness Sosseh said she also asked if he would have raped her and he said no.

She responded that she knew rape was a tool and if they raped older women, why not her but he did not say anything.

He also said that some Gambians had died and people actually believed it was a natural death when in fact they were responsible.

Moving on to the arrest and detention of Dr. Amadou Scratted Janneh, the witness said he was **arrested** in 2001 for apparently breaking the law by printing and distributing 100 T-shirts that said “End to The Dictatorship Now”. The witness was also charged and tried for sedition and treason in absentia.

The witness stated that unfortunately three printers, Michael Uche Thomas, a Nigeria national and two young Gambians, Ebrima Jallow and Modou Keita were also **arrested**. She specified that Michael Uche Thomas died in prison from pneumonia and not getting medical attention.

Witness Sosseh explained that when Dr. Janneh was **arrested**, she contacted a lawyer immediately and for months on end they could not find him. The lawyer tried the police stations and the NIA but they all denied having him in custody. She said that she got back into the fighting mood and started writing press releases, traveling all over West Africa. Months later, Dr. Janneh was charged and brought to court in chains.

⁸Advisor to President Adama Barrow at time of release of this publication.

The witness stated that Famara Demba and Matou Kay Jallow, also a member of the CCG executive based in the US were also charged. They were convicted to life imprisonment except the printers who were convicted to 3 years of hard labour.

Witness Sosseh said that during the sentencing, Judge Emmanuel Nkea said he would have preferred to give Dr. Janneh a death sentence should this have been permitted by Gambian law.

Speaking on the impact of Dr. Janneh's conviction, the witness said she was very frustrated. She added that she would have people who would never comment on her statements but when their relatives would get **arrested**, they would call her asking to do a press conference for them. She added that she felt like even when Gambians suffered, they wanted somebody else to fight for them and did not want to take the lead in their fight.

Whilst Dr. Janneh was serving his sentence, he still managed to communicate with the witness via Skype or SMS. She told the Commission that on Tobaski night of 23rd August 2012, he alerted her that prisoners were worried about statements made by Yahya Jammeh that he was going to **execute** death row inmates.

The witness explained that Dr. Janneh gave her the names of 44 death row inmates but she thought it was another Yahya Jammeh tantrum or attention-seeking attempt. However, from this list, a number of individuals were executed and when they were executed, Dr. Janneh sent her an SMS around 5 or 6am.

Ndey Tapha Sosseh disclosed that initially Dr. Janneh thought eight people had been executed and that it included one Dabo. He said when they went to sleep, they heard a lot of cars coming in and when they took them, Dabo shouted: "*Dr. Janneh, Dr. Janneh, they are taking us to kill us, please tell your friends that they are*

taking us to kill us." Then Dr. Janneh was told by prisoners who cooked that they saw eight body bags and there was blood. The witness added that he later found out a Senegalese woman so in total nine had been **executed**. According to what Dr. Janneh told her, prison guards were shocked and crying as they had never seen this before.

The witness contacted civil society organisations and they published a press release as they felt more people were to be executed.

At this stage, the Counsel read out the names of those said to have been **executed** namely: **Lamin B Darboe, Alieu Bah, Lamin Jarju, Dawda Bojang, Abubacarr Yarboe, Abdoulie Sonko, Lamin F Jammeh, Gibril Bah (Senegalese national) and Tambara Samba (Senegalese woman).**

Witness Sosseh stated that the family members of those **executed** were not even informed and that following the release of the statement, the Senegal government sent a delegation along with Senegalese human rights groups to a meeting with Yahya Jammeh who denied any executions had taken place. Eventually the Gambia government confirmed the executions due to the enormous international outcry. The witness said that they also eventually filed a complaint before the Ecowas Court of Justice.

Witness Ndey Tapha Sosseh testified before the Commission that whilst she was in Mali, she hosted Gambian journalist and security personnel fleeing persecution in relation to unfair trials and also just plain fear of living in The Gambia under Yahya Jammeh. Eventually Malian authorities found out that Gambian security personnel were being hosted and said they had to leave.

The witness admitted that aside from her extradition attempt and her encounter with the Jungler, each time she had an encounter with the Gambian authorities, it strengthened her resolve to fight against Yahya Jammeh. She added that she was lucky to have a family that supported throughout financially and emotionally.

Witness Sosseh also related to the Commission her encounter with Kukoi Samba Sanyang. He told the witness of attempts to his life and the situation that led to his extradition. He explained that he was only sent to Mali from Guinea Bissau because he started shouting in the middle of the airport *"I am Kukoi Samba Sanyang and they are trying to send me to The Gambia"*.

According to the witness, he told her he was taking medication because he was **poisoned** by Jammeh operatives and on several occasions, they had tried to **kill** him.

He also told her that **Yahya Jammeh** said ***"if you try to do to me what you did to Jawara, I will drink from your skull"***.

Later, the witness was contacted by someone who said that Kukoi Samba Sanyang had passed and had asked for documents and his laptop to be given to her.

Further testifying, the witness explained that Senegal initially tried to renege on its duty and deny that Kukoi Samba Sanyang was a Senegalese national but eventually they paid for the repatriation of the corpse to Senegal. When the body got to Senegal, the family who was waiting, wanted to take it back to Gambia but Yahya Jammeh refused and so he had to be buried in Senegal. She added that the same happened to Buba Baldeh, the former minister and former Managing Director of the Daily Observer. His family tried to bury him in The Gambia but they were denied entry at the border.

Upon being questioned by the Commissioners, the witness clarified that notwithstanding the fact that Yahya Jammeh was a lunatic, Gambian attitude was also to blame for the authoritarian regime. She also added that those who were perceived to have a problem with

the State (or vice versa) were seen as pariahs and treated like they had the plague.

The witness also confirmed that the Jungler told her that Chief Manneh was no longer alive. He had died because of his **torture** and was **buried** near a police station.

Finally, in her concluding remarks, the witness stated that freedom of expression is seen here as a journalist matter when it is not. It is key to the development and success of any country. She also said that she has discussed a particular issue with political parties and had said to each and everyone of them:

*"the fact that I **disagree** with you does not mean we cannot be friends. I have the **right** to have a divergent view and you have **the responsibility to tolerate my divergent view. In Gambia, this does not exist.** People have to **succumb** or agree to a particular agenda to be seen to be patriotic. Because you are running the country does not mean you love it more than me. I love it equally that's why when I see something wrong, **I have the obligation to tell you "hey, you are wrong"**.*

PERSONS MENTIONED BY WITNESS DURING TESTIMONY:

Extrajudicial killing

Yahya Jammeh, Ousman Sonko

Persecution and attempted illegal extradition

Yahya Jammeh, Mamadou Tangara

WITNESS NAME: Malick MBOOB

TRRC HEARING DATE (S): 11th July 2019

EVENT(S) DISCUSSED: Arrest and torture of the witness and others, unlawful dismissal

POSITION BEFORE THE EVENT(S): Journalist, News Editor at the Daily Observer

POSITION DURING THE EVENT(S): Communications Officer at RVTH

POSITION AT THE TIME OF TESTIMONY: Communications Officer at Guaranty Trust Bank

SUMMARY OF TESTIMONY:

The witness told the Commission that during his tenure at the Daily Observer, the paper was regarded as the mouthpiece of the APRC government as it was owned by Amadou Samba, a close associate of Yahya Jammeh. He said that the staff was sometimes dictated as to what to publish but they always defied the orders because as far as they were concerned, they were an independent newspaper and a private individual owned the paper. He added that if the story was factual and balanced, they always published it.

Witness Mboob stated that after the **murder** of Deyda Hydara in December 2004, the Gambia Press Union, GPU led by Madi Ceesay organised a march in protest to his murder, which was to start from the Arch 22 in Banjul and end at the Ministry of Interior where they would submit a petition to the then Minister, Sulayman M. Ceesay. He explained that they had also agreed on a media blackout for a week when no newspaper would publish anything. He added that the Daily Observer took part in the planned activities to show solidarity with their colleagues, despite the fact that the owner of the Observer might not be happy.

Malick Mboob explained that when they joined their colleagues at the Arch 22, he recognised security officers who had infiltrated the crowd pretending to be journalists and private photographers. The witness said he exposed them and they were dragged out by the angry crowd. He also recalled forcefully taking the



camera from one, removing the cassette and smashing it. He believed they were there to get information.

The witness said that they proceeded and marched from the Arch 22 to the Ministry of Interior, handed over their petition to the minister and dispersed. As the witness together with the then Editor-in-Chief of the Daily Observer Ndey Tapha Sosseh and another colleague were walking back to the Arch, they saw National Intelligence Agency, NIA operatives and the witness told them to move away as there were not many people around and so they could do anything to them now. They left and there were no arrests on the day.

Witness Mboob testified that the owner of the Daily Observer was not happy with what had happened at the march and that led to the verbal suspension of Ndey Tapha Sosseh. She took the matter to the Gambia Workers Union who wrote to the Daily Observer that it was an unlawful act. They ordered them to either reinstate her or to continue paying her until her retirement age. So the Daily Observer paid Ndey Tapha Sosseh until she found another employment and asked them to stop.

Malick Mboob disclosed that a week after Ndey Tapha Sosseh left, he resigned as well because he knew they would come for him. He said he felt that if he stayed, he would be forced to compromise his integrity. He added that despite loving journalism work, he quit the profession altogether as he felt he would not be able to practice properly because of the experience he had and shortly after joined the Royal Victoria Teaching Hospital, RVTH.

Witness Mboob then discussed the events that led to his arrest. On 20th May 2006, on his way to cover an event at the hospital, he stopped by to see Fatoumatta Jahumpa Ceesay, the then Director of Press at the State House, whom he had a good working relationship with. She warned him to be careful as one Pa Nderry Mbai had written about Yahya Jammeh's mother, the late Asombi Bojang and her admission at the RVTH in the Freedom Newspaper. The witness stated that as this was the first time he heard of the Freedom newspaper, he asked for the website address and she gave it to him.

Continuing on with his testimony, the witness told the Commission that on Monday when he reported back to work, he checked the website and saw that two stories had been published about two weeks back quoting "hospital sources". He briefed the then Chief Medical Director and head of the hospital at the RVTH and asked for his permission, as communication officer to send a rejoinder to Pa Nderry Mbai, which was granted. The witness explained that in the email he introduced himself as the communication officer of RVTH and going forward, requested that anything Pa Nderry Mbai should write about the hospital he first contact him.

He added that at the end of the email, he mentioned that should dictator Yahya Jammeh find out that these stories were published, they might think that he gave him the information. He never received a reply.

Malick Mboob explained that the next day, on Tuesday, he received a call from the NIA requesting him to report to the headquarters. At this point the witness explained that he knew Pa Nderry Mbai before he left for the United States but reiterated that he had only heard of the Freedom Newspaper when Fatoumatta Jahumpa Ceesay warned him.

He also clarified why he felt the need to actually go to such lengths to talk to Pa Nderry Mbai and to inform him to come through him the next time he wanted to talk about the hospital. He explained that at the time, the environment was such that they did not wait to investigate, *"they may just point finger at you and say that you are the one who gave out the information and the Freedom Newspaper has never been in the good books of the government, especially when talking of the President's mum."* He was very scared if they should find out because they would think that it was him who had given Pa Nderry Mbai the information when that was not the case.

The witness confirmed that prior to Fatoumatta Jahumpa Ceesay telling him about these stories published in Freedom Newspaper, Yahya Jammeh's mother was indeed admitted and some print media had come to his office for confirmation but what he basically told them was that the story was not true. The witness explained that he felt the need to say these to the journalists should his name be carried in the papers, the Junglers would come for him because Yahya Jammeh would not want people to talk about his mother.

Going back to when he was called at the NIA, the witness stated that he reported the next day. He identified himself and was escorted to the office of the then Director of Operations, Ngorr Secka. Once there, they first exchanged pleasantries, then Ngorr Secka asked him to sit down and left, he believed, to consult his seniors. The witness was then escorted to the next office where he spent the entire day waiting. He explained that at 6pm one Baboucarr Jeng escorted him to the Investigative Department downstairs and placed him in a cell.

He described the cell as a tiny room with small holes in the door as ventilation and mosquito infested. He added that at first he was the only person in that cell, then later on in the night, others were brought in

including journalists and GAMTEL staff members. He remembered Pa Modou Faal from Gambia and Radio Television Services, GRTS, Musa Sheriff from The Point Newspaper, one Nigerian journalist called Sam Obi, Lamin Bojang from the Medical Research Council, MRC, Cherno Camara, Harry Joof and Kaddy Darboe from GAMTEL. He specified that Kaddy Darboe was detained in the conference room that night but the rest shared the same cell.

Witness Mboob testified that at this stage he still had no idea why he had been **arrested** but when the others arrived, he heard them saying that there was a crackdown following a hacking of the Freedom Newspaper and all those detained were said to be subscribers. He added that the youngest detainee was a boy about 14 years old but he was released the next day.

Malick Mboob testified that a few days later, Lamin Cham, Duta Kamaso and Sergeant Buba Jammeh who was a bodyguard at the State House at the time were brought in. Apparently, Buba Jammeh was tricked by Musa Jammeh also known as General Manager (he remembered during the 2004 abortive coup when he was **torturing** the likes of Bunja Darboe and others, he always told them that he was the General Manager).

The witness said that Buba Jammeh explained that he was at the State House one afternoon when Musa Jammeh called him and told him that they were going for an operation assigned by the President but they should hand over their weapons to the armoury, which they did. When they got to the NIA, Musa Jammeh handed him over to the then Director of the NIA Harry Sambou stating that he was under arrest and that was it.

Further explaining Buba Jammeh's arrest, the witness said that Buba Jammeh told them later on that when Musa Jammeh was arrested for allegedly selling weapons to some rebels in Casamance, he (Buba Jammeh) replaced him, so maybe he (Musa Jammeh) thought that Buba Jammeh was behind his arrest and he was retaliating.

The witness said they spent the whole night thinking about what was going to happen the next day, thinking about the stories written about the Junglers, the NIA and the **tortures**.

Malick Mboob went on to narrate that the guards came for him and escorted him to the conference room where he found a panel of investigators seated along a table with on one side NIA officials (Momodou Hydara⁹, Ngorr Secka, Ousman Bojang and Baboucarr Jeng) and the police and army on the other side (Inspector Mam Lamin Ceesay from the serious crime unit, Sergeant Sainey Ndure who was also from the Serious Crime Unit of the Gambia Police Force and then late State Guard Fanli Jabang).

The witness said Momodou Hydara introduced the panel and then told him that they retrieved a document that he sent to Freedom Newspaper and an article the editor had written. He added that the witness was the prime suspect for the information shared about Asombi Bojang. The witness stated that he explained that he had found out about the website only a few days back and had first visited the website on Monday. He also mentioned the fact that Fatoumatta Jahumpa Ceesay had told him about the Freedom newspaper and they could confirm with her.

Going back to the list, the witness confirmed that those **detained** were on the list of subscribers but that the Daily Observer had published the list and branded them as informants. The witness said his name was not on that list but documents sent to Pa Nderry Mbai were retrieved and that was how he was implicated.

According to the witness, they continued interrogating him and at some point asked Ousman Bojang to take him to an office and search his email account which he and confirmed that with regard to Freedom Newspaper, the witness had only sent that one email. The investigation panel therefore recommended having the witness released. However, Musa Jammeh suddenly walked in to monitor what was going on.

⁹Also referred to as Muhammed Hydara.

The witness said they briefed **Musa Jammeh** and he retorted *“I already inform the President that **Malick Mboob** is the **prime suspect**, he is the one who told Pa Nderry Mbai about Asombi Bojang”*. That was the **turning point** and nobody could **challenge him**.

Witness Mboob explained that he was then asked to give a statement, then taken to his office at the RVTH and to his house, which they searched. They went back to the NIA and briefed their superiors. They took him to the cell again and at around 2 am, he was taken to the conference room where he saw Musa Jammeh, Tumbul Tamba and Ismaila Jammeh. Musa Jammeh first asked him, *“do you know the meaning of dictator?”* He defined it. He asked *“are you telling me that President Jammeh is a dictator?”* He said yes. The second thing he said was that he was not happy with the statement he wrote. *“One, I have already told the President that you are the prime suspect so you have to tell the truth, otherwise it means I am lying and you know the consequence of that”*, Musa Jammeh told him.

The witness testified that Musa Jammeh then gave two options: he would either rewrite his statement and sign based on what he was going to dictate to him or they would write the story for him and he would sign. The witness answered: *“Musa Jammeh it is either you kill me but I will not change my statement”*. Musa Jammeh insisted and said *“Malick if you do not change your statement I will give you a VIP treatment”*. The witness said he did not know what they VIP treatment entailed but he knew it was not going to be anything pleasant. Nevertheless, he still refused to change his statement so Ismaila Jammeh was asked to escort him downstairs and all the other soldiers, except for Tumbul Tamba, followed.

Witness Mboob disclosed that he was then taken to a **torture** chamber, which was behind the counter terrorism unit of the NIA and which he described as a ring shape

and molded with bricks. When they got there Musa Jammeh asked him to sit on the ground and he complied immediately. He was asked to remove the suit he was wearing and he complied again. Musa Jammeh then repeated the same question he had asked in the conference room, whether he was ready to change the statement that was giving the last time but he refused.

The witness stated that he did not know the other soldiers and the only three people he could remember were those he mentioned that was Musa Jammeh, Tumbul Tamba and Ismaila Jammeh. Whilst Musa Jammeh was talking, the other soldiers formed a circular shape but before then he saw them cutting branches of trees around.

The witness told the Commission that **Musa Jammeh** kept repeating the same question and when he got fed up, **he said the witness would be buried alive**.

He then asked one of the Junglers who was holding an AK47 to cock his gun and fire. Musa Jammeh then stopped him and asked again if he (the witness) was ready to change his statement but the witness still refused.

Witness Mboob recalled how they all started **beating** him except for Musa Jammeh and Ismaila Jammeh. Some with the tree branches, others started kicking him with their military boots. They **beat** him so badly he was bleeding all over and crying at some point. He stated that all of a sudden, Musa Jammeh received a call and went outside to take it. Ismaila Jammeh then whispered to the witness that it was a call from State House to find out what they were doing there. At this point, he informed him that they had been instructed to **torture** not **kill** and advised the witness to pretend to be dead when Musa Jammeh returned as at this rate it looked like they would **kill** him.

According to the witness, when Musa Jammeh returned, he ordered them to continue **beating** him which they did. He therefore decided to heed to Ismaila Jammeh's advice and pretended to be dead. He added that when he did so, Musa Jammeh panicked and told the others that if they killed him, he would arrest them. As Ismaila Jammeh carried him back, Musa Jammeh was trailing behind trying to find out if he was breathing or not and Ismaila Jammeh reassured him. Once in his cell, they called the next person in the other cell, Baboucarr Sanyang, a businessman commonly known as Star. Witness Mboob further added that he knew Baboucarr Sanyang was **tortured** as he was returned to his cell in a very bad physical condition, with blood stains all over him.

Going back to his own **torture**, the witness said despite it taking place 13 years ago, you could still see lacerations on his body apart from his face and ears.

The witness was asked to share the names of those who were detained in the other cell with Baboucarr Sanyang and he gave the names of Yoro Bah, Fakebba Ceesay and Lamin Darboe all of them from MRC.

Malick Mboob explained that the next morning, one Abdoulie Suwareh who was on duty, bitterly cried when he saw him. On whether the NIA was aware of his **torture** by the Junglers that night, the witness said that that morning his co-detainees informed the then Head of Investigation Department Samba Sowe. Ngorr Secka was also informed about his condition. However, the witness was only taken to the Military clinic after 9 days, where he was simply given painkillers.

Prior to being taken to the clinic, the witness remembered that 3 days after his torture, they forced him to wear his coat to hide his **torture** marks and escorted him to the RVTH where he met the acting Chief Medical Director, Dr. Malick Njie and other members from the administration. He said he was handed a dismissal letter despite the fact that the investigation was not concluded, neither was he charged nor taken to court. He also stated that when his colleagues saw him,

they were shocked but they could not do anything. As a matter of fact, following his visit, the Forayaa wrote an article about him being spotted at the hospital and looking in bad shape. On his dismissal letter, the witness explained that the directives came from the Office of the President, channeled through the Personnel Management Office, PMO.

Going back to his **detention**, the witness said he spent the first 9-10 days in a cell then was moved together with other detainees to the reception area. He added that then Director of the NIA Harry Sambou stopped using the main gate just to avoid them in a bid to distance himself from the case as he knew they were innocent.

On the reason for their continued **detention** despite recommendations from the prosecution unit of the Gambia Police Force and the Ministry of Justice, the witness said it was a well-publicized case as the Freedom Newspaper was very critical of the Yahya Jammeh regime. Therefore those who had conducted the arrests were afraid to tell Yahya Jammeh they had made a mistake and lose their jobs as a result.

Further discussing his time at the NIA, the witness testified that other individuals were brought in including one time Director of the NIA Abdoulie Kujabie, Tamsir Jassey, Member of Parliament Demba Dem, one time Minister of Agriculture Sulayman Sait Mboob, and Mariam Denton¹⁰. He added that Mariam Denton was really traumatised and if she heard vehicles passing at night, she would suddenly wake up and say "*Malick Mboob they are coming for us,*" referring to the Junglers. The witness said that she was brought in from Mile 2 Prison and perhaps **tortured** before.

Witness Mboob said that during the first week, while they were in the cell, they used to hear lots of cries at night. They did not know who was actually being tortured, but he believed it was the soldiers accused of planning the foiled March 2006 coup and who had been brought from Mile 2 Prison to be **tortured**.

¹⁰Speaker of the National Assembly at time of release of this publication.

On what happened to Lamin Cham, the witness explained that when Lamin Cham was brought in, he asked him if he had been **tortured**. The witness did not want to scare him, so he lied and said no. The next day, Lamin Cham who had been tortured told the witness he wished he had informed him prior to that as when he was escorted back to his house the previous day for a search to be conducted, they allowed him to take a shower and he could have escaped. Witness Mboob explained that when he arrived, Lamin Fatty who had been **mercilessly tortured** had also lied to him in order not to scare him.

The witness testified that about 10 days after, they were all called out asked to fill out a form, which asked what their political affiliation was and which party they had voted for in 2001. He saw his colleagues write APRC but he refused to write APRC and put "Non applicable". Witness Mboob said that those who had responded "APRC" were released and he was left with Duta Kamaso, Sergeant Buba Jammeh and Lamin Bojang.

The witness explained that in July 2006, after two months in detention, the family of one Halipha Bajinka a commander at the State House was also brought to the NIA. On the reason of their **arrest** and **detention**, they explained that Halipha Bajinka was said to be part of the coup, despite the fact that he was not in the country at the time. He had returned to The Gambia from Nigeria against his family warning him not to, only to finally escape as he was about to be arrested. They also informed him that Ngorr Secka, Samba Sowe and the late Bamba Manneh were arrested and taken to Mile 2 Prison for failing to arrest Halipha Bajinka.

The witness was asked whether his **detention** was reported in the media and he confirmed. He stated that apart from the Daily observer, his **detention** was widely reported. He added that at night, a particular security guard who he did not want to name would let him call Pap Saine of The Point Newspaper to give him information about those arrested and anything he saw at the NIA, which would then be published.

Witness Mboob disclosed that for the first month of his **detention**, his parents who were frantically and desperately searching for him did not know his

whereabouts. They only came to find out after the witness begged a security officer at the NIA who lived in the same area to inform them. Despite being instructed to not allow any visits, some of the officers on duty would allow secret visits to the detainees at around 4-5am.

On the food, the witness explained that they were entitled to a 25 dalasi allowance per day for lunch and dinner. They would not be given breakfast. He mentioned that he had found a way to withdraw money from his savings account, which he would use to cater for himself.

Malick Mboob testified before the Commission that after 130 something days, he told his co-detainees that they needed to start consulting their families so that they could get them lawyers otherwise they would be **detained** for much longer. The witness' family was able to hire Lawyer Edward Gomez who took his case to the High Court and on the same day the unconditional release of the witness was ordered.

According to the witness, Captain Saine called him and said *"we were going to release you today but please if you leave this place, Malick Mboob, do not tell journalists what transpired here"*. The witness told him that immediately he left, if asked he would tell what had transpired at the NIA to which Captain Saine responded that he would therefore release him on bail and he would have to report to the NIA. Witness Mboob stated that he finally left after 139 days in detention at the NIA.

The witness said that as he was driving home, he received a call from BBC Focus Africa who wanted to interview him, the United States embassy and the British embassy wanting to know if he had been released.

The next morning, together with Ndey Tapha Sosseh, they went to see the British High Commissioner where he narrated his ordeal and was offered the possibility of applying for asylum, which the witness refused despite being traumatised. He explained to the Commission that he was innocent and refused to

leave as they needed to tell him why he was arrested. After his release, it took him about 8 months before he found another job.

On the impact of his dismissal, the witness disclosed that it was devastating as he was the breadwinner but when he was released he had to survive on his savings for months. He highlighted that the culture in the country was such that if you had a **problem with Yahya Jammeh** or even just with the **State House**, **people distanced themselves from you, including friends.**

On the impact of his **torture**, he stated that he still went for physiotherapy because he still felt a lot of pain.

The witness was asked whether he made any follow up to his dismissal and he responded in the negative. He just moved on with his life because trying to know why he was dismissed or trying to get compensation was suicidal but he urged the Commission to call on the permanent secretary for PMO at the time to explain why he had been dismissed.

PERSONS MENTIONED BY WITNESS DURING TESTIMONY:

Torture

Musa Jammeh

Complicit of torture

Ismaila Jammeh

Arbitrary detention

Ngorr Secka, Samba Sowe, Captain Saine

He highlighted that the culture in the country was such that if you had a **problem with Yahya Jammeh** or even just with the **State House**, **people distanced themselves from you, including friends.**



NAME OF WITNESS: Pa Momodou (Modou) FAAL

TRRC HEARING DATE (S): 15th July 2019

EVENT (S) DISCUSSED: Persecution of journalists, arrest and detention of the witness

POSITION AT TIME OF EVENT (S): Journalist

POSITION AT TIME OF TESTIMONY: Journalist and Media Consultant

SUMMARY OF TESTIMONY:

Pa Modou Faal told the Commission that he joined Sud FM, a sub branch of the Senegalese Radio in 1998. As an independent radio station, they covered both government and opposition stories. He added that through their sources, they heard that the government was not happy about Sud FM's coverage as they would also interview opposition leaders such as Lamin Wa Juwara. However, the management was firm and persisted with the same kind of stories.

The witness then discussed the events that led to the **killing** of Omar Barrow, his mentor. He explained that on 9th April 2000, Omar Barrow informed the witness about a student demonstration taking place the next day and asked him to cover it. He cautioned the witness to be careful and stated that he would be at the Red Cross, where he also volunteered.

Mr. Faal stated that the next day, on 10th April 2000, he went to the Gambia Technical Training Institute, GTTI where students gathered. Then the security forces

started arriving. He further stated that the station called him and asked him to send live reports, which he did but without disclosing his actual location for safety reasons. From GTTI, he moved to Westfield, still on live coverage. He explained that he was also interviewing students and everything was going live on air. He then saw soldiers coming towards the students who were demonstrating and they started firing at the students.

As they did, students started running and falling. He added that there were casualties.

The witness further testified that at some point the then Army Commander Baboucarr Jatta arrived and the students surrounded him, which he reported live. Then as he was moving towards Gambia Radio & Television Services, GRTS, he suddenly stopped reporting. He said that shortly before that, he suspected soldiers were following him as he had identified himself whilst reporting live. He therefore ran to GRTS, which was located where GAMTEL is now, and hid. He explained that Alagie Modou Joof and Jainaba Nyang locked him in a toilet and when soldiers arrived searching for him, they denied he had come to their office. They saved his life.

After 30 minutes, he escaped from GRTS and met someone who told him that Omar Barrow had been killed. Upon hearing the news, the witness said he was devastated and angry. He rushed to Radio Gambia at Mile 7 where he met his boss, Peter Gomez who had also heard the crushing news. Witness Faal explained that he later made his way to the mortuary at the Royal Victoria Teaching Hospital, RVTH. He said when he arrived, he saw them taking Omar Barrow's body to the mortuary.

He remembered seeing blood on his blue shirt but he could not confirm seeing gunshot wounds.

Pa Modou Faa told the Commission that he subsequently learnt from the Red Cross that Omar Barrow had been **shot** by security forces whilst assisting students. He added that Omar Barrow's death had a serious impact on him. Whenever he entered the Sud FM studio, he would think of him. He could no longer cope and resigned in 2000 from Sud FM to join the Independent Newspaper.

On the type of harassment journalists faced at the Independent, the witness first explained that the government felt that the Independent was an opposition paper because the Independent used to carry critical news stories about the government. As such several journalists were arrested on numerous occasions, especially Dr. Baba Galleh Jallow, Alhagie Yorro Jallow, Alagie Mbye and Lamin NB Daffeh. Sometimes, they were called for questioning and after, they would be released.

With assistance from the Counsel, the witness recalled that he then moved back to Sud FM in 2002. He went on to recount an incident at Banjul Albert Market when together with his colleague Ousman Ceesay, they went to report, as there was a commotion and rumours of a coup. Ousman Ceesay who was recording had his recorder confiscated by two soldiers and mercilessly beaten. He sustained bruises as a result.

Moving on to the shutdown of Sud FM, the witness stated that it happened on a Saturday, possibly around 2007. Plain-clothed officers came and told them they had orders from the top to shutdown. Pa Modou Faal said whilst he was on a live program, the station manager, Pap Jumai Charreh came, whispered in his ear that the station had been ordered to be shutdown and asked for the microphone. He then announced to the public that the security forces were here and they said they got orders from the top that they will shut the station. The witness stated that the Senegalese authorities shutdown Sud FM Senegal on the same day but it reopened the next day. However, Sud FM Gambia never reopened its doors. He added that they were told by government sources that the then Information Minister Neneh MacDouall-Gaye was responsible for the shutdown.

The witness discussed his time working for The Point Newspaper. He explained that The Point was like the Independent and focused on reporting facts.

Nevertheless, the government viewed The Point as an opposition paper. He stated that Deyda Hydara, the co-founder and editor of The Point received death threats through anonymous calls, especially because of his "Good Morning Mr. President" column. He added that the column focused on current issues and would tell the President what he was supposed to do. He specifically remembered when Deyda Hydara wrote "Ku buga akara, danga nyemeh kani" which he best translated as "if you are leading, you have to accept critics". He added that Deyda Hydara also reported against the Media Commission that the government wanted to set up.

Despite the death threats, Deyda Hydara remained unphased and would say "if I die, because of this profession, I would die for journalism, I would die to make sure that there is no injustice".

Pa Modou Faal also testified that in 2004, whilst he was in Egypt doing a course, it was announced that Deyda Hydara had been killed. The witness was devastated. The witness had spoken to Deyda Hydara before his murder and he congratulated the witness for doing well in his course. He added that Deyda Hydara was a generous man and kind.

The witness then told the Commission that he took a flight the next day and spoke to members of the Gambia Press Union, GPU who informed him they were going to organise a march from the Arch 22 and petition the authorities to look into Deyda Hydara's murder. Witness Faal joined the march but stated that when he arrived, he found soldiers in combat uniform. He also saw NIA officials who had infiltrated the crowd and wearing "Deyda Hydara T-shirts" that had been printed. He said there was a clash between one of his friends and some of the NIA officials as they were uncovered. Despite this, the march took place without any arrests and they presented their petition.

