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 at the end of the Digest.

A UDP supporter wearing the party’s colour. During the Jammeh regime, opposition supporters especially UDP supporters were persecuted.
OVERVIEW
The TRRC returned for its 5th session on 10th June 2019 and ran until the 27th June 2019. The session focused on the persecution, arbitrary arrest, detention, torture and forced disappearance of perceived political opponents to the regime and the Alliance for Patriotic Reorientation and Construction, APRC.

The session particularly looked into the 22nd September 1996 Denton Bridge incident when United Democratic Party, UDP, the main opposition party at the time was attacked by the APRC and the aftermath. The session also heard testimonies regarding the March 2006 failed coup, which led to suspected coup plotters being arbitrary arrested, detained, tortured and forcibly disappeared by the regime.

Further testimonies were also heard regarding the circumstances surrounding the extrajudicial killing of the then Minister of Finance Ousman Koro Ceesay in June 1995, allegedly by the Council members. The undermining of the legislature by Yahya Jammeh and the serious human rights violations committed by the National Intelligence Agency, NIA and the death squad team known as the “Junglers” were discussed.

The session ended dramatically with the refusal to testify by Yankuba Touray, former Junta member, minister and one of the high profile alleged perpetrators of human rights violations and his subsequent arrest.

During the fifth session of the TRRC hearings, 16 persons testified including 3 persons accused as alleged perpetrators of human rights violations in previous testimonies, 12 victims (including 4 women) and 1 witness to the events discussed. 1 person testified via video conferencing/skype.

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

- Arbitary arrest and detention
- Enforced disappearance
- Torture
- Extrajudicial killing
- Detention under inhumane and degrading conditions
- Corruption of justice
- Misappropriation of assets

62 persons were mentioned by witnesses in relation to human rights violations committed, namely1:

- Justice Omar ALGHALI: Former Chief of Justice. Accused of corruption of justice
- Baba (last name not indicated): National Intelligence Agency (NIA) agent with decision-making powers at the NIA Headquarters in 2001. Accused of inhumane detention conditions of a United Democratic Party (UDP) member.
- Nuha BADJIE: Former Lieutenant Colonel in the army and member of the death squad team “the Junglers”. Accused of 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.
- Sulayman/Saul BADJIE: Former Lieutenant General in the army and member of the death squad team “the Junglers”. Accused of 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. 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 detention and of torture of a United Democratic Party (UDP) member.
- Foday BARRY: Former agent of the National Intelligence Agency (NIA). Accused of arbitrary arrest

1 The allegations against individuals listed here are only those that were mentioned in this session. Individuals might have been accused of other crimes in previous sessions. Please check our previous Digests.
and detention, of leading the interrogation panel investigating the March 2006 failed coup and being complicit in the torture of detainees in the aftermath of the March 2006 failed coup.


-Kawsu “Bombardier” CAMARA: Former State Guard officer and member of the death squad team “the Junglers”. Accused of participating in the torture of United Democratic Party (UDP) members.

-Mr. CEESAY (first name not mentioned)²: Alleged to have been part of the police in 2006. Accused of arbitrary arrest of Duta Kamaso in 2006.

-Momodou Lamin CEESAY: Police officer and working at the Serious Crime Unit of the Police Force in 2006. Accused of being present during unlawful interrogation, obtaining false statements and confessions from detainees in the aftermath of the March 2006 failed coup. Reportedly serving in the police force at time of release of this publication.

-Lamin CHAM: Police officer and working at the Serious Crime Unit of the Police Force in 2006. Accused of being present during unlawful interrogation, obtaining false statements and confessions from detainees in the aftermath of the March 2006 failed coup. Reportedly serving in the police force at 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 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.

-OMar COLLEY: Accused of arbitrary arrest of Demba Dem.


-Michael Sang CORREA: Captain in the army and member of the death squad team “the Junglers”. Accused of arbitrary arrest and of 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. Last known location said to be in the United States.


-Kulu GIBBA: Station officer at the Police Station of Janjanbureh. Accused of arbitrary arrest of a United Democratic Party (UDP) member.

-Momodou/Muhammed HYDARA: Acting Director of the National Intelligence Agency (NIA) in March 2006. Accused to be part of the panel investigating the alleged 2006 failed coup and complicit of torture. Reported to be living in Alaska, in the United States at time of release of this publication.


-Nfally JABANG: Accused of being a member of the death squad team “the Junglers” in 2006. Accused of arbitrary arrest of Duta Kamaso in 2006 and of being present during unlawful interrogation, obtaining false statements and confessions from detainees in the aftermath of the March 2006 failed coup.

²Mr. Ceesay and Momodou Lamin Ceesay might be the same person given dates and position
-**Batch Samba JALLOW:** Former Lance Corporal and former driver to Edward Singhateh. Accused of participating in the execution of captured soldiers in November 1994.

-**Ebou JALLOW:** Former Captain in the army and spokesperson of the Alliance for Patriotic Reorientation and Construction (APRC). Accused of misappropriating government assets. Reported to be living in New York City at time of release of this publication.

-**Ismaila JAMMEH:** Member of the death squad team “the Junglers” in 2006. Accused of torture of persons interrogated by the panel investigating the March 2006 failed coup.

-**Musa JAMMEH (aka Maliamoogoo):** Former officer in the Gambia National Army and bodyguard of Yahya Jammeh. Accused of participating in the torture of Sadibou Hydara, Sanna Sabally and Babucarr Sanyang in 1995 and in the torture of Babou Janha and others in the aftermath of the March 2006 failed coup including of the journalist Lamin Cham. Deceased (2007).

-**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 the alleged 11th November 1994 failed coup; of having ordered the torture of Sadibou Hydara, Sanna Sabally and Babucarr Sanyang in 1995; of ordering the torture of persons suspected of planning the March 2006 failed coup; of ordering the arrest and torture of perceived political opponents, of corruption of justice and of misappropriation of government assets. In exile in Equatorial Guinea at the time of mention.

-**Baboucarr JATTA:** Former Minister of Interior and former Army Commander. Accused of ordering the forced disappearance of Kanyiba Kanyi, a United Democratic Party (UDP) member. Retired at the time of mention.

-**Malick JATTA:** Member of the death squad team “the Junglers” in 2006. Accused of torture of persons interrogated by the panel investigating the March 2006 failed coup.

-**Modou Lamin JARJU (alias Rambo):** Major in the army and member of the death squad team “the Junglers”. Accused of 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.

-**Yaya JARJUSEY:** Chief and APRC member. Accused of ordering the arbitrary arrest and detention of a United Democratic Party (UDP) member.


-**Dada JOBE:** Brother of Baba Jobe. Accused of attempted abduction of Ousainou Darboe, United Democratic Party (UDP) leader.

-**Boto KEITA:** Police Officer. Accused of being present during unlawful interrogation, obtaining false statements and confessions from detainees following the March 2006 failed coup. Reportedly serving as a police at time of release of this publication.

-**Abdoulie KUJABI:** Former Deputy Director of the National Intelligence Agency (NIA). Accused of being present during unlawful interrogation, obtaining false statements and confessions from detainees following the March 2006 failed coup.

-**Omar MAMBURAY:** National Intelligence Agency

-Sanna MANJANG: Former Lieutenant Colonel in the army and member of the death squad team “the Junglers”. Accused of 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.

-Malick MANGA: Former Warrant Officer Class One and member of the death squad team “the Junglers”. Accused of 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. Said to be in hiding in Senegal at time of release of this publication.

-Almamo MANNEH: Accused of participating in the torture of Sadibou Hydara, Sanna Sabally and Babucarr Sanyang in 1995. Accused to be part of the panel investigating the alleged 2006 failed coup and complicit of torture. Deceased (2000).


-Alagie MARTIN (aka Lagos): Former Sergeant in the Gambia National Army. Accused and confessed of ordering and participating in the torture of Sadibou Hydara, Sanna Sabally and Babucarr Sanyang in 1995 and accused of torturing Babou Janha and others in the aftermath of the March 2006 failed coup. Was serving as a General in the army at the time of mention but suspended at time of release of this publication.


-Pierre John MENDY: Accused of participating in the torture of United Democratic Party (UDP) members. Is reported to be a commanding officer at Fajara Barracks at time of mention.

-Omar NDURE: Corporal in the army and driver. Accused of having participated in the torture of Sanna Sabally, Sadibou Hydara and Babucarr Sanyang in 1995.

-Baba NJIE also known as B.A. NJIE: Former orderly of Sanna Sabally. Accused of having participated in the executions in November 1994.

-Babucarr NJIE also known as Njie PONKAL: Former private soldier and orderly of Sanna Sabally. Accused of having of having participated in the executions in November 1994.

-NYABALLY (first name not indicated): Former member of the death squad team “the Junglers”. Accused of torture.

-Sanna SABALLY: Former Captain of the Gambia National Army and the first Vice-Chairman of the AFPRC, reported to have been working as a nurse in Germany and most recently in Dakar for a German organization at the time of the testimonies. Accused and confessed of having participated in the executions of captured soldiers on 11th November 1994.

-Possibly Nfansu Nyabally who is on the list of wanted persons issued by Gambian authorities in 2018.
-**Baba SAHO:** Accused of being present during unlawful interrogation, obtaining false statements and confessions from detainees following the March 2006 failed coup.

-**Harry SAMBOU:** Director of the National Intelligence Agency (NIA) in 2006. Accused of arbitrary arrest of Duta Kamaso in 2006.

-**Mustapha SANNEH:** Captain in the army and member of the death squad team “the Junglers”. Accused of 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.

-**SARR (first name not indicated):** Former police officer. Accused of arbitrary arrest of a United Democratic Party (UDP) supporter.

-**Pa Modou SARR:** Lance Corporal in the State Guard in the Quick Reaction Forces in 1995. Left the army in August 1997. Accused and confessed of having been present at one torture session of Sanna Sabally and Sadibou Hydara and of having participated in the torture of Babucarr Sanyang in 1995.

-**Edward SINGHATEH:** Former Lieutenant of the Gambia National Army and second Vice-Chairman of the AFPRC, served in the Jammeh cabinet. From 2016 to 2018, he served as the Vice President of ECOWAS and was said to be residing in Nigeria at the time of mention. Accused of having participated in the executions of captured soldiers on 11th November 1994 and of torturing United Democratic Party (UDP) supporters in September 1996.

-**Lamin SENGHORE (aka Assassin (nickname Pa)):** Accused of having participated in the torture of Sanna Sabally, Sadibou Hydara and Babucarr Sanyang in 1995. Arrested on 8th April 2019, hours after giving his testimony to the TRRC on accusations of lying to the Commission.

-**Ousman SONKO:** Former Inspector General of Police and Minister of Interior. Accused of unlawful interrogation, obtaining false statements and confessions from detainees and complicit of torture in the aftermath of the March 2006 failed coup. Detained in Switzerland and under investigation by Swiss authorities for crimes against humanity at time of release of this publication.

-**Jali Musa SUSSO:** Former orderly of Yankuba Touray. Accused of having participated in the executions in November 1994.

-**Lang Tombong TAMBA:** Former Deputy Chief of Defense Staff, CDS. Accused of unlawful interrogation, obtaining false statements and confessions from detainees and complicit of torture in the aftermath of the March 2006 failed coup.

-**Tumbul TAMBA:** Head of the death squad team called “the Junglers” in 2006. Accused of torture of persons interrogated by the panel investigating the March 2006 failed coup and enforced disappearance. Deceased (2007).

-**Kanyi TOURAY:** Governor of Central River Region (CRR). Member of the APRC. Accused of ordering the arbitrary arrest and detention of Binta Kuyateh, a UDP supporter.


-**Yankuba TOURAY:** Former Lieutenant of the Gambia National Army. He held different ministerial portfolios in Jammeh’s regime, including Minister of Information, Tourism, Culture and Local Government and Lands. Accused of having participated in the executions on 11th November 1994 and of ordering the persecution and torture of UDP supporters in September 1996. Charged with the murder of Ousman Koro Ceesay before the High Court of The Gambia at the time of release of this publication.
7 TYPES OF HUMAN RIGHTS VIOLATIONS
- arbitrary arrest/detention
- torture
- corruption of justice
- extrajudicial killing
- enforced disappearance
- detentions under inhumane and degrading conditions
- misappropriation of assets

16 PERSONS TESTIFIED
- 12 victims (including 4 women)-1 person testified via Skype
- 3 persons accused by witnesses as alleged perpetrators of human rights violations
- 1 witness to the events discussed

62 PERSONS MENTIONED
- in relation to human rights violations committed

PLACES
- NATIONAL ASSEMBLY
- JANJANBUREH PRISON
- MANSAKONKO POLICE STATION
- STATE HOUSE
- NATIONAL INTELLIGENCE AGENCY HEADQUARTERS
- ARMY HEADQUARTERS
- MILE 2 PRISON
- BASSE POLICE STATION
- BAKAU DEPOT
- DENTON BRIDGE
- ATLANTIC HOTEL
- MAGISTRATE COURT
- BANJUL HIGH COURT
- KARANTABA POLICE STATION
- YANKUBA TOURAY’S RESIDENCE IN KERR SERIGN
- YUNDUM BARRACKS
- BRIKAMA
- JESHWANG PRISON
- BANJUL POLICE HEADQUARTERS
- BRIKAMABA POLICE STATION
WITNESS NAME: Abubacarr N.M Ousainou DARBOE

TRRC HEARING DATE(S): 10th June 2019

EVENT (S) DISCUSSED: Persecution of perceived political opponents by APRC, attempts to have the witness abducted, arbitrary arrest, detention and forced disappearance of UDP members including the witness, attack on UDP supporters at the Denton Bridge and at Westfield

POSITION BEFORE THE EVENT(S): Lawyer

ROLE DURING THE EVENT(S): Leader of the UDP, opposition to the APRC

POSITION HELD AT TIME OF TESTIMONY: Lawyer

SUMMARY OF TESTIMONY: Abubacarr N.M Ousainou Darboe testified before the Commission that on Friday 22nd July 1994, he did not believe there was a coup at first but on his way home from his office, he found soldiers at Denton Bridge stopping and searching vehicles. He added that he remained indoors when he got home. On Saturday, soldiers came to look for him, but were told he was not in. He left the house and went into hiding. The witness told the Commission that he believed that the soldiers wanted his services. He added that when there is a change of government in any country through a coup d’état, the coup-makers seek lawyers to have laws enacted to legitimise their acts. The witness stated that he was certain this was the reason the soldiers had searched for him and he hid because he refused to take part in their treasonable activities.