One year after Deyda Hydara's death, they organised a conference to commemorate the death. He explained that they invited the authorities but they never showed up. In the evening, they gathered and went to the spot

where Deyda Hydara was killed, around Jimpex, near the Paramilitary Headquarters in Kanifing. However, they were prevented from going to the exact site. One of their colleagues, Ramatoulie Charreh who was recording was also man-handled by security officials.

Moving on to the “Freedom saga”, witness Faal disclosed that in 2006, the Freedom Newspaper was hacked and names of subscribers were published in the newspapers, including that of Pa Modou Faal’s. However, there were two Pa Modou Faals in the media, the witness and another who worked for GRTS. He further stated that when the names were published, there was an announcement on the radio to have those whose names were on the list report to the nearest police station. He added that prior to that, in the afternoon before the announcement, he received a call from the then Director General of NIA Harry Sambou who said *‘we have one Pa Modou name here, hope it is not you?’*. He explained that it was not him but he did not feel safe anymore so he fled to Senegal.

The witness further narrated that whilst in Senegal, he was informed that the other Pa Modou Faal was arrested. Though he was afraid, he returned to Gambia. He subsequently learnt that the other Pa Modou Faal was **tortured**.

After the “Freedom saga”, the witness was appointed at the Daily Observer at the time managed by the late Buba Baldeh. He said the editorial policy of the Daily Observer at the time was to focus on development issues in the country such as government and infrastructural projects and not to write opposition stories. The witness explained that they agreed because they were young and needed to work, but this was not to be the case as they were independent-minded journalist and the likes of Pa Ousman Darboe defied those orders. The witness then shortly moved back to The Point and was also elected treasurer of the GPU.

Focusing on the events in 2009, witness Faal testified that following an interview during which Yahya Jammeh made disparaging remarks about Deyda Hydara, Ndey Tapha Sosseh wrote an open letter and shared

with her GPU colleagues. They decided to edit the letter and publish it as a press release instead. He explained that in the open letter Ndey Tapha Sosseh sent, there was a lot of “Mr. President”, reminding Yahya Jammeh about what he was supposed to do in regards to Deyda Hydara. They decided to edit the “Mr. President” out.

The press release was first published by Foroyaa newspaper on 12th June and on Monday 15th June by The Point Newspaper. The witness explained that on Monday he did not report to work directly because there was a ruling for Pap Saine whose nationality had been questioned by the state in what seemed to be in retaliation of The Point refusing to stop publishing Deyda Hydara’s photo along with “Who killed Deyda Hydara?” on the front page. The Banjul Magistrate Court ruled in favour of Pap Saine, and on their way back to the paper, Pap Saine received a call from the NIA asking him to report for questioning. The witness explained that he then went to the GPU, where he was told that the NIA had been going back and forth between The Point and GPU asking for the GPU members. Together with Buya Jammeh, they decided to go to The Point. Before arriving, they found out that both Ebrima Sawaneh and Pap Saine had been taken to the NIA Headquarters. He further stated that once at the office, he also received a call from an NIA officer called Alagie Morr Jobe informing that he was wanted for questioning.

Witness Faal explained that he told his colleagues to inform his family if he did not see him by 6pm. When he arrived, he was ushered into Alagie Morr’s office and saw a pistol on his desk. The witness said he was frightened. He added that he was then taken to another office downstairs then after an hour to a conference room.

He then described the room as having a round table with NIA officials and police officers sat around. He said in addition to Alagie Morr, there was one Mr. Hydara, Jim Drammeh and one Saffie (now) late in the room. He specified that though Jim Drammeh

was present, he was not part of the panel. The witness further explained that the panel led by Mr. Hydara questioned him about the press release and the role he played in it. They also asked if he was trying to challenge to Yahya Jammeh's authority, his political affiliation, which political party he belonged to, the later two he refused to disclose.

After an hour, the witness was led downstairs to the reception area, which was called "light detention" and where he met his colleagues Pap Saine, Emil Touray and Saratta Jabbie Dibba. He also remembered Sam Sarr of Foroyaa and Abubakarr Saidy-Khan being brought in later. Pa Modou Faal recalled that they were given mattresses to sleep on but they could not as the place was terrible, full of mosquitoes and additionally feared they the Junglers and torture them.

The next day, he added, they were called for questioning individually but this time it was a different panel. He said their photos were taken and they were given forms to fill where they asked us for the political affiliation, which party they voted for during the last election and also, how much they earned. He recognised one Mr. Ceesay who was attached to the Ministry of Health, at the birth and death registration. He was the one administering his form. The witness explained that when he asked about his political affiliation, Emil Touray said, "*Ceesay, you want to implicate Pa Modou and you said Pa Modou is your friend*". He (Mr. Ceesay) stopped, handed the form to another person and left.

The witness told the Commission that he got malaria whilst in detention. On the second day, he told them that he was not feeling well and that he needed medical attention. They took him to the military hospital, adjacent to the RVTH where they gave him paracetamol and other drugs. He added that before that, the NIA had denied having him in custody when his family came looking. So while he was going to the hospital, he saw one of relatives and shouted "Pa, I am here, we are here". That's how his family and those of the other detainees came to find out where they were detained.

Further discussing his detention, the witness said that one Louis Gomez gave him a computer and asked him to open his email account. They retrieved his communication with Ndey Tapha Sosseh about the GPU press release and asked her whereabouts to which the witness replied he did not know.

Witness Faal disclosed that after three days in **detention**, they were smuggled to Kanifing Magistrate Court and made to appear before Magistrate Sainabou Wadda-Ceesay where they were charged with sedition. He added that they were made to apply for their bail without legal assistance and represented themselves. Magistrate Sainabou Wadda-Ceesay asked them to justify why they should be granted bail and all of them did individually.

Nevertheless, their bail was rejected and they were remanded at the Mile 2 Prison, including Saratta Jabbie and her baby.

He added that once there, they took the baby from her and gave it to her family.

He described the conditions of the Mile 2 remand wing as very hot and horrible, because there were more than 40 people in one small cell. They eventually had access to Lawyer Lamin Camara and they appeared before Magistrate Sainabou Wadda-Ceesay again the following Monday, and she granted them bail.

The witness explained that they were supposed to report to the nearest police station after a week but were told a few days before that their case had been transferred to the High Court in Banjul and made to appear before Justice Wowo who revoked their bail without any explanation and remanded them at Mile 2 Prison. He further explained that they were there until Monday when Lawyer Camara, Lawyer Antouman Gaye, Neneh Cham and Kombey Gaye's daughter succeeded in having them being granted bail. They were also told to report to court except on weekend.

Mr. Faal testified that in the end they were sentenced to two years in prison with a fine of two hundred thousand dalasi and failure to pay would result in another two years in prison. He stated that the American ambassador, Hendry Corner and the British ambassador were so interested in our case, they attended their trials which was not to the liking of Yahya Jammeh.

After they were sentenced, he spent 27 days at Jeshwang Prison, which he described as a bit better than Mile 2 Prison. During his detention, he was given an aspirin by one inmate and had an allergic attack. He explained that the medication was given to an inmate of the prison to administer despite the fact that he was not a medical personal. Going back to his allergic reaction, the witness stated that he had difficulty breathing so was taken outside to ease the symptoms. After two hours he was returned to his cell but he had a hard time sleeping that night. The next day, the case was reported to the then Head of Medics James Jarju but despite appeals made by Prison Medics Jatou Colley and Fanta Badjie he refused to allow the witness to go to the hospital. Witness Faal said that he asked the prison medics to call his wife, which they did and she got the medication for him.

The witness testified before the Commission that his wife visited whilst he was sick. She came once with their youngest child whom he missed a lot. He added that she was crying and wanted to come to him but the prison officer, one PS Sonko refused.

"I felt so bad, I cried and reported the matter to the Officer in Command".

Witness Faal further testified that a day after the former Nigerian President, Abdul Salam Aboubacarr, came as a special envoy, they were released. On the reason, he explained that an inmate had said "*Jammeh cannot take pressure*". On 3rd September 2009, they were taken to Mile 2 and ask to sign a book confirming their release. The witness stated that they refused to unless

their lawyers of family members were present as they feared they would be made to disappear after.

The witness disclosed that they saw David Colley and his assistant, the then Inspector General Police, IGP Ensa Badjie, the then Interior Minister Ousman Sonko and the then Permanent Secretary of Interior Mawdo Touray. They addressed them and said "*we are sorry for all what happened, but you have presidential pardon. We will call GRTS and we will want every one of you to speak and thank the president*". They were paraded on TV and made to say "*thank you Mr. President for pardoning us*". We stopped there.

After that, he had difficulties traveling for work. He stated that in July 2016, once he identified himself as a journalist with immigration at the airport, the NIA officer in charge was called and the witness was interrogated.

Pa Modou Faal ended by telling the Commission that having endured all of this, it had a serious impact on him and his family. He lived in a state of fear every day. He also could not longer pay for his wife's university education.

PERSONS MENTIONED BY WITNESS DURING TESTIMONY:

Corruption of justice

Sainabou Wadda-Ceesay, Justice Wowo

Refusal of medical assistance

James Jarju



Photo: Jason Florio

Mamadi B. Camara was working as journalist for The Independent Newspaper in 2006 when six masked paramilitaries attacked the printing house. Mamadi and his colleagues were assaulted and threatened with pistols, and the printing press was set on fire.

NAME OF WITNESS: Musa SAIDYKHAN

TRRC HEARING DATE (S): 17th July 2019

EVENT(S) DISCUSSED: Persecution of journalists, murder of Deyda Hydara, unlawful arrest, detention and torture of the witness

POSITION AT TIME OF EVENT(S): Journalist, Editor at The Independent Newspaper

POSITION AT TIME OF TESTIMONY: Journalist

SUMMARY OF TESTIMONY:

Musa Saidykhan told the Commission that when he was a reporter at the Daily Observer, they experienced editorial interference and as a result 8 of them resigned in protest in 2005. He explained that they realised that Yahya Jammeh was never happy each time his photo was published alongside that of another person's. The witness added that in Yahya Jammeh's dictatorial mind, he believed he was being compared to the person. Another major issue was that the management did not want Lamin Waa Juwara to be making news simply because he was seen as a "firebrand politician". He also mentioned the fact that the government was so paranoid that even Western Union hats which had a bright yellow colour were offensive to them as this colour represented the United Democratic Party, UDP.

The witness went on to say that he moved to the Independent Newspaper and replaced Abdoulie Sey as Editor-in-Chief who had resigned as he did not feel safe anymore. On the dangers Abdoulie Sey encountered, the witness recounted when he was at a restaurant and he was kidnapped by National Intelligence Agency, NIA operatives, detained and left at the mercy of mosquitoes which resulted in him contracting malaria.

Witness Saidykhan disclosed that when he took up the post at the Independent Newspaper, the government was shocked as they had assumed that once Abdoulie Sey gone, the paper would collapse. He added that he Independent Newspaper suffered at the hands of Yahya Jammeh's government. For instance, the government tried to stop them from printing. The newspaper went to all the private printers but they refused to print the paper.



They finally wrote a proposal to Action Aid for a printer, which they approved along with printing cartridges.

Other types of **persecution** included **arson attacks** and the **arrest, detention, and torture** of several staff members at various points.

On being asked why he had become a journalist, the witness explained that he wanted to correct injustice and speak truth to power. He wanted to make sure to become the voice of the voiceless. He used to live in Fajikunda and there were many events there that were going unnoticed. He added that there was a lot of repression in the country, for instance, his brother was manhandled in 1996 and felt that as a citizen, you could make an impact no matter how small the activity.

Moving on to the events that led to his first arrest, witness Saidykhan told the Commission that in October 2005, he went to represent The Gambia at the Africa Editors Forum organised by former South African President Thabo Mbeki. When he arrived, he saw a huge poster of Deyda Hydara and was heartbroken as Deyda Hydara was one of the pioneers of the Africa Editors Forum in 2003 and he was not around because soldiers had **killed** him.

The witness explained that at the conference, he addressed Thabo Mbeki and told him that when South Africa went through Apartheid, The Gambia stood in

solidarity with the oppressed and now that it had achieved democracy and was one of the biggest economies in Africa, it was turning its back on its brothers and it was not fair. He told Thabo Mbeki that Deyda Hydara, whose poster was up there, was not around because he was gunned down. He further explained the persecution journalists were experiencing in The Gambia.

Witness Saidykhan explained that Thabo Mbeki asked him to write a petition, which he did in consultation with his colleagues from the Gambia Press Union, GPU. He specified that the petition was directed at Yahya Jammeh. The witness stated that as a result, he became a sensation and the media wanted to interview him. When he returned home, a few days later, the then Internal Director at the NIA Captain Saine¹¹ invited him for what he called a “family meeting”. The witness retorted that he did not have any family members at the time at the NIA and therefore if there was to be a “family meeting”, it needed to be at his home. When he refused to go, Captain Saine said “*do you know the consequences?*”, to which the witness responded yes but he did not care at the time.

He knew they would come for him so he alerted the media and human rights organisations and gave them phone numbers to contact including that of Captain Saine himself. He explained that a team of four NIA operatives **arrested** him but by the time they arrived in Banjul, Captain Saine had received several calls from the organisations.

Once there, the first thing he told the witness was that he was **stupid**, that he knew the **consequences** of not honouring an invitation by the **NIA**.

Going back to the petition, the witness admitted that he knew what the Gambian environment was like and the danger he would be if he criticised Yahya Jammeh much more directly petition him but he thought that “*if all of us ran away from the kitchen there would be no food. Somebody had to go there and allow his or her hands to be burnt for others to eat*”. He felt he needed to make

this sacrifice as he might be saving lives. He added that journalism cannot go without risk and you just have to follow your heart.

Further discussing his **arrest**, the witness told the Commission that once in Captain Saine’s office, he saw a cupboard full of the Independent publications. Captain Saine told him how dangerous the paper was at the time as various offending publications had come out critical of the government and asked why the witness would go and petition Yahya Jammeh. He also called the witness a traitor and said that was trying to create discord between Yahya Jammeh and Thabo Mbeki.

Musa Saidykhan testified that after four hours of marathon interrogation during which his nationality and that of his wife was questioned, he was let go but asked to return the following day. Around 10pm on that night, he received a phone call from the South African President Office as they were concerned that what had happened to Deyda Hydara may happen to the witness and his family. The witness stated that is how he realised that Thabo Mbeki had contacted Yahya Jammeh to release him.

The witness explained that he returned to the NIA the next day and he was cautioned to stay away from media activism if he wanted to be in peace.

On the issue of his **nationality**, the witness explained it was a strategy of the **authorities** to label his action as **unpatriotic**.

Upon being asked if it was correct to assume that the witness was under the radar of the government at this point, the witness vehemently agreed. He stated he knew he could lose his life at any time and tried to be security conscious. He also added that even the then Director General of the NIA, the late Daba Marenah would call him and give him tips.

¹¹Other testimonies seem to indicate that the full name is Abdoulie Saine.

Musa Saidykhan then discussed his second arrest. He said on 26th /27th March 2006, at around midnight, one Sergeant Mam Lamin Ceesay from the Criminal Investigation Department, CID came to his house and informed him that he was wanted at Serrekunda Police Station. When the witness asked for the reason of his arrest, he responded he would find out once there.

As he was **escorted** out by about **eight members of the security forces**, his neighbours came out and started **crying**.

The witness stated that he was taken to the Police Intervention Unit Headquarters in Kanifing where he was **detained** for an hour before being taken to the NIA. He explained that just before his arrest, the Independent had published stories around the March 2006 coup attempt supposedly led by Ndure Cham and the arrest of security and civilians as a result.

He told the Commission that the former Minister of Interior and one time director of the NIA, Samba Bah had complained as one of the articles published had listed him as haven being arrested which was incorrect. The Independent Newspaper therefore issued a correction statement.

Going back to his **arrest**, the witness said that once he arrived at the NIA, he was placed in the same cell as Alieu Lowe who was a cousin of Ndure Cham. He said he could not sleep that night because Alieu Lowe was in a terrible state and had marks of torture all over his body with his shirt blood soaked. Alieu Lowe recounted how he was **tortured** in front of his family before being taken to the NIA. He explained as well that one of the accused coup plotters Alieu Jobe had asked Alieu Lowe to take money to Ndure Cham so he could escape to Farato where Mustapha Lowe (Alieu Lowe's brother) lived. Mustapha Lowe who was also arrested was in the cell next to theirs.

The witness further explained that the following day, Mustapha Lowe was taken away by a heavily armed Tumbul Tamba and that was the last time he saw him. Tamsir Jassey, the former Deputy Director for Education was also brought in. Apparently, he had also helped Ndure Cham escape.

Witness Saidykhan testified before the Commission that in the evening, at around 6pm, he was taken to the office of one Demba Sowe, who was the head of the Investigation Unit at the time and found then General Manager of the Independent Newspaper Madi Ceesay. A few minutes later, they were driven to the Police Headquarters in Banjul and handed to Alkali Bojang, whom the witness personally knew.

The witness stated that **instructions were given that they were supposed to be detained in total incommunicado**.

Musa Saidykhan further testified that Alkali Bojang then came back and asked the witness what he needed done for him. The witness gave him the numbers of Demba Jawo and Sulayman Makalo from the Independent and his family to inform them of his whereabouts. The witness added that later he found out that Alkali Bojang went to the telecentre to make the calls as he was afraid of using the official line.

A few days later, Sulayman Makalo was also **detained** at the police station and Alkali Bojang who was on duty again asked the witness what he could do for him. The witness asked him to contact the Committee to Protect Journalists who immediately sent an alert. The witness stated that the government was at this stage trying to implicate them in the coup but when the alert was released, they could not move ahead which he believed was one of the reasons why they were subsequently **tortured**.

Witness Saidykhan stated that they were kept at the Police Headquarters for about five days. He said that during his time, he counted about forty-five people being

illegally detained as well. He added that at some point the Deputy Police Chief Officer actually enquired why they (the witness and Madi Ceesay) were there and they told him they were not told of the reason for their arrest. He therefore made a few calls and then told them they would be later released. However, the NIA operatives came for them and took them to the NIA Headquarters.

Once at the NIA Headquarters, they searched and confiscated their belongings. After 4-5 days, the then former Director of the NIA Harry Sambou came and enquired as to why they were there. After the witness and Madi Ceesay told him they did not know of the reason for their arrest, he said he would find out. Captain Saine again questioned them as well but this time seemed very sympathetic and disagreed with their arbitrary detention. The witness stressed that the only person who did not seem sympathetic to their plight was the then Deputy Director General of the NIA Ngorr Secka. When the witness and Madi Ceesay told him they were journalists, he accused them of wanting to set the country on fire however, apparently few days later he (Ngorr Secka) was also **arrested** and detained at the NIA.

The witness then disclosed that on 8th April 2006, a group of 8 soldiers known as Black Black or Junglers and led by Tumbul Tamba and Musa Jammeh came and took Madi Ceesay away. After an hour, they came for the witness and took him to the back of the NIA where they told him that Madi Ceesay had been **killed** and buried behind the perimeter fence of the NIA, and it was now his turn.

Upon being asked if he recognised any of them, the witness explained that they were masked and so he could only recognise Musa Jammeh and Tumbul Tamba as they identified themselves.

Witness Saidykhon further testified that they asked him why he was there and he told them that he had been **detained** for almost two weeks and did know the reason of his detention. They all, except for Musa

Jammeh who was coordinating, started beating with gun boots, hosepipes, cables and another device the witness could not identify. He mentioned that when they placed the device on the back of his head, he felt an electric shock. Whilst they beat him, they would insult his mother and him, calling him a traitor.

They then **dragged** him onto the concrete floor, inside a hallway where they stripped him **naked** and **electrocuted** him all over his **body** including his **genitals**, resulting in the witness losing consciousness.

Musa Saidykhon stated that as they **tortured** him, he heard the bones in his hand break into pieces. He specified that they also used a bayonet to scar his right jaw. According to the witness, the reason they did that was because they deemed that the problem was with his mouth because he spoke out against the regime and with his hand which he used to write the petition. They essentially wanted to destroy his mouth and hand, which were the tool of his profession.

Further narrating his ordeal, the witness said that when he came through, he heard the voice of Musa Jammeh telling them to stop. When he (Musa Jammeh) realised he was still breathing, they shackled him and asked him to run. The witness could not and they started **hitting** him again. The witness told the Counsel he could not remember how long this prolonged for as it was difficult to keep track of time but the entire **torture** session took about an hour.

The witness said that he was later taken back to the reception area at the NIA where he broke the window in an attempt to escape. They dragged him again and the same **torture** continued after which they took him to a cell where he met one Freddie Napel, a Senegalese national. The witness explained that he was a drug enforcement officer who was arrested around the Farafenni attack.

The witness added that **Yahya Jammeh** in an effort to destabilise peace, had wanted to link **Senegal** to the coup.

Witness Saidykhan testified before the Commission that following his **torture**, he could not stand neither could he sit. His hand was swollen, his body was lacerated and he was soaked in blood. His cellmate Freddie Napel could not stand it and told him “*I never knew that Gambians would do this to their Gambians*”.

The witness said he later realised that Madi Ceesay had not been **killed** and that they were trying to break his mind when they claimed otherwise. He said Madi Ceesay narrated his ordeal to him which was very similar except that he was not **electrocuted** nor was he stripped naked. The next day, on the 9th April the late Bamba Manneh brought in Lamin Fatty, the original author of the article regarding the March 2006 coup.

According to the witness, on that day, the same group of men led by Musa Jammeh and Tumbul Tamba took them all three to the same place and **tortured** them together. This time around, they justified the **torture** session by saying they were all responsible for publishing the article. The witness said he kept telling them that his hand was broken but they did not care.

*“The amount of **pain** I endured,
I have faith that nothing will **kill**
me anymore”.*

When they were taken back to the reception area in the NIA building, the NIA officers were shocked. He remembered one Jaiteh who cried at the sight of them. He called the then Deputy Director of the NIA Ngorr Secka, and told him he did not understand why this was happening. Ngorr Secka apparently told him that Musa Jammeh had supreme powers and did whatever the State House wanted him to do. Jaiteh then called Momodou Hydara and he said they could be bailed out.

The witness added that one Abdoulie Suwareh bought shea butter for them to rub on their body at night and they also tried to fix his broken hand but to no avail.

Witness Saidykhan told the Commission that they were reluctant to release him as he had visible wounds and his hand was hanging off. However, on the 20th of April, they were taken before a panel which included then Inspector General Police, IGP Ousman Sonko, Lang Tombong Tamba and other high-ranking security officers. They told them to be law abiding citizens, that they did not have any personal agenda to trample the media and they released them.

Musa Saidykhan explained that after his release, he had to report twice per week. However, on the 13th of May, he was warned by two very prominent Gambians that the government had plans to get rid of him once the African Union Summit had taken place. The witness was told that Thabo Mbeki had exerted pressure on Yahya Jammeh and even threatened to not allow South Africa to participate in the African Union Summit if the witness was not released. At the time, Gambia who was hosting for the first time had received over five hundred thousand euros in contribution from South Africa. Yahya Jammeh wanted to show he could do it and the absence of South Africa would have been a huge blow to him.

The witness further testified that after the warning, he had to act fast and leave the country with his wife who was six months pregnant. Once in Dakar, he finally received medical attention because in Gambia, following his release no doctor wanted to conduct a medical examination, let alone issue him with a medical certificate as they feared reprisals from the government. The witness said that Amnesty International referred him to a doctor who almost cried when he saw the witness' torture marks.

Witness Saidykhan stated that he sought asylum in Senegal as he was concerned that Gambian refugees would disappear in Dakar. In his asylum application, he submitted photos of the injuries sustained. He also raised concerns about the plight of his family, especially

his brother who had bailed him out as this was the time the police kept calling him to scare him into revealing where he was.

The witness testified that he then submitted his case to the Media Foundation for West Africa and they helped him file a case against the Gambian government at the ECOWAS Court of Justice as he was brutally **tortured** and never taken to court. In 2010, he won the case and though the Gambian government under Yahya Jammeh appealed, they lost again. The court ordered the government to compensate him two hundred thousand US Dollars which he said he was still waiting for.

He stated that the Government of The Gambia has not been fair to him. When the new government came in, they said they would comply with the judgment but they still had not and it looked like they were not willing.

The witness told the Commission that together with his legal team and the Media Foundation for West Africa, they tried to see how they could settle this in an amicable manner but to no avail. He explained that he thought the problem came from the Solicitor General Chernoh Marenah who told them the government could only provide 1million dalasi which was less than 1/8th of the figure. He added that he (Chernoh Marenah) was asked to put that in writing but he did not as he probably knew, it could be used against the government.

Witness Saidykhan further stated that they did not hear from the Solicitor General for nine months until he wrote again to say the government was offering fifty thousand USD and the rest of the compensation would be channeled through the TRRC. Upon reading that, the witness said he was very upset and could not comprehend why they would do that as his case had been adjudicated and decided by a court of law. It was not connected to the TRRC and if they failed to comply then it meant the government was not respectful to the ECOWAS.

On the impact of his unlawful **detention** and **torture**, the witness said his health has never been the same since and he has been in and out of hospital. He mentioned that he was partially blind in his left eye. He also commented on the **psychological impact** especially the **nightmares**.

He said he could have gone mad if it had not been for his faith.

In his concluding remarks, the witness called on Gambians not to hold grudges against one another and to learn to forgive. He asked Gambians to help one another heal the wounds and understand that what unites them is more than what divides them. He also asked to make sure that justice and human rights are the guiding principles of the country and called on everyone to fight corruption as it is the root cause of all the problems. He finished by saying that whoever harmed him, he forgave.

PERSONS MENTIONED BY WITNESS DURING TESTIMONY:

Arbitrary arrest

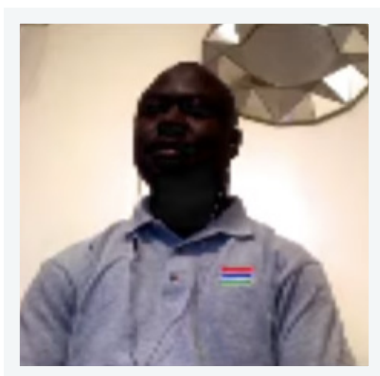
Mam Lamin Ceesay

Arbitrary detention

Captain Saine, Harry Sambou, Ngorr Secka

Torture

Musa Jammeh, Tumbul Tamba



NAME OF WITNESS: Sulayman MAKALO

TRRC HEARING DATE(S): 15th July 2019

EVENT(S) DISCUSSED: Harassment of journalists

POSITION AT TIME OF EVENT(S): Journalist

POSITION AT TIME OF TESTIMONY: Journalist

SUMMARY OF TESTIMONY:

Sulayman Makalo testified before the Commission that when he joined the Independent Newspaper as a freelance reporter, it was owned by the then Editor-in-Chief Baba Galleh Jallow and then Managing Director Alhagie Yoro Jallow. In their first publication, they stated not being at war and that the editorial policy was to report the truth without fear or favour.

He however stated that four days after it hit the market, the paper suffered its first **arrest** so obviously the government did not agree with their declaration. He explained that when officers started raiding “differently abled” persons who were begging on the streets, Lamin MB Daffeh went to Bundung Police Station to seek clarification and in the course of that he was unlawfully **arrested** and **detained** for about 3-4 hours.

The witness told the Commission that two weeks after Lamin Daffeh’s **arrest** the Independent received an order from the Justice Department to seize publications. They said the paper had failed to register with the Commission of Income Tax. The management of the paper therefore went to the Income Tax Office to regularise that situation

by tendering payment of the fees and that was rejected. The witness was of the view that someone was pulling the strings to prevent the paper from continuing its operations.

Three days later, the National Intelligence Agency, NIA raided their offices and four staff members were **arrested** namely Lamin Daffeh, Olimatou Jarra, Olimatou Manneh and Yai Mundow Faye. The witness explained that this was clearly orchestrated as they justified the raid by saying it was to implement the order of the cessation of the operation that was handed over to them but the witness noted that they had refused payment 3 days earlier.

He added that after a few hours, all except for Lamin Daffeh were released.

The witness further testified that two days later, Baba Galleh Jallow and Alhagie Yoro Jallow were arrested.

When they were eventually released, they were asked to desist from publishing the Independent until they cleared their business name registration issue. After three weeks the Independent was finally given clearance to proceed with registering its business name and resumed publications on 20th August 20th however staff members continued to fear that the harassment might resume.

The witness narrated that in December 1999, Baba Galleh Jallow, Alhagie Yoro Jallow and Lamin MB Daffeh were again **arrested** and charged with libel for asking through the paper if Yahya Jammeh had gotten married to someone in Sintet Village. They were released with a ten thousand dalasi bail bond and Yahya Jammeh eventually dropped the charges against them.

Continuing on with the harassment the Independent Newspaper suffered, the witness explained that around June 2000, immigration officials visited their offices and tried to question the nationality of Baba

Galleh Jallow and Alhagie Yoro Jallow. They both had to show their national identification cards. Shortly after in July, the police arrested Baba Galleh Jallow and Alhagie Mbye, a reporter working the Independent and took them to the Serious Crime Unit.

On the reason for their **arrest**, the witness explained that the paper had carried out a story about a reported hunger strike in Mile 2 Prison. They were not charged but they had to be bailed for twenty five dalasi. When probed, the witness confirmed that in a sense if the regime was not happy about a particular publication they would **arrest** the editors of the Newspaper. He also stated that the arrests extended to the reporters and freelance reporters. The witness gave the example of Salieu Mbowe who was visited by the police at around 1-2am and arrested at his house. He explained that they searched his house without producing a search warrant.

Sulayman Makalo revealed that at that point, the relationship with the government ministers, especially those involved in communication was not good. He recalled when the then Minister of Youth and Sport and Chairman of the Government Spokesperson Committee Sarjo Jallow attacked the Independent for what he termed permanently featuring articles that were critical of the government. The witness said this criticism was not fair. Shortly after this, two journalists who worked for the Independent were assaulted by Alliance Patriotic for Reorientation and Construction, APRC members whilst trying to cover the by-elections in Kiang East and Central Badibbou.

Moving on to another incident, the witness confirmed that the Independent sport reporter Omar Bah who was assigned to cover the ongoing court martial proceedings of Lieutenant Landing Sanneh at Yundum Barracks was severely beaten and subjected to **torture** by a group of soldiers led by one Lance Corporal Fullo Jallow. On the type of **torture** meted onto him, the witness said he could not say as Omar Bah had not shared the details with him.

The witness then discussed another incident, which occurred in July 2001. He could not remember the details so the Counsel read out his statement which indicated that on 18th July 2001, Alhagie Mbye was invited for

questioning to the NIA regarding a story published in the Independent on May 9th July 2001 and in which an ex-APRC militant vowed to expose the majority leader at the National Assembly Baba Jobe in an International Court. The witness confirmed that was corrected. He added that shortly after, Alhagie Mbye was again **arrested** in connection to a story he had written for West Africa magazine and this time he was **detained** for a week. Upon his release, Alhagie Mbye told them that during his detention, he had been tortured and electrocuted.

Moving on to the years 2002 and 2003, the witness discuss further **arrests**, including that of Pa Ousman and Alhagie Yoro regarding an article claiming that the then Vice-President Isatou Njie had gotten married to one Alpha Khan. He admitted that it was fake news and that it was reckless of the authors to have gone ahead and published despite not being able to confirm the story.

The witness further testified that the Independent would always receive death threats via phone and remembered when one caller by the name of Saikou called and said the editors should get ready as they were preparing to kill him. He added that they had the support of very influential Gambians, who according to him, felt rightly bitter about articles published by this paper.

Continuing with his testimony, the witness revealed that in June 2003, in the early hours, the Independent was visited by 9 or 10 men in uniforms. They complained that the Independent had reported about the alleged theft by Yankuba Badjie and misappropriation of funds in Kanilai and that would jeopardise their investigations. He added that the then Director of Operations at the NIA Salmina Drammeh, threatened to **arrest** Alhagie Yorro if he published anything he did not like.

Sulayman Makalo then listed a number of journalists who were **arrested** including Buya Jammeh, Pa Modou Bojang, Abdoulie Sey, Fatou Jaw Manneh and Lamin Njie. He particularly remembered an interview conducted by Lamin Njie. In the interview, Lamin Wa

Juwara from the National Democratic Action Movement called on Gambians to take to the streets about the injustices in the country. He (Lamin Waa Juwara) was subsequently **arrested**, charged with sedition and sentenced to six months in prison. Lamin Njie was a witness in the trial and he was hostile to the case of the state.

Witness Makalo also mentioned when Sanna Camara went to cover the opening of the National Assembly and despite having all the necessary credentials was refused entry. He added that the Independent was labelled as an opposition paper so when Sanna Camara identified himself as an Independent reporter, they did not let him in.

In 2004, the Independent was attacked and the printing press was burnt down. The witness said they believed it was the government. Subsequently, State Guard Sanna Manjang was accused of being one of those responsible for the arson attack. The witness stated that the police opened an investigation but it of course did not lead anywhere. After, they were informed that the NIA had taken over the investigation but nothing came out of it.

The witness then confirmed that Pa Modou Secka was **arrested** in 2007 while working for the Independent and detained for 3-4 hours in Jarra Soma. The witness could not state the reason for his arrest. He then testified that Musa Saidykhan was arrested as a result of his trip to South Africa where he asked Thabo Mbeki to pressure Yahya Jammeh to investigate the death of Deyda Hydara.

Mr. Makalo told the Commission that Musa Saidykhan was again **arrested** after the Independent published a story following the aftermath of the March 2006 abortive coup and where they had erroneously reported that, the former Minister of Interior Samba Bah had been arrested. It was a case of mistaken identity as it was a different Samba Bah that had been arrested. He said that when they realised the mistake, they published a correction statement, which Samba Bah was happy with. Nevertheless, the government was not and arrested everyone.

He further testified that Musa Saidykhan and Madi Ceesay (who had also been arrested) were **detained** at the Police Headquarters for almost three days and eventually taken to the NIA where they were **tortured**.

On being asked how he knew they were **tortured**, the witness said they had **visible marks** on their body and **Musa Saidykhan's hand was broken** when they were released after 22 days.

He said that he stopped working for the Independent, which had shutdown after these events and was not doing much after that.

The witness testified via Skype. Due to technical difficulties and as he was at the tail end of his testimony, the Lead Counsel asked for the Commission to accept the witness' written statement instead and end the hearing.

PERSONS MENTIONED BY WITNESS DURING TESTIMONY:

Torture

Lance Corporal Fulo Jallow

NAME OF WITNESS: Madi N. K. CEESAY

TRRC HEARING DATE (S): 16th July 2019

EVENT(S) DISCUSSED: Persecution of journalists, murder of Deyda Hydara, unlawful arrest, detention and torture of the witness

POSITION AT TIME OF EVENT(S): Journalist, Executive member of the GPU

POSITION AT TIME OF TESTIMONY: Journalist

SUMMARY OF TESTIMONY:

Madi Ceesay testified before the Commission that during the early days of his career he had problems with the law enforcement. He first recalled when he was assigned to cover the United Democratic Party, UDP nationwide tour. There was a push and pull in Julangel because certain Alliance for Patriotic Reconstruction and Orientation APRC militants led by one Alieu Njie did not want the UDP to hold a rally there.

The witness explained that despite the request from the APRC militants, the Alkali of the village refused to prevent the UDP from holding the rally, which went ahead. The UDP then held a meeting in Demba Kunda without any incidents and the following day, they moved to Basse and after to Mansajang Kunda where they held their last meeting. As they left Mansanjang Kunda, heading to Kular, they came across a roadblock on the highway. The witness stated unbeknown to them, there were masked APRC militants hidden in the bush. When the vehicles stopped, they threw stones at them.

According to the witness, they were in a very hilly area, which had many stones, and so UDP militants grabbed them and ripped them. The APRC militants ran away and the UDP militants pursued them. They caught three APRC militants including one woman. Witness Ceesay said that as he was watching everything unfold, he heard the UDP leadership say “*get them, do not harm them*”. The APRC militants were then taken to Basse Police Station and statements taken.

Madi Ceesay disclosed that some of those attacked by the APRC militants had bruises including himself. They were therefore taken to the Basse Health Center



and later, he saw Alieu Njie brought in. The witness commented that he (Alieu Njie) was in a very bad shape and when he was asked what had happened to him, he responded that it was an accident. He added that shortly after, he was pronounced dead.

The witness told the Commission that he went back to the police station and informed them that there had been an announcement that Alieu Njie had been killed by UDP members. He asked the police to go to the nearest army camp to get reinforcement in case of protests as there were UDP supporters in town. The witness and the UDP supporters then gave their statements and they left Basse. The witness explained that the next day, the UDP leadership communicated with the police and they were later told they could not continue on with the tour for safety reasons. They, including the witness, returned to Basse where they were detained to their surprise.

Witness Ceesay stated that they were about 80 in total, including Ousainou Darboe, the UDP leader and after spending two days at the police station without food or access to a lawyer, they were taken to Basse Magistrate Court but as they were charged with the murder of Alieu Njie during the “Chamoi ambush”, the matter was referred to Banjul High Court.

The witness recounted how they were driven in an open truck to Banjul. The next day, they appeared before the High Court. Over the course of three months, the witness appeared about three times. The charges against him and the others were eventually dropped.

Upon being asked if he had informed the police officers and investigators in charge of the case that he was a journalist, the witness explained that he had indeed told them in Basse and in Banjul. He added that the government and the media were not on good terms at the time and that journalists were perceived as enemies. As a result, the government in place tried all they could to silence them.

He said that he believed the reason he was also charged was to **silence the media** as he would have been **jailed** for quite a long time or even **killed**.

Moving on from his first experience with law enforcement, the witness further explained his second encounter with security forces in 1998. The UDP leader's return from Europe had been announced in the radios and the local newspapers. The witness stated that he was therefore assigned to cover his arrivals the subsequent political rally.

He told the Commission that knowing the type of system in place, he printed a label that "press" and put it in front of his vehicle so that he could be easily identified as a media person and not mistaken for a militant. When he got to the airport, he found out that the flight had been cancelled. He stated that he therefore headed to Serrekunda, Churchill's Town as he assumed the rally would still take place.

The witness stated that on his way, the then First Lady of The Gambia, Tuti Faal was being escorted so he parked and allowed the convoy to pass. As soon as the last vehicle drove by, he continued with his journey, tailing the convoy. However, suddenly a soldier aimed at him in his vehicle and fired. The bullet hit the lower part of the vehicle door and the glass broke. Together with his friend, the late Almamy Jagana they went to Bundung Police Station to report the matter. Once there, one police officer called Pa Sillah asked them to get a mechanic to remove the door of the vehicle to check if it was really a bullet, which they did. Once the officer confirmed it was a bullet, took their statements and that was the end of it.

Madi Ceesay told the Commission that he was certain the soldier knew he belonged to the press because "press" was clearly displayed in bold in front of his vehicle and that anybody 50 meters away would have been able to see that. He added that once he left the police station, he never heard again from them about the matter. He also did not go back because he knew that journalists were viewed as enemies.

He added that the APRC government labeled them as **illegitimate sons of Africa**, would say they should go "**six feet deep**", meaning **killed** and they should be **jobless**. He stated that therefore, following such **attempt** on his **life**, any investigation under the **APRC regime** would not really yield anything **truthful**.

Upon being asked to explain the three descriptions of journalists he used, witness Ceesay explained that Yahya Jammeh had made those statements on several occasions including at political rallies and press conferences. In his opinion, Yahya Jammeh wanted to ensure journalists were not allowed to do their job freely, information not given and citizens were kept in the dark.

On the lack of investigation following what he believed to be an attempt on his life, the witness said that he felt very bad and felt there was no justice because the authorities had no interest in making sure those responsible were held accountable. Despite this incident, he continued doing his job. He added that he was still very mindful of his security though.

Further discussing the persecution journalists faced, the witness recalled the arson attacks against the printing press, Radio One and journalists including Alieu Bah, who used to work for Radio One and lived in Dibba Kunda and Ebrima Sillah.

Madi Ceesay said that in essence, the “six feet under issue” had gradually translated into action and culminated into the killing of Deyda Hydara in December 2004.

Witness Ceesay testified that Deyda Hydara’s murder was a turning point in the lives of journalists in the country. It was clear that Yahya Jammeh and his government wanted them dead.

He added that during the 22-year dictatorship, several journalists suffered and fled in fear of their lives and not single person was ever taken to court for the atrocities committed against journalists. Not even for Deyda Hydara’s murder.

He said that following Deyda Hydara’s **murder**, the Gambia Press Union, GPU decided to institute a media blackout and to organise a march. They also went to the Ministry of Interior to deliver their demands, including an investigation into the **killing**. Shortly after that, they were made to understand that there was a report of the investigation and to their dismay, the investigation result blamed Deyda Hydara for his death.

Madi Ceesay went on to disclose that one of the lines in the report indicated that Deyda Hydara was a womanizer and implied that this was the reason for his **murder**. The witness specified that this was totally false. He added that he concluded that Deyda Hydara was **killed** by operative of the Jammeh regime as there were never any tangible investigations and nobody was brought to justice.

On being asked whom he was referring to when mentioning “Jammeh operatives,” the witness explained that these were the Junglers, a group of soldiers and other types of people who took orders from Yahya Jammeh.

He reiterated that he held Yahya Jammeh responsible for Deyda Hydara’s killing.

The witness went on to explain that a year after Deyda Hydara’s **killing**, when he was the president of the GPU, they called on an international conference to

commemorate the one-year anniversary of his killing for their advocacy efforts. They invited the government to attend but they did not come. He stated that they had also planned to go to the site of the **killing** to leave a mark of remembrance but to their surprise, the site was sealed off by security officers and they were not allowed to go near.

He disclosed that there was a scuffle between Ramatoulie Chareh, one of their journalists who was trying to do the coverage and armed soldiers. She fainted and was rushed to the hospital. The witness followed the vehicle taking her to the hospital as he feared for her. He added that this incident was an unlawful hindrance in the exercise of their rights and that it only happened because they were journalists.

Madi Ceesay then testified that he was again arrested in 2006, when he was with The Independent. He explained that in the night of 27th March 2006, he received a call telling him not to go to the office because his editor-in-chief, Musa Saidykhan had been picked up. Witness Ceesay said he still went to the office the next morning, and when he arrived, two people asked whether he worked there. He responded yes and they asked for his name. As soon as he gave it, they **arrested** him. They told him they were from the Office of the President, which people referred to in those days as National Intelligence Agency, NIA operatives. He was then driven to the Police Intervention Unit at Kanifing.

He stated that upon arrival, he was surprised to see the entire staff of The Independent Newspaper there and others he did not recognise. He added that even government messengers who came to drop mail were arrested and that the order was probably to arrest anyone who came to The Independent premises. The detainees were all sat outside and opposite them was the entire police hierarchy including the then Inspector General of Police Ousman Sonko and other high-ranking officers.

Mr. Ceesay explained that they were all called one after the other and when it was his turn, they just said “well, we are going to Banjul with you”. He was then put in a white police pickup, sandwiched by senior

officers and driven to the NIA. Once there, he realised Musa Saidykhani was also there as he heard him calling for help due to a stomachache and nobody went to his aid. Musa Saidykhani was then let out of the cell and they were both escorted to Banjul Police Station.

Upon being asked if he was told of the reason for his **arrest**, the witness responded in the negative. He added that he was only told five days later and that the instructions given at Banjul Police Station was to keep them and not let them go anywhere.

He also disclosed that **his family was traumatized as they did not know of his whereabouts following the government's refusal to provide information to show that he was in their custody.**

He stated that one of his daughters visited several police stations in order to locate him. She also went to the NIA and sought the advice of Lawyer Lamin Camara to take the matter before the court because the witness should have been taken to court within 72 hours. Lamin Camara later told her to slow it down because this was at a time when alleged coup plotters of the 2006 attempted coup were being tried so if she pushed too much, they could charge the witness for treason.

Regarding what happened to The Independent, the witness said it was completely sealed off by the police for two good years with no access.

Going back to his detention, the witness stated that he was neither given food nor access to a lawyer. He also explained that on the sixth day of his **detention**, he was taken to the Criminal Investigative Department, CID where one Mr. Keita informed the witness that he ran a story that was not true, which was the reason for his arrest. The witness acknowledged publishing a story in the aftermath of the March 2006 attempted coup, which said that the one-time Director of the NIA Samba Bah was part of the coup plotters and was arrested. However, upon realising their mistake the next day, the paper

issued a correction statement and an apology which Samba Bah seemed satisfied with. Mr. Keita called for a copy of that and one of his men came back with the copy where the correction was made.

The witness explained that having shown proof to Mr. Keita that this matter had been dealt with, an apology made and accepted, he was told he could go. As the witness walked out of the police station with his colleagues, men in a car with a private number plate grabbed them and drove around Banjul to ensure nobody could know where they were being taken before heading to the NIA. Once there, they were put in separate cells.

Madi Ceesay described the cell as very small and horrible. He added it was not possible to stretch properly and that for one to lie down, he needed to bend. During his **detention**, he was using his own money for feeding and to get mosquito coils as the place he said was highly infested mosquitoes.

During the first five days of his detention at the NIA Headquarters, the witness said he would hear loud cries and Musa Jammeh's name being called out. He subsequently came to realise what was happening as one morning, at around 3-4am, a group of men led by Musa Jammeh and Tumbul Tamba came for the witness and Musa Saidykhani. As they walked out of the reception area, they started **kicking and slapping** them. The witness recognised Musa Jammeh as he used to come to the NIA in broad daylight, laugh at them and hurl "*stupid journalists, we will teach you a lesson*" at them.

According to the witness, they took them to a yard, still within the premises of the NIA, pushed them to the ground and beat them with sticks, electric cables, belts until either Musa Jammeh or Tumbul Tamba ordered the men to stop.

Musa Jammeh would then ask them who they worked for and the witness would respond *“I work for Independent Newspaper, kill me or leave me but I work for Independent Newspaper, I do not work for any other agency”*. He stated that they would not deem his answer satisfactory and they would **torture** him. The witness specified that this happened on two separate occasions and during the first **torture** session, they tortured him for an hour with four questioning intervals.

Mr. Ceesay testified that he sustained injuries to his back as a result and still has visible scars on his back. After the first **torture** session, he needed medical attention but was not given. He added that the security guards at the reception were very sympathetic to their plight and after such **beatings**, they would help them rub creams on their bodies to alleviate the pain. He said during his family visits, he would try to hide the pain from them.

Following the first **torture** session, one Captain Saine from the NIA also interrogated the witness. He informed him that he was detained because he had written an article about Samba Bah. The witness explained again that the issue had been dealt with and added that he could not understand the relation between the article and the government to which Captain Saine responded that the government “had a share” because the article claimed Samba Bah had been arrested by the government.

The witness also gave an account of his second **torture** session, which occurred about four days after the first one. He narrated that a group of men led by Musa Jammeh and Tumbul Tamba repeated the same process as the first session. Again, Musa Jammeh would stop and ask the same questions and would hurl insults at them.

The witness added that because of the **injuries sustained** during the first session, their **wounds** got deeper and the **pain more serious**.

Upon being asked if he recalled the names of the other torturers, the witness responded in the negative. He

specified that they were in uniform, and he later found out that they came from the State House. Witness Ceesay added that they were under the custody of the NIA and he was certain that the then Director of the NIA Harry Sambou and his assistant, one Mr. Hydera¹² were aware of and supported the torture sessions. He added that the second time, the personnel at the reception insisted that they call their hierarchy to let them know that they were here to **torture** them, and they did so in the presence of the witness.

Madi Ceesay told the Commission that when they were taken back to the reception area, Musa Saidykhan smashed the window in an attempt to escape. Musa Jammeh and Tumbul Tamba rushed in and took him away. The witness said that when he saw Musa Saidykhan again, he was in a very critical state and needed medical attention. They had also broken his hands. He was eventually treated at the Military Hospital.

He continued with his testimony and disclosed that one morning, they were led to a conference room where there was a panel which included the then Inspector General of Police, Ousman Sonko, the then Chief of Defence, CDS Lang Tombong Tamba, Harry Sambou, Mr. Hydera and FRI Jammeh. They took turns and addressed the witness and Musa Saidykhan saying that they must see themselves as partners of government and not tarnish their name. Ousman Sonko also cautioned them not to discuss the **tortures** after they were released, which the witness took as an intention to cover up what had happened at the NIA.

After their release, Musa Saidykhan who felt it was not safe to stay, left for Senegal then later moved to the USA. The witness continued working in The Gambia as a journalist even though The Independent was shut down. The Committee to Protect Journalists, CPJ eventually nominated him for an International Press Freedom Award, which he received in 2007.

Going back to the article that was written which named Samba Bah, the witness explained that the original author of the article, Lamin Fatty was **arrested** and

¹²According to our research, this must have been Muhammed Hydera also referred to as Momodou Hydera.

taken to the NIA where he was seriously **tortured**. He was eventually taken to court and fined fifty thousand dalasi.

The witness stated that he eventually founded the Daily Newspaper, which operated from 2006 to 2011 when it was shut down by the same government, together with two other media houses, Teranga FM and The Standard Newspaper. He added that on this occasion he was not arrested. The witness told the Commission that he was instructed to go to the President's office if he wanted to know the reasons for the order to shutdown, which he did but was not given access. He made several attempts, including contacting the then speaker of the National Assembly, Fatoumata Jahumpa Ceesay but to no avail.

Madi Ceesay said that the paper had an online version, which he kept alive as he was not aware of any law that required it to be registered and they were only able to reopen the paper once there was a change in government in 2017.

He explained that the **shutdown** had a **serious economic impact** on his family and that the income he got from the online version was **not enough to sustain them**.

The witness disclosed that his eldest son Ebrima Jonko Ceesay also became a journalist and in April 2016 he was **arrested** together with Solo Sandeng and co. and was severely **tortured**. The witness explained that when he visited him at Mile 2 Prison, his son who was now missing a tooth told him that they had taken him to the NIA, pushed him on a concrete floor, tied his hands on his back and beat him whilst telling him *"you are the son of Madi Ceesay, your father was a bad journalist and you are also a bad journalist"*.

The witness added that his **son** who was **asthmatic** and **passed away** shortly after his release caused by the **torture** and the cell conditions.

On the impact the death had on his family, the witness stated that they were shocked. It was too shocking for them but they had to face reality: *"he died, he died"*. He closed by saying that he blamed the Jammeh regime for his death, because if *"he was not picked up and subjected to those terrible tortures and that prison condition, he would not have died"*.

PERSONS MENTIONED BY WITNESS DURING TESTIMONY:

Arbitrary detention

Captain Saine

Torture

Musa Jammeh, Tumbul Tamba

Complicit of torture

Ousman Sonko, Harry Sambou, one Hydara, FRI Jammeh, Lang Tongbom Tamba

Extrajudicial killing

Yahya Jammeh

WITNESS NAME: Sarata JABBIE

TRRC HEARING DATE(S): 18th July 2019

EVENT(S) DISCUSSED: Arbitrary arrest and detention

POSITION BEFORE THE EVENT(S): Journalist at the Point Newspaper and first Vice-President of the GPU

ROLE DURING THE EVENT(S): Journalist at the Point Newspaper and first Vice-President of the GPU

POSITION AT THE TIME OF THE TESTIMONY: Not indicated

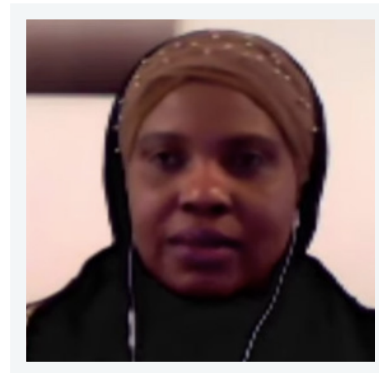
The witness resides in the United Kingdom and testified via skype

SUMMARY OF TESTIMONY:

Sarata Jabbie told the Commission that she joined the Point Newspaper in 2002 and said that Deyda Hydara, the Co- founder and the Managing Editor of the newspaper gave her a chance even if she had no previous experience. She was trained on the job by other journalists and later became a columnist writing on women's issues.

In 2008, Sarata Jabbie became the first Vice-President of the Gambia Press Union, GPU, which was a volunteer position. She explained that until her arrest, she had never been harassed or **tortured** directly but heard stories of her colleagues who were **attacked, arrested, tortured** and **detained** such as Deyda Hydara, Yarro Jallow, Madi Ceesay, Musa Saidykhan and Chief Ebrima Manneh who **disappeared**.

When asked about what happened to Deyda Hydara, she explained that he was **murdered**. She said that it occurred on the 16th of December 2004, which coincided with the anniversary of the Point Newspaper. The following day in the morning she received a phone call from a reported called Mama Janneh working for the Gambia Radio and Television Services, GRTS who told her that Deyda Hydara had been shot. At first, she could not believe the story and called a colleague from the Point Newspaper who confirmed the news to



her. She said that she joined her colleagues as they went to the mortuary in Banjul. There she saw Deyda Hydara's body wrapped with a white cloth, which was stained with blood on his forehead, chest, and tummy.

Sarata Jabbie explained that Deyda Hydara's death had a negative impact on both herself and colleagues. She explained that Deyda Hydara was like an uncle to her. She said that she owed him everything she achieved in her field of work. He supported her even if she had no previous qualifications as a journalist and despite the fact that they did not know each other and were not related. She said that Deyda Hydara had a great heart in empowering women and young people.

When asked who she thought was responsible for his murder, Sarata Jabbie responded it was the government.

She explained that during that time there was a "media law going on" and Deyda Hydara criticized it because it challenged the safety and welfare of journalists.

She said that he had a column entitled: "Good Morning Mr. President" in which he was very critical of the government and denounced everything that was unlawful. He was a voice for the voiceless.

Because of that he was “questioned” several times. Therefore, when he got **killed**, everyone thought it was the government. She affirmed that she shared that believe until now.

After the murder, the Point Newspaper included a daily question on the front page with Deyda Hydara’s picture on it. The slogan was “Who killed Deyda Hydara?”. Sarata Jabbie noted that this “did not go well with the President” and inferred that if he had not been responsible, he would not have been disturbed by that question. When asked how she knew that the President was disturbed by the slogan, she explained that in 2008 Yahya Jammeh said in an interview with a GRTS reporter Kebba Dibba: *“Every time journalists keep asking who killed Deyda Hydara and if they want to know who killed Deyda Hydara, let them go to Deyda Hydara’s graveyard and ask him who killed him?”*.

This interview and the “inappropriate” comment made by Yahya Jammeh about Deyda Hydara, prompted an executive meeting by the GPU in order to agree on a press release that was authored by the then President of GPU, Ndey Tapha Sosseh (who was residing in Mali as the witness explained later). The press release condemned Yahya Jammeh’s remark on Deyda Hydara but was not attacking the President. The GPU believed that it was their role and duty to stand-up for journalists, and even more so for Deyda Hydara who had been very brave and had contributed a lot to the press freedom in The Gambia. The GPU decided to act because it was not the first time journalists had been under attack.

The press release was published on the 12th June 2008 by the Foroyaa Newspaper and on Monday 15th June by the Point Newspaper. That day, she received a call from someone from the Office of the President who did not identify himself and told her that she was “wanted”. The person refused to tell her why but said that she would be informed when she would get there. Immediately after that conversation, she received a call from Ebrima Sawaneh of the Point Newspaper who told her that they were wanted at the National Intelligence Agency, NIA. Emil Touray, Secretary-General of GPU also called the witness and said the same.

Sarata Jabbie explained that after the call, she gave her 7-month old baby to her mother in-law who was very worried for her and went to the Point Newspaper where she met Emil Touray, Pape Saine and Ebrima Sawaneh. She told them about the call she had received from the Office of the President. They then decided to go straight to the NIA. It was around 2-3 pm.

The witness explained that at the NIA, a man called Lamin Darbo told Sarata Jabbie that he had been the one calling her. Another officer by the name of Idrissa Jobe, but know under the name of Alhagie Morr Jobe, told her that he wanted to log-in to her emails as the NIA wanted to know what conversations she had with Ndey Tapha Sosseh. She logged-in to her email and he looked at the exchanges she had had about the press release. Alhagie Morr Jobe asked her why she decided to support the press release, since in her email conversation she had said that this *“would lead to something else”*. She explained to him that she did so because it was her duty and responsibility. He asked her why she was associating herself with Ndey Tapha Sosseh’s troubles who was in Mali while she (Sarata Jabbie) was *“here with her baby”*. She kept quiet because she was “not brave enough” to tell him what she really thought, because she had heard “all sort of things” about what was happening at the NIA. Sarata Jabbie described Alhagie Morr Jobe’s tone as harsh and sounded as if he was taking things personally.

After that conversation, the witness was taken to the NIA’s conference hall with her colleagues (some of which had arrived in the meantime) - Pap Saine, Emil Touray, Ebrima Sawaneh, Pa Modou Faal, Sam Sarr and Abubacarr Saidykhan - to take their statements. An official of the NIA tried to persuade them to write apology letters to the President, who he said was a *“very good, clean-hearted and kind guy”* who would pardon them, but they all refused because they did not think that they had committed any crime.

She was told that she would be granted bail if someone she knew would agree to submit all his travel documents and other “important documents” to the NIA. The father in-law accepted to do so and submitted the necessary documents. She was released in the evening and Lamin Darbo drove her to her house and warned her not to call anyone, not to receive any calls, told her to switch off her phone. She was asked to report to the NIA during the day time for three consecutive days in the morning around 7 and 8am. According to her, all of them wrote statements related to the press release except Sam Sarr and Emil Touray who refused to give statements.

The witness explained that on the fourth day (Thursday), after the close of business, they were taken to the Kanifing Magistrate’s Court. It all happened quite secretly so she and her colleagues were very surprised when they saw other colleagues, friends and family members waiting before the court. She and the others were present to a judge called Sainabou Wadda-Ceesay and were told for the first time that they were charged with sedition and defamation. They asked for their lawyers to be present.

Sainabou Wadda-Ceesay gave the witness a bail because she had a baby but her colleagues were sent to Mile 2 Prison. The Deputy Public Prosecutor, DPP objected to her bail and Judge’s Ceesay’s decision was overruled.

On the next day (Friday) the witness was informed that the case had been transferred to Banjul High Court, where she went with her family members. The witness said that if she remembered well the case was heard by a judge called Justice Wowo. There the charges were read to her and she was told that she had to go to the remand wing of Mile 2 Prison, even if she was with her baby and that she was breastfeeding.

She was sent to the remand wing of Mile 2 Prison with her baby and stayed there for around three hours. Lawyer Camara then came and informed her that she

had been granted bail. The witness described the female remand wing as “terrible”; the size of the room was very small for the number of people who were there. Her colleagues were also granted bail.

Sarata Jabbie explained that the trial went on for one month approximately and on 6th August they were convicted on six counts to two years of imprisonment plus a fine.

Before reading the verdict, the judge announced that he **needed to take a break** to speak to someone, which according to the witness, they all believed to be the **president or someone very close to the president**. After an hour or two, the judge gave the **verdict**. When asked, the witness said that she had the feeling that he asked for a break to receive an instruction.

The day of the verdict, the court house was full of friends and family members, journalists, opposition party leaders but also armed paramilitary officers. She felt that it was as if they had committed a murder, it was like a treason trial. The witness explained that while Ndey Tapha Sosseh was not there, she did everything possible to ensure that they did not go to jail and made a lot of noise. They felt very well supported by her and the general media fraternity.

Through the help of international organizations, she and her colleagues were released after 27 days in **detention**. The witness described the detention conditions as being very difficult with terrible food and poor hygiene. She said that the inmates were very supportive to her.

The witness explained that she went to Mile 2 Prison with her baby but after two days, she was called the director's office – David Colley – where a lady and two men from the Social Welfare told her that they would take her son to the orphanage as the prison was not a place for the baby. She explained that they had a push and pull as she refused to hand over her son.

They forcefully took the baby from her, making him cry.

They promised her that they were going to call her family members to bring him to the prison in the morning so that she could breastfeed him.

Sarata Jabbie explained that she did not sleep that night and expected to see her baby in the morning, but no-one came which left her heartbroken. At that point she explained that her mother-in-law suffered a lot from that situation and started talking to herself saying *“Muhammed is crying, I can hear Muhammed crying”*.

Her son was only brought to her on the third day. She said the condition of her baby was different and he had lost weight. She felt devastated. Her son started crying and she wanted to breastfeed him and he clearly craved for her breast. But the prison official prevented her forcefully to do so arguing that the child was now used to milk and food. There was another push and pull and the baby cried. She started crying as well. One Social Welfare official also cried and said “I’m a man but I can feel your pain. I’m very sorry but this is the way we operate”. They then took the baby away. That evening, Lawyer Camara made arrangements for the family to take the baby from the orphanage. The witness said that her baby's human rights were violated. She explained that she felt that this was unfair, because the baby had done nothing and even what happened to her was just because the President wanted it and that he had the power. He used that power as an advantage

against journalists. She added, that being a journalist she knew that anything could happen to her but she felt devastated because of her baby.

After that day, her lawyer made arrangements for her family members to bring her the baby every morning and afternoon, for her to breastfeed him. She would usually spend 15 to 20 minutes with him. However, sometimes her relatives arrived late and then the prison security guards denied them entry and told them to come back in the evening. She said that her mother-in-law once came with her 3-year-old daughter who was not allowed by the prison guards to enter as only one person was allowed to see an inmate at a particular time. But a security guard by the surname Sonko helped her and brought her daughter in. Her daughter was very worried and asked her lots of questions. She later heard that after the visit to the prison, her daughter had asked one of her cousins if they could “swap mums”. Because of the negative effect the visit had on her daughter, she was never brought back to Mile 2 Prison again to see her mother.

Sarata Jabbie said she believed that their release from the Mile 2 Prison was due to the help of the international organisations, the media and their colleagues at the GPU especially Ndey Tapha Sosseh who conducted lots of interviews. She also involved human rights organizations like Amnesty International and collaborated with other human rights journalists and the story about their **imprisonment** was all over the world. The witness explained that a renowned reporter for the BBC called Omar Fofana once visited her home and recorded her baby crying which was later played on the BBC program Focus on Africa. This had also an impact on their release as, according to her, Yahya Jammeh was a person who used to reverse his decisions when “the noise is too much”.