Ousainou Darboe further testified that when he was the Vice-President of the Bar Association, they wrote a letter asking the Junta government to hand over power to a civilian government within six months. He specified that he personally delivered the letter to the then Secretary of Cabinet Abdoulie Sallah. This was followed by a meeting with the Junta. The witness added that their demand for power to be handed over to a civilian government created a rift between the Gambia Bar Association and the then government.

The witness explained that a few months later, he led a group within the Bar Association to refuse to attend the Legal Year celebration as it was "presided over by a man in military uniform". The witness added that he was strongly against attending the Legal Year celebration as those in power at the time had overthrown the legitimately elected government of the country, assaulted the Constitution and denied people’s rights. On the day of the celebration, the witness got a call from the BBC regarding the Bar Association’s refusal to attend. Though he iterated that he could not speak on behalf of the Bar Association regarding the refusal to attend, he said that he (Ousainou Darboe) could not go and “rub shoulders with people who have really overthrown the Constitution of this country”.

Ousainou Darboe said that later that day, while he was in Bundung, people came and pretended to be potential clients seeking legal advice. When he went out of the compound, he was grabbed and almost abducted. Passers-by started shouting and people from the compound came out and rescued him. Witness Darboe specified that at the time, he did not know those who had attempted to abduct him but he was later told that one of them was Dada Jobe, Baba Jobe’s brother. Mr Darboe stated that the opposition to the unlawful overthrow of the Constitution eventually subsided and though individual members of the Bar still felt strongly against the army handling the affairs of the country, there was no public display of it.
Moving on to the demonstration at the US embassy in October 1995, Ousainou Darboe explained that he was not aware of any organised demonstration. He said on Sunday, a few days after the demonstration was said to have taken place, he received a phone call from Daba Marenah, then a National Intelligence Agency, NIA operative, asking him to report to Bakau Police Station. Ousainou Darboe told the Commission that he initially refused. However, a man called Lamin Jobarteh, one of his junior counsels convinced him to comply.

The witness testified that he was escorted by Lamin Jobarteh to the Bakau Depot instead of the police station where he was asked by Mr. Mendy from the NIA why MC Cham had made a phone call to Sir Dawda Jawara from the witness’ office. The witness responded that MC Cham had not done so in his office and said they could verify by requesting the phone records from GAMTEL. The witness said he was then asked to make a statement, which he did and was then detained at the depot where he found several People’s Progressive Party, PPP members including O.J. Omar Jallow, Ousainou Njie, MC Cham, Saraney Jatta, Ismaila Jawara, Batch Samba Jallow, Mustapha Dibba among others who were detained for allegedly involving in a demonstration against the regime at the time. He added that they were in terrible physical shape, especially MC Cham and Ismaila Jawara, and he believed they had been tortured by the security officers.

Ousainou Darboe further explained that he was never told of the crime he had committed but during his detention, Alhagie Kanyi would come by and taunt him. He went on to describe the conditions of detention which was an old hangar that was used for vehicle maintenance. It was hot and they were not permitted to shower, to change neither clothes nor access to medical treatment. The witness added that he had an infection as a result.

The witness told the Commission that he was detained for about 24 days and was never taken to any court of law nor was he taken to any administrative tribunals.

The witness stated that a day after his release, a decree was promulgated to allow for a prolonged period of detention without challenge. He believed this was done to pre-empt him and others from suing the government for unlawful detention.

He added that those detained with him remained in the hangar for over a year until around January 1997, just before the National Assembly election, and were released following political pressure from the United Democratic Party, UDP on the government as a condition for the party to participate in the National Assembly elections.

Prior to the release of the individuals, the witness started a foray into politics. He narrated that in August of 1996, he returned from the United States and had found that people belonging to other parties that had been banned had decided to come together under an umbrella led they hoped by the witness in opposition to Yahya Jammeh. The witness said his decision to lead the party was not taken lightly as at the time the environment was very hostile to any challenge to Yahya Jammeh’s political aspirations.

Witness Darboe stated that during the launch of the newly formed party, he made reference to the three million USD that the then Armed Forces Provisional Ruling Council (AFPRC) spokesperson Ebou Jallow had allegedly stolen. The witness said that he had evidence that Yahya Jammeh was complicit and some of the money had been transferred to a bank account in Switzerland under Yahya Jammeh’s name.
The witness told the Commission that he started revealing the corruption and called on the government to investigate Ousman Koro Ceesay’s murder during his electoral campaign.

He added that he believed that the regime headed by Yahya Jammeh was complicit in the murder, which was the reason why they refused to investigate the matter.

Witness Darboe further indicated that his statements about Ousman Koro Ceesay’s murder were not well received by then Vice-Chairman of the AFPRC Edward Singhateh who complained to the Provisional Independent Electoral Commission, PIEC that these accusations should not be a campaign issue. The witness also said that then Minister of Local Government and Land and national mobiliser of the Alliance for Patriotic Reorientation and Construction, APRC, Yankuba Touray threatened the witness in order to silence him.

Ousainou Darboe explained that during their electoral campaign, it was agreed that the UDP would not be at the same location at the same time as the APRC to avoid conflict. Both sides provided itineraries showing where they would be and at what time, and the party that was behind was not to come to the same location as the party that was already ahead. However, the APRC would intentionally delay their presence in particular locations to prevent the UDP from getting to the area. He mentioned the arbitrary arrest of some of the UDP members, including Sainey Sabally (brother of the former Vice-President Saihou Sabally) in Farafenni because he was organising the UDP campaign in the North Bank region. The witness also recalled when the head of the UDP security team, Siaka Sonko was arrested. The witness said he believed that it was to intimidate him and also to ensure that he did not have the professional security advice that he should be relying on during the course of his campaign. Kebba Fatty had to step in as Chief of Security. The witness stated that Kemeseng was also arrested around the same time because he was the person who oversaw their campaign in the Lower River Region and the Lower River Region was a UDP stronghold.

The witness stated that following the arrests, they met at the governor’s office to protest against the APRC’s tactics as they were going against the rules agreed by all the parties and the Provisional Independent Electoral Commission, PIEC. At the governor’s office, there was radio communication between the governor and the police in Banjul (he believed he was talking to the Chief of Police RFI Jammeh) who said: “if they don’t agree, shoot them”. They were suggesting that the UDP reduce their campaign team. At the time, they had two trucks. For some reason, Baboucarr Jatta, the then Army Commander called and the witness explained the situation to him and insisted that they would go ahead with how they had planned their campaign.

Witness Darboe narrated that they eventually arrived in Essau and held a meeting there but supporters that had crossed from Banjul were assaulted by APRC supporters. The rest of the campaign went smoothly until they arrived at Denton Bridge on 22nd September 1996. Some of their supporters in their party T-shirts were attacked and the T-shirts they wore torn. He was told that a pregnant woman was manhandled, stripped of her clothes and severely beaten for supporting the UDP.

The witness said he realised that it was an ambush, mainly target at him and he was advised to take a U-turn to Pipeline. He later found out that the supporters in the trucks were all made to disembark and tortured by the soldiers. Several victims told him that Yankuba Touray and Edward Singhateh were among the soldiers who tortured the UDP supporters.

According to the witness, Yahya Jammeh was responsible for the incident and those at the bridge were his agents. The witness told the

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4The Armed Forces Provisional Ruling Council (AFPRC) eventually became the political party Alliance for Patriotic Reorientation and Construction, APRC.
Commission that they complained to the PIEC and called for a press conference but nothing was done. The witness refuted allegations made by Yankuba Touray that these complaints were never made, adding that Yankuba Touray lied to cover himself.

The witness then discussed the aftermath of the Denton Bridge attack: UDP supporters sustained injuries, several were attended by Dr. Sheriff Ceesay and some UDP supporters died as a result including Kebuta Jafunneh. He stated that on 22nd September, two members of his party, Amadou Sanneh and Yankuba Dibba were also arrested and taken to the NIA, where they were beaten. He said that Amadou Sanneh sustained deep lacerations on his back.

Moving to the year 1997, the witness explained that UDP held a regional congress in Brikama and those in charge of the organisation, namely Shyingle Nyassi, Wassa Jawneh, Yusupha Cham, Bolong Sonko, Dembo Arra Sanneh and Sarjo Kuja Sanneh were arrested by the NIA and taken to the headquarters where they were detained for several days. When they were released, they were in a horrible state, in particular Sarjo Kuja Sanneh who had really been treated in a way that no woman should be treated and died as a result of those injuries.

The witness testified that they had mentioned the late Daba Marenah, Kawsu “Bombardier” Camara and Pierre Mendy as among those who had tortured them.

Discussing the elections results, the witness claimed that they won the elections but the win was given to the APRC. He stated that they were leading throughout the country and all of a sudden for there was blackout on the results for about four hours. He subsequently learnt that counting was being done at the State House and UDP votes were given to APRC. The witness suggested that the PIEC Chairman at that time was taken hostage by the military and had to ask for permission to leave after the results started coming in.

Ousainou Darboe explained that they did not go to court over this issue because at that time the judiciary was not credible as it was presided by Justice Alghali who was known to favour the government. No petition was filed either as they did not want to legitimise a fraudulent election.

Following the 1997 elections, the harassment of UDP supporters continued. The witness recalled a particular event in 2001 when he visited the Upper River Division where his party had done better than the APRC in the elections. Elements of APRC and July 22nd movements came in and started disturbing their meetings as they moved from one village to the other. The witness and Dr. Ceesay were eventually ambushed with stones thrown at them. An APRC supporter named Isatou Sowe was apprehended and handed over to the police to reveal who had instructed them to do this. None of his supporters died during that incident but one Mr. Njie, an APRC supporter allegedly died. The witness testified that he did not know how he had died.

The witness said that he found out that their permit had subsequently been revoked and they were escorted to Basse Police Station where they spent the whole day. They were then charged with the murder Mr. Njie and arraigned before Magistrate Borri Touray. The witness said he protested and said the court did not have the jurisdiction to try murder cases as it was a magistrate court and plea taking was part of a trial. The witness was not told of the circumstances of Mr. Njie’s death but the charge sheet had close to 100 people from the UDP including Sarjo Kuja Sanneh. Magistrate Borri Touray ordered that they been taken to the High Court. At the Banjul High Court, the witness was granted bail, which in fact led to the amendment of section 99 of the criminal procedure code, which meant that one could not be bailed for a murder offence.
Witness Darboe further testified that the charges were eventually dropped against the 90 or so members of the UDP and the Attorney General filed charges against the witness, Momodou Lamin, Shyingle Nyassi, Lang Marong and Rawan Seck, his bodyguard. They were subsequently re-arrested as it turns out no plea had been taken. They were taken to different police stations so that they could not communicate with one another and probably to make things difficult for their lawyers because they had to hop from one police station to another. The witness remained at Yundum Police Station for seven days and during that time, he was neither taken to court nor given any explanations for his detention.

When asked if he knew if someone in fact had died, the witness responded in the negative as he was not taken to the mortuary and shown the corpse as per the usual practice. The witness did recall an autopsy report, which said that the cause of death was excessive blood loss.

Upon further probing by the Lead Counsel, the witness declared that members of his party never went armed in public however he conceded that he believed that members of his party had burnt down a government vehicle during the clash with the APRC. In response to the Lead Counsel stating that UDP supporters had acted unlawfully and that it was of concern and should be noted, the witness agreed that it was a matter of concern but then the scales were different and not comparable “as that was an isolated incident which would not have caused a TRRC to be instituted in this country”, whereas the pattern of APRC harassment of UDP supporters was widespread. Witness Darboe further declared that violence in the political field should be rejected and not promoted whilst reiterating that UDP never supported violence and never will.

Going back to his detention, the witness stated that following his release, the trial was completed after six years and his legal team led by Antouman Gaye made a no case submission, which was upheld on 22nd June 2006 as the prosecution case lacked merit. It was according to him harassment by using the legal process.

During that six-year period when his trial was ongoing, members of his party continued to suffer from harassment and arrest and so forth. For instance, during the 2002 parliamentary elections campaign, a journalist called Momodou Sanyang who had been assigned by the Gambia Radio and Television Services, GRTS to his campaign team was recalled and dismissed because he was reporting accurately what was happening on the ground. Another reporter was then assigned and all their activities were poorly shown on the TV. The witness agreed that the government was essentially using GRTS as a tool to destabilise the activities of opposition’s political party.

The witness recalled that between the period 2000 and 2006, UDP supporters such as Tata Camara from Janjanbureh, Shyingle Nyassi and Momodou Sanyang were arrested and taken to the NIA.

He added that Shyingle Nyassi was tortured and admitted to Kololi Clinic to get treatment due to injuries sustained and Momodou Sanyang claimed his genitals had been electrocuted and died shortly afterwards.

He said he blamed the NIA for Momodou Sanyang’s death.

Ousainou Darboe also discussed the arbitrary arrest of Alhagie Karamo Fatty in 2002 who was taken to Janjanbureh were he was detained because he was the regional Chairman for UDP for the North Bank Region and would not support the APRC.

The witness testified before the Commission that Kanyiba Kanyi, the UDP youth leader in Kombo East was arrested on 18th September 2006 and taken to the NIA on orders he believed of Baboucarr
Jatta the then Minister of Interior. A week later, Rambo Ousman Jatta was also arrested and they tried to locate them but to no avail. The witness said he filed habeas corpus applications before the court but the government denied ever having them in their custody. The witness however added that this was their modus operandi. He referred to the case of Shyingle Nyassi who they found out was held by the NIA when Tata Camara was released and told them, though the NIA had actually denied having Shyingle Nyassi in custody. The witness stated that Rambo Ousman Jatta was eventually found in police custody in Sareh Ngai, one of the border villages in Upper River Region.

They filed another affidavit but the State continued to deny having Kanyiba Kanyi in their custody, who left behind a pregnant wife and was never seen again. The witness said that the party held the government accountable for the death of Kanyiba Kanyi.