When asked to describe the **detention** conditions, the witness reiterated that the food was terrible and bad for the health. She mentioned that some prison guards were however nice and share some of their breakfast with her.

She remembered the case of one woman who had a **miscarriage** and was not **appropriately treated afterwards as there were no health facilities**. For her, Mile 2 Prison was **hell on earth**.

Sarata Jabbie explained that her **detention** had mainly a psychological impact on her. Throughout her detention she rarely slept and while she was physically there, she was mentally absent. It was also very difficult for her family even if they received support from political leaders like Lawyer Ousainou Darboe and Halifa Sallah who made frequent visits to her family home. She also mentioned people like Dr. Isatou Touray, the current Vice-President, whose group wrote an appeal letter to Yahya Jammeh on her behalf.

After her release, whenever she came across prison officers in public places she diverted her route. Even now, every time she thinks of this experience, it affects her because of the way her son's rights were violated "just because this guy thought he was this superman, he is everything, he took the law in his hand".

The witness explained that she continued to work with the Point Newspaper because her incarceration motivated her even more. At one point, Ndey Tapha Sosseh secured an invitation for her to a Human Rights Conference abroad. There she gave several interviews on the state of freedom of expression in The Gambia. She later realised that this could put her in danger as after her release Yahya Jammeh had said that "*when he is done with the journalists, they would know who he was*". She feared she could be arrested and labelled as ungrateful especially by Yahya Jammeh and considered that it was not safe for her to return. So, at the end of the conference she applied for asylum to join her husband and traveled to England where she is residing at the time of her testimony.

She concluded her testimony by thanking the TRRC for allowing her to share her story. She also addressed her journalists colleagues, especially females, emphasising that journalism is a noble cause and profession. As a journalist, one has to be strong and make sure to go by the rules and ethics and to not allow your enemies to make you relent whatever you want to pursue in life. She also advised the current government to understand that the media has a very important role in society, and should be granted respect as journalists are risking their lives to educate people and inform the general public. Female journalists and reporters should be considered as role models in the society.

PERSONS MENTIONED BY WITNESS DURING TESTIMONY:

Attack on freedom of expression and persecution of journalists:

Yahya Jammeh

Corruption of Justice

Justice Wowo



WITNESS NAME: Pap Babucarr SAINE

TRRC HEARING DATE(S): 18th July 2019

EVENT(S) DISCUSSED: Multiple arrests of the witness and the death of Deyda Hydara

POSITION BEFORE THE EVENT(S): Journalist, co-founder of the Point Newspaper and founding member of the GPU

ROLE DURING THE EVENT(S): Journalist, co-founder of the Point Newspaper and founding member of the GPU

POSITION AT THE TIME OF THE TESTIMONY: Journalist

SUMMARY OF TESTIMONY:

Pap Saine told the Commission that he began his journalism career in 1970 and explained the various training he received and the different media outlets he worked for, notably Radio Syd, Reuters News Agency, the Senegambia Sun newspaper, the Topic Magazine, the Gambia News Bulletin, he was also a contributor at the Radio Gambia, West Coast Radio. He was a founding member of The Gambia Press Union, GPU which was formed in November 1978. The witness said that the GPU was established to educate the public about the role of the press and defend media freedom. He explained that he founded The Point Newspaper with his friend Deyda Hydara on 16th December 1991. The date was chosen to match the birthday of Maria Hydara, the wife of Deyda. The witness also named some of the awards he received for his work for the freedom of press, notably in 2006 in Germany and 2010 in Austria.

Pa Saine explained that on 30th March 1995, he wrote a story - "Revolt at Mile 2" - about a prison riot. He was **arrested** on the same day together with two other journalists from The Point. He was **detained** at the Serious Crime Unit and then moved to the Major Crime Unit of the Police Headquarters, Banjul. He recalled that the Inspector General of Police, IGP at the time was Gibou Joof and the officers who arrested him were: Bai Nyass Bah, Babucarr Sarr (now Crime Manager at the Police) and one Keita (the witness did not provide the full name), who was Manager at Serious Crime at time of testimony and one Mister Diop/Jobe. Deyda Hydara came to the police station and said that since he was the editor of the newspaper, he should be the one to be **arrested** and Pa Saine should be released. But the police officers refused to let him go. The police officers asked about his source, which he did not reveal, and told him that his article was jeopardizing the tourist season, which was about to start.

The Point Newspaper, as well as all other independent newspapers, were banned from printing at the Gambia National Printing with immediate effect on that day. But Deyda Hydara made an arrangement with another company to print the paper. Pap Saine recalled that *"the guys were disappointed because they arrested us Thursday/Friday but Monday the paper came out in A4 size, in better form and they were surprised"*.

He explained that he was informed that he would be charged and spent four days under police custody. The conditions were not easy as there was no place to sleep, but according to the witness it was better than at the NIA. On Monday, all the religious leaders, Christian and Muslim, came in large numbers to the police to ask for the reason of the journalists' arrest. The three journalists ended up being charged with sedition and false publication and released on bail. He added that the trial lasted from April to September 1995 but they were acquitted following his lawyers 'no case to answer submission', as two security officers – including Babucarr Sarr - admitted that there had been a revolt at the prison. The only

officer who was against them was, Bai Nyass Bah who according to the witness wanted the journalists to be jailed. Some of the lawyers who defended them were Hassan B. Jallow, Ousman Sillah and Abdoulie Jobe.

When asked, Pap Saine said that he was not tortured and he believed that it could have been due to the huge support he received from the people in the community like the late Imam Ratib of Banjul Alhagie Abdoulie Jobe and many other elders. The witness said that after their acquittal, his two fellow colleagues went to the UK and the US. He was also promised a 10 years family visa for the US but he decided to stay with Deyda Hydara to continue the struggle.

Pap Babucarr Saine explained the day after his acquittal on the criminal charges, immigration officers who were led by one Saidou Camara came to The Point's office and demanded that he must go with them to the Immigration Headquarters. He said that time the case was about the security officers doubting his nationality. He managed to prove that he was Gambian and the next day, the immigration officers apologised to him and said that there was no court case. The witness stated that the instruction to question his nationality came from the State House and considered that this was just a tactic that had been used before against others, to **intimidate** him.

Talking about Deyda Hydara, Pap Saine mentioned that he was not only a friend to him but a brother, that he was "his everything". He described him as being very humble, very generous, encouraging the youth to be educated and was the voice of the voiceless. When asked, the witness said that Deyda Hydara never informed him personally of any threat. But people like late Babou Sowe and Suwaibu Conateh warned them to be careful as that the articles they wrote made "people talk too much" and referred to the killing of Omar Barrow in 2000¹³. They advised them to go home before 9pm. But Deyda Hydara believed in his job and loved it. He sacrificed his life because he was always ready to fight for press freedom.

Two days before Hydara was killed, the members of the Parliament had enacted the Media Review Commission Bill, which Deyda Hydara had criticized vehemently and had written many stories about.

According to the witness it did not come as a surprise when Yahya Jammeh's government killed Deyda Hydara "because for them he was a target, he was the one who was educating the public about their corruption and other things."

The witness recalled that on the evening Deyda Hydara was murdered - 16th December 2004, on the 13th anniversary of the creation of The Point- he was expecting him to preside over the marriage ceremony of his brother. After the reception at the Point, Pa Saine waited for Hydara until 11 pm and tried to reach him many times but his phone was off.

When Saine came home around midnight, his wife told him that his secretary had called many times. He called her back and she told him that she heard that Deyda Hydara got shot. The witness explained that he fainted. He also remembered that that morning Deyda Hydara had not been normal as he used to be. According to him, Deyda said that 13 is an odd number and he was wondering whether to celebrate the anniversary or not. But the discussion was adjourned because the US Ambassador came to the office to speak about the Media Review Commission Bill.

Immediately after learning about the death of Deyda Hydara, the witness went to the Edward Francis Small Hospital. On the way he got a call by Sam Sarr and Halifah Salah and told them that he would keep them updated. At the hospital Pa Saine saw a pick-up carrying Deyda Hydara's body. "I was crying, crying, crying". He saw that he had been shot three

¹³ Omar Barrow was killed during the student protests in April 2000.

times. There he was warned by a nurse not to go to the mortuary as it could be dangerous for him. He spent the night at the hospital and went to the office in the morning, where some people were not yet aware of the **killing**.

The witness explained that Nyang Sarang Jobe and Ida Jagne both staff of The Point were in the car with Deyda when he was shot. Both of them were seriously injured and were taken to Dakar for treatment.

On the 21st December 2004, Pap Saine was summoned at the Police Headquarters in Banjul. Aziz Bojang, who was the public relation officer, PRO of the police, said to him that they wanted to interrogate him about Deyda Hydara's death and asked him if he knew the killers. The witness responded that he did not. He was interrogated the whole day, from 10 am to 6 pm. The questions centered around his relationship with Hydara and even his potential involvement: if he had problems with Hydara, if Hydara had had problems with money, if he had received threats.

The following week, Pa Saine was called by the NIA and when he came, he was interrogated by Lamin Saine (now retired), who he knew very well as he used to come to The Point's office and Deyda Hydara used to help him to write his book and generally assisted in many things. The witness was released after a few hours but was told that the NIA later called other staff members such as Mary Banky Njie to question them. The fact that Lamin Saine was working at the NIA as an investigator came as a big surprise to all of them as they had a friendly relationship with him and he frequently came to the office. They also found it strange that he was the one in charge of the investigation.

Pap Saine said that he and his colleagues were "disappointed about the report" that was published in April 2005, because Lamin Saine had "wrote what he wanted" and made serious allegations against Deyda Hydara that were not fair. The witness explained that these unfair allegations were repeated before the ECOWAS Court in June 2014 before the judgment. He

then said that in March 2017, the new government issued arrest warrants against two main suspects: Sanna Manjang and Bombardier¹⁴, who had fled. According to the witness, it is a fact that the Junglers – "Jammeh's guys" – who **killed** Deyda Hydara, there is no doubt and no-one can dispute that.

When asked how he felt about Jammeh's government own investigation, Pap Saine responded that it was a fake because the investigation had not been credible. But at the time, the journalists could not challenge the findings publicly as they would be killed. He refuted the fact that Deyda Hydara had extra marital relationships with the ladies he offered lift after work.

At that point, Pap Saine called on the current government to reopen the investigation in the murder to know what happened really.

Pap Saine stated that he suspects that they were two reasons for the killing of Deyda Hydara by Jammeh: his "Good Morning Mr. President" column which was based on research and was a compilation of people's opinions about the President but Yahya Jammeh never wanted to be criticized, as well as his stance in challenging the Media Review Commission Bill that Jammeh was adamant to see enacted.

At this point, Pap Saine explained the content of this draconian law which established a commission of 11 members, which had the power to ban journalists from doing their work for one year and close down media houses for 18 months. This was the reason why Deyda Hydara, Yoro Jallow, Demba Ali Jawo, Sam Sarr and others sued the government. They were advocating for free press.

The witness explained that after Deyda Hydara's death, they closed the paper for more than three weeks as friends and family advised them not to pursue this profession.

¹⁴Kawsu Camara.

But people like **Demba Ali Jawo** and **Maria Hydara**, the widow of Deyda Hydara, told him to continue the job **“to make Deyda happy”**. This comforted him to reopen the paper, which was not easy.

Explaining what led to his February 2009 arrest, Pap Saine said that his newspaper published a story ‘Gambian Diplomat Lamin Sanyang Arrested.’ Commissioner Ceesay (the witness did not recall his first name) of the Serious Crime Unit told the witness to come to the police as he was the publisher of the article. Once at the police, Pap Saine did not disclose the name of the author of the story, nor its source and wrote a statement indicating that he was taking responsibility for its publication. He was held at the police station for 11 hours but said that he had not been maltreated. He assumed that this was because many officers admired his sports’ reporting and therefore would not harm him even when told by their superiors to “pin him down”. Ndey Tapha Sosseh¹⁵ and other colleagues came to the police to support him and ask for his release. He explained that he was granted bail that night because of his health condition but was charged on 3rd February 2009 with false publication and taken to court. When asked what aspect of the article was considered “false information” by the authorities, Pap Saine explained that the police told him that while the diplomat had indeed been arrested, he was not detained at Mile 2 as stated in the newspaper but at the NIA.

Pap Saine explained that three months later Lamin Sanyang - the diplomat who had been arrested- wrote an apology letter to the president, which was broadcasted on Gambia Radio and Television Services, GRTS and was published in the Daily Observer, recognizing that he had misused funds and had been arrested. Therefore, the charges against the witness were dropped.

The witness said that he was re-arrested on 3rd March, 2009 and detained for two days, this time because he

was accused of obtaining false document in regards to his Gambia nationality. He provided all necessary documents to justify his citizenship. Despite this, according to him, the then IGP Ensa Badjie known as “Jesus” told the policemen *“you must make sure that he will be jailed”*. Pap Saine said that he heard from different sources, that Ensa Badjie pressured the two witnesses in the case - Dawda Leigh, head of the Birth Certificate Unit at the time and Ebrima Correa, head of the Aliens Documentation Unit- to give testimonies against him. According to the witness’ reliable source, the two men told Ensa Badjie that his citizenship had been proved beyond any doubt and refused to tell lies. Ensa Badjie reportedly threatened them saying that if Pap Saine is released they would face consequences and be sacked. Thanks to this and to the good work of his lawyers, the witness explained that he was acquitted and discharged on the 15th June 2009.

Pap Saine noted that **Ensa Badjie** had a **“special hatred”** against him and kept **arresting** him and charging him and promised the authorities that he would make sure that *“I would leave the job”*. The witness was informed about this by a close aid of **Ensa Badjie**.

Pap Saine explained that at this time he was not only working for The Point but was also a correspondent for Reuters and for Reporters Sans Frontières, RSF an international organization working to defend press freedom, updating them about each arrest of journalists in The Gambia.

The same day he was acquitted – Monday 15th June 2009- and as he went back to The Point’s office, Pap Saine received a call and was told that he had to report at the NIA. At his surprise, at the NIA he was informed that he was arrested, this time in relation to

a GPU's press release concerning Deyda Hydara. Other colleagues were also arrested: Ebrima Suwaneh, news-editor at The Point, Pa Modou Faal, second-editor at The Point and also a member of the GPU, Sam Sarr, Sarata Jabbie of the Point, the photographer Saidykhan and Emil Touray

The NIA told them that the press release was the work of The Point, Foroyaa newspaper and the GPU and therefore all of them had to answer questions. They called them one by one into a room for interrogation accusing them of alleging that it was the President who had killed Deyda Hydara. The witness explained to the NIA that the press release had been signed by the President of the GPU Ndey Tapha Sosseh and that she was out of the country. He noted that while some provided the NIA with a statement, some refused, such as Sam Sarr.

When asked who questioned them, he responded that there was a panel and that therefore they were many. He identified Alhagie Morr Jobe and a woman called Saffie Njie (late) but could not remember the names of the others and does not know if some of them were from other security branches. Pap Saine explained that they were detained for four days and were not given any food and not allowed any visits, including from their lawyers. He explained that they had to spend the nights at the reception but could not sleep as with every noise they expected the junglers to come *"for them"*. The room was also full of mosquitos preventing them from sleeping. During these four days, they were questioned three times a day and the witness recounted that he was forced to open his emails. The also asked him to hand over his phones but he had not brought them along. However, he was not tortured nor maltreated. He reiterated that he might have been given a special treatment because many saw him as *"their star"* because of his sports' reporting.

Responding to the question if his family members knew if he was **detained** at the NIA, he explained that they did because his father's compound was not far from

the building and added that their arrest – the arrest of seven journalists – was broadcasted worldwide. Reuters especially *"hit it hard"*.

On the fourth day, on Thursday, the witness explained that they were taken to the Kanifing Magistrate Court and were charged with sedition and false publication. Pap Saine said that they brought them to the court around 4pm, almost at the close of business to avoid that the journalists could call their lawyers. On the way, he asked some of the staff to call The Point to inform them that they were being brought to court but the security officer warned him *"if you do so, you will regret it"*. The judge at the court, Seynabou Ceesay remanded them to Mile 2, which meant that they would have to be in detention until the next Monday.

Pap Saine explained that the remand wing at Mile 2 was *"very bad, congested"*, but he was lucky again because some people recognized him there and one detainee gave him his mattress and *"fanned"* him because of the heat. The families were allowed to bring them food and soap. However, they were not allowed to contact their lawyers.

He explained that the case was then transferred to the High Court and they had then access to their lawyers.

The conditions for the **bail** were increased and in order to be eligible for it that had to have **two Gambian citizens as guarantors** and they should each **possess a house worth four hundred thousand dalasis**.

Here again the witness said that they were lucky because some people, sometimes not even related to them, sympathized with them and *"signed for them"*.

¹⁵President of the GPU.

When asked, the witness remembered that Justice Wowo revoked the bail and sent again to the remand wing of Mile 2 before being again granted bail.

Pap Saine explained that while Saidykhani was discharged the other six accused were jailed on 6th August 2009 to two years of imprisonment and to pay a fine of 1 million dalasi each. They were taken to Jeshwang Prison, which turned out to be a good thing, but at first they were alarmed because when they were told that they had to leave Mile 2 they feared that they might be killed. The witness said that the conditions of detention were better at Jeshwang prison than in Mile 2, even if the food was equally bad. The families of the journalists were allowed to visit once. After 27 days, they were pardoned by the President on 3rd September 2009 during the Ramadan.

Describing the impact the multiple arrests and detentions had on him, Pap Saine said that it affected him in many ways. First of all, his health deteriorated and he had to get heart surgery twice in the United Kingdom. He also explained that the situation had traumatized him because he had to appear in court almost every day, sometimes up to three different courts the same day, which he reckoned was done to him “just to frustrate me”.

His family also suffered and asked him to retire. But he said that he told them that “God is great” and explained that Ensa Badjie was himself arrested on 2nd March 2010 (one year on the day after the witness had been arrested) and that Justice Wowo was later remanded and sentenced to two years. The harassment he faced had also financial consequences: he had to pay for the heart operations and for his five lawyers whenever he was trialled, acknowledging that they were giving him very reasonable fees and that he got external financial support.

Speaking about the “impasse,” he recalled that on 18th January 2017, the day Jammeh was supposed to leave

office, he received a call from a security source urging him to avoid spending the night at his home because the authorities were “ready for him”. He explained that this was because he was publishing information about some states recognizing Barrow as the new President. The source told him that the members of the political coalition that won the elections as well as the Senegalese and Nigerian ambassadors were also targets and Jammeh was ready to kill them “one by one”. Pap Saine first took it as a joke but decided to still take refuge at the Baobab hotel where the regional director of Reuters was staying. He too, received a call the following morning, informing him that people were coming to the hotel for them. They went to the Senegambia hotel for a few hours. On 19th January 2017, the ECOWAS military intervention in The Gambia (ECOMIG) entered the country and he felt secured.

Asked about any recommendations he might have regarding the reform of the media sector, Pap Saine expressed his concerns about the fact that the new government has not abolished the draconian media laws. He mentioned that another issue is threatening the media houses in the country even more: the fact that the government is not paying its debts to the newspapers, putting them in an extremely precarious financial situation. Even more so because the tax on the media is still as high as under the Jammeh regime. He expressed his disappointment as he had expected the Barrow government to make changes to improve the working conditions of the press.

He called on the TRRC to make recommendations to the government to ensure that there is a vibrant press in the New Gambia and warned that the situation was deteriorating every day, stating that “we are crawling, we are dying”.

He also advised that there should be better training for journalists at the university because it is difficult to find qualified journalists. Pap Saine highlighted the fact that the press and the government are partners in development as the press is educating, informing and entertaining the people.

He also called on the TRRC to introduce local languages in their public hearings' broadcasts because most of the Gambians do not understand English and have complained about the fact that they do not know what is happening at the Commission.

He praised the work of the Commission for exposing human rights violations and said that “those people should go on leave for the time-being as those killers cannot be around”.

Responding to questions and comments from the Commissioners, Pa Saine said that he believes that the junglers were coming from the State House and were working for Jammeh 24h/24h. That's why he and his colleagues were so worried when they were detained at the NIA. He said that the existence of junglers is a fact and that some of them are currently in detention. He explained that even lawyers were threatened and eliminated and that lawyers who defended him were warned not to do it.

The Commission then congratulated all journalists for the vital role they played in getting Yahya Jammeh out of the country and in protecting every Gambian and recommended that a fund be established to support journalists. Commissioner Sey commanded the witness for his perseverance and the love of this profession.

In his concluding remarks, Pap Saine thanked his family members, his friends and his staff for all their support that they had given him during the 22 years of the Jammeh area. He explained that at the time it was even difficult for journalists to rent a house because the owners were afraid of the consequences.

PERSONS MENTIONED BY WITNESS DURING TESTIMONY:

Extrajudicial Killing

Yahya Jammeh

Corruption of Justice

Ensa Badjie also known as Jesus

WITNESS NAME: Alieu Badara SOWE

TRRC HEARING DATE: 22nd July 2019

EVENTS DISCUSSED: Persecution of journalists, unlawful arrest, detention and torture of the witness

POSITION BEFORE THE EVENTS: Freelance Journalist

ROLE DURING THE EVENTS: Reporter for The Point Newspaper

POSITION HELD AT TIME OF TESTIMONY: Living and Working in The United Kingdom

SUMMARY OF TESTIMONY:

Alieu Badara Sowe, an award-winning investigative journalist who got into broadcasting in 1990 at Radio Syd told the Commission that when the military took over the country, journalism changed forever in this country. He said that when the Junta came, they banned all political activities with Decree Number 4 followed by Decree, Number 45, the National Intelligence Decree most of the politicians were locked up and those that were out went on what they called a political holiday. He stated that the media was literally doing its job as well as what should have been done by the legislature.

When asked about his personal experience with the regime as a journalist, the witness said he had lost count of the number of times he was locked up for trying to do his job.

He stated that their troubles at The Point Newspaper with the Junta started about eight months into the coup in March of 1995, when they published a revolt that took place at the prison. He said there were two stories, a front page story authored by Pap Saine, co-editor and publisher at The Point Newspaper and a back page one by Ebrima Ernest and the witness.

He said the day the stories were published, Pap Saine was to travel to Cameroon at the time with Ebrima Ernest to a UNESCO conference but his wife called the office to say that his check-in time at the airport was about to close and expressed concern that she could not reach him on the phone.



The witness said he was at the office with Deyda Hydara when the call came and they had a nagging feeling it might have to do with the stories they published and decided to check at the police station.

Upon arrival at the police station, the witness said they were informed that Pap Saine was at the Serious Crime Office and that is where they found him. He had been stopped and **arrested** by the police and they were looking for him (the witness) and he too was **detained** at that point.

The witness said Deyda Hydara tried to negotiate with the police for him (Deyda Hydara) to take Pap Saine's place so he could attend the conference in Cameroon but they refused. Deyda Hydara was asked to go and bring Ebrima Ernest, which he did.

When Ebrima Ernest came, the three of them were **detained** in the serious crime unit office. He said they had a feeling their **detention** was in connection with their stories but nobody told them why they were there nor was their rights read to them. He said they spent the night on the floor on cardboards that night and the second day, they were allowed access to their families and food from their families.

At the Serious Crimes Unit Office, the witness said he managed to write a story about the investigations into a homicide that was going on while they were there and when Ansumana Badjie came to collect the food basin, he was able to sneak the story out and this was published on a supplementary issue, which carried out arrest as well. This did not go down well so they moved them from there to the Banjul Police Station where they were locked up in the jail

with about a dozen people, some burglars, murderers all kinds of people. The witness said they were there for four days before they were released and charged without access to a lawyer.

Answering questions about the condition of the cell, the witness said that the cell was tight with no room to sleep in. Detainees took turns to sleep; they were not allowed to shower; were escorted to use public urinary of the building and they never allowed to change clothes or anything like that.

He said they were questioned about their stories and wanted to take a statement from him which he refused to give but understood that Pap Saine and Ebrima Ernest gave statements. They were charged with the publication of false news with the intent to cause fear and alarm to the public and taken to court.

He said they were tried at the Banjul Magistrate Court and that Alhagie Assan Jallow, the Chief Justice at the time of the testimony came forward to represent him free of charge for the entire duration of six months of the trial while Ousman Sillah represented Alhagie and Abdoulie Drammeh represented Ebrima Ernest and Pap Saine respectively.

The witness explained that during that trial, they called a lot of prosecution witnesses, including one witness by the name of Lamin Jatta with a personal vendetta against him (the witness) and who was in prison because of fraudulent activities he (Jatta) was involved in during the early days of the coup which he (the witness) investigated and exposed leading to his imprisonment.

At the end, a no case to answer was entered and upheld and the Principal Magistrate at the time Christopher Onior ruled that what happened at the prison was even more than what they wrote and published.

He said that soon after their release, he learned that the immigration authorities went after Ebrima Ernest to deport him. Out of concern for his safety, the Gambia Press Union, GPU took it upon itself to take Ebrima Ernest into hiding while negotiating with the American Embassy and the British Embassy to get him evacuated here safely. Eventually, the American Embassy told

them that if they could get Ernest out of the country to Senegal, they would issue him with a visa to go to the States, which they did.

The witness went on to explain how a day after their **arrest**, the government imposed a **ban** on the printing of private newspapers by the government printer following the publication of their arrest and the murder case which he wrote about while they were held at the police station.

The witness recounted another time he got **arrested** in May of 1996 with another reporter from the Daily Observer, Bruce Asemota, a Nigerian. He explained he had written a story about the Inspector General of Police summoning the Commanding Officer of the Fraud Division of the police over two thousand two hundred US dollars that was kept at the Police Headquarters as exhibit but went missing in April and about a week later, Bruce wrote a story about police heads being reshuffled and some officers being reassigned as a consequence of what he (the witness) had published the previous week.

He said police officers came looking for him, telling him he was wanted at the Bakau Police Station and he went with them followed by Deyda Hydara and reporter Ansumana Badjie.

When he got there and after a brief conversation on the phone, they asked Deyda and Ansumana to leave. He was **detained** for a few hours before being driven to Banjul Police Station. The witness said he was not told of any reason for his arrest, his rights were never read to him.

He said that in Banjul, he was taken to the Inspector General of Police's Office who was F.R.I. Jammeh. He said the Inspector General, who believed the source of his story was someone from his office, tried to get him to divulge his source which he (the witness) declined as a matter of professional principles. He said the Inspector General then asked his officers to lock him up as he was not cooperating.

The witness explained how he was routinely interrogated on a daily basis from there, trying to get him to reveal his sources. He said he was

interrogated by the Assistant Superintendent of Police Officers about four or five other including ASP Lamin Jobarteh (who was later appointed Minister of Justice) and ASP Pa Alieu Jawara.

The witness told the Commission about how they were persistent in trying to get him to reveal his sources not caring about the fact that what they were asking for contravened the United Nation Declaration on Human Rights Article 19, Article 19 of the International Covenant on Civil and Political Rights and Article 9 of the African Charter on Human People's Rights, all rights instruments that were signed by the Gambia government. He said they did not care about the law or used logic but were out there just to **intimidate** to get what they wanted.

The witness went on to explain that a couple of his sources were in fact among the team that were interrogating him and how they would come at night and sneak in proper food for him and told him what the next move was going to be because they knew if he talked they would be in serious trouble.

The witness said he was **detained** for about two weeks without being charged under horrendous conditions with a dozen people packed in one little room, body odour and mosquitos biting them day and night.

He said they were only released on a bail bond of twenty five thousand dalasis with the help of The Point Newspaper Management who worked on his release and secured his bail and Bruce Asemota was released later through the intervention of the Nigerian High Commissioner.

As a condition to his bail, the witness said he was asked to report to the police station on a daily basis and when he did, they kept him there the whole day until the end of the working day and then asked him to go home and come back the next day only to repeat the same. He said that at one point, he was thrown into the cells when he reported despite him explaining to the officer on duty that he was on bail and had not broken his bail conditions.

The witness went on to tell the Commission that they continued to face **harassment** and intimidation from the police but they also gained the trust of a lot of

police officers who were willing to give them more information. This led to more harassment and **threats** from the police including threatening letters on their door steps or comments at the police station that eventually became too much and in the end they left the country and went into exile in Senegal.

He said they left their families behind and lived in the streets in Senegal for five to six months without any source of income. They received help from family members based in Dakar who provided them with a place to live and food.

He explained that as the breadwinner in his family, there was no money going to his house during this period although at some point, the Citizen FM Manager gave allowances to his mother.

He further explained that they had financial assistance from the Committee to Protect Journalists but this was sent to Banjul through the GPU and without a proper channel to get the money to them in Senegal, they decided to sell their possessions to pay for their way back home rather than stay in Senegal and suffer. He said he returned to The Point Newspaper.

Witness Alieu Badara Sowe recalled another arrest in 1997 after another prison riot which he covered for The Point Newspaper. He said Alhagie Yoro Jallow, then also covered the story for the Daily Observer Newspaper and got arrested as well. He said they were detained for four days at Kairaba Police Station under the same conditions he explained earlier, the only difference being that this time they were not charged or taken to court.

The witness recalled reporting for work one September morning at the Daily Observer and was told by Sarian Ceesay, the then managing director of the newspaper that Sheriff Bojang, the Editor-in-Chief has just been picked up by the National Intelligence Agency, NIA officers and that they are looking for him. He said they explained that it has to do with the story he wrote that was published that morning caption "Shooting at Kanilai".

He said that on arrival at the NIA offices in the early afternoon or late morning, there they asked Sarian to leave and ushered him into a room that looks more

like a conference room with big table surrounded by chairs and was asked to sit. He said no one spoke to him the whole day. Near the end of the day, he turned to the man at the corner and asked if they were waiting for someone and he just looked at him and said *“if you value your life you would be here”*.

He said that about 6:00 in the evening, **four or five men** came into the room they made him **undress to his underpants** and escorted him whilst **tormenting** him with derogatory words to a little room where they locked him up without any word, without reading him his rights or telling him why he was being **locked** in there.

He said the room he was locked in measured about 1.52m with a peep hole facing the sea and another at the front for the guards to keep an eye on him. The walls were spread with what appeared to be blood and one could tell somebody was tortured there and the floor damp with a lot of crawling things and mosquitos. He was brought a bucket for when nature called. He said they expected him to sleep on the floor and the bucket was never emptied.

At 3am, the same men came and took him to the place that looked like a conference room but this time their mannerism told him they were drunk and he could smell alcohol. He said the men were there to intimidate him to know who told me the story he wrote about Kanilai. They had **guns** and were banging on the table and at some point he thought they going to torture him physically because of their movements around him when they were asking questions, some walking behind him and knowing the horrific stories one heard about these people, you just do not stand there and be comfortable with that.

When asked to expand on the story about the shooting, the witness said they got information that Yahya Jammeh was moving arms to Kanilai and the

Senegalese authorities got the information and were concerned that some of the arms might end up in the hands of the rebels in Casamance so they set up surveillance by the border to Casamance. On one occasion, they flew a helicopter over Kanilai and zoomed in the area and the soldiers on the ground started shooting.

He said their concern was the source of the story and that they were particularly angry at a paragraph in his original script that purported that when the shooting started, Yahya Jammeh went into hiding for hours and they were looking for him but did not know where he was even though that paragraph was not published. He said they believed he was trying to make Yahya Jammeh out as a coward to the whole world. They also said that they released Sheriff Bojang because he exercised responsibility in editing that aspect of the story out.

He said they told him that Sheriff Bojang gave them his original script which he was not happy about but later he learned that he did so out of fear and under pressure although Sheriff Bojang later became the Managing Director of the Observer which they all knew belonged to the regime and not Amadou Samba. He said Sheriff Bojang later became a minister as well.

On the third day of his **detention**, he said they became very sweet to him and asked if he could work for them undercover and they have a couple of journalists in their books that they paid them wages at the end of every month and they carried on working as journalists. He said he told them it was not money that brought him into journalism and he was not interested in being part of that list of journalists who would be doing that kind of work. He said he told them he had very trusted people in high places who relied on his integrity. The next day he was released. He said they asked him to wear his clothes and to tidy up himself because he came in a smart suit and they wanted him to go that way but he told them he was leaving the way at that time and he called Sarian to come and pick him up.

The witness explained that the interrogations took hours starting around two to three am and they would

not ask you anything sensible. They were not there to investigate anything but were just there to intimidate and annoy and make one's life hell.

He said he was held **incommunicado** and did not sleep at all nor did he eat anything because he was warned not to take any food given to him in there by an insider as they could poison him and he could die leaving the place so he chose not to eat anything. He said he was not given an opportunity to shower either. The witness said he was never charged with any offences for that arrest.

The witness went on to recount another incident on December 31st 1999. He said he decided to take a stroll to surprise a friend that lived around the corner from him and on the way he saw police activities and decided to investigate what was happening but when he got there, the police and Paramilitary bundle me up and threw him at the back of a pickup and drove to Kairaba Police Station where he was locked up in the cells.

He said they knew who he was because when he got there, they were cheering happily that they got that journalist Alieu Badara. Later, he said he found out that they were rounding up illegal migrant. He was made to spend his New Year and birthday at the station and was released on the 2nd of January. He said he was not charged with any offence but was asked to report the next day or so for a couple of days and that was it.

Alieu Badara Sowe said he published his story in the Daily Observer Monday Edition with the headlines "Alieu Badara's New Year Blues" and gave a detailed account of all the treatments they were meting out on people that were detained at Kairaba Police Station including somebody groaning, blood pouring out of his mouth and inmates in the next cell shouting to the police to help out but they just let him bleed until he died and how they **dragged** people out pouring water on them, picking people, beating people with their truncheon.

When asked to recount the events that led to his sacking from the Daily Observer, the witness recalled that he was informed that the Daily Observer had changed hands from Kenneth Best to Amadou Samba when he returned from a month long training in Cairo, Egypt,

is a long month program. He said morals were rock bottom and that the news editor who they all trusted and known as a very independent person, Demba Ali Jawo was the first casualty who got sacked. He said Dr. Baba Galleh Jallow, then the Editor-in-Chief of the paper resigned in protest. He said he wanted to leave at the time but Sarian Ceesay reassured me that his independence as a journalist would be respected and there would be no interference in his work.

However, as things were going, most of them felt that was far from the truth. He said he got offered a job by the Independent Newspaper but he got promoted to a sub editor at the Daily Observer and got reassurance that his independence was still being maintained and the paper so I just carried on working.

In the interim, he was asked to cover the political impasse in Guinea Bissau. He said he travelled with the then Gambian Councilor General, Mamar Taal. While in Bissau, he took the opportunity to conduct a vox pop in Bissau with the Gambian national living there, a decision that the Councilor did not seem very impressed with when he asked for his reaction. He reminded him that he was there to cover Nino Vieira and Ansumana Manneh's problem and not Gambians in Bissau.

He said he told the Councilor that he intended to publish the story and the next day was asked to move out of the Councilor General residence and was taken to a run-down bed and breakfast in a flimsy part of Bissau.

Upon his return to Gambia, the witness said he was invited to dinner by the then British High Commissioner, Tony Milson who was a personal friend of his to discuss the situation in Bissau. While he was having dinner with the High Commissioner at a restaurant, Amadou Samba walked in, tapped him on the shoulder and told him he would like to see him.

A week after that meeting, he said he was called by their Managing Director Sarian Ceesay telling him that Amadou Samba said he did not hear from him. He responded that Amadou did not give him a number to call and he did not think that it was that important as Amadou knew where to find him.

He said he went about his work but was called a few days later by Sarian to say he was asked to sack him but because he was a good reporter and he had no reason to sack him. He said he told him the Observer would continue paying his salary to which he responded that that it appeared he was trying to buy his silence, that it is either he is working or not working. The witness said that on the second day, he got a letter written and signed by Sarian Ceesay terminating his services with immediate effect in the interest of both parties.

The witness said that he believed the regime was behind his sacking because there was no doubt that the newspaper did not belong to Amadou Samba and following the first significant sacking of a well respected news editor, they brought in Ngange Thomas, a known die hard Alliance for Patriotic Reorientation and Construction, APRC supporter as editorial adviser.

He said it was a pattern that they would **sack** those who were critical of the government or suspected to be **critical** of the government; those who do not allow themselves to be used by the APRC such as Pa Mderry M'bai.

After his dismissal, he said he took a holiday to go to the United Kingdom, UK and decided to stay there. He said when he left, his wife was six to seven months pregnant and his daughter was born in his absence.

He was gone for **ten years**, time that he did not spend time with her. **He said his daughter sadly died when she was fourteen.**

While in the UK, he came to realise there were more trained Gambian journalists living there on self-imposed exile or forced to leave the country and they ended up setting up a sub union of the Gambia Press Union to support the union in the Gambia. He said they used to launch protests on human rights abuses against journalists and also petitioned over an investigation into Deyda Hydara's death.

He said they also supported journalists that were in trouble in the UK knowing that if they were sent back, they would be given even more trouble.

Talking about the impact his experience had on his family, the witness said it had a huge impact mainly on his elderly mother. He said every time he was **arrested**, it was like a funeral at home, with pressure on her to tell him to stop his job before he ended up getting killed and that tormented her. He said it got to a point where she said she did not want his money if he carried on his job.

He said that while this did not deter him, it carried a lot of weight as in the Gambian context, parents are valued. He said it also affected his son who was clingy, always watching and checking on him. He did acknowledge that the good thing that came out of this was the opportunity for his son to read law in Nigerian, which he would probably not have been able to do for him.

He said that being put in **degrading situations** and treated **inhumanly** as if he was trash just trying to do his job as a journalist was **mental torture and psychological trauma.**

When asked how they could go about creating an opportunity for journalists to be provided for when they found themselves incarcerated or detained or without a job, the witness drew attention to the fact that journalists get paid for stories they write, which carries the danger of going for any story just to get money to survive and when journalists are detained and they happen to be the breadwinner of their family is not only the psychological trauma of them being in custody, it is also about worrying about their family outside how are they going to survive, how are they going to live and there tends to be a culture in the freelancing industry in this country.

The witness said that freelance journalists are able to write for any newspaper they want but in Gambia, if you want your story published, you have to owe loyalty to one media outlet so one is always at the mercy of

that media outlets. He said there should be a provision that somehow if you retain a freelance journalist just reporting for you then there should be a retention fee to get them going when the need arises. He suggested the GPU go a bit further in getting a fund that would be put in place to help journalists in distress and mostly their families as well.

He further stated that the establishment of the TRRC was a proper good start in the right direction. In so doing, he thought also this went to both witnesses, victims and perpetrators the starting point is being honest with ourselves because if you don't know the truth or we come here and deceive this august house, there is a likelihood it would be a futile exercise. The only way we can get somewhere is for people to come forward victims and perpetrators be honest with themselves, be truthful to this Commission and hopefully there will be a better Gambian, a Gambia where you can go about doing your work without worrying about being **killed** or **vanishing overnight**.

PERSON MENTIONED BY WITNESS DURING TESTIMONY:

Arbitrary arrest

F.R.I. Jammeh



Photo: Jason Florio

In 2005, over 56 migrants were forcibly disappeared and killed by the Junglers under direct orders of Yahya Jammeh. Sarah Boadu holds a photo of her father Richmond Boadu who was one of the migrants killed.



WITNESS NAME: Malick JATTA

TRRC HEARING DATE(S): 22nd July 2019

EVENT(S) DISCUSSED: Structure and organisation of the Junglers/Patrol Team; Killings of Dawda Nyassi, Ndogo Mboob, Deyda Hydara, of 56 West African migrants, of Haruna Jammeh, of Daba Marenah, Alpha Bah, Ebou Lowe, Alieu Ceesay, Manlafi Corr, Masi Jammeh and a woman called Julia as well as the death of Musa Jammeh and Tumbul Tamba

POSITION BEFORE THE EVENT(S): Soldier in the Gambian Armed Forces and member of the Junglers/Patrol Team

ROLE DURING THE EVENT(S): Participated in the killings and torture

POSITION AT THE TIME OF THE TESTIMONY: Soldier in the Gambian National Army – in detention

SUMMARY OF TESTIMONY:

Malick Jatta explained that he joined the Gambian Armed Forces in 1996 and gave the Commission a summary of this career including the trainings he went through, such as the Libyan Commando Training at State House in 2001. He was first working at the Gambian Armed Forces Training School but was later transferred to the State House in 2001. He became a commando instructor.

He explained that a first batch of the commandos had been trained in Libya. He was part of the second batch that was trained in The Gambia. He said that this was

because the relationship between The Gambia and Libya deteriorated and Libyan instructors were asked to leave.

After the departure of the Libyans, all the trained commandos that used to be attached to the Libyans were deployed to the State Guard, commanded by Major Halipha Bajinka. After “some time there”, the command decided that all the “Libyan Gambian” experienced commandos were to be deployed to Kanilai as the Yahya Jammeh’s home base security guards. After nine months in Kanilai, the State Guards went back to base in Banjul.

The witness explained that the State Guard is a battalion that was responsible for the protection of Yahya Jammeh and his family. Other duties included securing certain guard posts in the entire country such as for instance the Denton Bridge. Malick Jatta mentioned that State Guards were also asked to work on “projects” of Yahya Jammeh, like in a store in Banjul where he used to keep rice and other goods. State Guards were also ordered to rear Yahya Jammeh’s cattle. *“Sometimes, the job was very tedious. (...) a soldier, it is not meant for securing an individual project like that cattle rearing and sometimes taking care of his gardens.”*

Malick Jatta explained that he and Alieu Jeng were deployed to Kanilai again, to the Patrol Team, led by Tumbul Tamba. Upon their arrival they were told that their duties were to observe the border and protect the Gambian people and the Gambian territory from the incursion of the rebellion taking place in Casamance. When asked, the witness explained that from then on, whenever the commander would talk to them, he would always mention *“you have to always remember the oath of secrecy and you have to always remember the oath of allegiance.”* Malick Jatta explained that this meant the oath of secrecy and allegiance that each soldier is subjected to upon enlistment and that there was no *special* oath of secrecy or allegiance that the members of the Patrol Team were made to go through. But he acknowledged that they were reminded “frequently” about their obligation to maintain secrecy and ensure their allegiance to the state.

When asked what he understood about this obligation to ensure secrecy, he explained that there is a rule in the army saying “*what happens in the field, stays in the field*”. The witness explained that he only realised what was meant by “secrecy” after the first operation he was asked to participate in, when the commander Tumbu Tamba told them not to discuss the events with anyone not even amongst themselves.

Regarding the composition of the Patrol Team, Malick Jatta said that when he and Alieu Jeng were deployed to Kanilai, Tumbu Tamba, was the commander while Sanna Manjang, was a second in command. Initially, Solo Bojang was only observing his duties as a farm attendant. He was later involved in some of the operations and became second in command. So, in total, at that point there were five members in the Patrol Team.

When asked if there was another Patrol Team in Kanilai, he explained that later on other Patrol Teams were created but at the time – during his initial nine months stay in Kanilai - there was a group that used to go on patrol, but the witness said that he did not know what functions they had.

When asked if he knew a group called the Junglers, he responded that this was a group trained by an Italian national by the name Francisco Casio. They were based in Kanilai and were conducting most of their duties around that area. He only knew them by this name and explained that the name “Black Black” was the name given primarily to his Patrol Team and that it was used during the 2006 foiled coup plot. From “Black Black” the name became “The black scorpions”. According to the witness it was after his departure from the Patrol Team that the group started to be called the Junglers.

When asked, he explained that to his understanding there is a difference between the Junglers and the Patrol Team. In his views, the Patrol Team was a deployment and it was comprised of different sets of training, which included the counter terrorist unit, the commandos, and some with jungle training experience (thus the name “Junglers”). The witness claimed that he did not know the modus operandi of the Junglers because he had not trained as one.

Malick Jatta explained that the primary function of the Patrol Team, which later became the Junglers, was to observe the border but that some operations were “abnormal”. When asked if these abnormal functions were the same as the ones of the Junglers, namely carrying out **extrajudicial killings** and **executions**, the witness responded positively. At this point Malick Jatta explained that when he joined the army, he did not do it for “what I was put into”. He had only consented to serve his people in the right course. But when he joined the Patrol Team, there were many manipulations of subordinates by commanders, and he later realised that what they had told him was a lie.

He explained that in the army, there is a chain of command and four fundamental values for a soldier: 1. You have to owe loyalty of the ideals of the Nation; 2. Owe loyalty to the ideals of the army; 3. To the ideals of the commander in chief and 4. To the ideals of the unit that you are serving.

According to these rules, anybody above you is your command and all orders are the demands of the public.

When asked who was giving the **orders** to the Patrol Team, **Malick Jatta** explained that at some point he realised that they came from **Yahya Jammeh** because he heard him speak to his commander on phone during a **particular operation**.

Initially, he did not know from whom Tumbu Tamba was getting his orders, but he later came to understand that he was reporting directly to Yahya Jammeh. He could not affirm for certain that all the missions he had been involved in were ordered by Yahya Jammeh but on the other hand, and looking at the chain of command, he reckoned that Tumbu Tamba “*would not be mad to go into operations of such magnitude without the commander in chief’s consent*”, especially because he was directly in touch with him.

Malick Jatta explained that Tumbul Tamba told them that a rebellion “was cooking” and that it had to be taken head on and crushed by the army. According to him this was a tactic they used to make them believe that “these people are rebels and they must be taken head on”.

He said that he had lost three batch mates during the Farafenni attack¹⁶. Then subsequent to that, there was another attack in Kartong, where he lost another company mate. The army had gone through certain difficulties in which people who were close to the witness lost their lives. So, the command made him believe that there was another insurgency planned by the same people who were suspected to have launched the attack on Farafenni. According to the command these were ex-fighters of the rebellion in Liberia led by Charles Taylor. They were said to be of Gambian descent and according to the commander, Yahya Jammeh had granted them amnesty to come home safely, but they had not been proving to be grateful.

So, one day, Tumbul Tamba told the witness, Sanna Manjang and Alieu Jeng that another rebellion was being prepared. He called for a normal patrol and assembled the witness Alieu Jeng and Sanna Manjang without briefing them, and they then boarded his private vehicle.

Malick Jatta explained that when State Guards were asked to assemble for any deployment, they would never be briefed and highlighted that this was contrary to the standard in the military which foresaw that soldiers should know exactly what they were going for. The witness explained that every time they would use the personal vehicle of Tumbul Tamba, it meant that “*something abnormal is going to happen*”.

That day, Tumbul Tamba drove right to Serrekunda behind Plaza Cinema. On the way Tamba said “*today is a D day*” and the witness explained that in the military this means that it is a battle day. He parked the vehicle, made a phone call and a man appeared and was told to go into the car. Tumbul Tamba then drove towards the Banjul Serrekunda highway. Tumbul Tamba stopped the car, and asked them to come down. He

then grabbed the man by the collar of his shirt, pulled him out and pushed him towards the witness, Sanna Manjang and Alieu Jeng. He then pulled his pistol out and said “*gentlemen, this is one of the idiots*”. Malick Jatta explained that this is the term that they used for the rebels. Then Tumbul Tamba **shot** the man who fell down. He looked at his three subordinated and yelled “*what are you people waiting for?*”. The witness explained that at this point, all three of them pulled out their pistols.

He remembered that before shooting, he said “*in the interest of my country, we are ordered to gun you down.*” And while he said so, his two colleagues had already shot the man and he was the last to shoot.

When asked, Malick Jatta explained that he said that phrase because he felt that whatever sacrifice he had to do as a soldier was to serve his people and that he felt that the order to **kill** should be a public demand. He said he later realised that he had been manipulated and that eventually led to his departure.

The witness said that they left the dead body on the spot and drove back to Kanilai. On the way, he asked who the man was and Tumbul Tamba replied that it was Dawda Nyassi, a rebel. He had never heard of him. He explained that once back in Kanilai, instead of doing a briefing as they were supposed to, they all dispersed. When asked, Malick Jatta said that he did not remember the date of that incident.

Responding to the question about how he felt having taken a person’s life, he responded that it was not easy although as a soldier, he had been ready to sacrifice his life for the safety and security of his people.

Malick Jatta then described the second mission, in which Tumbul Tamba, Solo Bojang, Sanna Manjang,

¹⁶Armed attack on Farafenni military camp in November 1996.

Alieu Jeng and himself participated. Tumbul Tamba said that they were going for a normal patrol and they boarded Solo Bojang's vehicle.

The witness explained that he did not recognise the route that they were taking but remembered that they passed Bwiam. At some point, the vehicle stopped and the commanders got down and the witness saw them standing with people who were dressed in civil. Malick Jatta suspected that they were from the National Intelligence Agency, NIA because the vehicle had black tinted windows.

Shortly after that, Solo Bojang returned to the car and took the lead of the convoy. He made a U-turn, drove for a while until they reached their destination. Malick Jatta explained that he was not able to identify the place. The witness said that he saw Sanna Manjang getting into the bush with an unidentified man, then heard a shot and Sanna Manjang came back alone. As the vehicles drove back, he recognised the area as being Kanfenda, which is on the way to Kanilai. He asked Solo Bojang who the individual was and where they were, he replied that they were at Bunuborr Garden Fence and that the man was Ndogo Mboob. The Patrol Team then drove back to Woni, which is the area in which Yahya Jammeh's compound was located in Kanilai.

When asked if at this stage, he had been aware that there were some individuals in Foni region who had a problem with Yahya Jammeh including Ndogo Mboob, the witness responded that he did not and he was just newly deployed to Kanilai. He also explained that the "Bunuborr Garden" belonged to the President, Yahya Jammeh.

For the third mission, Malick Jatta said that, as usual, they were summoned for a normal patrol and while driving, Tumbul Tamba said "today we are going for the magic pen".

When asked, he explained that he did not know what this code meant. Tumbul Tamba drove for a while and then parked his vehicle. Sanna Manjang, Tumbul Tamba,

Alieu Jeng and the witness then took a taxi Mercedes Benz. Tumbul Tamba was driving, Sanna Manjang was to his right, Alieu Jeng was sitting behind him, and the witness was sitting to the left.

The Lead Counsel then asked the witness what he would say if he told him that Alieu Jeng said he did not go on that mission. Malick Jatta responded that that would be "a total lie". The witness then said that he had heard Alieu Jeng saying to the police that while he lied previously, he would now speak the truth.

Malick Jatta remembered that the taxi they took, used to be parked at the garage at Kanifing, which was Yahya Jammeh's garage.

Tumbul Tamba parked at Traffic Light and was communicating with Yahya Jammeh continuously saying "yes Sir, your Excellency". As they were parked, he saw two other taxis with soldiers onboard: one was led by the Kawsu Camara alias Bombardier and the second by Manlafi Corr. He remembered seeing Bai Lowe driving Bombardier's vehicle and that Bora Colley and Michael Correa were in Manlafi Corr's car.

The witness recalled that one vehicle took a straight drive and the other bent towards the stadium. He explained that he could not hear what was said to Tumbul Tamba on the phone, but assumed that he was passing on the orders he received from Yahya Jammeh to the other vehicles. The witness then described the road they took and one stop during which Tumbul Tamba got out of the car, made another phone call and then came in again and drove "roughly on the route". As they passed the police garage, the witness saw a small vehicle in front of them and remembered that when they were "just opposite the vehicle as he was trying to pass the vehicle, he (Tumbul Tamba) shouted "gentlemen, the driver is the idiot".

Malick Jatta explained that since Tumbul Tamba had used that term "idiot" for the rebels, he assumed that the man in the car was part of the rebellion that they were supposed "to be taking on", to protect their territory and their people. However, no-one fired. So Tumbul Tamba yelled "shoot, shoot, you better shoot".

The witness, Alieu Jeng and Sanna Manjang then fired as Tumbul Tamba was driving. He could not remember if they were other occupants in the car. The witness indicated that they did not stop the vehicle when shooting and that Tumbul Tamba continued driving through the streets until he reached the place where he had left his vehicle. There they left the taxi, boarded Tumbul Tamba's car and drove back to Kanilai.

The witness said that no question was asked as to who the man was and that nobody spoke: *"I am telling you these are situations that when you find yourself in, you cannot tell how you feel."* He recalled that the following day,

Tumbul Tamba came with an envelope containing some dollars and said to them: *"this is a **token of appreciation** from the Big Man"*. He specified that the "Big Man" implied Yahya Jameh. When asked how much money he received, Malick Jatta answered: *"I believe I have scored more than fifty thousand dalasis. (...) "*

All of us were given envelopes. I will not know what is the content of your envelope, but I know that we all received envelope. The order was that do not discuss this even within yourselves."

After he received his envelope, Malick Jatta obtained permission and went to Kombo¹⁷, where he learnt that the person, he had **killed** was Deyda Hydara, whom he did not know before. When asked if the government reacted to the murder and how he felt about it, he said that he was later made to understand that Yahya Jammeh had condemned it and this traumatised and scared him because he had been misled and involved in the **killing**.

He therefore went to see his commander, Major Halipha Bajinka, who was the commander of the State Guard. When asked, he explained that while his unit – The Patrol Team – should have been reporting

to Major Bajinka, it was in fact reporting directly to the President. At first, Major Bajinka refused to see him, but the witness forced his way to his office. To his surprise Major Bajinka already knew about "the mission" and told him *"you should not have done it"*. Malick Jatta explained that this remark angered him and he therefore asked why he had sent him to the Patrol Team and then disapproved his actions. He received no answer. The witness said that he then asked to be taken out of the Patrol Team or he would "take himself out". But he was not taken out.

When asked how he felt about it he explained that *"up to date, I have that pain in me for being used wrongly against my people. (...) I am totally displeased up to date about these activities because is never part of Gambian nature to be killing. A soldier will only go into this by virtue of nation's interest and to secure and maintain stability, but they have to do it in the right way. I am sorry Sir."*

Going back to the **killing** of Deyda Hydara, Malick Jatta explained that at the time of the shooting, the two other vehicles were behind the car of the victim. He said that he did not know if the occupants of the two other vehicles fired at Deyda Hydara as well, as his vehicle did not stop.

When asked, who in his understanding ordered the **killing of Deyda Hydara**, **Malick Jatta** responded *"it must be Yahya Jammeh"*.

The Counsel then read an extract of The Gambia Daily newspaper of the 22nd December 2004, entitled "Government condemned shooting as a cowardly act" and saying *"the Government of The Gambia is saddened by and concerned about the shooting to death of Mr. Deyda Hydara, proprietor of The Point Newspaper. The Government, vehemently condemns this cowardly act and pledges to do its utmost best to apprehend the culprits and bring them to book. The security agencies are already conducting investigations and the public is urged to provide any information they may have on the incident to see that justice is done."*

¹⁷Usually refers to the outskirts of Banjul or Greater Banjul area.

Malick Jatta said that this was a complete cover-up and explained that he had been completely disappointed of having been manipulated to participate in the **killing**, while his only wish had been to genuinely serve his people. He explained that after the shooting he started having difficulties with his peers in the team, especially with his immediate command. More and more often, he would stay in Kombo, sometimes up to two months.

The Counsel mentioned that the witness had a brother who served as a Chief of Defense Staff, CDS for almost 10 years¹⁸ and implied that the witness' prolonged absences had therefore been tolerated. The witness acknowledged that usually unexcused absences would lead to stripping of ranks, demotion, imprisonment and dismissal from the force but that he had not been sanctioned.

Malick Jatta explained that he would only go to Kanilai when he knew that the Patrol Team was in Kombo and that he tried to avoid staying in Kanilai with them because he did not want them to put him in circumstances that would be dangerous for him.

On the **killing** of West African migrants in 2005, Malick Jatta mentioned that he was in Kanilai and at night they were called for an "emergency falling" (which in military terms means "to gather"). The witness said that the team had grown and was now composed of Michael Jatta, Nfansu Nyabally, Mustapha Sanneh in addition to the five mentioned earlier. He noted that the mission was rushed and he assumed that the commanders had been called as the vehicles with the migrants – who were presented to them as mercenaries – were already on their way coming from Kombo. He and his colleagues, dressed in combat order (meaning combat outfit) and carrying their firearms boarded Solo Bojang's vehicle.

When they reached Woni, they saw a convoy of vehicles with full light heading towards them. Solo Bojang then led the convoy heading south to Casamance to a place near the graveyard of a village. When asked, he said that he believed that there was coordination between the two groups but said that those from Kanilai did not know what the mission was about. When the car stopped, Solo Bojang pushed somebody and said to

the witness "escort him" then he pointed to a track to the left. They walked until a point which appeared to be the brink of a ditch and the victim automatically stopped. Solo Bojang told him to shoot the victim: "*I had no choice, I had to shoot*".

After the **killing**, the witness said that he went back and sat in the vehicle and claimed to be "*traumatised, confused. I cannot even explain the mood*". He recalled hearing a voice from behind saying constantly "*Jesus save us, Jesus help us*". All of a sudden, he saw somebody running from the back and shots being fired at him from the back. The man came close – not more than 20 meters away - to the vehicle and Malick Jatta claimed that he could have easily **killed**, but that he "was completely fed-up". He remembered that the man said something in a foreign language that he did not understand.

Malick Jatta explained that while he was sitting in the vehicle his colleagues were escorting and **executing** others and that he was hearing the shots. He said that he does not know who was firing because it was night. He remembered that "*Sanna Manjang was busy going up and down with these people. Fully participating in this execution. Solo Bojang was there too*". He could not say if Alieu Jeng was shooting as well but noted that he was the only one sitting in the vehicle as the **killings** were ongoing.

The Lead Counsel told the witness that the TRRC had a different version of events from other participants and read a statement out loud: "*we first took 15 out and handed them over to Sanna Manjang and Malick Jatta who were the ones firing anytime we brought them near the well. We returned back for a second trip which was also 15 people to Kanilai and handed them over again to Sanna Manjang and Malick Manga*¹⁹. *The remaining people, we left behind were executed by Kawsu Camara, Bombardier, Bai Lowe, Musa Badjie and Major Sarjo Jarju alias Hitler and their dead bodies were later found at Ghana Town, near Brufut.*"

The Counsel highlighted the contradiction of this statement with the one of the witness saying that he

¹⁸Baboucarr Jatta.

¹⁹In his testimony at the TRRC on 23rd July 2019, Omar A. Jallow rectified his statement and said that he meant Malick Jatta and not Malick Manga.

killed only one person (editors” note: the transmission of the testimony black-out for a few minutes and hence the response of the witness was not recorded)

When asked, the witness explained that when he shot, the victim fell directly in the ditch, which he thought was an old well. He assumed that this was what happened to the other victims as well.

On their way back, Malick Jatta said that he asked Solo Bojang who these people were and he responded that they were mercenaries that had been arrested somewhere in Kombo by the NIA, but did not give more details. The witness said that two Patrol Teams were involved in this operation, but that he did not remember Kwasu Camara alias Bombardier and Manlafi Corr being present, while Bora Colley was.

The Counsel referred to the statement he had read and to the fact that there had been another group of the Patrol Team that had executed other people in Brufut, in Ghana Town and asked the witness if he had been aware of that. Malick Jatta said that Bai Lowe told him about it and even mentioned that Musa Badjie had been negligent because one of the victims almost took his rifle from him. Bai Lowe told the witness that they **killed** the men and dropped them on the road side. One man had also managed to escape from Bombardier’s team and Malick Jatta said that he was later arrested by some people and Sanna Manjang came with him to the school where the witness and Bai Lowe were stationed. People were surrounding the man. Malick Jatta said that he left the place and heard only recently that Bai Lowe had said that Sanna Manjang took the victim to a village called Santamba and *“sliced [him] a series of times, deep cuts all over the body (...). Your feelings will not allow you to watch the man.”*

The witness said that he did not talk about the operation with his colleagues as they had previously been advised not to discuss it even amongst themselves. He explained that it was only during his detention²⁰ that he had heard that the victims were Ghanaians migrants.

The Lead Counsel then asked the witness whether the Junglers, or Patrol Team/Black Black/Black Scorpions

were accommodated. Malick Jatta explained that after the foiled 2006 coup, they were given a house around Kotu, which he heard used to belong to (late) Baba Jobe. He explained that he was sharing a room with Mustapha Sanneh, while Sanna Manjang had his own room. Nfansu Nyabally occupied another room in a different building and Ismaila Jammeh came to live there with his family, which stayed there until the change of government. The witness said that he did not stay long as his *“personal values could not match his peers’ personal values”*. He went back to Tujereng, his native home.

When asked the witness acknowledged the men were drinking a lot of **alcohol**, which he did not but he was heavily smoking **cannabis** at the time, like all the others.

He also explained that they brought in “ladies and I would not be happy with that but I would not obstruct them too”.

He mentioned that his colleagues would get the **ladies** from Car Wash²¹ and sometimes from Senegambia *“to pick what is their choice”*.

Regarding the trafficking of cannabis, Malick Jatta explained that he was not involved in it but that the Patrol Team would go to Casamance and bring weed. He said that he even complained to Tumbul Tamba about the trafficking activities.

Speaking about the March 2006 foiled coup, he said that he received a call in the evening while he was at home and was told to come to the State House. Upon arrival, the battalion of the State Guard was already parading and Yahya Jammeh was sprinkling water on them, including him. He explained that in the local language this water is called “naso” and is considered spiritual.

Malick Jatta said that Yahya Jammeh was saying *“you all know me. If you have an idea about this coup plot and you sitting on the information, you will reveal by*

²⁰Malick Jatta was arrested in February 2017.

²¹Name of a bar.

yourself, that is, you will speak before morning. But in the event that you have no idea about it, you will be protected."

When asked the witness said that many Gambians believe in the effects of this spiritual water but acknowledged that no-one spoke out "by himself". The ones who talked did it after "*forceful investigation. Investigation by torture*". He explained that many suspects were **arrested**. He was asked to arrest Faring Sanyang²² at the airport together with Sanna Manjang. In the car, Malick Jatta was sitting next to Faring Sanyang and pointed his pistol at his chin. He explained that he felt insecure because Faring Sanyang was a commando just like him. At this point the witness said that he heard about the statement that Faring Sanyang later made at the Court Martial²³ and said that while he did not remember what he did, he "*will never hesitate to say I am sorry because I know all was wrong (...) I not hesitate to say sorry to anybody I have affected*".

Malick Jatta acknowledged that Faring Sanyang must have been taken to the NIA because the panel investigating the coup attempt was based at the NIA Headquarters and therefore anybody suspected would have to pass through there. He said that he did not know who the panelists were as he never went upstairs and explained that the Patrol Team was staying downstairs. The witness described the procedure as being as such: when the panelists were not satisfied with the answers they received to their questions and could not prove what they wanted, they would call the Patrol Team commanders to take the suspects down.