The witness added that it was not a matter of surprise that Emmanuel Fagbenle who was acting on behalf of the government subsequently became the Chief of Justice of this country as he was compensated for misusing the legal system and entrenching a dictatorship in The Gambia. He testified that his appointment was contrary to the provision of the Constitution.

Discussing de facto powers, which people associated with the government had, the witness mentioned a junior photographer in the film unit at GRTS called Modou Bah who later became a senior photographer at State House where he was very influential. He added that people who had no idea how to run a government where yet the ones making decisions.

Witness Darboe stated that Yahya Jammeh’s government was known to be the worst government on the face of this earth, taking into account the geographical and population size of the country.

He stated that citizens were so intimidated that Yahya Jammeh was free to do whatever he felt and had willing partners, including the religious leaders who were supporting and praising him whilst people like the witness and journalists were portrayed as “bad citizens”. He added that Yahya Jammeh ran this country like his fiefdom and brought the judiciary to disrepute.

He said that as a lawyer, he was embarrassed. He further added that the youth in his party never sought employment with the government as they were seen as opponents of Yahya Jammeh for simply associating with the UDP. On the victimisation of his family, the witness stated that his family members were denied jobs.

PERSONS MENTIONED BY WITNESS DURING TESTIMONY:

Attempted abduction
Dada Jobe

Asset misappropriation
Yahya Jammeh, Ebou Jallow

Enforced disappearance
Baboucarr Jatta

Corruption of justice
Yahya Jammeh, Emmanuel Fagbenle, Justice Alghali

Torture
Yahya Jammeh, Yankuba Touray, Edward Singhateh, Daba Marenah, Kawsu “Bombardier” Camara, Pierre Mendy
WITNESS NAME: Amadou SANNEH

TRRC HEARING DATE(S): 11th June 2019

EVENT (S) DISCUSSED: 22nd September Denton Bridge attack, arbitrary arrest, detention and torture of the witness

POSITION BEFORE THE EVENT(S): Certified Accountant

ROLE DURING THE EVENT(S): UDP Treasurer

POSITION AT TIME OF TESTIMONY: Certified Accountant and politician

SUMMARY OF TESTIMONY: Amadou Sanneh testified before the Commission that he was appointed as Accountant General in July/August 1994. He explained that as the Accountant General, he accounted for all the resources and expenditures of the government. The witness added that he reported to the Ministry of Finance and had frequent interactions with the Permanent Secretary and the Minister as well.

Witness Sanneh went on to describe his experience working for the Armed Forces Provisional Ruling Council, AFPRC regime between 1994 and 1996. He stated that in 1995, he initially reported to Bala Gaba Jahumpa but later to Ousman Koro Ceesay with whom he had previously worked at the National Investment Board. The witness added that he had a good working relationship with Ousman Koro Ceesay and described him as very intelligent, straightforward and opinionated.

The witness testified that he was not aware of any financial or budgetary disagreement between Ousman Koro Ceesay as Finance Minister and members of the AFPRC regime. He also discussed his interactions with the members of the Council, which he described as authoritarian, lacked respect for procedures and ignorant in government systems. He specified that Sanna Sabally would just barge into his office and demand for things to be done immediately, thus disregarding rules and regulations at the time. He also narrated his encounters with then AFPRC Chairman Yahya Jammeh. He explained that on four separate occasions, Yahya Jammeh had called the witness to the State House and had spent hours ranting about where “this people have to say where they have kept the money of this country otherwise I will kill all of them”. He said Yahya Jammeh was referring to the People’s Progressive Party, PPP members.

Mr. Sanneh told the Commission that as a civilian working for the military regime, he felt threatened. He disapproved of their actions against civilians and mentioned the time Sanna Sabally and his security shot at a taxi driver around Westfield. He stated that though he had not witnessed the incident, he happened to pass by, and the crowds were discussing the event. He also was appalled by the arbitrary detention of former managing directors and senior officials and knew he could not continue working with the regime.

The witness testified that in March 1996, he was moved from his position as Accountant General to the Ministry of Trade as the Deputy Permanent Secretary without warning nor reason. He said soldiers working for the AFPRC came to his office and asked him to hand over everything, including his private diaries which he did. A few months later, in August, he resigned and set up a private practice, AA and Co, at Independence Drive in Banjul, as he wanted to work for himself and not for the government. Shortly after, he joined the newly formed United Democratic Party, UDP with the aim of changing the country. He stated that during the first congress, he was appointed as the National Treasurer of the UDP.
Discussing the political climate in 1996, when he joined the UDP, witness Sanneh highlighted that there was a very hostile environment plagued by harassment and terror against the UDP and other parties opposed to the Alliance for Patriotic Reorientation and Construction, APRC regime. The witness explained that they would be denied permit for meetings and if their members went ahead, they would be arrested and detained, which was the case of Femi Peters who spent about six months in old Jeshwang Prison. The witness stated that the APRC sent Police Intervention Units to beat and disperse militants and supporters when Ousainou Darboe, then Secretary General of the UDP was conducting a tour around the country.

He added that the security forces became an apparatus of oppression for the regime and were no longer there for the security of Gambians. They were agents of brutality.

Amadou Sanneh also said that the UDP was denied radio and television coverage and would not be able to count on the police for protection when they would report cases of harassment and brutality during the campaign. He added that APRC flags were displayed at police stations and security forces would have APRC badges on their uniforms. The governors and the deputy governors were mainly 22nd July members posted in all the regions. Their role was mainly to campaign for the APRC and not to work for the development of the country. He particularly recalled when the Governor of the Upper Fuladu constituency, Modou Bojang, whom he had known since childhood took pickups with armed soldiers around to terrorise the villagers. The Alkalos would be threatened to encourage their constituents to vote for the APRC.

Witness Sanneh testified before the Commission that on 22nd September 1996, at around 8-9pm whilst returning from their nationwide campaign tour, security vehicles overtook their large convoy and rushed ahead of them. The witness was in the lead car followed by the UDP trucks “Democracy” and “Human Rights”, and other members in other vehicles. Once they arrived at Denton Bridge, they found that the road was surrounded with armed soldiers. They forced the witness and his colleagues to alight and sit on the ground. The witness recalled that the soldiers were firing up in the air and shot at the tires of one of the trucks.

The witness stated that he recognized Yankuba Touray whilst his colleagues confirmed that the late Almamo Manneh and Edward Singhateh were also present. They were all wearing military outfits. According to the witness, the group of soldiers, under orders of Yankuba Touray, first made the unarmed UDP members remove their UDP shirts then they made them lie flat on their stomach. They then used pipes and beat them on their bare backs. He added that they would also stamp on their backs with their military boots. He added that some members of their group tried to flee under the bridge and the heard gunshot however he could not confirm if they were hit or not. After the beating, they asked the UDP members to get up and the witness said he overheard the soldiers discuss driving the trucks into the sea and leaving the UDP members drown. Others suggested they light a fire and let the vehicles go over the fuel tank so it could explode, thus killing all the UDP members.

Witness Sanneh explained that they lit a fire and made the UDP members board the trucks. The then pointed a gun at the driver and asked him to drive over the fire or they would shoot him. The UDP members were all terrified. The driver started the truck and used the front tire to run over the fire and was able to extinguish the fire. The witness added that the soldiers argued as to what to do with the UDP members and they finally let them cross the bridge and asked to alight once on the other side, in front of the Atlantic Hotel. The witness said that they...
were then beaten again with pipes and though it only lasted about 30 to 45 minutes to them it seemed like an eternity. He recalled that UDP members sustained injuries including Yankuba Dibba, currently with the Constitutional Review Commission, had his arm dislocated. The witness sustained lacerations on his back and injuries on his head which was swollen.

The witness narrated that once the soldiers were done beating them in front of Atlantic Hotel, they ordered them to disperse. Witness Sanneh ran and went across Independence Drive to seek refuge. He spent the night, and in the morning, he had his wife come for him. The following day, many of those injured went to Kololi clinic to be treated by Dr. Sheriff Ceesay.

Amadou Sanneh recounted how two days later, on the 24th, two National Intelligence Agency, NIA officers, including one Mr. Jeng came and escorted him to the headquarters at Marina Parade complex on the pretext that he had to collect his vehicle. Once there, he was detained with others in a very small cell. After 18 days, he was released but he was not able to vote during the 1996 elections that took place during his detention. On the conditions of his detention, the witness explained that he would have to lie on the concrete floor and would sometimes, depending on the guards be allowed outside to urinate. Other times, detainees would have to do so in 5-litre plastic bottles and a foul smell would overtake the cell. He added that the cells were infested with mosquitoes and without ventilation.

The witness further explained that he was not allowed access to medical treatment despite the injuries he had sustained two days earlier, visits nor was he given access to a lawyer.

He also recalled that his younger brother came looking for him (the witness) but the guards denied having the witness in custody. His younger brother refused to believe them and a man called Foday Barry then ordered for him to also be detained overnight and then released.

Witness Sanneh stated that upon his release, they threatened him not to disclose his ordeal to anyone or they would come for him. He said that he also later found out that he had been detained because as UDP Treasurer they thought by arresting and detaining him during the election period, they could starve the UDP from campaign funds. The witness added that the rationale did not make any sense as to access the campaign funds, many signatures are needed not just the treasurer’s.

Upon being read an excerpt from the NIA report regarding the 22nd September Denton Bridge attack, the witness refuted the statements that said he was apprehended on the night. He reiterated that he was arrested two days after the incident, on the 24th. The witness further stated that the Denton Bridge attack was a wake up call for the UDP and they understood they were facing a government that wanted to forcefully establish itself.

The witness told the Commission that following the Denton Bridge incident, the UDP published press releases and called for press conferences but their efforts were in vain. He also told the Commission that the Denton Bridge incident created a climate of fear within UDP members.

People were very apprehensive as the former regime had a network of informants and individuals were being arbitrarily arrested and detained. Nobody felt safe to openly talk about the government, freedom of assembly was restricted and the press was driven to self-censorship.

Moving on from the Denton Bridge incident, the witness recounted a time they were attacked. According to the witness’ testimony, in 2000, whilst on tour with the senior leadership of the party, they were ambushed near Basse. Stones were thrown at them and the
UDP youth members went after the attackers into the bushes and fought back. The witness explained that the youth came back with three armed individuals including a woman and took them to Basse Police Station where they found out that they had been sent by the APRC. The witness also stated that during the attack, one of the vehicles used in the ambush was set on fire but he could not ascertain by whom.

Amadou Sanneh testified that when they left the station, they were informed that one of the attackers had been injured during the fight with the UDP youth and taken to Basse clinic where he subsequently died. He added that the party leadership later made enquiries within the party but they were unable to establish who was responsible. However, he iterated that they had told their members not to use violence. Once the witness and his colleagues returned to Basse Police Station, they were detained for about a week. A team led by Jay Sowe from Banjul Police Headquarters was investigating the incident. The witness said that about 80 to 100 of them were eventually charged with the victim’s murder, one Alieu or Alagie Njie. During the witness’ detention, the three attackers were released. Baba Jobe, an APRC strong man would also come with the APRC youth, circling the police station and saying they wanted to avenge the death of Mr. Njie.

The witness stated that they appeared before Magistrate Borri Touray who ruled that the case was beyond his jurisdiction. The group was then transferred to the fury of the APRC to the Banjul High Court the next day and granted bail. Eventually, only five of them namely Shyingle Nyassi, Rawan Secka, Ousainou Darboe and the witness (he could not remember the name of the fifth person) were charged with murder but they were eventually discharged. The witness said that despite these hurdles, they remained undeterred as they wanted to get The Gambia they loved out of the dictatorship under the APRC. He added that however, many of their members who feared for their life had to go into exile.

Moving on to his arbitrary arrest in 2013, the witness explained to the Commission that around September, two NIA operatives came to his office and said they wanted to see him at the headquarters. Based on his first experience, the witness contacted his wife and informed his office staff. Upon arrival at the NIA premises, the witness was detained as expected. After some time, one Sukuta interrogated the witness. The witness stated that he was asked about an attestation to support the asylum application of a man called Malang Fatty, which the UDP did at the time for those who feared for their lives and wanted to leave the country. Sukuta responded that the letter was tarnishing the image of the country to which the witness said he responded that he felt it was his duty as a human being to help Malang Fatty escape the threat.

Witness Sanneh said that he was then taken together with Malang Fatty and his older brother Sambou Fatty who had also been arrested to the then Director General of the NIA, Yankuba Badjie and other senior leaders of the agency. They were asked to apologise on camera to the President. The witness told the Commission that he refused. He added that a Gambia Radio and Television Services, GRTS crew was even brought to the NIA to film. The witness refused to comply and instead asked for his lawyer to no avail.

Amadou Sanneh further testified that they sent other officers to try and convince him to apologise but he still refused. He stated that after a while, one night at around 1-2am, they came and took them individually one by one: the witness, Malang Fatty, Sambou Fatty and Mr. Baldeh the notary public who had notarised the attestation. The witness was taken upstairs where he found Yankuba Badjie and other masked men. The witness stated that he came to find out that these masked men were part of the “Junglers” who would come to torture detainees at the NIA. At this point, the witness added that during his detention, a soldier was also taken and severely tortured. Upon probing, he said it could have been Solo Bojang but he was unsure.

Going back to the night when he was taken to a hall on the first floor of the NIA, the witness stated that
Yankuba Badjie ordered him to remove his shirt and together with the masked men, slapped and beat him. The witness said he almost passed out and could not walk when they were done with him.

Two guards had to drag him back to his cell. The witness told the Commission that he could not recall exactly who was present as he had a hard time remembering this event but he was later told that one of the masked men was a Jungler called Nyabally.

Amadou Sanneh further testified that upon his release he was told that he had appeared on GRTS. He said he was surprised as he could not recollect appearing. The video was then played which the witness saw for the first time. He confirmed that it was him on the video and that it must have been taken after they had tortured him. On his reaction to the video, the witness stated that he thanked God he had survived. He added that others like Solo Sandeng were not able to survive the torture meted onto them.