There the men would be whipping them. "The purpose of the beating is to get the truth from the man".

He confessed that he did participate in the **torture** of General Savage. He remembered that Alieu Jeng and Nfansu Nyabally were sent to fetch sticks, which were used to beat the suspects. The witness said that he was given a stick and that he was ordered by Musa Jammeh to beat General Savage, who had already been beaten by other men, including Sanna Manjang.

The Patrol Team members who were present according to Malick Jatta were himself, Sanna Manjang, Michael Jatta, Mustapha Sanneh, Alieu Jeng, Nfansu Nyabally as well as Tumbul Tamba, the commander. The witness said that except for him, Tumbul Tamba, Alieu Jeng and Nfansu Nyabally (who had been sent to find sticks), all the others were beating.

He said that he only beat General Savage once and as he was still claiming that he knew nothing, the witness went to see Musa Jammeh and told him that the since the suspect had maintained his version despite the beatings, they should stop it. When asked if General Savage had been beaten on several occasion, he explained that he was talking in general terms because several men were being beaten. He said that for instance he had been asked to beat Yaya Darboe, but that he refused and from that moment on he stayed in the vehicle.

When asked if he beat only one person, Malick Jatta responded that this is the only one he could remember but acknowledged that he was intoxicated with cannabis, as all the others, when they went for "these operations", adding that: "*no soldier goes into military operations normal*". He explained that some drank while other smoked. He added that in addition there was also "cryptism", which is a "hypnotisation from the head" by Yahya Jammeh.

When asked, if he meant that Yahya Jammeh hypnotised those who participated in these operations, Malick Jatta responded that the President "*would do everything possible to make sure that he reaches his goal. Not only to the Patrol Team or the soldiers. (...) On many occasions in the battalions, bulls will be taken in critical situations to be slaughtered and he will be having his own cooks to be cooking those meats. Whatever they are to use to cook it will have to come from him. After cooking it, everybody present would be forced to eat (...) and the bones will be gathered. If it is normal charity, why would the bones be needed?*"

He went on to explain that even the food sent by Yahya Jammeh to the mosque during the month of Ramadan, was specially prepared with his spirit

²²Also spelled Pharing Sanyang.

²³At the Court Martial on March 2007 Faring Sanyang accused Malick Jatta of torturing him.

water. According to the witness, that was one of the reasons why he decided to build a kitchen in the State House. His objective was to control the mindset of all Gambians. *“That is what I believe and that was why he was depending on his cultism, he has a complete confidence that nobody can do anything”.*

When asked if he believed that Yahya Jammeh managed to control the minds of a lot of Gambians because of his cultism, Malick Jatta responded positively and gave the example of Tamba Julo’s witch hunting in Kanilai, when youths of the village were given sticks to beat their own parents. He said that he suspects that the cryptism was still working and that was the problem in The Gambia.

Going back to the **torture**, the Counsel informed the witness that the TRRC had received a statement from one Lamin Bojang who suggested that he had been present when he was being interrogated and tortured. Malick Jatta acknowledged that he spoke with Lamin Bojang when he was at the NIA, adding that he had an old grievance against him but denied having participated in his **torture**.

Malick Jatta said that he once heard the commander say that *“even the drivers must be used or else they will talk. They said everybody must be used”*.

He explained that they were using the soldiers for their own personal interest, not for the interest of the nation. ***“The commander in chief’s personal interest. And I did not like this”.***

He explained that since the **killing** of the Ghanaians he had started to take some distance and started asking his colleagues *“what do you people think about us being used against our people instead of rendering service?”*. He said that this question led to a fight with Mustapha Sanneh and others. He remembered that Ismaila Jammeh managed to calm them down and mentioned that they even talked about that event while

in detention, before they had a disagreement which led to the witness’ transfer to Fajara Barracks.

Malick Jatta said that after the **killing** of the Ghanaians, the only operation he witnessed was the one set-up in the aftermath of the 2006 treason.

When asked about the **killing** of Haruna Jammeh a relative of Yahya Jammeh, he said that this happened shortly before or after the mercenaries’ incident. He explained that Haruna Jammeh had been **arrested** at home in Kanilai and taken to the NIA but released. When he was set free, he went home and told Yahya Jammeh: *‘look, blood is thicker than water. They will fool you but I am your blood, I will tell you the truth. After everything, this is your home, this is where you are going to return.’* Sometime after that, Haruna Jammeh was arrested again by the NIA. Malick Jatta reiterated that at that time he would always make sure to go back to Kombo when he was in Kanilai in order to make sure that *“I would not be caught (...) I will be used to kill and that is what I was running away from”*.

One night, he received a call from Tumbul Tamba requesting him to report to base, but he claimed that he was far away. Later, when the witness came back to Kanilai, he realised that Haruna Jammeh was missing. He then suspected that the night he received the phone call was the day Haruna Jammeh must have been **assassinated**. This was later confirmed to him during his detention, by the man who was involved in the killing: Staff Sargent Omar Jallow, known as Oya, who told him that Sanna Manjang and Alieu Jeng were also involved in the mission.

The Counsel then asked the witness to talk about another operation in which he was present, where Daba Marenah and others were **killed**. Malick Jatta explained that this time as well they were called for a normal patrol: the soldiers would be gathered but they would never be told what the mission was about. The persons involved were Tumbul Tamba and Solo Bojang as commanders, as well as Sanna Manjang, Michael Jatta, Nfansu Nyabally, Mustapha Sanneh, Alieu Jeng, Ismaila Jammeh and the witness. They

were joined by “outsiders” who the witness called the bodyguards and who were Saikou Jammeh, Sainey Jammeh, Yusupha Sanneh, Omar Jallow, Bora Colley, and Michael Correa.

This other group came with Daba Marenah, Alpha Bah, Ebou Lowe, Alieu Ceesay, Manlafi Corr, Yahya Jammeh’s sister, Masi Jammeh and a woman that he did not know, but remembers that her name was Julia.

Malick Jatta explained that Solo Bojang took the lead again and they stopped at an old tree. He remembered having seen that tree before when Sanna Manjang had shot Ndogo Mboob in the bush. He said that he realised that the group of people had been brought there to be **killed** and that he did not want to take part in this and just folded his hands. Alieu Jeng and Nfansu Nyabally did not participate either. The witness described how Sanna Manjang took Masi Jammeh first, pushed her and then knocked her legs down. When she attempted to get up, Sanna Manjang shot her in the head.

Sainey Jammeh shot the lady called Julia in the back and she fell and shot her again. Malick Jatta said that Sainey Jammeh has been denying this but that it was his firm conviction that it was him who had killed Julia.

The others were sited at a distance. Alieu Ceesay attempted to escape, but was shot. Malick Jatta said that he believed that it was Omar Jallow who fired. When asked what he would say to the suggestion that Omar Jallow was not present, the witness reiterated that he was present. While he acknowledged that it might have not been him shooting at Alieu Ceesay, he said that Omar Jallow would lie if he said that he was not present.

The others were also shot, but he said that he did not know who did it and their bodies were thrown into what he believed believe was a well.

He recalled that the government announced on the news that they had escaped as they were being transferred to Janjanbureh prison. When asked if it would have been possible for that lie to be stated on **national radio** without **Yahya Jammeh’s** involvement, he responded that it would not have been possible.

He added that former President **Yahya Jammeh killed these seven individuals.**

When asked what happened to the Patrol Team after that incident, the witness explained that he and Ismaila Jammeh left the team, which created an “unbalanced status”. He also noted that there was a scramble for positions within the group. His departure coincided with the death of Tumbul Tamba. There was a common belief that he died because of a spiritual fight he had with Musa Jammeh, both trying to become the Principal Protective Officer, PPO of Yahya Jammeh.

When asked what he thought of the theory that Musa Jammeh and Tumbul Tamba were both poisoned to cover-up the assassinations they committed for Yahya Jammeh, Malick Jatta said that it could well be and added that himself narrowly escaped the same fate.

When asked how he dissociated himself from the Patrol Team, Malick Jatta explained that after Tumbul Tamba’s funeral, Nuha Badjie told all those present at the burial to report to Kanilai. All the soldiers were either high on cannabis or drunk and reported to Solo Bojang’s house, where the witness again asked “*what do you people think about us being used against our people instead of rendering service? I am not comfortable*”. The witness said that there was no response. The meeting dispersed and they all went to Sanna Manjang’s house where a fight arose between the witness and Michael Jatta as they threatened each other. Malick Jatta explained that he suggested that they all go to the bush together to settle their dispute and said that his intention was in fact to provoke a deadly accident with all of them in the car. But the others backed out.

The witness explained that that same evening, as he was ready to fight with his colleagues and had prepared his weapons, he heard Sainey Jammeh, Sanna Manjang and Nuha Badjie saying “*this man cannot work with anyone, let him go.*” He then went home to his home village Tujereng with his jeep and grenade launcher, which he kept with him all the time.

Malick Jatta explained another instance when Lamin Touray, alias Mosquito of the NIA who was a close associate of Sanna Manjang called him and told him that Bora Colley and the guys were setting an ambush for him at Kegbujeh and warned him not to carry cannabis. He did it nonetheless, as a sort of suicidal mission as we wanted to provoke them. But nothing happened to him.

When asked how long he stayed at home, the witness responded that he became “a one-man army for almost two years until 2009”. He acknowledged having continued to being paid despite the fact that he was not reporting to work and said that nobody came after him. When asked if his action amounted to desertion in the army, he explained that he had been willing to work but not in the way they made him to. His brother Baboucarr Jatta (CDS in the army) never asked him anything and they never discussed the issue. At this point, he denied that his brother must have known that he had been a Jungler because of the principle of secrecy in the army. He concluded that his brother should be asked about this directly.

Malick Jatta however deplored the fact that there was “compliance and the lack of candor within high echelon” and that this led to “the mess” that the country is experiencing today.

He said that in 2009, he got invited to Holland by a tourist friend of his. When he went to collect his visa, the lady working at the desk told him that a commander from the Armed Forces’ Headquarters had made a call indicating that he was running away from a crime and if given a visa, he would travel to a third country. He does not know who made that call but said that he felt “obstructed”. Two months later however he was very surprised that he had been nominated to go to Darfur, where he spent six months.

Upon his return in 2010, he was told by Nuha Badjie and General Saul Badjie that he had to report back to Kanilai as this had been his last posting. He explained that immediately after Tumbul Tamba’s death, Saul Badjie became the overall Senior General overseeing everything in the State Guard, including the Junglers. He had been trained as a commando in Libya with the

first batch but Malick Jatta did not know if he had been trained by Francisco Casio.

Malick Jatta explained that while he was ordered to go back to Kanilai, he resented going there even if Lamin Sanneh tried to persuade him that things had changed. After a few weeks, he went back to his home and as he was doing construction work on his house, he hurt his leg and did not return to Kanilai.

When asked about his rank at that time he said that he was a warrant officer class two and that this promotion – he used to be a company sergeant major – was due to his mission to Darfur.

He said that when his term in the army came to an end, he decided not to renew it but Saul Badjie threatened him. When asked, he said that he understood the threat as meaning that his departure from the army could lead to the end of his life because he knew so many secrets: “*Secrets of the former President, Yahya Jammeh. Those secrets are the ones I am revealing here today. **Extrajudicial killings** that I was running away from*”.

He also received a call from Seringe Modou Njie, who warned him “*there are thousand and one dogs in this State House who are eager to see you disarmed and I am afraid you may be defeated in town*” and advised him to resign for only one term and assess the situation, which he did. General Seringe Modou Njie “absorbed” him into the physical guard and entrusted him with the commando company. He said that one day, he came across a suspicious situation and investigated the matter. He soon found out that Bora Colley together with an NIA officer, whose surname he thinks was Nyassi and a man called Pap Sanneh smuggled a rebel leader from Casamance – Salif Sadio²⁴ - to The Gambia for him to get treatment at the Royal Victoria Hospital. He explained that he went to the hospital and had an altercation with Pap Sanneh, who he knew from before, and who he knew was working as an as the intelligent officer for Salif Sadio. At that moment, Seringe Modou Njie called the witness and asked him what was going on. The witness said that he explained the situation and the

²⁴Leader of the Casamance Movement of Democratic Forces (MFDC).

fact that Pap Sanneh was obstructing his investigation. At first, Seringe Modou told him to arrest them, but he called back a few moments later and told him: *“Malick, you know you are an elder of your own. Remember today for tomorrow. We will repeat this. (...) Release them”*. According to the witness this meant that something was wrong but that they could not do anything about it. Two weeks later, the witness heard that Seringe Modou Njie had been redeployed from the State Guard to the foreign service, and he suspected that this was related to the incident with Salif Sadio and that the order came from Yahya Jammeh. He also assumed that Yahya Jammeh had given the order to Seringe Modou Njie to tell him not to **arrest** Salif Sadio.

Malick Jatta said that in 2011, under General Alagie Martin there was a mass promotion in the army and acknowledged that it was not based on merits. On this occasion, he got promoted to the rank of Warrant Officer Class One while other private soldiers were being promoted to the rank of lieutenants and even of captains. While refuting that this was a bribery of the army, he recognised that it was based on favouritism. He admitted that this also had a very negative impact on the performance of the unit, *“because wrong people were put on the wrong positions with the wrong ranks not knowing the functions of that particular ranks”*.

He explained that he himself was very disappointed because he did not get the rank he deserved, namely RSM (Regimental sergeant major). Malick Jatta said that he complained about this to Alagie Martin and that he replied: *“I understand that you are a rebel but here, I am the commander and my order is final or else I take you six feet deep”*. He said that he was not intimidated by that threat as he had gotten used to those types of situations.

The witness said that in 2012, he successfully passed a leadership training in Sierra Leone and was subsequently nominated for a national medal award, but never received it. He thought that because of this decision to leave the Patrol Team he was badly treated and that he was denied opportunities, sometimes on direct orders from Yahya Jammeh. He said that it was

because of his involvement in the Patrol Team that he was testifying at the TRRC and that he was aware that *“the whole nation would run after me, but I will give them what will make them understand. I know it is difficult and I seek forgiveness and their pardon”*.

Malick Jatta explained that his relationship with Saul Badjie was not good because he was trying to send him back to the Patrol Team, which he refused. The witness recalled another occasion when he was denied a career opportunity and that at the time Mustapha Sanneh advised him to come back to work for the Patrol Team. Malick Jatta said that he replied: *“look, I regretted everything I have been into and I have repented. If it comes to conventional warfare, you will see me as a man fighter, but these type of nonsense operations, I am not a part of it.”*

The witness explained that he was very surprised to receive a call from Pa Nderry, the owner of Freedom Radio quoting exactly that sentence and assumed that Mustapha Sanneh must have informed him as there was no-one else present during their conversation. Malick Jatta said that Pa Nderry alleged that he had taken Imam Baba Leigh and Lawyer Sillah to Kanilai together with Bora Colley and that in their struggle to kill them, Bora Colley got scared and ran away and that the witness had to *“finish them”*. Malick Jatta said that these allegations made him very angry and that he insulted Pa Nderry. He also explained that he did not even know who these people were. Pa Nderry told him: *“the man you are working for is now turning on to kill you”*, meaning Yahya Jammeh. When asked when this happened, he guessed that it might have been 2014 to 2015, but that he could not remember the exact date because of this trauma but assumed that Pa Nderry probably kept a recording of their conversation.

After that phone call, he stopped going to work and was informed by Mustapha Faal that Saul Badjie was planning to eliminate him. From that moment on he stayed home - from 2014 to 2016. His salary continued to be paid. He, however, continued to have heated encounters with Saul Badjie and Ansumana Tamba,

to the extent that he was forced by other colleagues to go and apologise to him for *insubordination*, which was very painful.

During the election period in 2016, Malick Jatta asked Ansumana Tamba to assign him to President Jammeh's tour around the country as he needed money to support his family. As they were going back on election day, Malick Jatta said that several suspicious incidents happened, which made him think that there was a plan to eliminate him. He, for instance, received a call from the former girlfriend of Sanna Manjang who told him that she had received twenty thousand dalasis from General Saul Badjie and asked him to choose a night to come and see her as she felt very isolated at Brufut Heights. He refused as he suspected it to be a trap. The day of the election, the witness said that he received a call from Lamin Touray who said that he wanted to give him some money but that they had to meet at Westfield in the night. Malick Jatta responded that this was odd since both their offices were in Banjul and therefore there was no need to meet at Westfield at 10 pm. So, the encounter never happened.

Malick Jatta said that to his surprise on 12th December 2016, he got promoted to Lieutenant during a group promotion, from different units and acknowledged that it was not right. When he saw Saul Badjie, he saluted him and showed him his promotion, to which he responded: *"Malick, in fact, you are too brave and you are too wise. By now you should not be"*. When asked, the witness responded that this meant that he should have been dead and that they had mandated Bora Colley to **kill** him but that he did not succeed.

He explained that later Saul Badjie redeployed him to Kanilai, as it was said to be under the threat of attack. Malick Jatta went with the reinforcement platoon and met Sanna Manjang there. The witness said that he was very suspicious of him and always slept with his weapons on his lap. At one occasion they got into a row and General Savage told them to try to contain each other. He then described an incident in which he thinks

that he had been poisoned by Sanna Manjang. He had to get surgery and the doctor also suspected that he had been poisoned. He was discharged after a few days and on the 19th²⁵ the Economic Community of West African States mission in The Gambia, ECOMIG arrived in The Gambia.

Malick Jatta said that he was arrested a few days after Yahya Jammeh left power. He explained that he had been advised to leave the country but that he had refused to do so because he did *"not want to betray my oath and I will not betray my people"*. When the Lead Counsel told him that he had in fact betrayed his oath and the people, he interjected that he had been misled.

When asked if he had killed innocent unarmed people, he responded *"that happened"*. When the Counsel probed him further and highlighted that the way he dealt with these people was not a procedure established by law, Malick Jatta answered that he was not *"a legal mind"*. He said that prior of doing *"it"*, they did not know that it was unlawful but when he realised that it was, he left the Patrol Team.

The Counsel then told him that there was a difference between knowing whether something was justified and knowing whether it was lawful, the witness reiterated that he had been misled when he had been told that they should suppress a rebellion and that is how they were able to convince him.

The Counsel reminded the witness that as a soldier, he knew that he had no right to **kill** somebody who is not fighting, he responded that at this time he did not know it and that probably many other soldiers were not aware of it. He explained that therefore in his concluding remarks he wanted to highlight the need to improve the legal awareness of a soldier.

When probed again, that he did not need to receive a training to know that he did not have a right to shoot a person at point blank range without any lawful authority, he explained that *"you are to do it or if you do not do it, somebody will do it and you will be done"*.

The Counsel **doubted that explanation** and asked the witness if he knew of somebody who had been **killed** for not implementing an order.

The Counsel gave the example of the **killing** of Daba Marenah and others, in which neither the witness nor Alieu Jeng and Nfansu Nyabally took part and highlighted that none of them was killed. Malick Jatta responded that Alieu Jeng and Nfansu Nyabally followed his footsteps when he resisted and that it was at that moment that he decided that he would no longer do this job.

The Lead Counsel went on to say that the witness could have stopped after the first operation, after the second, the third, the fourth but that he did not and asked him if he regretted what he had done. Malick Jatta said that he completely regretted and that he repented. He acknowledged that what he had done was wrong and completely illegal and that he is totally traumatised. He however reiterated that at the time he had not been able to realise that his actions had been illegal because he was under pressure of the cryptism.

When asked by Commissioner Samba, where Ndogo Mboob had been buried, Malick Jatta explained that it was only when he returned to the same place, near to a big dry tree, when Daba Marenah and the others were killed and their bodies put into a ditch, that he assumed that Ndogo Mboob's body must have been dumped there as well. Commissioner Samba further asked if he knew if the eight persons that had been thrown into that ditch the second time, were dead before having been dumped. Malick Jatta answered that he did not see anything because of the darkness.

Answering a question as to regards to the work of the TRRC and allegations that it is fake, Malick Jatta advised the people to think collectively and advised all Gambians to work towards a better future and forget about individual and tribal interests. He highlighted that there is a need to agree that "we have done wrong".

He said that the TRRC was able to uncover everything and that people should realise what had been going on. He prayed to God to provide the country with good and honest leadership. When asked why some people did not accept the work of the TRRC, Malick Jatta said that it was because they had their own personal concepts that are different from the national interest. He advised these people to believe those who have first-hand knowledge and revise their judgement.

Commissioner Kinteh asked the witness why he did not leave the country, at the very least when he received an important amount of money after the killing of Deyda Hydara. The witness explained that he believed that he could still play a role in the army but in another unit and therefore it did not occur to him to abscond.

He also said that **the money was spent very quickly** to start building a house for his family and himself. It was only later that he envisaged leaving the country.

Commissioner Kinteh suggested that the witness should have taken the "second chance" he received when deployed to Darfur and should have absconded and denounced what was happening in the country in order to do justice to the community and the Gambian people. Malick Jatta explained that he only received 38 dollars per month there and that the area was very dangerous. He reiterated that he was very sorry for the acts he had been involved in and apologised.

When asked by Chairman Sise, Malick Jatta explained that in Darfur he participated in a **UN Peacekeeping mission** and that this happened after he had left the Patrol Team, but that indeed he had already **killed** people before his deployment.

Commissioner Iman Sey asked if Dawda Nyassi had come voluntary when they picked him up. Malick Jatta said that he assumed that he had been hypnotised by Yahya Jammeh because Tumbul Tamba was talking to him on the phone and he came towards him by himself. According to the witness no-one would come peacefully to be killed unless having been hypnotised or under the influence of something.

In his closing remarks, Malick Jatta said that after accepting and revealing all the wrongs he had been put to by President Jammeh, he was seeking and asking for an entire forgiveness from the Gambian people. He said that he was aware that his performance in the army had caused much pain and damage. But he said that he would not have done so, had he not been misled and deceived by his leadership. He promised that he would never get into such human rights violations in his career again.

He said that *“we need to come together; we need to reconcile and look for a future that will be better collectively”*. While acknowledging that the past cannot be forgotten, he urged people to forgive but recognised that *“nothing can justify the loss of a loved one, especially when it was done the wrong way”*. Malick Jatta said that he had been put to it and regretted it, and that he did everything possible to make sure that he would not be involved anymore but at times he could not “survive it” and had to go. He claimed that it was the conditions of service that made him to accept the mission. He said that he was looking forward to *“your forgiveness”* and said that *“we in the army are not your enemies”*. He noted that while you can have very good laws, if the custodian of the law is corrupt and bent to individual interests, the conduct of the security forces is bound “not to be correct”.

Malick Jatta said that Yahya Jammeh had been the commander in chief and had been vested with the powers to protect the people through his leadership. He recommended that soldiers should receive better salaries because if they are not able to make a living, it would be easy to make them do wrong things against payment. And that they should be better occupied to avoid that they have too much time to get involved in

politics. He also advised the military leadership to listen to what their subordinates have to say.

He concluded by saying that he believed that many Gambian people have been hypnotised because otherwise it could not have been possible that Muslims engaged in such actions. He explained that he used to believe that Yahya Jammeh was a Muslim, but when he got close to him, he realised that he might be “better than Fir’wan (Pharaoh) only by a bit”. He expressed his surprise that people would continue to glorify him up until now. While acknowledging that he had brought development, he said that this was done by destruction.

He ended his testimony by saying that he was sorry and that he would not hesitate to kneel down before anybody who was affected by virtue of the service in which he was put. He said that he does not think that he would get ever involved in such things again. From this point, having gone through all this, he believed that he would be one of the best people in the world.

Killing of Deyda Hydara

Yahya Jammeh, Tumbul Tamba, Sanna Manjang, Alieu Jeng, Kawsu Camara alias Bombardier, Manlafi Corr, Bai Lowe, Bora Colley, Michael Correa and the witness

Killing of Dawda Nyassi

Tumbul Tamba, Sanna Manjang, Alieu Jeng and the witness

Killing of Ndogo Mboob

Tumbul Tamba, Solo Bojang, Sanna Manjang, Alieu Jeng and the witness

Enforced disappearance and killing of West African migrants

Tumbul Tamba, Solo Bojang, Sanna Manjang, Alieu Jeng, Michael Jatta, Nfansu Nyabally, Mustapha Sanneh and the witness

**Torture of persons accused of having planned a coup
in March 2006, including General Savage**

Tumbul Tamba, Musa Jammeh, Sanna Manjang, Nfansu Nyabally, Michael Jatta, Mustapha Sanneh, Alieu Jeng and the witness

**Enforced disappearance and killing of Daba Marenah,
Alpha Bah, Ebou Lowe, Alieu Ceesay, Manlafi Corr,
Masi Jammeh and a woman called Julia.**

Tumbul Tamba, Solo Bojang, Sanna Manjang, Michael Jatta, Nfansu Nyabally, Mustapha Sanneh, Alieu Jeng, Ismaila Jammeh, Saikou Jammeh, Sainey Jammeh, Yusupha Sanneh, Omar Jallow, Bora Colley, Michael Correa



Photo: Jason Florio

Fatou Jammeh next to a photo of her husband Haruna Jammeh, who was forcibly disappeared and killed by members of the Junglers on orders of his brother Yahya Jammeh for criticizing his abuse of power. His family is asking for justice.



WITNESS NAME: Omar A. JALLOW alias Oya

TRRC HEARING DATE(S): 23rd & 24th July 2019

EVENT(S) DISCUSSED: Structure and organization of the Junglers/Patrol Team; Shooting of a man smuggling cannabis and of two passengers in a vehicle; Killing of: Haruna Jammeh and Jahsaja Kujabi; of around 56 foreigners; of nine prison inmates; of Mahmud Ceesay and Ebou Jobe; of Ndure Cham; of Ello Jallow; of Mustapha Colley; of Baba Jobe; of Sulayman/Saul Ndow and Mahawa Cham; of Toumani Jallow and Abdoulaye Gaye; of Mariama Camara and her husband as well as the torture of Imam Baba Leigh, Imam Bakawusu (Fofana), another Marabou/Imam as well as of the 30th December 2014 coup plotters.

POSITION BEFORE THE EVENT(S): Soldier in the Gambian Armed Forces and member of the Junglers/Patrol Team

ROLE DURING THE EVENT(S): Participated in the killings and torture

POSITION AT THE TIME OF TESTIMONY: Soldier in the Gambian National Army – in detention

SUMMARY OF TESTIMONY:

Before starting the testimony and acknowledging that terrible crimes have been committed, the Lead Counsel called on the members of the public not to take the law in their own hands and to allow the members of

the Junglers to testify freely and to go about their normal business in the event they happened to be people who are not in custody, and even if they are in custody but happen to be released.

He asked the victims to treat the Junglers more respect than they treated their victims and advised the public to take the high moral ground. He mentioned that they should be given an opportunity to remain in their society until justice takes its course and he repeated “*do not take the law in your own hands*”.

The Lead Counsel then reminded the witness that he has the right to remain silence and not to incriminate himself and mentioned that he is entitled to legal advice, but noted that he had waived these rights because he wanted to participate in the process voluntarily. Omar A. Jallow confirmed that he had signed documents showing that he had received these warnings and that been informed about the allegations made against him regarding a number of human rights violations.

Omar A. Jallow started his testimony by explaining that he joined the Gambian Gendarmerie in 1993. After the 22nd July 1994 coup, which coincided with his birthday, he joined the State Guards where he stayed until the change of government in 2017. He underwent the bodyguard training with Algerian instructors and the second Junglers training in 2004. This training was conducted by an Italian national called Francisco Casio and entailed courses on terrorism, counter-terrorism and securing of VIPs. When asked if they had also been trained to execute people, Omar A. Jallow responded that it happened “along the time” and acknowledged that since they had been trained to handle arms and ammunition, they were trained to be killers.

When asked he said that he knows a person called Bai Lowe but that he did not train as a Jungler but as a Commando.

The witness recalled that the following persons as being part of the first intake of the Junglers: Ismaela Jammeh, Lamin Senghore alias Assassin, (late) Lamin Sanyang, Paul Bojang, Famara Camara, Alieu Bojang. He mentioned that the second batch was almost a platoon, meaning more than thirty men. Out of these, he remembered Saul Badjie, Umpa Mendy, Mohammed Sambou, Bara Mboob, Ebrima Njie, Lamin Sillah, Baboucarr/Buba Darboe, (late) Solomon Jammeh.

All men who completed the Jungler training were deployed at State House in the Bodyguard Unit, close protection to the President Yahya Jammeh. His immediate commander was Musa Jammeh called Maliampoogoo. At that time, Tumbul Tamba was the commander of the Patrol Team at Kanilai.

When asked about the difference between the Junglers and the Patrol Team, Omar A. Jallow explained that there was one Patrol Team that was composed only of men who had undergone the Junglers' training and these were: himself, Ansu Danjo, (late) Ba Lamin Sanyang, Alieu Bojang, Famara Camara, Molamin Tamba and Paul Bojang as the commander

Their duties were to control the border to Casamance to prevent insurgencies or "abnormalities" to enter the Gambian territory.

Omar A. Jallow explained that during the training phase, once the training was finished at 4 pm, some elements would be sent to patrol the border. He remembered that one day, in 2004, the Patrol Team shot two men were smuggling cannabis, as they had refused to stop when asked. One of the men subsequently died. As he was not part of that team, the witness said that he did not know who had been involved in the incident. When asked, he said that to his knowledge the shooting had not been reported to the police and confirmed that no one was proceeded with according to law.

He explained that the day after the incident, the entire Patrol Team got briefed about it by Francisco Casio who praised the Junglers "for having done a good job". According to Omar A. Jallow, Francisco Casio was very happy with the outcome of the mission, especially

because he was very **eager to kill**. When asked if this **mentality** was transferred on to the Junglers, the witness acknowledged that it was "**somehow, really**".

While he affirmed that Junglers were trained only to kill "when the need arose", meaning in cases of imminent danger, he acknowledged that the escape of the cannabis smuggler did not pose an imminent threat.

At this point, Omar A. Jallow recounted how Francisco Casio first came to The Gambia. The witness said that Francisco Casio once told him that his initial mission had been to kill the former Head of State, which made him assume that he was a paid assassin. He also told him that he had been invited to the country by another Italian called Toni Catoni for them to run a restaurant together.

According to the witness, Francisco was part of the mafia and brought young virgin girls to Toni Catoni's house and later reported him to the National Intelligence Agency, NIA saying that he had been "dis-virgining small girls".

Toni Catoni was deported and Francisco Casio kept the restaurant. In order to avoid that Catoni would report him, Francisco Casio poisoned him with a substance, which he claimed provoked heart attacks and claimed that sometime later Catoni died in Senegal.

Omar A. Jallow remembered that Francisco Casio used to carry two bottles of poison with him, that were meant to kill and regularly showed them to the soldiers during the Jungler training. However, no Jungler did ever touch one of these bottles.

Having gotten rid of Toni Catoni, Francisco Casio got in contact with (late) Almamo Manneh, who was allegedly

planning a coup d'état. Almamo Manneh took Casio to Yundum Barracks and asked him to show his soldiers how to manipulate weapons. But Francisco Casio stole some pistol rounds and reported Manneh to the NIA. After Almamo Manneh was killed²⁶, Francisco Casio suggested to the Director of the NIA, Abdoulaie Kujabi, to train a group of soldiers in methods to protect the Head of State.

The witness explained that's how Francisco Casio got to train a few men first, and as the training was considered a success, more than thirty during a second training. Responding to the question, what he thought about the rumors saying that Francisco was in fact a fraud and only a simple firefighter, Omar A. Jallow admitted that he did not know and that to his knowledge his references were never checked.

Francisco Casio also trained a third batch and the witness was amongst the instructors of that intake.

When asked if that meant that he was **training some future killers**, the witness responded affirmatively.

Out of the men he trained he remembered: Bora Colley, Solo Bojang, Abdoulie Jarju, Micheal Correa, Musa Badjie, Molamin Tamba. He mentioned that Abdoulaie Jarju, Lamin Sillah and Buba Darboe (second batch) are still serving in the army. Bara Mboob left the army a long time ago. Umpa Mendy, Molamin Tamba, Solo Bojang and Micheal Correa fled the country while Mohammed Sambou is in the USA.

Going back to the completion of the witness' training as Jungler in 2004, he recalled another violent incident in which a vehicle that had failed to stop was shot at, resulting in the death of two persons. The police were not informed about the incident and no Jungler got arrested for it. When asked how Francisco Casio reacted, he explained that he was happy, since he was a Mafiosi and enjoyed killing. Therefore, this crime was not treated as a crime.

Talking about the **killing** of migrants in July 2005, Omar A. Jallow said that they were Ghanaians but presented to them as mercenaries. One evening in Kanilai, Tumbul Tamba said he needed some men to help for an escort from Banjul to Kanilai and chose Buba Jallow as a driver and the witness. They used two vehicles (at that point he rectified an earlier statement he made that they went twice) and drove to Banjul and picked almost 30 men from a white building, near to Coconut Residence²⁷ which was secured by officers from the Police Intervention Unit, PIU. He confirmed that Malick Jatta was part of this trip and that it was not true that he waited in Kanilai and joined the convoy later. He explained that they were briefed by Sanna Manjang in the vehicle that they were going to pick-up Ghanaians and that there was also another group in the same operation composed of Sarjo Jarju alias Hitler, Bai Lowe, Musa Badjie, Kwasu Camara alias Bombardier or Bomba. But Sanna Manjang did not say what was going to happen to the Ghanaians.

On arrival in Kanilai, Omar A. Jallow saw all of the colleagues mentioned previously except Sarjo Jarju alias Hitler, who he could not recall being present. But he remembered seeing Molamin Tamba. From his team, the Patrol Team, Sanna Manjang was present as well as Solo Bojang, Malick Jatta, Alieu Jeng, Buba Jallow (the driver) and himself. Eleven men in total.

They drove to Kanilai, went behind the fence of Yahya Jammeh's property and headed towards Casamance. The witness said that at the time they were not told what was going to happen. When they got to Casamance (he later remembered that the name of the village was Yunor), Solo Bojang said that these people were mercenaries and that Yahya Jammeh had given the orders for these people to be executed. No-one opposed the idea and all accepted the order. Omar A. Jallow said that him and Alieu Jeng were collecting them one by one and taking them to the well and Malick Jatta and Sanna Manjang were firing at them and they would fall into a well.

²⁶Almamo Manneh was killed by security forces on 15th January 2000.

²⁷A luxury hotel near Banjul.

Omar A. Jallow mentioned that while he was escorting the men one by one to be executed, he asked them who they were and some explained that they were only “back-way boys” who wanted to go to Europe.

He recalled that the last migrant he brought to the well handed him a €100 bill and told him to take it as it would not be of use to him anymore. Omar Jallow said he took the money and agreed to a request of the migrant to say his last prayers.

However, **Sanna Manjang** disagreed and as the migrant knelt for prayers, **Sanna Manjang** shot him from behind, sending his victim into the well. When the Counsel asked the witness what he did with the money, he responded: **“I ate it”**.

When asked how many people were shot by Malick Jatta, he could not answer precisely but explained that they were around 30 and that he and Alieu Jeng took them in turn to be killed. He reiterated that the shooters were Malick Jatta and Sanna Manjang. When asked about a previous statement he made in which he had indicated that he had handed-over the people to Malick Manga he rectified his statement and said that he meant Malick Jatta for certain. He said that at this point in time, Malick Manga was not deployed to the Patrol Team.

When asked if **Malick Jatta’s** testimony that he only killed one person was correct, **Omar A. Jallow** responded that **this was a lie** and while he did not know the exact number, it was surely more than **five and more than the number Jatta had confessed to**.

He also said that it was untrue that Malick Jatta went back to the vehicle after the shooting of the first person and stayed there. When asked if he believed that Malick Jatta was trying to minimize his own involvement, the witness said that it was possible.

Regarding the person who escaped, he said that this did not happen in his operation. The Counsel said that the information available suggests that there were around 56 migrants **killed**: eight in Ghana town near Brufut and the rest in an area in Casamance close to Kanilai and these were divided in two: one operation was in charge of 30 migrants and the other of 15. When presented with his initial statement, Omar A. Jallow rectified his testimony and explained that all the 30 were brought at once (and not in two separate missions). He however talked about two operations and said that only participated in one (30 men) and that in this one Malick Jatta killed “more than five”. Omar A. Jallow said that he was not part of the second mission, and assumed that Malick Jatta was speaking about that one when he claimed that he had killed only one person.

When asked again who gave the orders for the **killing**, he reiterated that it was Yahya Jammeh as only him was in a position to give orders to the commanders through the chain of command.

He said that he later heard about the **killing** in the media, but could not remember what was said exactly as it “was a long time ago”. He did not hear about any condemnation by the government of the killings and said that it was kept a secret, he did not discuss the matter with anybody as the motto of the army is “what happens in the field, stays in the field”.

Omar A. Jallow was then asked to talk about the killing of Haruna Jammeh. He explained that he was instructed by his commander Tumbul Tamba to go with Solo Bojang and Alieu Jeng, to pick Haruna Jammeh from the NIA Headquarters where he was **detained**. Haruna Jammeh came out of the building

himself and boarded the vehicle. Jallow said inside the vehicle Haruna was “sandwiched” by him and Alieu Jeng as they drove back to Kanilai.

He admitted knowing Haruna Jammeh well as he used to go to his house in Kanilai for lunch, was close to his wife who was a distant relative and Haruna would help him whenever he needed help. In the car, Haruna Jammeh asked the witness where they were going and he answered: to Kanilai. Along the way before they got to Kanilai, Solo Bojang stopped the vehicle in the bush around the back way to Kanilai. Sanna Manjang went out of the vehicle with a rope in his hand, gave it to the witness and Alieu Jeng to tie Haruna Jammeh. Omar A. Jallow said that at this time he had not been informed that they were going to **kill** him. He explained that he thought that they would only threaten him.

He went on to describe how Haruna Jammeh was **killed**: they tied his neck and Sanna Manjang told them to wrestle him down, which they did. Sanna Manjang then asked them to pull the rope and they pulled the rope. Sanna Manjang was sitting on top of the car and at one point he jumped down, stamped on Haruna Jammeh’s neck and he died.

When asked if he had **killed** him in **cold blood**, despite the fact that they had been friends, that he had eaten at his house and that he had helped him, **Omar A. Jallow** responded “**yes**”.

Omar A. Jallow told the TRRC that the body was thrown in the same well in which the Ghanaians were dumped.

After the mission, the witness said that he went to see Solo Bojang to ask him what this was about and complained about the fact that he had not been informed about the plan. Solo Bojang responded that this was an executive order from Yahya Jammeh. Solo Bojang responded that Haruna Jammeh had been colliding with one Jahsaja²⁸ to kill Yahya Jammeh’s store keeper. When that happened, they were seen by

Yahya Jammeh’s shepherd and killed him too. When asked if the story was true, Omar A. Jallow said that he only heard it from Solo Bojang and never again afterwards. Tumbul Tamba later said that he should have indeed informed the witness about the aim of the mission.

Later in his testimony, the witness said that after the **killing** he went to see Haruna Jammeh’s wife at her home. At that time, she was sick and paralyzed, walking with crutches. He advised her to sit outside the house, so that if Yahya Jammeh would pass nearby, she could ask him for assistance. Not long after, one evening as Yahya Jammeh was inspecting one of this farms and Omar A. Jallow was escorting him.

Haruna Jammeh’s wife, Amie, walked towards Yahya Jammeh with her **crutches**. The President told her to let go of the crutches and when **she fell**, Yahya Jammeh **laughed** to the point that he had to hold his stomach and he then **walked away**.

The witness added that the woman remained in Kanilai until she died.

Regarding Alieu Jeng’s involvement, Omar A. Jallow said that he did not stay in the car but participated in the killing. Solo Bojang, the senior man, was the only one staying in the car.

Three days after the **killing** of Haruna Jammeh, Sanna Manjang informed the witness that they were going for Jahsaja but he managed to extricate himself pretending to have a family urgency. Sanna Manjang then told him that they had taken Jasacha to the well and the witness understood that this person had been killed.

²⁸The Lead Counsel later mentioned the last name of this person: Jahsaja Kujabi.

Omar A. Jallow also confessed participating in the **torture** of Imam Baba Leigh, Imam Bakawsu (Fofana) and a Marabou/Imam whose name the witness could not remember and in the torture of the 30th December²⁹ coup plotters, including Sarjo Jarju alias Hitler, Lieutenant Amadou Sowe and another captain from the training school, whose name he could not remember. And another man at the NIA, but he did not know who this man was.

Regarding the **torture** of Imam Baba Leigh, Omar A. Jallow said that the then Director General of the NIA, Yankuba Badjie and his Deputy Louis brought in Baba Leigh and start asking him questions. But the witness did not remember about what topic. Nuha Badjie then ordered his men to **torture** him and they used sticks and elastic pipes. Omar A. Jallow remembered that Imam Baba Leigh then spoke and it was recorded on an audio tape and someone told the witness later that on the tape Imam Baba Leigh had mentioned him Oya and Nfansu Nyabally. The witness said that the **torture** lasted for about half an hour and that he saw blood at the back of the victim and bruises on his body. Along with him, those who participated in the torture were: Amadou Badjie, Pa Sanneh, Saikouba Jarju, Sulayman Sambou, Malick Manga, Nfansu Nyabally, Mustapha Sanneh, Michael Jatta, and Captain Momodou (Modou) Jarju alias Rambo. The witness said that he only participated in one **torture** session of the Imam but did not recall the date.

The same people also tortured Imam Bakawsu (Fofana). He was brought to the soldiers and Mustapha Sanneh was asking him questions about him allegedly insulting a specific tribe. In this case as well Nuha Badjie gave the orders to **torture** the Imam. Omar A. Jallow said that the Imam was reciting a verse of the Quran as he was being tortured and was crying.

The third Imam, whose name he could not remembered were tortured by the same men mentioned previously in the presence of NIA, Yankuba Badjie.

Going on to the fate of the death row inmates from Mile 2 Prison, Malick Jatta said the team in charge of the mission was composed of Major Nuha Badjie, Captain Momodou Jarju alias Rambo, Lieutenant Mustapha Sanneh, Lieutenant Michael Jatta, WO2 Nfansu Nyabally, WO2 Pa Sanneh, Staff Sergeant Malick Manga, Staff Sergeant Amadou Badjie, Staff Sergeant Saul Sambou, Corporal Saikuba Jarju, WO2 Modou Busso, Staff Sergeant Lamin Sambou and Staff Sergeant Buba Badjie. Modou Busso, Lamin Sambou and Buba Badjie were from the police, moved to the State House and incorporated to the Patrol Team and the witness recalled working with them only on this operation.

The team was briefed by Nuha Badjie that there was an order by Yahya Jammeh to **kill** a group of people detained at Mile 2 who had been convicted. When asked the witness admitted that they were shown no paper identifying the individuals to be executed.

At Mile 2 Prison, the leaders, Nuha Badjie and Captain Momodou Jarju alias Rambo entered the office of the Director of the prison, David Colley, where General Sulayman/Saul Badjie the Interior Minister Ousman Sonko and Justice Minister Lamin/Babading Jobarteh were also present

(when asked how he could be certain that it was the Justice Minister Omar A. Jallow recalled that once the inmates were killed, Captain Momodou Jarju alias Rambo went to take the Justice Minister by the hand and showed him the **dead bodies**).

Omar A. Jallow explained that the entire team was wearing masks on their faces in order not to be recognized. When asked if it was not surprising to

have to wear masks when carrying out an operation sanctioned by the government and the official execution of their duties, the witness agreed.

They then proceeded to the prison gates, General Saul Badjie, the Interior Minister Ousman Sonko and Justice Minister Lamin/Babading Jobarteh being in front of the convoy. The prison guards opened the gates and Nuha Badjie and others leaders went to collect the prisoners. Omar A. Jallow recalled them to be nine in number including one woman (at this moment the video went silent for a few minutes) and confirmed that her name was Tabara Samba³⁰.

They were put inside the vehicles and they drove to the Lance Corporal Bojang Range in Brikama (a place where the soldiers practice shootings). It was at night. The witness explained that there they took plastic bags and put them on the head of the inmates and **suffocated** them to **death**. After **killing** them, they took them to the bush and threw them inside a well.

He confirmed that the police officers - Modou Busso, Lamin Sambou and Buba Badjie - participated in the killings by restraining the victims. When asked what the witness would say in response to a claim by the police officers that they did not participate, Omar A. Jallow said that this a lie and explained that those police officers were released because the detained Junglers had said that this had been the only mission they had been part of. The witness assumed that the Head of the Army did not consider this as an offense and they were released.

When asked if the victims had been allowed to do any prayers before being killed or say farewell to their relatives, the witness said that he was not aware of such a permission. The Lead Counsel asked him if he thought that it was normal to **kill** a convicted person by strangulation and the witness agreed that it was not. He also acknowledged that he was not given any official paper allowing the execution. Omar A. Jallow

also said that he was not aware at the time that the inmates should have received a proper burial. He was reminded of the incident in which the bodies of the Ghanaians were dumped in a well and he admitted that in both cases it was done “to make them disappear” and as a cover-up.

When asked if it did not strike him as odd, that the government which had agreed to these executions, would later hide the bodies as a cover-up, Omar A. Jallow responded that it was surprising to him.

Omar A. Jallow was further interrogated about the killings of two Gambian Americans named Ebou Jobe and Mamud Ceesay. He explained that he and his colleagues were called by Malick Manga to a meeting at the place in Kololi where they usually met when they were about to go for an operation. He said those who were present at that meeting were; Major Nuha Badjie, Captain Momodou Jarju alias Rambo, Lieutenant Mustapha Sanneh, Lieutenant Michael Jatta, WO2 Nfansu Nyabally, WO2 Pa Sanneh, Staff Sergeant Amadou Badjie, Staff Sergeant Sulayman Sambou, Corporal Saikouba Jarju and Michael Correa.

At the meeting point, Nuha Badjie told them that there were two Gambian-Americans who came in to the country to topple the government of Yahya Jammeh and explained that Michael Correa was monitoring their ins and outs at the hotel where they were lodged. The witness said that when they left their hotel, Michael Correa called them and they mounted a checkpoint at the place where the present Petroleum House is located, waited for them until they came back and then arrested them. He recalled that they were five individuals in the car, including two women.

³⁰According to our research, she is said to have been raped multiple times before the killing.

From there, they went where the men were staying - it was close to Brufut, close to the Casino – and conducted a search. The witness explained that they did not find anything other than their personal belongings, including in the truck parked outside which only contained bags of hay. They found dollars and dalasis and gave them to Nuha Badjie. This was around 3 to 4 am.

Omar A. Jallow said that the two men were then taken to their base Kololi and interrogated by the officers. According to him, the two told them that they intended to topple the government of Yahya Jammeh; that there was shipping that was supposed to bring their weapons and that was why the truck was parked outside so that they could use the bags containing the hay to put the weapons there.

He admitted that they were being **beaten** – but not by him - while they were being interrogated. After the interrogation, they called General Sulayman/Saul Badjie who asked them to wait until he got instructions from President Yahya Jammeh who was in Kanilai. Around 5 pm, Saul Badjie called back and informed Nuha Badjie that the President wanted to see the two Gambian-Americans.

They then drove Mamut Ceesay and Ebou Jobe to Kanilai and there the leaders - Nuha Badjie, Momodou Jarju alias Rambo, Michael Jatta and Mustapha Sanneh - took the two inside Yahya Jammeh's house.

Omar A. Jallow recounted that after about 30 minutes, Nuha Badjie came out and told them that Yahya Jammeh has given an instruction to kill the two and chop them into pieces.

They put them into a vehicle and drove to Yahya Jammeh's garden which is behind Kanilai in a convoy. Omar A. Jallow recounted the names of those present: Major Nuha Badjie, Captain Momodou Jarju alias Rambo, Lieutenant Mustapha Sanneh, Lieutenant Michael Jatta, WO2 Nfansu Nyabally, WO2 Pa Sanneh,

Staff Sergeant Malick Manga, Staff Sergeant Amadou Badjie, Staff Sergeant Sulayman/Saul Sambou, Corporal Saikuba Jarju with Solo Bojang leading them to where they should be buried. The witness said that he brought shovel and pickaxe and was one of the diggers who prepared the ditch, together with Pa Sanneh, Saikuba Jarju and Amadou Badjie.

According to Omar A. Jallow the other men took plastic bags, put them over their heads and strangled them until they died. Then, because Yahya Jammeh has given orders that we cut them into pieces, Malick Manga and Nfansu Nyabally cut their heads off. The bodies were thrown in the same ditch and then the team passed Kanilai before returning home to Kombo. When asked if someone went to inform Yahya Jammeh that the mission had been done, he assumed that Solo Bojang would have because he lived in Kanilai, which was also the reason why he always led the way to the gravesite, since he was the person who knew the bush in Kanilai. The witness said that he himself was not certain to be able to recognise the place where they were buried, notably because the **killing** happened at night time. He explained that he went there with investigators but that the place he remembered turned out to be the wrong spot.

Omar A. Jallow said that he was not aware of any statement by the government regarding the two Gambian-Americans. He refuted the fact that the government did not know about their fate, since the very person who headed the government asked to see them and then ordered their execution.

On the killing of Ndure Cham, former Chief of Defense Staff, CDS, Omar A. Jallow said that he had not been present during his arrest but knows that he was subsequently detained at the NIA complex in Tanji. He himself was called by Malick Manga to replace him as a guard there and was told to take Sulayman Sambou along. The shifts were alternating and the witness recalled that one day Ndure Cham told him that he had had a dream that Yahya Jammeh had released him and given him a house, and upon

entering that house it was all shining with light. The witness told him that his was a good dream but Ndure Cham saw sadness on the witness' face and asked him why.

While the witness did not want to say anything to the detainee, he admitted to the TRRC that he suspected that something terrible was about to happen to him.

He said he was on duties at Tanji NIA complex together with Pa Sanneh when Saul Badjie, the then Director of NIA Yankuba Badjie and two other NIA personnel, who he did not know came and spoke to Ndure Cham. The witness said that he does not know what they told him.

The same day, Malick Manga called him to tell him to meet at their base in Kololi. There Nuha Badjie, Momodou Jarju alias Ramba, Mustapha Sanneh, Michael Jatta, Nfansu Nyabally, Malick Manga, Sulayman Sambou, Saikuba Jarju and the witness sat down and Nuha Badjie informed them that he got an order from the President Yahya Jammeh that they should **kill** Ndure Cham, adding that: *"That was our assignment for the day"*.

They went to pick up Ndure Cham in Tanji and put them in their car. Momodou Jarju alias Rambo and Sulayman Sambou were driving the vehicle, while Ndure Cham was sitting between the witness and Malick Manga and asked where they were going. On the way to Brikama brought out four plastic bags and gave them to Malick Manga and said

'alaa finish' meaning kill him. Malick Manga put four plastic bags on the head of Ndure Cham, who was handcuffed and the witness and Momodou Jarju alias Rambo helped him to suffocate the victim to death.

The body of Ndure Cham was buried in Foni where the Iranians used to train Gambian soldiers, and with the help of the Lead Counsel recalled that it was called Santamba forest. On their way the team met up with Solo Bojang and he led the way to Santamba. According to the witness Solo Bojang had been communicating with Nuha Badjie who was leading those in the car. While Omar A. Jallow said that he could recognize the area, he would not be able to find the exact spot where Ndure Cham was buried.

Speaking about the **murder** of Mustapha Colley, a former soldier who had been working at the State House but had been. One day Nuha Badjie gave a directive to Malick Manga to tell the men to converge to the base. There Nuha Badjie showed them a paper with a registration number of a taxi and a phone number, told them that they belonged to Mustapha Colley and asked Omar A. Jallow and Sulayman Sambou to find him. According to the witness he added that Yahya Jammeh had ordered that he should be **executed**. Sambou found him first and informed the witness that he was on his way to the base in Kololi under the pretext of taking of needing a taxi to transport an old TV set to Kololi. Upon arrival at the base, Mustapha Colley helped Sulayman Sambou to carry the TV and once inside they jumped on him. Nuha Badjie, Mustapha Sanneh, Momodou Jarju alias Rambo, Nfansu Nyabally, Malick Manga and the witness were present.

All of them "jumped on him, and while some were holding his legs and arms, other put a hand in front of his mouth and nose and suffocated him to death.

After the **killing**, they took his body in his taxi and went to Jabang village near the NAWEC station and sat him in his car and left with their own pick-ups. When asked why they proceeded like this, the witness said that the order had come from Yahya Jammeh through the hierarchy and it was meant to cover-up the murder.

Omar A. Jallow explained that Nuha Badjie had told them to “do it as you have done for Ello Jallow”³¹. The witness specified that he was in Kanilai at the time of the **killing** of Ello Jallow but he was told that his death was made to look like an accident, as if his vehicle had fallen from a bridge.

Explaining how Baba Jobe was **killed**, the witness explained that Nuha Badjie came to him at Hamsa Barracks and informed him that Baba Jobe had been admitted in the private wing of the Royal Victoria Teaching Hospital and asked him to look for a prison official – since Baba Jobe was guarded. According to the witness, when he came back he told his commanders that they should go themselves since they were in command and added that Yahya Jammeh could not do these things forever. Mustapha Sanneh told him to keep quiet and when Nuha Badjie returned he took the witness along to the hospital for a reconnaissance mission.

Nuha Badjie instructed the witness that the killing had to take place that night before Baba Jobe was sent back to Mile 2. At night, the witness, Pa Sanneh, Michael Jatta, Malick Manga, Mustapha Sanneh, Nfansu Nyabally, Sulayman Sambou and Momodou Jarju alias Rambo all went to the hospital. There they met with the prison officer who was guarding Baba Jobe and told them that he was asleep.

So, all of them went in and used his own blanket to suffocate him.

When asked if the prison officer had been aware that they came to kill him, the witness assumed that he was and said that he thought that his last name was Jammeh and was from Kanilai. The body of Baba Jobe was left on the bed.

As the operation was ongoing, Nuha Badjie was driving around Banjul waiting for them. Captain Momodou Jarju alias Rambo commanded that operation.

When asked, Omar A. Jallow said that at another occasion he received a call from Malick Manga telling him to report at the base. Those present were Nuha Badjie, Momodou Jarju Rambo, Mustapha Sanneh, Michael Jatta, Nfansu Nyabally, Malick Manga, Sulayman Sambou and the witness. Amadou Badjie, Pa Sanneh, Saikuba Jarju were absent because they were at a course.

At the base, Malick Manga told them that they would go to Kanilai and meet with Solo Bojang because two individuals Sulayman/Saul Ndow and Mahawa Cham had brought some weapons as they were planning a coup and had been looking for people to join them. The two men were reportedly staying in a hotel in Ziguinchor in Casamance, Senegal but Solo Bojang had indicated the name of a village for them to meet.

When the witness’ team reached Kanilai, two civilians whom he did not know, sitting in Solo Bojang’s vehicle. When asked if he had ever heard the names Lau Jarju and Suwandi Camara, he said that he had heard their names once. He explained that he was told that Yahya Jammeh had put these two individuals into the army, and while they never wore uniforms the President was using them to get information. He remembered having had a meeting with them to get to know each other and explained that they used to fight for Charles Taylor in Liberia. He however explained that at that moment he did not recognise them.

Solo Bojang led the way and headed towards Casamance but in order not to raise suspicions, one of the vehicles, the one of Malick Manga and the witness stayed behind and waited for around 3 hours. Around 5 to 6 pm, they saw the other cars coming back and followed them all the way to Kanilai.

³¹Bodyguard attached to the former Moroccan First Lady Zeinab Jammeh.

Omar A. Jallow explained however that the two individuals, who had been sandwiched in the car, had already been killed even before reaching the border to Gambia. They were suffocated with plastic bags and the witness said that when he saw the bodies, the bags were still on their heads.

He stated that he only got to know the names of the victims later but not the day they were killed. However, he recalled that Malick Manga told him that one of them – Sulayman Ndow - was the husband of a woman called Jek Cham. Later in the testimony, the witness explained that he only learnt during the “investigation” when he was already detained that the other victim’s name was Mahawa Cham.

Solo Bojang, Nuha Badjie, Momodou Jarju alias Rambo, Nfansu Nyabally, Mustapha Sanneh, Micheal Jatta, Sulayman Sambou were part of the team that buried the two men. When asked if it could have been that the government did not know anything about the fate of Sulayman/Saul Ndow and Mahawa Cham, he refuted this and said that this would be a lie. He affirmed that Yahya Jammeh gave the orders to kill them. He said that he knows this because when they got back to Kanilai before leaving to Casamance, Solo Bojang had ordered them to find these individuals “at all costs”.

The witness said after the mission, Malick Manga went to Senegal and gave two hundred and fifty thousand dollars as a token of appreciation to a Senegalese intelligence officer called Soloho who was working for Jammeh. When Malick Manga said this to the witness, he said that he asked for his share and Manga responded “*Yahya Jammeh is just **killing** us, he is using us in vain and is not paying us a butut*”³².

At this point the Lead Counsel recounted all the persons called by the Junglers Team and complained that they did not receive a butut from Yahya Jammeh. Omar A. Jallow responded that when he joined the Patrol Team, for three months they received a five thousand dalasi allowance but that ceased except for religious celebrations like Tobaski. The five thousand dalasi allowance was separated from the salary which was lower than the allowance and when they received it, they had to sign in a green book. The witness said that he was told that it was Yahya Jammeh who was giving the money. The Lead Counsel asked the witness if he never questioned himself why he was receiving this allowance, that it was as an incentive “*for the extra work that you were doing*” that was not being done by the other soldiers.

On another occasion on 22nd September 2016, Malick Manga called the witness again and told him to converge at the base in Kololi. There Mustapha Sanneh acting on the instructions of Nuha Badjie said that they should kill Toumani Jallow, a soldier who was alleged to have burnt the Alliance for Patriotic Reorientation and Construction, APRC Bureau as well as an alleged Senegalese rebel leader Abdoulaye Gaye. Both were in the custody of the NIA. At the very beginning of the briefing, they were told that the orders came from Yahya Jammeh.

Omar A. Jallow said the two victims were handed over to them by two or three individuals from the NIA at night around 9 pm. The Lead Counsel read the witness’ testimony in which he had indicated that the official from the NIA was called Sheikh Omar Jeng. Omar A. Jallow confirmed this and explained that he remembered the name because Pa Sanneh knew him.

Once the two individuals were in their custody, Pa Sanneh, Momodou Jarju alias Rambo and Saikuba Jarju, drove to a junction close to Brikama and met with Nuha Badjie and Amadou Badjie. When they reached the area around Maninaba, Momodou Jarju alias Rambo gave the witness and Saikuba Jarju a rope and the three of them killed Toumani Jallow.

³²A monetary unit of Gambia, equal to one hundredth of a dalasi.

The witness said that he does not know how Abdoulie Gaye was killed but that the group in charge of his execution was comprised of Sulayman Sambou, Michael Jatta, Nyfansu Njabally and Malick Manga, who was the driver.

Once Toumani Jallow was killed, the team drove to Kanilai and joined Sanna Manjang in Bwiam, where he took the lead. He left the main road and went to a place where Yahya Jammeh had a garden and that's where the victim was buried together with the other victim, Abdoulie Gaye who had been brought there by the other team. All of them had dug the grave with the tools Sanna Manjang had brought with him.

When asked what impact the announcement of an upcoming mission had on the witness, when they were told that Yahya Jammeh was ordering them to kill someone, he responded that he used to disturb him and made him think a lot. Omar A. Jallow explained that he had even put the questions to his colleagues, asking them how they felt about the fact that Yahya Jammeh was asking them to kill some relatives and brothers. He revealed that the team did not appreciate his questioning and Mustapha Sanneh told him that these were executive orders. Someone also informed General Saul Badjie about the concerns that the witness had expressed and he threatened him to dismiss him from the army and let the Patrol Team deal with him, meaning that they would kill him.

The Lead Counsel then asked Omar A. Jallow about the killing of a female soldier called Mariama Camara who lived at Hamsa Barracks. The witness explained that he has two wives and that the night of the incident he was in Bakau and that he was only called in the morning.

He was informed that Mariama Camara and her husband, whose name he had forgotten had killed each other. Mariama Camara used to be a bodyguard of the President.

There were many **rumours** that the reason for the quarrel between the woman and her husband was the fact that **Yahya Jammeh had impregnated her.**

He said that he could not confirm if this was true, because at the time when it happened, he was already a member of the Patrol Team. The witness however admitted that the rumour about the affair was widespread in Hamsa Barracks but also in the State House.

After the change of regime, the police carried out an investigation and one Pateh told the witness that he had heard a rumour that Captain Malick Mboye killed them both. At the time, he responded that he had heard the same rumour, but did not want that information to appear in his statement. To his surprise, the news reported that "*Omar A. Jallow said that it was Malick Mboye who killed Mariama and her husband*". This led to the arrest of Malick Mboye. Omar A. Jallow saw Malick Mboye as he himself was given evidence to the investigators. At this occasion, Malick Mboye asked him in front to the investigators to confirm that he had never been a Jungler, which the witness did. He explained that what had been reported in the news, was not the way he had said it and that he had only said that he had heard a rumour. Malick Mboye was eventually released. Omar A. Jallow said that he never discussed the matter with the soldier and that he does not know if it is true that Yahya Jammeh ordered the killing of Mariama Camara and her husband as a cover-up.

When asked by the Lead Counsel about a village called Kandunur and the fact that two brothers had been killed there, the witness replied that he had no knowledge of this incident.

He was also interrogated about regarding the “sacrifice of the babies”, but the witness also claimed never having heard of it.

Commissioner Mustapha Kah asked the witness if he had informed Haruna Jammeh’s wife about the fate of her husband when he saw her and Omar A. Jallow said that he did not. Regarding the criteria to be selected as Jungler, the witness explained that there were none.

Commissioner Jones inquired how soldiers were identified to be part of the Jungler training. The witness responded that Ismaela Jammeh and Alieu Bojang were the ones recommending outstanding and hardworking men to the commanders and the President. She then asked if he knew what had happen to Francisco Casio, Omar A. Jallow explained that he was deported due to his legal problems with Duo Sawo and Lala Jatta. Commissioner Jones wanted to know what the witness would give as advice to the security sector personnel to avoid being used against their nation.

Commissioner Kinteh wanted to know how long Ndure Cham had been detained at Tanji and the witness estimated that it was for about two weeks.