The witness explained that following his torture at the hands of NIA operatives and Junglers, he together with Malang Fatty and Sambou Fatty were charged with sedition among other charges and moved to Mile 2 Prison at the remand wing where the conditions were terrible. The notary public became a state witness after he was also tortured. The prosecution could not give any evidence. In addition to the notary public, a NIA operative appeared as a witness. Though he could not produce any evidence and stated he was acting orders and instruction, Amadou Sanneh was sentenced to five years in prison, of which he served three until President Adama Barrow pardoned him.

Amadou Sanneh stated that during his detention, a man called Lamarana Jallow was severely beaten by the prison officers and subsequently died. He added that during his detention he developed severe back pain and upon his release and referral to several doctors, he was told that he had a displaced disc and a destabilised spinal cord at the lower end. He had an operation on his spine and feels better as a result.

In his concluding testimony, the witness said that he suffered serious impact due to his involvement with the UDP.

He was seen as an opposition to Yahya Jammeh and out of fear many people did not want to be associated with him. He said during his detention, many of his friends who were close stopped calling or visiting his wife.

He called on Gambians to be principled and go beyond the thinking that “when the going is good, we are all happy together but when is difficult you are on your own”. Amadou Sanneh declared that a better Gambia had to be built and asked for Gambians to look towards principles not individuals or positions.

PERSONS MENTIONED BY WITNESS DURING TESTIMONY:
Torture
Yankuba Touray, Edward Singhateh, Almamo Manneh, Yankuba Badjie, Nyabally
Arbitrary detention
Foday Barry, Yankuba Badjie

2Possibly Nfansu Nyabally who is on the list of wanted persons issued by Gambian authorities in 2018
6Most probably Nfansu Nyabally who is on the list of wanted persons issued by Gambian authorities in 2018.
WITNESS NAME: Omar DARBOE

TRRC HEARING DATE(S): 12th June 2019

EVENT (S) DISCUSSED: 22nd September 1996 Denton Bridge and Marina Parade attack

POSITION BEFORE THE EVENT(S): Fisherman and UDP Militant

ROLE DURING THE EVENT(S): UDP Militant

POSITION HELD AT TIME OF TESTIMONY: Staff at the Ice Plant in Gunjur

SUMMARY OF TESTIMONY: In giving his testimony to the Commission, the witness said he that though he liked the United Democratic Party (UDP), his reason for joining the party in 1996 was out of curiosity.

He said one day he heard the UDP was going on a Nationwide Election Campaign upcountry and thought that this would be an opportunity for him to go around the country and he therefore joined the campaigners.

He said he joined the convoy and began their campaign in Foni escorted by the paramilitary from behind led by Commander Amadou Suwareh. He continued to explain that on their way after a meeting in Sibanor, a group of boys threw stones at them but they were stopped by the paramilitary and they continued on their journey holding meetings at several settlements in and around Foni, Kiang and Jarra areas. At Jarra Karantaba, the witness said they were insulted and stoned by a group of boys. He said that at some point, one of his colleagues pointed out to him that Baba Jobe was present at that incident.

He said a fight broke between them (UDP militants) and the APRC supporters that threw stones at them and one of them was injured but after a while there were negotiations and the fighting stopped. He said the paramilitary were following them but they arrived after the fight.

He said from Jarra Karantaba they went across the rest of Jarra, Niamina and MacCarthy without incident until at the ferry crossing point at Sankulay Kunda. They saw another group of people dressed in Alliance for Patriotic Reorientation and Construction (APRC) T-Shirts who insulted them and threw stones at them, resulting in a fight that lasted more than 30 minutes. He said they again negotiated and the fight ended. The witness said they met Major Momodou Bojang at the ferry crossing but he could not attest to seeing him (Bojang) do or say anything during the fight. The witness said that at the time the fight broke out, their leaders who were in front had crossed and went ahead into Farafenni.

He said they proceeded the way to Sandu district in Upper River Region before turning back and crossed to Farafenni where, as they approached the police station, they saw a vehicle standing in the middle of the road in front of the police station. He said while they were negotiating for the vehicle to be removed, some of people from their convoy decided to push the vehicle off the road. He said that in the process, some armed youth came out insulting and throwing stones at them and after a while his people retaliated. He said some people sustained injuries on their heads and faces.

He explained that on the following day, they went to Baddibu India where another vehicle was placed in the
middle of the road. The witness accused APRC militants of blocking the road as they were the only enemies of the UDP that were attacking them anywhere they went. He said the vehicle was pushed off the road. People that attacked them, mainly youth were armed as had been the case in all the other attacks against them. He told the Commission that they were not armed as their leaders always advised them against getting involved in violence.

The witness said that they proceeded on to Badibou Kerewan were they were woken up by a commotion and when they went outside, they were surrounded by two truck-loads of soldiers armed with guns in the night and he later heard that a rumour that Siaka Sonko was arrested, which was confirmed the following morning when they went to the meeting grounds. He said at that time the paramilitary were lodged at the residence of the Governor.

He stated after they left Kerewan and crossed to Niumi where they visited many settlements before arriving at Gambia where they were to have a meeting. He said their vehicle went to Barra and at that time some UDP supporters crossed from Banjul to join them in Essau to attend the meeting. He said at Barra they were again insulted and harassed by some youth which resulted in a fight where he personally saw someone get injured – one with a broken arm and another person injured on the head. The injured were taken to the Essau Health Center for treatment. He said that during this incident at Barra, he did not see the paramilitary until after the fight was over.

After the meeting in Essau, the witness said they returned back and passed through Kiang without incident. He said they also passed Foni without much incident except in certain communities where they were insulted, mocked, or stoned at while some were waving APRC flags and banners and waved them. They ignore them he said.

The meetings continue from Kafuta to Brikama where a lot of people dressed in their party T-shirts, caps and scarves, and waving flags with banners along the highway came out to welcome them and as they proceeded towards Serrekunda they saw many people.

He said their vehicle “Democracy” was behind the entire convoy as usual and they reached Westfield around 12am and at that time he was very tired as he first wanted to stop at Brikama but ended up continuing on to Westfield. He said upon arrival at Westfield they were told by some people that the convoy had driven towards the direction of Banjul and they followed. He said they found a lot of soldiers at Denton Bridge.

He explained he saw dark objects moving and that was the time he realized that those were soldiers in the dark holding their guns and that made him very terrified.

He said all of a sudden, a group of soldiers came to their driver and told him to drive the vehicle into the river and when the driver refused, he was mercilessly beaten as they hit him with their gun butts.

After beating the driver, he said the soldiers shot the tire of their truck, which made him (the witness) more terrified. He went on to explain how the soldiers tried to set the truck on fire with them inside and when that did not work, they climbed into their vehicle, hit them with gun butts and forced them to get off the truck. They instructed to take off their shirts and forced to lie on the ground. He said he personally saw two soldiers cutting the branches off a tree and while they were lying on their stomachs, they came stumping on them with their military boots, hitting them with gun butts and with sticks. He said both men and women were subjected to the same torture and further added that his shoulder dislocated in the process and that was how he remained lying down.

He told the Commission the he had never experienced such type of pain since he was born. The witness added they were in the same vehicle with Kebuteh Jafuneh the drummer who was severely beaten in his presence and he believed that the severity of the beatings contributed to his death.
He said as they remained lying down, he saw a vehicle come from the direction of Banjul and when it stopped at the bridge, soldiers got off and he said he saw and heard Yankuba Touray saying to the soldiers “you did not do your work because I was thinking that by the time I arrive here I would have found that you had already killed these people”.

After that, he said they were beaten again, worse than the first. They then burnt all their possessions and spread the hot ashes over their bodies while they were on the ground.

He said the soldiers then brought a truck and asked them to get in and they were taken to Banjul. Upon arrival in Banjul, they were packed at the corner of a pitch-dark building, which he believed was the quarters of the red beret soldiers. He said later he saw Yankuba Touray and told them a Mandinka proverb meaning “if you join a shameless ship, you will anchor at a disgraceful harbor”.

The witness testified that they were beaten at that place also, worse than they had encountered on that day and left lying down. Witness Darboe said he saw something thrown towards their direction and felt something on the side of his face. He touched the area and realized it was blood and heard the lady next to groaning in pain.

When he looked at her, he realized the object thrown towards them was a military knife, which had hit the lady’s breast. Later on, he tried shaking her but found out that she was dead and he became more terrified as he never experienced such a situation where he saw a dead person face to face much more lying next to him.

He went on to explain that not so long after that, two soldiers came shouting “F,F,F” and a young lady answered thinking that they were going to help her. They went to her, grabbed her shoulders and carried away. After some time, they brought her back and threw her on the ground. He said he did not know whether she was alive or dead because he was far from where she was lying.

He said after all that had happened some of them were released and some of their colleagues were left lying there at the time they left. He said they walked bare feet and went to Bakau arriving there around 4am. He went to Nyeppeto Kunda where he was given shelter by acquaintances. In the early morning, the woman and her friends arranged for him to be taken to Lawyer Ousainou Darboe’s compound from where he was taken to Dr. Sheriff Ceesay’s clinic in Kololi. He said he was treated and given medication released as he was expected to go and cast his vote in Gunjur the following day.

He said they returned him to Lawyer Ousainou Darboe’s compound where they organized a vehicle to take him to Gunjur around 8pm. He said upon arrival, his mother told him that she was told he was dead.

He said his mother helped take care of him with frequent massages until he recovered from the pain of the beatings. He said the torture meted onto him still affects his shoulder and could not throw anything without dislocating his shoulder as well as when he lay down awkwardly.

He added despite that, he was not redundant as he had been working and was presently employed at the Department of Fisheries Ice Plant in Gunjur.

Witness Omar Darboe ended his testimony by urging people to sincerely forgive each other and also appealed to Gambians to do away with tribalism, which
he said is new to our societies and that unless we change that and united with one purpose, we will not be able to develop our country.

PERSONS MENTIONED BY WITNESS DURING TESTIMONY:
Torture
Yankuba Touray

He said that he also suffered from sleeplessness for over a month after the incident as he kept reliving the torture he went through at night.
WITNESS NAME: Omar JASSEY

TRRC HEARING DATE(S): 12th June 2019

EVENT(S) DISCUSSED: 22nd September 1996 Denton Bridge attack

POSITION BEFORE THE EVENT: Mason and UDP supporter

ROLE DURING THE EVENT: UDP supporter

POSITION HELD AT TIME OF TESTIMONY: Not stated

SUMMARY OF TESTIMONY: Omar Darboe told the Commission that in 1994, he was a supporter of the deposed People’s Progressive Party (PPP). He joined the United Democracy Party (UDP) when it was formed by Lawyer Ousainou Darboe in 1996.

At the end of September 1996, The Gambia held its first Presidential Election since the coup. Omar Jassey testified that in the two weeks before the election, he took part in UDP’s campaigning in the provinces along senior party officials such as Kemeseng Jammeh and Shyingle Nyassi. He was part of the Youth Wing of the party that created the ambiance by drumming, singing and dancing. They had many supporters who dressed in party T-shirts with caps and head-ties, wore the party’s color, and waved flags and banners. Mr. Jassey said he was in one of the vehicles, which they called ‘Democracy’, when they got into a confrontation with an Alliance for Patriotic Reorientation and Construction (APRC) youth group in Jarra Karantaba where stones were thrown at them breaking the wind screens of some of the vehicles.

Omar Jassey then narrated the ordeal at Denton Bridge in September 1996. The witness stated that when their procession arrived at Denton Bridge around 10pm, they were stopped by soldiers. Omar Jassey said he recognized Yankuba Touray from his picture in newspapers and television. He said that he heard from people that then Minister of Defense Edward Sing hateh, Almamo Manneh and then Inspector General of Police F.R.I. Jammeh were present at Denton Bridge as well.
The **soldiers** asked them to lie down on their stomach and began **trampling** them with their **military boots** and **beating them** with **sticks** as if they were not human beings.

The UDP supporters were escorted by the soldiers to Banjul and taken to a place near the National Intelligence Agency, NIA. He said upon arrival at the location they were forced by the soldiers to lie down on the ground and again hit with gun butts and kicked with their military boots. The witness said that the level of punishment done to them in Banjul was worse than the one at Denton Bridge. Even when they were released the soldiers ran after them beating and kicking them.

During the beatings at Denton Bridge and in Banjul many of the UDP supporters sustained serious injuries including broken bones. Omar Jassey told the Commission that he had a number of injuries on his body. He said other people among their group were also injured, especially Wandifa Jawara who never fully recovered from those two incidents. He got sick on several occasions until eventually he **died**. He said his younger brother, Ousman Jassey and a young man by the name of Omar Darboe from Kombo Gunjur were also among those who got injured and suffered a lot.

Omar Jassey testified that after the UDP supporters were released, they began to walk from Banjul up to Lawyer Ousainou Darboe’s compound in Pipeline. Around Gambia Technical Training Institute, GTTI they saw a military vehicle coming from the direction of Westfield and hid. The soldiers looked around and all of a sudden, he heard them talking about UDP supporters. The witness alleged that he heard the soldiers say if they found the UDP partisans, they would kill them all. A few minutes after the soldiers left, they got up from their hiding place and continued walking. The witness testified that he went to his sister in Jeshwang where he spent the night. The following day he went to Lawyer Darboe’s home where he met some people with severe injuries. He explained that Dr. Sheriff Ceesay gave them all medications whilst others were admitted at the Kololi Clinic.

Omar Jassey further told the Commission that he believed he and the UDP partisans had been attacked because the APRC suspected that the UDP was the only party that could remove them from power, and therefore they **harassed** them to remain in power. The witness said that in his opinion, the APRC victory in the 1996 presidential elections was false. During the campaign, he had the opportunity to go around the whole country and witness the large welcoming crowds for the opposition.

The witness testified that the **beating** and **torturing** greatly affected his **health** and **wellbeing**.

His chest has never fully healed, and the pain he still feels has prevented him from returning to his profession as a mason or take up other similar work. Without his contribution to the household, his family has not been able to afford the food they need.

Omar Jassey concluded his testimony by appealing to present and future Gambian leaders to “**take good care of the citizens**” and remember that leaders come and go but civilians remain. He finished by saying that “**what happened should never be allowed to be repeated**.”