Commissioner Samba asked the witness about the base of the Junglers and whether they were taking drugs there. Omar A. Jallow explained that some soldiers were living there. She also wondered if for all the person executed, the killers had done the Muslim burial’ rituals, to which the witness said no.

Commissioner Sey asked the witness how many years he had been involved in the **killings**. The witness responded that by the time of the killings of Haruna Jammeh and the Ghanaians he was not yet part of the Patrol Team but after his participation, Tumbul Tamba requested him to join. Imam Sey told the witness that when he was called for a deadly mission, he should have realized that it would have been better not to go. Omar A. Jallow said that today he has regretted everything that he has done but when there is a bad

leadership, the subordinates will follow. This is what made him become a killer because Yahya Jammeh “does what he wants to do to you”.

He quoted a proverb saying that anyone who insult his father will not spear anybody’s father – which means that since Yahya Jammeh killed his relatives, he would not spare anybody.

Commissioner Jallow asked the witness if he did it because of the money and he responded that he did not join the army to get wealthy. He said that at one point he was even ready to leave the country but that his did not materialize. When asked if his wife and his relatives knew about what he was doing, he responded that she did not. Commissioner Jallow wanted to know how much the witness earned and he responded that he did not earn more than his salary.

The witness was also asked if they had buried the heads of the two Gambian-American together with their bodies – he responded positively.

Commissioner Bojang was asked about the identity of the man who killed on his motorbike when smuggling cannabis and Omar A. Jallow responded that he knew that he was coming from Brufut and that his brother was Omar Jatta.

As Chairman Sise asked the witness in how many killings he was involved, he started counting and with the help of the Lead Counsel concluded that the total number is 48.

In his concluding remarks, Omar A. Jallow said that when the change of government occurred, all his

past leaders told him to leave but he refused as he loves his country and wanted to reveal the truth. He disclosed that he has received calls from Jammeh's followers saying that he had paid each one of them 2 million dollars but he replied that he did not care for the money.

He said that the army only works by orders, and recalled the principle stating that "the leader never made mistakes". He deplored that Yahya Jammeh had been a bad leader and only his orders and command made the Gambian cry. He used to insult the parents of the soldiers that served him. Omar A. Jallow said that his heart will never be at rest unless he confessed his crimes and he asked for forgiveness because of Allah. He said that he was not the first one to be arrested but he still did not want to run away.

He called upon all to pray to God to have better leaders. He claimed that he had no choice than to obey the orders. He also pleaded for better salaries for soldiers to ensure that they do not have to be involved in illegal activities and to receive legal trainings.

When asked by the Lead Counsel if he did not know that it was wrong to kill other people, he said that he did not.

PERSONS MENTIONED BY WITNESS DURING TESTIMONY:

Enforced disappearance and killing of the 56 migrants

Yahya Jammeh, Tumbul Tamba, Solo Bojang, Sanna Manjang, Malick Jatta, Alieu Jeng, Bai Lowe, Musa Badjie, Kwasu Camara alias Bombardier, Molamin Tamba, Buba Jallow, Sarjo Jarju alias Hitler (the driver) and himself.

Enforced disappearance and killing of Haruna Jammeh

Yahya Jammeh, Solo Bojang, Tumbul Tamba, Alieu Jeng and the witness

Killing of Jahsaja Kujabi

Sanna Manjang

Enforced disappearance and killing of nine death row inmates

Yahya Jammeh; Nuha Badjie, Momodou Jarju alias Rambo, David Colley; Ousman Sonko, Babading/Lamin Jobarteh, Mustapha Sanneh, Michael Jatta, Nfansu Nyabally, Pa Sanneh, Malick Manga, Amadou Badjie, Saul Sambou, Saikuba Jarju, Modou Busso, Lamin Sambou and Buba Badjie and the witness

Enforced disappearance and killing of Mamut Ceesay and Ebou Jobe

Yahya Jammeh, Nuha Badjie, Momodou Jarju alias Rambo, Solo Bojang, Mustapha Sanneh, Michael Jatta, Nfansu Nyabally, Pa Sanneh, Malick Manga, Amadou Badjie, Sulayman/Saul Sambou, Saikuba Jarju and the witness.

Enforced disappearance and killing of Ndure Cham

Yahya Jammeh, Nuha Badjie, Solo Bojang, Momodou Jarju alias Rambo, Sulayman Sambou, Malick Manga and the witness

Arbitrary arrest and detention of Ndure Cham

Yahya Jammeh, Yankuba Badjie

Killing of Mustapha Colley

Yahya Jammeh, Nuha Badjie; Sulayman Sambou, Mustapha Sanneh, Momodou Jarju alias Rambo, Nfansu Nyabally, Malick Manga and the witness

Killing of Baba Jobe

Yahya Jammeh, Nuha Badjie, Momodou Jarju alias Rambo, Pa Sanneh, Michael Jatta, Malick Manga, Mustapha Sanneh, Nfansu Nyabally, Sulayman Sambou and the witness

Enforced disappearance and killing of Sulayman/Saul Ndow and Mahawa Cham

Yayha Jammeh, Nuha Badjie, Momodou Jarju Rambo, Mustapha Sanneh, Michael Jatta, Nfansu Nyabally, Malick Manga, Sulayman Sambou and the witness (Omar A. Jallow)

Enforced disappearance and killing of Toumani Jallow and Abdoulie Gaye

Yahya Jammeh; Nuha Badjie, Pa Sanneh, Momodou Jarju alias Rambo, Saikuba Jarju, Amadou Badjie, Sulayman Sambou, Michael Jatta, Nfansu Njabally, Malick Manga, and the witness

Torture of Imam Baba Leigh, Imam Bakawsu (Fofana) and another Marabou/Imam

Yankuba Badjie; Nuha Badjie; Amadou Badjie, Pa Sanneh, Saikouba Jarju, Sulayman Sambou, Malick Manga, Nfansu Nyabally, Mustapha Sanneh, Michael Jatta, and Captain Momodou Jarju alias Rambo and the witness

...the **Lead Counsel** called on the members of the public not to take the law in their own hands and to allow the members of the **Junglers** to testify freely and to go about their normal business in the event they happened to be people who are not in custody, and even if they are in **custody but happen to be released.**



Ya Mamie Ceesay and Alhaji Ceesay hold a photo of their son Alhaji Mamut Ceesay and his friend Ebou Jobe who were forcibly disappeared and killed by members of the Junglers on the orders of Yahya Jammeh. They are seeking justice.



WITNESS NAME: Amadou BADJIE nickname Chairman

TRRC HEARING DATE(S): 25th July 2019

EVENT(S) DISCUSSED: Recruitment as a Jungler/ Patrol Team, arrest of Lang Tombong Tamba, torture of Imam Baba Leigh and Bakawsu Fofana, arrest of Ndure Cham, killing of Toumani Jallow, Abdoulie Gaye; of nine Mile 2 Prison inmates and two Gambian-Americans Mamut Ceeseey and Ebou Jobe.

POSITION BEFORE THE EVENT(S): Soldier in the Gambia Armed Forces

ROLE DURING THE EVENT(S): Member of the Junglers

POSITION AT THE TIME OF TESTIMONY: Detainee

SUMMARY OF TESTIMONY:

Amadou Badjie alleged that when he joined the State Guard, State Guard Regimental Sergeant Major Mbye who he reported to told him to wait for his new commanding officer, Captain Nuha Badjie. When Nuha Badjie arrived, he took him to see General Saul Badjie, the commander of the Gambian National Guard who informed him that he would be part of a unit called “the Patrol Team.”

Amadou Badjie told the Commission that he had heard about the Patrol Team before, but was unaware of its members or supervisors. He said that he was told their job would be to patrol the border with Casamance. They were sworn to secrecy – no one, not even their wives, should know the nature of their missions. The witness

explained that that they should not ask any questions about the mission assigned to them or where they have gone; “*just be quiet and don’t ask questions*”.

When pressed by the Lead Counsel about the secrecy of the unit, the witness responded that at training school they were told that there were some missions which should remain quiet. The Lead Counsel interjected, asking whether he knew that the Patrol Team/Junglers were involved in **kidnappings** and **murders**. The witness responded that he did not know the nature of their work before he joined. The Lead Counsel rebutted that by 2009 the work of the Patrol Team /Junglers was common knowledge. The witness responded that he had been posted to rural areas in the infantry which might explain his purported ignorance about their work.

After the witness was assigned to the Patrol Team, Saul Badjie told him that Nuha Badjie would take him to the armoury to receive his weapons to be used on patrol and “other operations”.

The Lead Counsel asked for further clarification about the “other operations”.

After evading the question, the witness finally confirmed that the **weapons** were issued to be used in **kidnappings** and **killings**, and that the **Junglers** were a **hit squad for Yahya Jammeh**.

The witness testified that they were told they would not be informed of their operations in advance, instead they would be called and told to prepare and meet at a specific place. After they assembled they would be informed of their orders. Amadou Badjie confirmed that they knew their orders were coming from Yahya Jammeh himself.

The witness testified that the leader of his team was Nuha Badjie. Nuha Badjie’s immediate assistant was

Captain Momodou Jarju (Rambo). He was followed by Lieutenants Mustapha Sanneh, Michael Jatta, and Michael Correa. They were also joined by three Warrant Officers Class 2- Nfansu Nyabally, Alieu Jeng and Busso Modou. Pa Sanneh, Malick Manga and Lamin Sambou were also members. He added that Abdoulie Jallow was part of the team, but was later dismissed and then reinstated. Corporal Lamin Badjie, Sergeant Omar Jallow, Lance Corporal Sulayman Sambou, and Saikouba Jarju were also on the team.

He disclosed that in Kanilai, the team was led by Solo Bojang who was a deputy to Saul Badjie who reported directly to Yahya Jammeh. Major Sanna Manjang and Landing Tamba were also based in Kanilai.

The witness confirmed that Saul Badjie did not report “Jungler matters” to the Chief of Defense Staff, CDS – instead it went straight to Yahya Jammeh in the State House.

The witness testified that the first operation he took part in was the **arrest** of Lang Tombong Tamba. They were told that Lang Tombong Tamba was plotting a coup d'état and went to his house to arrest him. Amadou Badjie said that he was asked to stay in the vehicle outside the house because he was related to Lang Tombong Tamba. The witness stated his colleagues did not find him at his house, so Nuha Badjie called Lang Tombong Tamba, who told them to wait and he would arrive soon.

According to the witness, when Lang Tombong Tamba arrived, Nuha Badjie told him that they had been sent to **arrest** him. Lang Tombong Tamba dropped off some of his possessions inside his house, and then boarded their vehicles. They went to the National Intelligence Agency, NIA Headquarters where Lang Tombong Tamba was marched inside the building by masked men. The witness said he remained outside for some time until Nuha Badjie came and told them to go home. The witness told the Commission he could not comment on

what happened to Lang Tombong Tamba inside the building, but that detainees were regularly **tortured** during interrogations.

Continuing on with his testimony, Amadou Badjie explained that his second mission involved the **torture** of Imam Baba Leigh. After being called and told to prepare for a mission, a vehicle picked him up and took him to the NIA Headquarters. Inside the compound, he said he heard some officers say *“today it is going to be Baba Leigh’s turn.”* He waited at the building until late at night when he was told to return home.

He stated that he came back the next day and went to a conference room. A detainee, later revealed to be Imam Baba Leigh, was brought into the room. According to the witness, the then Director General Yankuba Badjie and Nuha Badjie began questioning the detainee. He refused to talk, so Nuha Badjie gave the order to **beat** Imam Baba Leigh.

They took sticks and hose pipes and began to **beat** the detainee. After striking a few blows, they would wait for some time before questioning him again. They were there for a while, repeating the cycle of beating and asking questions. After a few hours the witness was told to leave the scene and the detainee was taken away.

Amadou Badjie then disclosed that on another instance, he was called at midnight for another operation. He went to the NIA Headquarters where they brought in another detainee. The witness claimed he did not know the detainee at the time, but recognised the name Bakawsu Fofana when prompted by the Lead Counsel. Nuha Badjie allegedly gave them the command to “deal with this guy”. The witness admitted that, along with others, they **beat** the detainee until they were ordered to stop and the questioning continued.

He specified that both **tortures** were carried out by the same team, which included Momodou Jarju (Rambo), Mustapha Sanneh, Michael Jatta, Nfansu Nyabally, Pa Sanneh, Malick Manga, Omar Jallow, Sulayman Sambou and Saikouba Jarju.

Amadou Badjie told the **Commission** he knew **torturing** these two individuals was **wrong**, but that as a soldier he had to follow commands from his superiors. He said he could not see the **wounds** on their body, because it was night time, but **he could hear their cries**.

The witness also testified that he was part of the team that **arrested** Ndure Cham. He said he was called by Malick Manga and told there was another operation. Sulayman Sambou picked him up and they went to their base around Bijilo and Kerr Serign. At the base he met Nuha Badjie, Momodou Jarju, Mustapha Sanneh, Michael Jatta, Nfansu Nyabally, Pa Sanneh, Malick Manga, Sulayman Sambou, and Saikouba Jarju. Nuha Badjie told those assembled they had an operation in Farafenni.

He further explained that on their way to Farafenni they stopped by the office of General Saul Badjie for their leaders to meet with the General. Once they reached Farafenni, Nuha Badjie made a phone call and was told that Ndure Cham was in the area. The witness revealed that Nuha Badjie was speaking with a middle man, Musa Johnson, who had been an orderly to Ndure Cham at Yundum Barracks. Musa Johnson guided the team to a large garden where they disembarked and found Musa Johnson and Ndure Cham. Ndure Cham was **arrested** alive, handcuffed, and taken back to Kombo.

According to the witness when they returned to Kombo, Nuha Badjie called Saul Badjie, who told them to take Ndure Cham to the NIA compound in Tanji. Ndure Cham was locked up there and the witness was told to go home.

The witness said that his team was used for guard duties for two weeks. Then, one night while he and Pa

Sanneh were on duty, Saul Badjie, Yankuba Badjie and Nuha Badjie came to the complex and asked for the keys to Ndure Cham's cell. Ndure Cham was brought out and Michael Jatta and others (he did not specify names) put him in a vehicle and took him away. The witness claimed that he thought Ndure Cham was being taken to the NIA Headquarters.

The witness added that he stayed at the NIA complex in Tanji all night until he was called by Nuha Badjie in the morning who told them to go home.

Amadou Badjie claimed it was not until after the 2016 election that he learned that Ndure Cham had been killed.

The Lead Counsel interrupted and commented that in the witness' statement he said that Ndure Cham had been **killed** by **strangulation** and buried at Tintiba forest. The witness responded that he did not know how Ndure Cham died until Musa Johnson was arrested by investigators during the impasse. The Lead Counsel pointed out that it seemed strange that the witness learned how Ndure Cham died not from his colleagues, who were present at the **murder**, but from Musa Johnson, who was not there when Ndure Cham was **killed**. The witness reaffirmed that it was during the interrogation of Musa Johnson that he learned that his colleagues had **killed** Ndure Cham.

Amadou Badjie also testified about the role he played in the **murders** of Toumani Jallow and Abdoulaye Gaye. He told the Commission that one afternoon while at his family home in Foni he received a call from Malick Manga/Nuha Badjie³³ who told him there was an operation that day. The witness responded that he did not have a private vehicle and would have to take public transportation to return to Kombo. When the witness arrived at the airport junction, he called Nuha Badjie who told him to look in the direction of Brikama. On the side of the road he saw a parked white vehicle where Nuha Badjie was waiting for him.

³³He later said he received the call from Nuha Badjie.

Nuha Badjie took him to Brikama, where they met Michael Jatta, Mustapha Sanneh, and Momodou Jarju (Rambo).

After collecting the other members of the team they drove to the turnoff for a village called Santamba right before Bwiam. In Santamba, Nuha Badjie descended from the vehicle and spoke with Sanna Manjang, who was waiting for them. According to the witness, he heard Sanna Manjang saying “let’s go, let’s go, let’s go”. He (Sanna Manjang) then led them past a wire fence outside Santamba and deeper into the bush until he finally stopped in a place the witness said was a field belonging to Yahya Jammeh. The witness added that they were told to descend from Sanna Manjang’s vehicle and bring the tools for digging. Nfansu Nyabally, Omar Jallow and Saikouba Jarju measured out an area and began digging.

The witness then testified that another group of his team mates arrived with two corpses. The bodies were brought out of the car, and buried in the hole the witness and others had just dug.

The Lead Counsel interrupted and told the witness that he was present when those individuals were **killed**. The witness responded that the two individuals had been **killed** on the road, but that he had never seen these two individuals alive.

After a break, the witness acknowledged his responsibility that in so far as being a Jungler, he was guilty of assisting in the murders. The Lead Counsel responded that individuals are judged based on their conduct, not their association with a group.

The witness restated that he had no contact with these two victims until they had already been **killed**. He did confirm that he knew they had been **killed** by members of his team, and that they were trying to cover something up. He said he later came to know the two people he helped bury were Toumani Jallow, a member of the plain clothes team, and Abdoulie Gaye, a civilian.

Amadou Badjie again confirmed that he knew his team was an **execution** squad for Yahya Jammeh.

The Lead Counsel pointed out that **despite knowing he was a part of an assassination squad, the witness decided to stay with the group**. He responded that if you tried to leave the group, “**they would deal with you**”.

The witness then detailed his involvement in the **murder** of nine prisoners from Mile 2 Prison. This time, he was told the operation on the first call: they were to execute 9 people from Mile 2 Prison. He was joined by Nuha Badjie, Mustapha Sanneh, Momodou Jarju (Rambo), Michael Jatta, Nfansu Nyabally, Malick Manga, and Sulayman Sambou.

Amadou Badjie boarded the vehicles, and went to the prison, where the individuals were handed over to them. According to the witness, he was in Momodou Jarju (Rambo)’s car with one prisoner sitting sandwiched between him and Omar Jallow.

At one point on the road they stopped and Michael Jatta came over and looked into the vehicle. He left and came back, at which point he told them that before they reached the shooting range in Brikama their prisoner should be **killed**. He gave them nylon bags to carry out the **murder**.

Amadou Badjie testified that they held the prisoner while suffocating him with the bag.

“There was a little push and pull,” he told the Commission. The witness alleged that Sulayman Sambou watched as they **strangled** the prisoner, and seeing the struggle the prisoner was putting up, assisted with the murder.

The Lead Counsel asked the witness how it felt to **strangle** the man to death. Amadou Badjie responded that it was difficult, but those were their orders. “All we could do is calm down and put our mind at ease.

It is destined by God for these things to happen,” he attempted to justify. “I am powerless”.

When they arrived at the shooting range the vehicles stopped, and the witness was asked to disembark. He told the Commission that he was told some ministers would be coming, and that he should guard the road but let the ministers pass when they arrived.

The witness, who had been speaking in Jola during his testimony, switched to English for a moment, and the Lead Counsel remarked that his voice sounded like Yahya Jammeh’s. He asked the witness how he got his nickname, “Chairman” and the witness responded that he was given his nickname on his first day at training school. While Sheikh Tijan was observing the recruits, he noticed the witness and called the officers over to look at him. James Mendy said that the witness looked like Yahya Jammeh, and he was henceforth given the name “Chairman.”

Under further questioning Amadou Badjie revealed that his mother and Yahya Jammeh’s mothers were from the same compound. When he was younger his grandmother would send him to “Uncle Yahya” for milk.

The testimony then returned to the **murder** of the nine prisoners. The ministers arrived in two Prados, and the witness showed them the path. He did not name the ministers, but said there were more than two who arrived. They were met by the team leaders, who took them to where the corpses were lying.

The Lead Counsel again asked whether the prisoners were **killed** in the car or at the range, saying there were inconsistencies between the current witness’ testimony and that of Omar Jallow.

Amadou Badjie repeated that they killed their prisoner in the vehicle, but the others may have been killed at the range. He reminded the Commission that he had been left as a sentry to wait for the ministers so he was not there for the other murders.

He said he heard no gunshots, so it is likely they were strangled.

After the **killing** of the prisoners, the ministers departed. The corpses were loaded into vehicles and taken to Foni, where Solo Bojang led them into Casamance. Solo Bojang stopped the car in the forest and told them to take their corpse and follow him. He led them to an old well, where they threw the corpse. They then helped their colleagues dump the other bodies in the well.

The Lead Counsel then moved on to the **murders** of Gambian-Americans Mamut Ceesay and Ebou Jobe. The witness testified that he was called and told there would be another operation that day. Sulayman Sambou collected him in the evening and took him to one of their bases. They waited until around 10pm when they were informed they should prepare to leave soon.

They drove to Brusubi junction and erected a “snap vcp” checkpoint before the junction. Nuha Badjie then arrived, and told them there were Americans who were leading a plot to topple Yahya Jammeh with help from people from Guinea Bissau and a handful of soldiers in the Gambian military.

According to the witness, Mustapha Sanneh and Michael Correa were in Senegambia following the Gambian-American pair and reporting back their whereabouts. A little later Nuha Badjie called and said Mustapha Sanneh and Michael Correa had reported that the pair were on their way towards the checkpoint. He described the car they were in and the clothes they were wearing. When the pair arrived at the checkpoint, the witness signaled to them to pull over. He approached the vehicle and ordered the two men out of the car. There were two women in the car, who were allowed to pass.

The witness testified that the two men were taken back to their lodging. His senior colleagues searched their room while he stayed outside. According to the witness, they came out of the house with some foreign money and Gambian dalasi of an unknown

quantity. There was also a refrigerated truck parked in the driveway where they found two bags of dried peanut greens. After the search, they returned to their base with the two men and Nuha Badjie called Saul Badjie and informed him of their whereabouts.

Soon after Saul Badjie arrived with the director general of the NIA, Yankuba Badjie. According to the witness Saul Badjie, Yankuba Badjie and his team leaders began interrogating the two men. The witness said he did not take part in the interrogation, but instead was posted outside.

He said he was sufficiently far away where he would not have heard any cries, but that usually ***“if you are interrogating someone who doesn’t want to talk, you have to beat them.”***

They remained at their headquarters until around 5 when Nuha Badjie got a call from Saul Badjie that Yahya Jammeh wanted to see the two men in Kanilai. Around an hour later, they boarded their vehicles and left for Kanilai.

Amadou Bajie told the Commission that at Kanilai, they went straight to the training school and their leaders, who had the two victims in their car, went to Yahya Jammeh’s compound. They waited at the training school until Nfansu Nyabally came out and told them to prepare to leave again. The witness said they were not given their orders at that moment because there were a number of people milling around the training school and they did not want the arrest of the two men to be known. The leaders emerged from the compound, boarded their vehicles and they all left the training school.

After they left, the witness said they were informed that **Yahya Jammeh** had **ordered** them to ***“kill these people and cut them up into pieces”***.

They drove for a while until they reached Yahya Jammeh’s garden between Mayok and Allieu Kunda. When they arrived in the garden, Solo Bojang sent someone to bring digging tools. When the tools arrived, they went even further into the bush, measured out an area, and began digging. According to the witness, Omar Jallow, Nfansu Nyabally, Pa Sanneh, Saikouba Jarju and himself were doing the digging while the detainees were being guarded by Sulayman Sambou, Malick Manga, and Mustapha Sanneh.

He added that while they were digging the graves, the victims were **suffocated to death** and their **heads removed**. The **bodies and the heads were buried together**.

Under questioning from the Lead Counsel the witness acknowledge his complicity in the murders: “those who dug the grave, those who did the killing, those who cut off the head – we were all part of it”.

He testified that those who participated were Solo Bojang, Nuha Badjie, Momodou Jarju (Rambo), Mustapha Sanneh, Michael Jatta, Nfansu Nyabally, Pa Sanneh, Malick Manga, Omar Jallow, Sulayman Sambou, Saikouba Jarju and himself. He told the Commission he later learned the two victims had been Gambian-Americans. He could not remember their full names at first, but identified the two as Mamut Ceesay and Ebou Jobe after prompting from the Lead Counsel.

The Lead Counsel then gave the witness a photograph and asked him to identify the people in the picture. Amadou Badjie identified, (bottom left to right) Malick Manga, himself, Sulayman Sambou, (standing right to left) Nuha Badjie, Momodou Jarju, Pa Sanneh and Michael Correa. He said that Nfansu Nyabally had taken the photograph, and Michael Correa was the owner of the camera.

The witness again admitted they were a **killing** squad for Yahya Jammeh and they were keeping these

killings secret. He acknowledged receiving payment, but he said he thought all soldiers were getting the money.

He told the Commission if the money was for their role in the Junglers, they should have been paid more.

The Lead Counsel pointed out that in some instances they committed the murders and kidnappings without any extra payment. The witness responded that those were their orders. He repeated the phrase that as soldiers when someone tells them to jump, they should respond “how high?”. He admitted that his actions were a result of blind loyalty to the previous regime.

In response to questions from the Commissioners, Amadou Badjie revealed that in his career in the army they were never taught about human rights. He also repeated that he, Nuha Badjie, Momodou Jarju, Mustapha Sanneh, Michael Jatta, Nfansu Nyabally, Pa Sanneh, Malick Manga, Sulayman Sambou, and Saikouba Jarju did not resign from the group because “if you try to leave, they will dispose of you”. He told the Commission that at one point Nfansu Nyabally wanted to resign, but they convinced him to stay.

In his rambling concluding remarks the witness appealed for forgiveness from the loved ones of the people he killed. He repeated that his actions were the nature of his job in the military. He ended by pleading for forgiveness again, and asking the public to see soldiers as the public’s servants, not their enemies.

PERSONS MENTIONED BY WITNESS DURING TESTIMONY:

Arbitrary arrest

Nuha Badjie, Amadou Badjie (the witness), Momodou Jarju aka Rambo, Mustapha Sanneh, Michael Jatta, Nfansu Nyabally, Pa Sanneh, Malick Manga, Sulayman Sambou, Saikouba Jarju

Torture

Amadou Badjie (the witness), Nuha badjie, Yankuba Badjie, Momodou Jarju aka Rambo, Mustapha Sanneh,

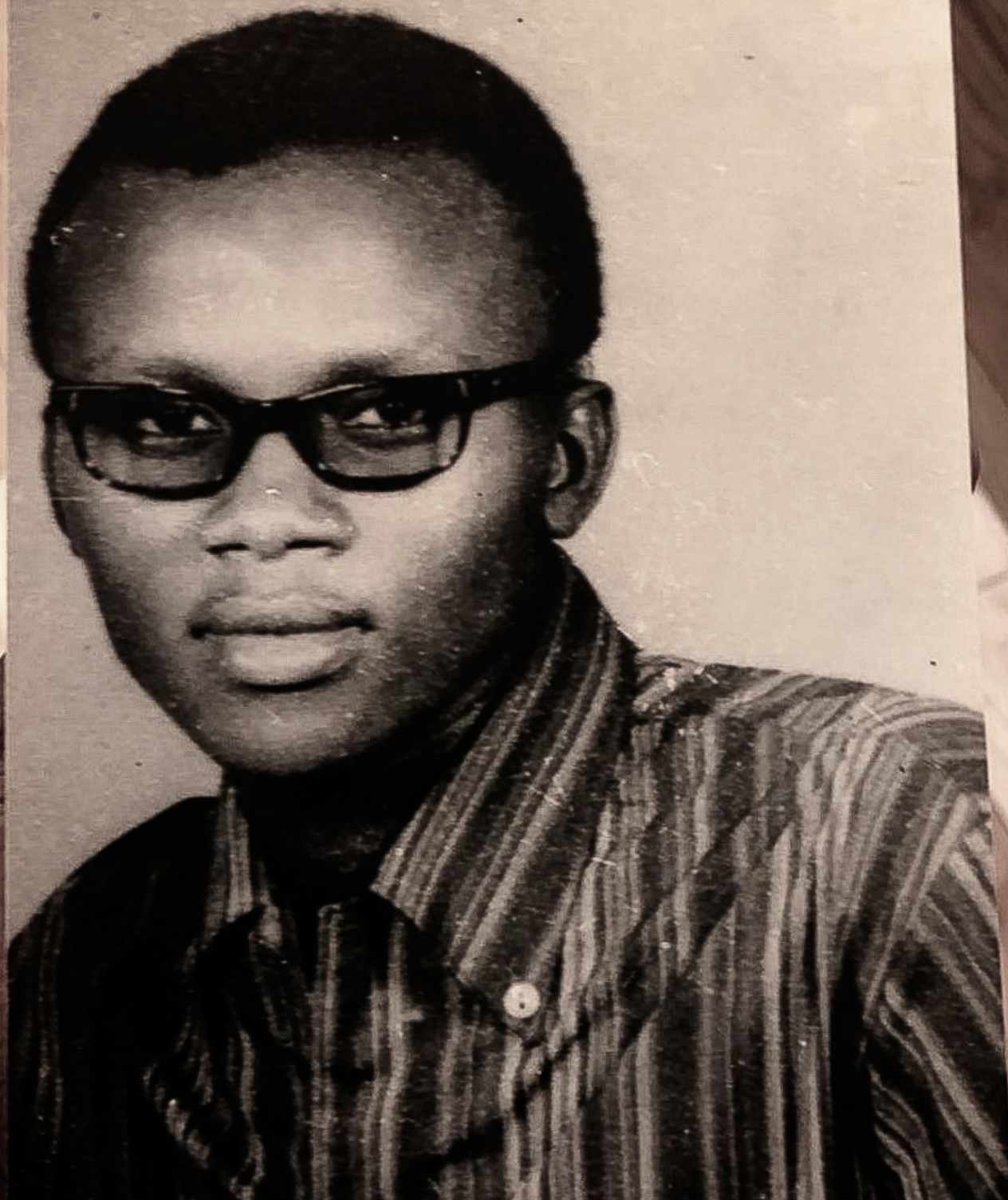
Michael Jatte, Nfansu Nyabally, Pa Sanneh, Malick Manga, Omar Jallow, Sulayman Sambou, Saikouba Jarju

Enforced disappearance

Amadou Badjie (the witness), Nfansu Nyabally, Omar Jallow, Saikouba Jarju, Saul Badjie, Nuha Badjie, Mustapha Sanneh, Momodou Jarju (Rambo), Michael Jatta, Malick Manga, Sulayman Sambou, Solo Bojang, Sanna Manjang

Extrajudicial killing

Yahya Jammeh, Nuha Badjie, Mustapha Sanneh, Momodou Jarju aka Rambo, Michael Jatta, Nfansu Nyabally, Malick Manga, Sulayman Sambou, Solo Bojang, Pa Sanneh, Omar Jallow, Saikouba Jarju



In 2013, Saul N'dow together with former Member of Parliament Mahawa Cham were forcibly disappeared and killed by members of the Junglers on orders of Yahya Jammeh.



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About ANEKED

Led by young African human rights activists, the African Network against Extrajudicial Killings and Enforced Disappearances (ANEKED) campaigns against forced disappearances and summary executions. ANEKED combines the power of technology, innovation, traditional media and legal expertise to make issues related to enforced disappearances and extrajudicial killings much more visible, advocating for justice for victims and their families.

www.aneked.org

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About The Point Newspaper

The Point Newspaper is a major independent Gambian newspaper, co-founded by Deyda Hydara, a fierce advocate of press freedom and a fierce critic of the government of then President Yahya Jammeh, who was allegedly killed under the orders of Jammeh in 2006. The current co-publisher is his son, Baba Hydara.

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