**PERSONS MENTIONED BY WITNESS DURING TESTIMONY:**

- **Torture**
- Yankuba Touray
WITNESS NAME: Dr. Sheriff Ceesay

TRRC HEARING DATE(S): 13th June 2019

EVENT(S) DISCUSSED: The 22nd September 1996 Denton Bridge attack, members of the UDP who were allegedly victimised in 1997

POSITION BEFORE THE EVENT(S): Medical Doctor

ROLE DURING THE EVENT(S): Provided medical treatment to the victims

POSITION AT TIME OF TESTIMONY: Medical Doctor

SUMMARY OF TESTIMONY: Dr. Sheriff Ceesay testified before the Commission that on the 22nd September 1996, he was in a vehicle going to Banjul when an incident occurred at Denton Bridge. As the vehicle was approaching Denton Bridge the Chief of Security suggested to Ousainou Darboe that they should abort the trip and return to Kombo, which they did.

He said by 10’oclock the following day, a number of ill and injured individuals came to the clinic. The witness told the Commission that they saw 115 individuals out of a total of 119 individuals that were injured during the 22nd September incident: the youngest was 16 years old and the oldest was 60 and 16 were women, two of them were seriously injured and required admission. The majority of the victims had superficial injuries, which the witness described as skin cuts or bruises usually sustained by weeps and sticks rather than by guns or sharp things like knives.

Sheriff Ceesay said that injuries on the back would suggest that the person laid on a surface and the assailant was behind him beating him and injuries on the arm would suggest that the individual had tried to protect him or herself from the attacker. He explained that the men had injuries at the back of their shoulder or upper part of their trunk and while the women had injuries only on their buttocks. He said the injuries were severe enough to cause skin bruising and two of them who were bleeding had secondary sepsis so by the time they came to the clinic, they were discharging not only blood and centrum, but also paste.

Dr. Sheriff Ceesay told the Commission that the victims did not tell him much of what had happened during the incident, but he had the impression that they were threatened and made to lie flat on the floor with soldiers stamping on them and beating them one by one. He said everyone had a uniform number of weep marks of four on their back, only one individual had 10. He said they were traumatised psychologically and helpless to the point that they had to comply. He told the Commission that many victims came with torn shirts and some of them had injuries on their thighs and armpits.

“This was a wicked and unprovoked assault on defenseless men and women. They were assaulted and they were beaten with marks which lasted for several weeks under stress.”

He told the Commission that despite everything these victims went through, they comported themselves very well. He said no one cried and no one blamed each other for what happened. The witness praised the victims’ bravery and explained that it made it easier to manage them.
The witness told the Commission that the case of one man stood out for him: it was a 35-year-old man, no white-collar job, married with two children and a born community leader. He said after the incident, this man went back to the hospital three days later and by looking at him and reading his body language, he knew the man needed further attention.

The witness said this man had been kidnapped by four men from the National Intelligence Agency, NIA who pinned him down against a wall, tore his trousers off, exposing his private parts and put a lighter flame to the tip of his penis. He said to the witness: “I have never experience any pain like that in my entire life”.

The witness went on to recount to the Commission how he got scared when someone told him there was a pregnant lady among the victims. He said fortunately, the lady had not sustained any injuries that would alarm or compromise her pregnancy but, they were being precautionary because she walked from the site to the clinic.

Sheriff Ceesay said that about five men were arrested in Brikama and were taken somewhere else. He said one of them had a puncture and he suggested internal chest injury. The other one he said had a big hematoma and eventually had to go on clutches.

The witness also spoke about the 59-year old man who everyone knew as the musician for UDP. He said he was singled out and beaten viciously and he heard they concentrated more on his fingers. He said the man also had a chest injury and was at the hospital for three or four days. He said a week or two later, they got information that the man had died. He told the Commission that he believed that the man died as a result of the injuries he sustained.

Witness Ceesay said a lot of those who report at the clinic, did so at night guessing that perhaps they did so because they were afraid.

On the issue of the 13th June 1997 incident, Dr. Ceesay said the victims went to the clinic two days after their alleged torture. He told the Commission that the victims never mentioned the names of those who had arrested them. They only said it was the NIA and the story was always that, they never tortured them at their homes or public places, but rather during detention where there will be no witnesses.

The witness concluded his testimony by saying that the whole problem lied with the government and the way they used and manipulated the security apparatus, making the ordinary individual the enemy.

PERSONS MENTIONED BY WITNESS DURING TESTIMONY: None
UDP supporters wearing T-shirts commemorating Solo Sandeng, an opposition activist beaten to death in the custody of Gambia’s National Intelligence Agency.
WITNESS NAME: Tata Camara Mama CEESAY

TRRC HEARING DATE(S): 17th June 2019

EVENT(S) DISCUSSED: Arbitrary arrest and detention of the witness

POSITION BEFORE THE EVENT(S): Village Chairman for the UDP in Janjanbureh

ROLE DURING THE EVENT(S): Detainee, victim of government harassment

POSITION HELD AT TIME OF TESTIMONY: Women’s mobiliser for the UDP in the Central River Region

SUMMARY OF TESTIMONY: Tata Camara Mama Ceessay told the Commission that she was a lifelong supporter of Sir Dawda Jawara, so when United Democratic Party (UDP) officials came from Kombo to recruit her, she agreed to join the new party. She started as the village Chairperson for the UDP before becoming the women mobiliser for the Central River Region, CRR. She added that in 2001, a few months before the presidential elections, she was serving as village Chairperson for the UDP in Janjanbureh. In early July, she was told by one Kemo, a police officer, that one Major Bojang had ordered for her to be brought to the station.

When they arrived at Janjanbureh Police Station, they first went to the station officer, one Kulu Gibba before going to the office of then Police Commissioner Major Bojang. The witness specified that she did not know Major Bojang well. He told her that according to their file, she had been very engaged during the Jawara era and asked why she had not followed Yahya Jammeh with the same zeal. The witness said that she replied that when Yahya Jammeh took over, he said that he did not want to work with anyone from the Jawara era.

According to the witness’ testimony, Major Bojang invited her to leave the UDP and join the Alliance for Patriotic Reorientation and Construction (APRC) but she stated that she said to him: “I do not vomit and then lick it”. The witness added that she was then released because a crowd had gathered outside the station. However, Major Bojang warned that he would come to her house to continue the discussion, at which point she reiterated that she would not leave the UDP for the APRC.

Three or four days later, the police returned to her house and took her and her 13-month-old baby to the police station. She added that she was not informed of the reason of the arrest and her brother followed them in another car.

The witness stated that when she arrived at the station, she saw Omar Mamburay, a National Intelligence Agency (NIA) operative who was stationed at Janjanbureh, Musa Ceessay, a prison officer, and Kulu Gibba. Omar Mamburay called the NIA headquarters in Banjul and around an hour later, while she was breastfeeding her infant, a NIA car arrived.

Witness Camara testified that the NIA officers met with Omar Mamburay and the others in a room near where the witness was. She said that she heard them arguing, as the NIA officers from Banjul had reservations about arresting a woman who was breastfeeding. Omar Mamburay responded that the witness was influential in the community, and if she were not arrested, the UDP would remain strong in the area.
The witness stated that Omar Mamburay won the argument, and he and Kulu Gibba separated her from her child, leaving the child on the floor.

The witness’ brother was not allowed to pick the child up but eventually someone was allowed to take the infant home. Meanwhile, Omar Mamburay went outside and told the crowd that had gathered that anyone related to the witness should come and bid her farewell before she was taken to Banjul.

Tata Camara told the Commission that in Banjul she was taken to the NIA office where she met someone named Baba who appeared to be in charge of the building. He led her to a small room with a tiny window with no bed and just one chair, and locked her inside. The room was infested with mosquitoes, bed bugs, and fleas. She said that when they brought her food, she refused to eat it. She further stated that when she wanted to use the toilet, she had to knock on the door. She testified that she was forced to relieve herself in her clothes on multiple occasions and would wash the it when she was finally allowed to use the toilet.

Witness Camara explained that on the second day she saw Baba again who told her that Omar Mamburay alleged she had insulted the President, and that he had a recording of the slights. When she challenged him, he apparently told her they had no witness, but that they wanted to pressure her to join the APRC. Again, she refused.

She affirmed that she was still breastfeeding her child when she was detained, and that not being able to continue was very emotionally and physically painful.

Her breasts were filled until they hurt, and when it was time for her to breastfeed, her breasts would spill milk. The psychological toll of being ripped from her child also weighed on her.

The witness told the Commission that soon after being detained she began vomiting and shivering profusely. She knocked on the door, and when the guards came, she told them she was ill after being separated from her child. Finally, on the sixth day of detention, they took her to the military hospital in Banjul near the State House. When the doctor arrived, he brought out a syringe so large the witness alleged it was usually used on donkeys. She objected its use, telling the doctor: “I’m a human being, not a donkey.” She further explained that they instead brought her some tablets and a dark liquid. She said she did not recognize the tablets nor the liquid and refused to take them. Finally, they brought her some paracetamol, which she accepted. Soon after being given the painkiller, they took her back to the same room at the NIA office.

Tata Camara testified that she was detained for 23 days and during that time, she was not allowed any visitors nor was she charged with a crime. The witness alleged that while she was being escorted out, she saw Shyingle Nyassi, a UDP leader who was thought to be dead, at the opposite side of the hall. Suddenly two men, whose faces she could not see, came from behind and beat him to the ground before dragging him to his cell.

After the witness was released, she went to Ousainou Darboe’s compound, from where she was taken to Dr. Ceesay’s clinic in Kololi. She was treated over the next two days before she was provided with a driver and a vehicle to take her home to Janjanbureh.

Beyond her detention, Tata Camara said she faced continued harassment from government officials. Her eldest son, who worked in government, was told to quit UDP or be fired.
Tata Camara told the Commission that in the celebrations after the 2001 and 2006 elections, Omar Mamburay led APRC supporters to her house. They threw stones into the compound, destroying her house and her belongings.

The Commission also heard evidence that Omar Mamburay still continues to harass the witness. At a recent APRC rally in Janjanbureh, Omar Mamburay called her a liar and said she was only testifying at the TRRC for the money. This was confirmed with a recording of the event.

Tata Camara stated that her ordeal had led to serious health and socio-economic consequences. She told the Commission that she had to quit breastfeeding after her detention, and this had affected her son’s health. She added that she had high blood pressure attacks whenever she is reminded of her ordeal, including thinking about Omar Mamburay. She told the Commission that her children had also suffered, and at present only one of them is unemployed. She concluded her testimony by asking Gambians to be fair and honest with one another.

PERSONS MENTIONED BY WITNESS DURING TESTIMONY:
Arbitrary arrest and detention
Major Bojang, Omar Mamburay, Kulu Gibba, one Baba

At one point her children, who were 10, 12, 14, 16, and 18 at the time, were detained at the police station for up to the three days. She stated that the eldest was also beaten and tortured.
WITNESS NAME: Duta KAMASO

TRRC HEARING DATE(S): 17th June 2019

EVENT(S) DISCUSSED: Arrest, detention and torture of detainees at the NIA premises in 2006

POSITION BEFORE THE EVENT(S): Member of Parliament from 2002 to 2006

ROLE DURING THE EVENT(S): Detained at NIA Headquarters for four months

POSITION HELD AT TIME OF TESTIMONY: Retired politician

SUMMARY OF TESTIMONY: Duta Kamaso told the Commission that she was a former Alliance for Patriotic Orientation and Construction (APRC) Member of Parliament for Wuli East.

When asked why she wanted to be in the National Assembly, the witness responded that she came from a place with poor services and poor education. “There were many things lacking in my community. I believed that by serving in Parliament I could do a lot for them.”

Duta Kamaso said that she was a very vocal parliamentarian. Her outspokenness turned some parliamentarians against her. The witness told the Commission that she heard people say “she’s a member of APRC, but she’s not a strong supporter of APRC. Let’s wait, we’ll do something about her.” The witness specifically identified Fa to umata Jahumpa Ce es ay (FJC), the speaker of the National Assembly at the time, as making these threats. She added that FJC was nominated to Parliament by President Jammeh, not elected by the Gambian people, and was there to represent the interests of the APRC.

Duta Kamaso testified that she was arrested on 30th May 2006, near Amdanlai after returning from Dakar where she took her son for treatment. She was escorted to Barra by a plain clothed officer who claimed to be acting under directives and her documents confiscated. She explained that in Barra she was detained in “a cage” for the night. The next morning, she was brought to the Police Headquarters in Banjul without being informed of the reason of her arrest. She was not interrogated at that time. At the end of the day, the witness was taken to the National Intelligent Agency, NIA Headquarters in Banjul, without being informed where she was. She added that she saw other detainees being brought in and therefore knew that she was at the NIA office. She explained that the Director at the time was Harry Sambou, she saw him a few days later.

At the NIA Headquarters, she was taken to a conference room in the middle of the premises where she faced a panel of eight men. She told the Commission that at the time she did not recognize any of the men. She would later identify one of them, Nfally Jabang in an online news article about the Junglers.

She explained that the Junglers were doing atrocities like arrests and torture for Yahya Jammeh.

According to the witness, another person on the panel was a certain Mr. Ceesay, who she believed was with

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3 This conflicts with the information ANEKED and the Point Newspaper has as Ndure Cham was accused of planning a coup on 21st March 2006 and was on the run then.
Specifically the names of FJC and Yankuba Touray. Duta Kamaso described an incident when FJC and Yankuba Touray came to her constituency, Wuli East. FJC, Yankuba Touray, and one of the (late) chiefs had a secret meeting she was not allowed to attend. She did not know what they discussed, but later in Basse she heard the late chief saying that she (the witness) was very detrimental to the party and the government.

Her arrest was reported in The Point Newspaper on 2nd June 2006. She had a copy of the article, which stated that she was arrested for undermining the party and the government and that she had been expelled from the APRC party and dismissed from the National Assembly. During her detention, none of her colleagues in the National Assembly visited her nor attempted to secure her release.

The witness then returned to describing the conditions of her detention. The room the NIA officers kept her in had one window, one door, one chair, and a rough and dirty carpet. There were already a few men in the room when she arrived.

The witness explained that she was the only woman in the detention room and had virtually no privacy. There was one toilet available and she was forced to use that with the men.

As they could not access her emails, they made their way to her house where they were met by the witness’ son, his wife, and the extended family. Her daughter-in-law, who was pregnant at the time, broke down in tears when the witness arrived escorted by eight men from the security forces. They searched her house, but did not find anything of interest and did not take anything away with them. The witness explained that she was then taken back to the NIA on the 31st of May and was detained here for a little over four months until her acquittal on 9th October 2006.

The TRRC Counsel then probed the reasons for the witness’ detention. Witness Kamaso told the Commission she did not know who had reported her to the NIA, but she suspected that it was a result of her not being in line with party members. She mentioned specifically the names of FJC and Yankuba Touray.
Buba Jammeh. Apart from the journalist Lamin Fatty, they were all accused of corresponding with Pa Nderry Mbai and the Freedom Newspaper. In addition to those four people, Duta Kamaso told the Commission there were others who were arrested and detained for a few days or weeks before being moved out of the room.

The witness spoke about another detainee, Abou Dande Njie. He was an elderly man, highly educated, and very uncomfortable in detention. He started talking to himself, so the witness sat down and started talking to him, telling him she was also detained and he should take his time, and not harm himself. He was there for one day. She said she did not know where he was taken after that.

Duta Kamaso also remembered Mariama Denton, the current speaker of the Gambia National Assembly being brought into the room while she was there.

Mariama Denton, who was an activist and a lawyer at the time, had been brought from Mile 2 Prison where she had been tortured. When she recognized the witness, she confirmed that she had been tortured, but did not go into any detail. Mariama Denton told the witness, “be careful, don’t let these people take you to Mile 2. You will die if they take you there. They will torture you until you die”.

Lamin Cham, a BBC sports journalist, was arrested on the same day as the witness, but she did not see him until the night after she arrived. The witness testified that Lamin Cham was tortured outside the room, where they could hear his screams before being dumped in the room by the NIA officers. The witness testified that Lamin Cham had lacerations all over his body, one eye was blackened, and the nail on his right toe was ripped off. He had wounds all over his body from what looked like whipping, “blood was dripping from his body.”

The detainees asked the guards to boil some water and add some salt and used their towels to tend to Lamin Cham’s wounds. Duta Kamaso told the Commission that Lamin Cham mentioned Musa Jammeh, an NIA officer close to Yahya Jammeh, as one of his torturers. The next day, he was taken to a military clinic for treatment and the witness never saw him again.

About three months into her detention Duta Kamaso said she fell ill with malaria. She was taken to a military clinic in Banjul and treated. Her family was allowed to bring her food. She thinks they were taken to the military clinic as opposed to the Royal Victorian Training Hospital (RVTH) because the authorities were worried that they would be seen at RVTH and did want people to know their whereabouts. After a week she was discharged and returned to detention.

The witness said she also remembered that while in detention, the rumor spread that she had passed away. She even heard that people said they had seen her corpse on its way back to her home village in Wuli East. Duta Kamaso told the Commission some people even went to extend condolences to her family.

Duta Kamaso told the Commission that during her detention, she refused to eat the food that was served. One day, in the third or fourth month, she was taken upstairs to see a Mr. Saine (maybe Abdoulie, she could not remember) who was in charge of the detainees and held a very high position. She remembered that he was blind. When Mr. Saine said that her not eating the food was a serious situation, and she responded that either she would die in the prison or go home. The witness believes this made him sympathetic to her, and soon after he allowed
her family to bring her food as well as fresh clothes.

The witness testified that she was growing frustrated in detention. “I was fed up, I was getting fed up. I was tired, I was getting sick. I was emotional, my family was emotional, my friends were emotional” - so she hired a lawyer, Borry Touray, through her son. She told her son she wanted to be released unconditionally, or they would go to court. Borry Touray responded with a message to be patient.

Soon after, she was called into an office where a man named Demba Jawo told her she was being released. The officer also told her to report to the NIA every Friday. She did so for two weeks, but then decided she was not going to report again. She never went to the office again and never had any contact with them.

After her release, she said she kept a low profile and stayed at home. She was never arrested again, but she knew that she was being observed by plain clothed agents. She told the Commission she believed they were NIA agents who thought she was communicating with dissidents or would flee the country.

Looking back on her ordeal, Duta Kamaso told the Commission, “I was not physically tortured, but I was mentally tortured”. She concluded by reminding the security forces that they serve the Gambian people. She told the National Assembly members that just because they caucus with one party does not mean they always have to follow the party line. Lastly, she asked Gambians to trust each other, regardless of party affiliation, “we are Gambians, we are one family”.

**PERSONS MENTIONED BY WITNESS DURING TESTIMONY:**

- **Arbitrary arrest**
  - Harry Sambou, Nfally Jabang, one Mr. Ceesay

- **Torture**
  - Musa Jammeh
WITNESS NAME: Binta KUYATEH

TRRC HEARING DATE(S): 17th June 2019

EVENT(S) DISCUSSED: Arbitrary arrest and detention of the witness

POSITION BEFORE THE EVENT(S): Farmer, and former APRC supporter then UDP supporter

ROLE DURING THE EVENT(S): Political detainee

POSITION HELD AT TIME OF TESTIMONY: Businesswoman

SUMMARY OF TESTIMONY: Binta Kuyateh told the Commission that in 1994, she initially joined the Alliance for Patriotic Reorientation and Construction, APRC but three years later, she left the party for the United Democratic Party, UDP.

The witness testified that her problems began after she changed political affiliations. In the lead up to the March 2012 National Assembly elections, she attended a UDP meeting in Brikamaba where she was arrested by an officer wearing a “para” uniform. When she asked the reason for her arrest, the officer said he did not know. The officer initially took her to Brikamaba Police Station where she waited for a few hours before being transferred to Bansang in a police truck.

The witness stated that when they arrived at Bansang, it was late at night and she was told to sleep under a table on the cement floor. The next morning her brother Karamo, her cousin’s son Omar Kuyateh, her cousin Serigne Darboe, and another man named Jobe Sanneh were all detained and brought to Bansang Police Station. Then together they were all brought to MacCarthy/Janjanbureh Prison by men who the witness identified as the Police Commissioner and the “ASO” (without specifying the meaning of the acronym).

The witness testified that by the time they arrived in Janjanbureh, she was traumatised. They were taken to the governor’s office, a man called Kanyi Touray. Malang Saibo his deputy was also present. Governor Kanyi Touray asked her if she recognized him. She said she did not, and then he told her that he had been the one who had instructed the paramilitary to arrest her.

The witness said that Kanyi Touray told her “you will soon miss seeing the sun with your eyes”. At no point did he tell her why she had been arrested.

After meeting with the governor and his deputy, she was taken back to MacCarthy/Janjanbureh Prison and locked in a cell. Inside the cell, there was a bucket of feces that was crawling with worms and maggots that she was expected to use as a toilet. She added that the cell itself smelled like an open-air toilet.

Witness Kuyateh said she spent 23 days in this cell. In the mornings, she was brought tea and bread, but her hands were so sullied with excrement, she did not dare to touch the food. She was brought water, but it made her feel ill. During her detention, she was not allowed to shower at all and had no change of clothing. She was told that family members had tried to visit her but apart from one occasion, were not allowed by the guards to see her.

After three days of detention her husband visited and when he saw her, he became incredibly distressed and fell ill. According to the witness, he never recovered and was ill until the day of his passing.

On the fifth day of her detention, she asked one of the
female prison guards if she could exit the cell to bathe. She was let out of her cell, but she soon learned there was no faucet in the bathroom, only in the hallway. When the witness asked the guard to give her some privacy to shower, the guard apparently told her that this was not allowed. Binta Kuyateh added that she responded she would not take a bath without privacy, and was thus returned to her cell without bathing herself.

Around ten days into her detention, the maggots from the feces bucket climbed onto her hand and she began panicking. She felt herself vomiting, but nothing was coming out because there was nothing in her stomach. The guards noticed she was in distress, and took her to MacCarthy/Janjanbureh hospital where the doctor gave her some tablets before being returned to her cell. She said that the doctor didn’t ask about her symptoms or her condition, and as she was given no clean water to take the pills with, she threw them away.

The witness also recalled when Malang Saibo, the deputy governor, brought her out of the cell and asked her to sing and dance for him. She retorted: “Malang, this is not a place for singing and dancing!” She added that he pressured her, but she refused, and was returned to the cell.

**After 23 days, she was informed she was being released.** A car took her back to Brikamaba, and on the way they stopped at the side of the river where she was allowed to bathe and change her clothes for the first time in nearly a month.

At the police station in Brikamaba, she was met by family and well-wishers who took her the rest of the way home. She said she was never told of the reason for her arrest and detention.

The witness stated that a few days after she was released, a police officer came to her house and called her and her son to court at the Brikamaba Solice station. They waited all day, but were not seen by a magistrate. This occurred every Tuesday for fourth months without any judgements nor even questioning. Over the course of the four months, four different magistrates were supposedly handling her case. She told the Commission that one day she was so tired of standing she bent over. The judge asked if she was ill, to which she replied she was not sick, just tired. The magistrate then told her she was free to go and did not have to return. She never saw a lawyer, nor was told why she was being summoned.

Binta Kuyateh testified that she believed she was arrested and detained because she was a vocal APRC supporter before changing to UDP. However she expressed confusion as to why the governor, whom she said she had no prior relationship with, targeted her so specifically.

Upon questioning by the TRRC Counsel, the witness told the Commission that her body still hurt from her ordeal, that she suffered high blood pressure, and that she thought of her late husband often. She also testified that her child’s education was postponed because of her detention.

When her husband was alive and well, the family was comfortable, but since his illness and his passing, the witness told the Commission the family “is in the hands of God and his prophet”.

Binta Kuyateh concluded her testimony by asking God to protect The Gambia from tyrannical rule, and thanking journalists for their work exposing the truth.

**PERSONS MENTIONED BY WITNESS DURING TESTIMONY:**
Arbitrary arrest and detention
Kanyi Touray
WITNESS NAME: Babou JANHA

TRRC HEARING DATE(S): 18th June 2019

EVENT(S) DISCUSSED: March 2006 failed coup by Ndure Cham, witness’ torture and detention conditions

POSITION BEFORE THE EVENT(S): Driver for Ndure Cham, Lance Corporal in the army

ROLE DURING THE EVENT(S): Lance Corporal in the army

SUMMARY OF TESTIMONY: Babou Janha told the Commission that in 2005, he was appointed driver for the Chief of Defense staff (CDS), Ndure Cham and promoted to Lance Corporal.

He explained that in late March 2006, Ndure Cham was accused of fomenting a coup d’état. On 3rd April 2006, he (the witness) was arrested in connection with Cham’s foiled coup by Alagie Martin and 12 men from the State Guard Battalion. He said he was taken to the National Intelligence Agency, NIA Headquarters, where he was interrogated by a panel of around 20 people. From the NIA, the witness identified Baba Saho, Foday Barry, and one Hydara. Also, in attendance were a Lance Corporal identified as Bojang, Alagie Martin together with his State Guard Battalion, and the late Colonel Musa Jammeh (also known as Maliamogoo). According to the witness, the newly appointed CDS at the time, Lang Tombong Tamba, also visited the interrogation room a few times during his ordeal, but did not say anything.

The witness stated that once he was seated, the panel began asking questions about the alleged coup. They told him that because he was Ndure Cham’s driver, they wanted to use him as a witness in the case against him. He replied that he knew nothing about the case, and therefore could not serve as a state witness. He added that they told him that he would be given a statement to sign, and told what to say in court. Babou Janha told the Commission that he protested and told the panel that he did not want to lie.

Witness Janha explained that the members of the panel began asking questions about who used to visit Ndure Cham. The witness told them that because of Cham’s position as CDS, he had many visitors including members of the interrogation panel. The questioning became more aggressive, and Musa Jammeh accused the witness of supporting Ndure Cham.

The witness further explained that Musa Jammeh then stood up, bit a chunk off a kola nut, lit a cigarette, and suddenly struck him across the cheek so hard he fell off his chair and hit his head on the concrete floor. When later asked by the TRRC Counsel about injuries he sustained, he pointed to a large scar on his body.

The witness told the Commission that this first blow triggered an avalanche of brutality.

After the first strike, he tried to crawl under a table to protect himself, but Alagie Martin and the group from the State Guard Battalion pulled him out and began beating him mercilessly. The group, led by Musa Jammeh and Alagie Martin, were kicking him with their boots and hitting him with their rifle butts. The abuse went on for the next few hours he said.

Amid the violence, the allegations of support for Ndure Cham became far-fetched, such as trying to connect the witness to an official in the Jawara

8According to our research, this must be Muhammed/Momodou Hydara.
regime whose had the same name as the witness. He stated that during the beating, Musa Jammeh pulled out a pistol, cocked it, and held it to his neck. He told him that if he failed to comply with their orders, they would kill him.

Babou Janha told the Commission that his ordeal was also used as an example to threaten Alagie Nying, another alleged coup plotter. Alagie Nying who was forced to watch his torture was threatened by Musa Jammeh at multiple times: “You see how bad we’re making him suffer? The same will happen to you if you fail to comply”.

He specified that none of the people in the room protested or tried to stop the torture, which lasted until around 7pm, after which he received no medical treatment.

The witness explained that after the beatings stopped, he was taken to Mile 2 Prison, but not before they threatened to come to the prison to kill him. When he arrived, they took his clothes and all his belongings, including his shoes. He was then taken to the maximum-security wing with nothing but his underclothes. He further stated that he was taken to a solitary cell, roughly 2 meters in length and 1.5 in width. There was nothing in the cell but a concrete slab to sleep on and a plastic bucket to use as a chamber pot.

He would be there for 9 years, 4 months, and some days.

He spent the first night in the cell essentially unconscious following the hours of beating. The next afternoon, he was taken back to the NIA where he was met by Alagie Martin, former Sergeant S.T. Jobe and members of the State Guard Battalion. He was given a statement and told that if he refused to sign, they would kill him. He signed the statement and was returned to Mile 2 Prison.

He narrated that back at the prison, while awaiting his court date, he saw a number of his former colleagues including Jagai Colley, Colonel Bunja Darboe, Colonel Mendy, Major Yahya Darboe, Major Wasa Camara, Captain Faring Sanyang, the late Corporal Samba Bah, former Accountant General Alieu Jobe, Honorable Demba Dem, Alieu Lowe, Ousman Sey, and Serigne Omar Faal. Babou Janha told the Commission that many of them showed signs of torture.

One of Colonel Bunja Darboe’s hands was broken and his eyes were swollen. Colonel Mendy had scars all over his body including burn marks. Yahya Dabo nearly lost an eye. Both Faring Sanyang and Alieu Jobe’s necks were bleeding and it looked like their torturers had tried to slaughter him.

Babou Janha said that while he was not physically tortured, after the initial beating on 3rd April, his whole ordeal amounted to mental torture.

The interrogations continued while the witness was waiting to go to court. He told the Commission he would be called to David Colley’s office and 2 or 3 people from the NIA and the State Guard would ask questions about Ndure Cham. They would pick a name of a senior officer, and ask about their relationship with Ndure Cham. At other times, they would hurl abuse and accuse the witness of being “tribalist”. These interrogations would last around one hour.

The witness stated that after two weeks in detention, he was brought before a military court where the judge advocate was a Nigerian named Emmanuel Agim. He added that he was represented by Lawyer Neneh Cham, whose services he paid using the money from the sale of his compound, a decision that tortured him for years to come. According to the witness’ testimony, also in the docket during his trial were Colonel Mendy, Abdul Karin Jah, Alagie Nying, Eme Bah and the late Samba Bah. He said that at no point during his trial did anyone stand in court and accused him of treason or conspiracy, and thus his lawyer filed a “no case to answer”.

On the last day in court, before the sentences were handed out, the court received a phone call which was passed to the President of the court martial, General Sergeant Fofana. After a brief conversation,
Sergeant Fofana whispered something into the judge’s ear, and Emmanuel Agim announced the court would take a pause before making a final decision. The authorities all went into a room and discussed for two hours. When they came out, they indicted everyone on three counts: concealment of conspiracy, concealment of treason and a third he could not remember. They were sentenced to 10 years in prison.

The witness testified that imprisonment was its own form of torture.

During the first four years of his detention, contact with other prisoners was strictly overseen. They would be let out of their cells around 8 in the morning and escorted to the toilet. There, the prisoners would all bring their heavy chamber pots, and one-by-one empty the chamber pots into the toilet, wash themselves in the wash room, and then head back to their cell. Then at 2pm they would be let out of their cells to mingle for an hour, before being locked up again until the next morning. The witness said that the only other way they saw someone is if their tiny cell window was opposite another cell window. Babou Janha told the Commission that after the first four years, the guards began letting the prisoners out more frequently to mingle with one another.

Babou Janha explained that the food was terrible and served on dirty dishes. For breakfast they had pap, a kind of porridge, and then lunch was served on the same dish without washing. During the first few years, he slept on a wooden plank but later on they were given a foam mattress, a mosquito net, and a blanket.

He stated that while he was imprisoned, his family had very restricted access to him. During the good times, he saw his family once a month for 30 minutes. Even during those meetings a barrier was put between them and he was not allowed to touch them. At other times, he was not allowed to see his family for six months due to “security concerns”. He added that during his detention his family suffered. After selling his compound and not having a breadwinner, his wife was forced to move, with their three children, back in with her parents. Without him, she had to find ways to support herself.

Six months into his detention, his wife gave birth to their fourth child, who he did not see until he was older. He said “I did not see my son until he was old enough. This was very terrible”.

In 2015, in the last year of his sentence, he was called into an office where he was met by Ousman Sonko, then Minister of the Interior, and Prison Director, David Colley. They told him that the President had offered him conditional parole. Babou Janha and a number of other detainees were told they could walk free if they stayed out of politics, never joined any political gatherings, and never had any problems with law enforcement. If they violated these conditions, they would be sent back to prison for another decade.

The witness alluded to traveling to Senegal after his release. After the change in government, he was reinstated in the military and paid his salary for the years he was imprisoned, but not paid any compensation for his suffering.

The witness said did not have any concluding remarks for the Commission.

PERSONS MENTIONED BY WITNESSES DURING TESTIMONY:
Torture
Musa Jammeh, Alagie Martin
WITNESS NAME: Pa Modou SARR

TRRC HEARING DATE(S): 19th June 2019

EVENT(S) DISCUSSED: Torture of Sanna Sabally, Sadibou Hydara and Babucarr Sanyang at Mile 2 Prison

POSITION BEFORE THE EVENT(S): Lance Corporal in the State Guard in the Quick Reaction Forces

ROLE DURING THE EVENT(S): Accused of being present during the torture of Sanna Sabally and Sadibou Hydara and of having participated in the torture of Babucarr Sanyang at the Mile 2 Prison

POSITION HELD AT TIME OF TESTIMONY: Not mentioned

SUMMARY OF TESTIMONY: The witness confirmed that he had been informed by the TRRC that he had been adversely mentioned by Sanna Sabally as someone who participated in torture against him and that he has been implicated in the torture of Regimental Sergeant Major -now Lieutenant Colonel- Babucarr Sanyang. Pa Modou Sarr also confirmed that he understood that he had a right not to incriminate himself but had to respond to the questions asked by the TRRC. The Lead Counsel explained that in case of conflict between the right not to incriminate oneself and the power of the Commission to compel a witness to respond to a question, any answer given at the insistence of the TRRC cannot be used in any subsequent criminal proceedings against the witness.

When asked why he had participated in the 22nd July coup, which could have involved fights, Pa Modou Sarr explained that he did so because he feared being arrested similar to those who were arrested at Yundum and locked up. In November 1994, the situation was not really different expect for the fact that soldiers were asked to volunteer. Therefore, the witness said he decided not to.

Pa Modou Sarr explained that in the morning, at State House, he saw some of the soldiers jubilating and saying that they had succeeded in countering a coup attempt. The witness said that he heard of killings but by that time he didn't know who had killed and who had been killed. At this stage, Pa Modou Sarr explained how he felt seeing his colleagues celebrating the killings of other colleagues: “I really felt very bad because these guys are people whom you know, we know each other”.

He alleged that he did not see anybody from the State House having a problem that people had been killed, despite the fact that there had not even been a fight.

The casualties were only on one side.

Before testifying regarding the arrest of Sanna Sabally, the Lead Counsel explained to Pa Modou Sarr that in order to be entitled to apply for amnesty, the witness must comply with certain rules notably...
to be truthful in his testimony. The Lead Counsel further said that even if the Commission was to recommend amnesty for a person but that it later appears that the witness lied, the recommendation can be withdrawn and amnesty might not be granted.

Pa Modou Sarr explained that in 1995, when Sanna Sabally and Sadibou Hydara were at Mile 2 Prison, he and others were taken there by Alagie Martin. At the time the witness was part of the Quick Reaction Force (QRF) at the State House and was ordered by Sergeant Manlafi Corr to go “on a mission” without being told what the mission was about. The witness explained that when a soldier was part of the Quick Reaction Force, there was no option to say no or to ask questions.

He further stated that between 11am and 1pm when he joined the vehicle, Alagie Martin – who was a Warrant Officer Class 2 (WO2) at the time - was sitting in front, and there was also Corporal Omar Ndure (driver), Lamin Senghore alias Assassin and a former Gendarmerie Officer whose name the witness could not recall. In total, there were five to six soldiers in the vehicle and the group leader was Alagie Martin who had a plastic bag with him while the others carried their rifles. When asked by the Counsel, the witness claimed that he never saw an electric box or a hammer.

Upon arrival at Mile 2 Prison, Pa Modou Sarr said that the prison guards took them to Sanna Sabally’s cell and Sergeant Manlafi Corr told the witness to stand near the door. Pa Modou Sarr explained that Alagie Martin, Almamo Manneh, Musa Jammeh and Manlafi Corr were powerful men at the time, as they were very close to then Chairman Yahya Jammeh. As a result, prison wardens would not deny them access and allowed them to take Sanna Sabally out of his cell.

Witness Sarr testified that Sanna Sabally’s hands were handcuffed and they told him to sit down on the floor. They then put a plastic bag over his head for a few seconds and then Alagie Martin asked Sanna Sabally: “Sanna were you trying to overthrow the Chairman?”. Sanna Sabally replied that he did not but as that was not what Alagie Martin wanted to hear so, he instructed his men to torture him again. At times he would instruct Omar Ndure, at times Lamin Senghore to put the nylon bag over Sanna Sabally’s head for him to confess. Pa Modou Sarr explained that this procedure was very painful, after a few minutes Sanna Sabally would collapse and faint as a result of the heat inside. According to the witness the purpose of the torture was for Sanna Sabally to confess that he was trying to overthrow Yahya Jammeh but any time they removed the plastic bag and asked him, he said “never” and that he did not try to overthrow the Chairman.

Pa Modou Sarr further explained that when one person was putting the plastic bag over Sanna Sabally’s head, others would be slapping him and kicking him with their boots.

The kicking and slapping were done by everybody, even Alagie Martin would beat.

The witness said that he did not touch Sanna Sabally, he stood by the door providing protection. He admitted participating in the torture but not physically. Alagie Martin supervised the activity as he was the most senior officer. He used to sit down smoked his cigarette, giving orders and asking questions. According to the witness, Alagie Martin was the one giving orders for them to put the plastic bag over Sanna Sabally’s head and for them to kick and beat him which was done by the junior officers Omar Ndure, Manlafi Corr, Lamin Senghore and the Gendarmerie officer whose name the witness could not remember. When asked, the witness said he could not remember Alagie Martin giving orders not to beat Sanna Sabally and affirmed that it was not true that Sanna Sabally was not tortured in the presence of Alagie Martin.

The witness explained that Sanna Sabally shouted during his torture as it was very painful. He added that the entire torture session lasted about 30 minutes or less. When Sanna Sabally was taken back to his cell they brought in Sadibou Hydara and
the same torture was meted onto him. He was beaten, the plastic bag was put over his head to suffocate him or make him faint and he was asked questions by Alagie Martin. Manlafi Corr, Omar Ndure, Lamin Senghore, the Gendarmerie officer and the witness were all present during the torture. Pa Modou Sarr confirmed that he saw Lamin Senghore participating in the torture and said that he is lying if he claimed that he did not.

According to the witness, Sadibou Hydara’s torture session took place about the same time as Sanna Sabally before he was also taken back and Babucarr Sanyang brought in. When asked, the witness explained that Sanna Sabally might have suffered injuries that day but because he was wearing camouflage, his injuries could not been seen easily. According to the witness, on that day, his face did not show any injury. The witness explained that since he participated only once, Sabally might have suffered injuries another time. The same explanation applied to Sadibou Hydara.

Regarding Babucarr Sanyang, Pa Modou Sarr explained that he was brought in by Corporal Omar Ndure. Manlafi Corr called the witness, gave him a plastic bag and told him to do what the others had done before. While he did not want to, the witness claimed he obeyed as he had no options. He stated that he put the bag over Babucarr Sanyang’s head for seconds then removed it and Alagie Martin asked him the same questions he had previously asked Sanna Sabally and Sadibou Hydara. Babucarr Sanyang also denied the accusation: “negative, never”. Alagie Martin then ordered the witness to repeat the procedure. When asked, the witness swore by the Qu’ran that Alagie Martin was leading the torture session of Babucarr Sanyang.

Pa Modou Sarr described how the torture was carried out: a person held the two sides of the plastic bag firmly against the neck of the victim otherwise the person could turn his head and remove it easily. The bag was held firmly so that the victim felt the “hotness” as there will be no more ventilation and therefore the person would be suffocating.

The witness explained that he was directed to do so by Alagie Martin and he had to comply despite knowing that it was causing severe pain and suffering. The purpose of the torture was to break the person down and force him to confess.

The witness acknowledged that he knew that the order he was given was illegal but explained that he had to comply, that he had no options. If he had not done so, he would have faced the consequences and might have been taken to Mile 2 Prison, which was dangerous at that time.

He added that he was definitely afraid and every day he feared becoming a victim and being taken to Mile 2 Prison himself. The witness explained that he was the youngest at the State Guard but he knew that even the “big soldiers with ranks” would not be “crazy enough” to say no to an order, whether wrong or right. When asked by the Lead Counsel, if the witness could give an example of someone who had refused to compel with an unlawful order and was subsequently punished, Pa Modou Sarr “could not tell”.

He admitted never having been threatened in order to carry out torture and agreed that he obeyed because of the belief that if he did not, something would have happened to him. Pa Modou Sarr said that actually the law was not respected at that time in the army.

Going back to the torture session, as none of the three victims confessed to the allegations, Alagie Martin decided to end the session and said to the group: “Congratulations! Keep it up, well done!” in regards to the torture of the detainees. Pa Modou Sarr alleged that Alagie Martin looked happy because he was the boss and was supposed to report to then Chairman Yahya Jammeh.
According to the witness, Alagie Martin must have received the order to torture by Yahya Jammeh because he would have never done so “without the notice of the Chairman”.

The witness then repeated the names of those who were close to Yahya Jammeh: WO2 Musa Jammeh, Staff Sergeant Almamo Manneh, Alagie Martin and Manlafi Corr. They were, according to the witness “the strong guys of this man, the Chairman then. They were near him and had direct access to him”. Even if Almamo Manneh was just a Staff Sergeant, he was “more than a boss”, he was very powerful. Alagie Martin too was powerful because he knew Yahya Jammeh from the times when they were at Fajara Barracks.

Regarding whether Alagie Martin and Manlafi Corr had used a hammer to torture Sanna Sabally, the witness said that he could not tell if it was true or not. He himself only went once, because he was transferred to the “Plain Cloth Unit” and never went back to Mile 2 Prison. He left the State Guard in August 1997.

Acknowledging that Sanna Sabally accused him of being posted at the door during the torture sessions and coming up to 20 times, he categorically denied the allegations and swore that he went there only once. He suggested that Sanna Sabally might have thought that since he was there the first time and knew him very well, he was also there the other times as well.

The witness said that he regretted what he did and that was why he eventually left the army. He explained that while he became a Lance Corporal at a young age, he decided not to pursue a career in the army after the end of his six years of service because he was afraid that something similar could happen to him and also because he did not like the fact that soldiers were engaging in torture. That was not why he had come to the army. He added that his comrades were very surprised when he told them that he was leaving.

Pa Modou Sarr explained that the reason why he never apologised to his victims was that he did not have their contacts and could not call them. Sanna Sabally was not in the country. Regarding Babucarr Sanyang, he felt that he could not just meet him and apologise. He explained that he was afraid that there could be consequences as Babucarr Sanyang might have been very angry again and something very bad could have happened. If Babucarr Sanyang was present, the witness said, he would explain that he did not torture him “on his own”, that he never had the intention to do it and would kneel down before him and apologise. He said he would apologise before Babucarr Sanyang and the whole country for the pain “they made me do to him” and would ask for forgiveness.

When asked, who of his superiors, was responsible for his actions, Pa Modou Sarr responded that it was because of Alagie Martin that he went there and could only blame him.

In his concluding remarks, the witness said that he was willing to participate in a reconciliation meeting with his victims and that he was not proud of what he did.

**PERSONS MENTIONED BY WITNESS DURING TESTIMONY:**

**Torture**

Yahya Jammeh, Alagie Martin, Manlafi Corr, Omar Ndure, Lamin Senghore (alias Assassin), a former Gendamerie Officer (whose name the witness could not recall) as well as the witness Pa Modou Sarr
officers that were dismissed without due process such as Captain Alpha Kinteh, Captain Baboucarr Keita, Captain Demba Njie and others.

Witness Darboe said that when Assan Sarr was fired, the President brought in Ndure Cham who was then a Lieutenant Colonel and National Guard Commander, promoted him to the rank of Colonel and appointed CDS over then Deputy CDS, Lang Tombong Tamba.

He said that he came to realise that Colonel Ndure Cham came to the office of the CDS with an agenda when he (Darboe) became so disgruntled with the status quo that he tendered his resignation from the army to pursue a law degree in the United Kingdom. Ndure Cham’s agenda he said was to overthrow Yahya Jammeh as he saw him as the “only problem in the Gambia” and if removed, the problem would be solved.

When asked to expand on what some of the problems Ndure Cham stated, the witness mentioned the issue of wrongful dismissals, lack of freedom of speech, oppression of civilians, politicisation of the army, military officers (called Junglers or Black Black) being used a thugs of Yahya Jammeh to carry out forced disappearances, tortures and wrongful killings; and basically acting as the Alpha and Omega, for a dictator.

He said Ndure Cham refused to accept his resignation despite his objection and encouraged him to work on the plan to overthrow the government. He further...
explained that initially he did not agree with him but as time went on, he realised that Ndure Cham was holding consultations and soliciting support from his counterparts outside the country such as a colonel in Senegal and started planning in earnest for the coup. He said that Ndure Cham also rallied support internally and was very confident that it would be successful; adding that Ndure Cham informed him (Bunja Darboe) that most senior officers in the army supported his position.

The witness went on to explain that there was no proper planning of the 2006 coup - there were no meetings and that everything revolved around Ndure Cham who was coordinating everything. The coup, he said, was planned for when the President travelled to Mauritania and added that they thought it should happen on the day the President left but Ndure Cham said it should be the day after, which led to a bit of a disagreement between Ndure Cham, himself and other officers such as Yaya Darbo and Wasa Camara.

On 21\textsuperscript{st} March, the day of the planned coup, the witness said there were frequent meetings between Ndure Cham and officers such as the then Deputy CDS Lang Tombong Tamba, Faring Sanyang, Mamour Sarr and Saikou Seckan which led the witness to believe they knew about the coup especially given the fact that except for Faring Sanyang, all the other officers bypassed his office and went directly to Ndure Cham’s office instead of waiting for him (Darboe) to clear them. The witness testified that when he got home after work, he received a call from Faring Sanyang who told him the coup had been leaked and for him to make arrangements to leave the country. He said he later decided to stay and face the consequences of his decision to participate in overthrowing the government and prepared himself to anything, including the possibility that he could be killed.

When asked about the legality of his decision to overthrow the government, witness Darboe told the Commission he did not believe that participating in overthrowing the government was wrong at that time as the then government was undemocratic. He added that the majority of the officers that agreed to participate in the coup at the time held similar beliefs and when he was reminded that the then government was elected, witness Bunja Darboe justified his belief by saying

“\textit{there were no free and fair elections in The Gambia at the time so...the elections were a farce...if peaceful means failed, obviously other means have to be taken...you can obviously change something unlawful with something unlawful...and then later things can be put in their right perspectives}”.

Bunja Darboe further added “\textit{things in The Gambia were very, very bad}” where elections were rigged, civilians oppressed, and no freedom of speech or assembly so if the people could not rise up for themselves, the men in uniform should rise up for them. He said he felt it was a moral obligation for him, not a legal obligation, “…a moral obligation to take out a government that was not for the interest of the people”.

When asked about his basis for concluding that the then government was unlawful, the witness said that Yahya Jammeh’s government itself came unlawfully because they overthrew a democratically elected government in The Gambia and promised the Gambian people that they were going to stay for two years but betrayed the Gambian peoples’ trust and remained in power and decided to rule the people with an iron fist, with grandeur, people were subjugated. Yahya Jammeh’s name could not be mentioned in public because of fear.

When put to him that the army’s role is not to step in at all in such matters, the witness maintained his position.

Moving on, witness Darboe explained to the Commission that Saikou Seckan called him on his
way to his second wife’s house, enquiring about his whereabouts. He became suspicious but continued on. As he sat down to eat dinner, he said he was informed that there were soldiers asking for him. He went out and met Nuha Badjie, armed with a rifle which he pointed at him and Manlafi Corr, both known State Guards and known Junglers and Manlafi Corr told him they had an order to arrest him although he would not tell him who had ordered the arrest when he asked.

He said he was taken away in a vehicle with Anti-Aircraft Gun mounted on top and they headed towards the airport. When they got to the airport junction, he said they met Warrant officer Class 2 Bora Colley, another State Guard and known Jungler who told Manlafi Corr that they could not proceed because there was an ambush at Yundum Barracks. They turned and took him to Mile 2 Prison.

At Mile 2 Prison, he said he was received and processed by Prison Officer Tiana, his personal items taken from him but left with his (civilian) clothes. He asked for a call to inform his family and Manlafi Corr offered his personal phone and was able to reach his family to inform them about his whereabouts before he was escorted to the security wing of the prison. He answered in the negative when asked whether he was manhandled in any way from the time he was picked up from his house to the prison.

When asked in respect of Saikou Seckan’s role in his arrest, the witness said he felt betrayed by his batchmate, friend and colleague, Saikou Seckan however, he agreed to the suggestion by the Counsel that Saikou Seckan was acting in accordance to the law by reporting a coup in the making.

The witness described his prison cell as very small single cell with a concrete slab and table, no matrass or mosquito net with a 1.5L water container. He recalled that as he was trying to settle down in the cell, the soldiers came for him and took him to the National Intelligence Agency, NIA Headquarters in handcuffs. He said he recognised Michael Sang Correa, Modou Jarjue (Rambo), Nuha Badjie, all Junglers among the soldiers that came for him.

He said that on the way to the NIA, Michael Sang Correa held a commando knife to his throat and said to him “I could just kill you here and just dump you here” to which he did not respond.

He said Michael Sang Correa kept the knife to his throat all the way until they got close the NIA Headquarters before removing it.

At the NIA, they were received by Momodou Hydara who instructed for him to be taken to the conference room where they found an investigative panel of about 20 people including then Deputy CDS Lang Tombong Tamba, Momodou Hydara, then Inspector General of Police Ousman Sonko, Lieutenant Alagie Martin from the State Guard Battalion, Tumbul Tamba a State Guard and known Jungler, Momodou Lamin Ceesay from the Serious Crime Unit of the Police Force, Boto Keita, Lamin Cham also from the Serious Crimes Unit plus the armed officers that escorted him from the prison – Micheal Sang Correa, Momodou Jarjue (Rambo), Nuha Badjie and other junior officers from the different services of the police and military. This was around midnight he recalled.

When they started questioning him, the witness said he refused to answer and asked for a lawyer before he would say anything at which Alagie Martin asked him if he thought they were joking, walked round the table, slapped him from behind and pulled down his shirt to his waist.

He said none of the senior officers present said anything to his assault by Alagie Martin. The witness said he felt bitter and helpless.

Bunja Darboe stated that he remained adamant for hours about not talking until he was given access to a lawyer until at one point, Tumbul Tamba threatened him that if he did not talk, they were going to do to him what they had done to his colleagues on 11th
November 1994, referring to his batch-mates and colleagues, Buba Jammeh and Momodou Lamin Darboe who were extrajudicially killed. He said he decided to comply at this point, which was around 6am.

He said Alagie Martin brought a statement taken by Saikou Seckan, which incriminated him in the coup. Though he denied, Alagie Martin told him that Saikou Seckan would never lie against him (the witness). He was escorted to a different room for his statement to be taken by Boto Keita and advised to give his statement to be free from the torture and be able to rest.

The witness said he decided to make a statement in agreement to the accusations stated by Saikou Seckan because he felt he was not free and had no other choice but to agree to the statement. When the statement was handed to the panel, he said they were not happy with what was written and gave Boto Keita some pointers as to what else should be added to the statement, which included names of people that visited CDS Ndure Cham and others. The witness said he accepted some of the points they asked him to include in the statement but rejected others. He was escorted back to the prison after that the statement was completed.

Two days later, he was again taken to the NIA Headquarters where he was asked to produce the speech he was purported to have written to announce after the coup which he denied having written. People were sent to his home to bring his workbags and briefcases looking for the speech to no avail. He said his bags and briefcases were never returned to him up to the time of his testimony.

Still insisting on the purported speech, the witness said he was escorted to his office at the Army Headquarters by Faring Sanyang and Nfally Jabang to look for the speech. They found the place had already been ransacked. He said he was told by Faring Sanyang to produce the speech to avoid torture but he continued to deny having a speech. They rustled through the files for a while before returning back to NIA Headquarters to report that the speech could not be found.

The witness said that Momodou Hydara then instructed them to remove his handcuffs and let him produce the non-existent speech after which Alagie Martin brought paper and pen and asked him to write. He said that as he was contemplating what to write with all eyes on him, someone from the panel suggested he started his speech with “Fellow Gambian…” which he did.

After he finished writing the speech, witness Darboe said all the panelist (who were the same people present in his first appearance two days prior) read the speech before Alagie Martin left the room with the paper. Alagie Martin then came back later with it and asked him to sign the speech. He specified that he was coerced into signing the speech.

When told that there was a suggestion that Alagie Martin was just present in the room and did not do anything, the witness said that would be a fabrication. The witness said he later learned that the speech he wrote on that day was presented to President Yahya Jammeh as the speech he (Darboe) was supposed to have used to announce the coup if it was a success. He was returned back to the prison.

The witness went on to explain that the Junglers were frequent visitors to the prison so much so that everyone recognized the way they knocked at the prison gate and would be apprehensive and feared their arrival because when someone was taken, they would come back tortured and with injuries. He said the panel of investigators worked hand in hand with the Junglers, using them to bring in and torture detainees they could not get information from.

The witness testified that he was again picked by the Junglers the next day, 24th March 2006 to appear before an independent witness to sign the statement that he had written on the 22nd March. The witness stated that on the way to the NIA Headquarters, his escorts (they were usually Momodou Jarjue (Rambo) and Michael Sang Correa, sometimes accompanied by Mustapha Sanneh) were slapping and kicking him all the way the gates of the NIA.
He said the independent witness asked him if he was tortured and he responded in the positive but was promptly poked by the armed escort next to him with the muzzle of his gun and when he looked at him, he saw a stern look that he read to be a threat and when the independent witness asked him a second time, he changed his answer to no. He was returned to Mile 2 Prison but on the way, he was kicked off the ground by Momodou Jarju Rambo, which resulted in a broken wrist sustained as he tried to break his fall.

Back at the prison, the Prison Officer Salifou Jammeh who was purported to be good at fixing broken bones chanted over his wrist, tied a rag and told him not to remove it until he came back. He said he was not taken to a hospital nor given medication except for painkillers he would receive from fellow inmates to manage the pain.

On 25th March 2006, he was picked up again and taken to the NIA, this time he was taken with another detainee, Alpha Bah. He said going in, he met Tamsir Jasseh who looked pence and unhappy. While waiting outside when Alpha Bah was called, Alagie Martin came out, removed the rag from his wrist despite his objections and went inside with it. When he was called into the conference hall, he found about thirty people in the room this time with a camera in the room.

He was given the statement and speech he wrote the previous days and seated in front of the camera before Momodou Hydara started the questioning, taking questions from the other panelists as well as him. The witness said that the video did not capture the others in the room. He was also made to read the speech he wrote in the conference room a couple of days before in front of the camera.

He was told the President was watching him at that time and told him he must apologise to the President as all those that came before him had apologised.

He said at the point he did not care anymore as he expected to be killed and went ahead and apologised as they requested after which he was taken back to the prison.

At the prison, his hand was swollen and he was in excruciating pain to the point he requested for the prison officers to call Salifou Jammeh to help him again. Salifou Jammeh told him the bone was still intact and assured him the pain will subside. He was again able to temporarily manage the pain with painkillers from his fellow detainees.

He stated that he stayed with the pain until he was tipped off days in April that an Egyptian doctor was visiting the prison and for him to request to see the doctor. The doctor subsequently told him he had a serious trauma on this hand and wrote a referral for him to be taken to the hospital, which never happened until the doctor’s next visit the following week. He again requested to see the doctor who was very angry upon seeing that he had not been taken to the hospital before. The doctor requested to see the most senior person at the prison and told them to take to the hospital to avoid his hand falling off. He was taken on the Friday where he had minor operation on his hand and his hand put in a cast.

When asked to recount the events that occurred at the prison on the night of the 25th of March, he recalled that the Junglers came and he could see them from the peep hole on his cell door take Daba Marenah and Ebou Lowe away. He said they handcuffed Daba Marenah and Ebou Lowe who was tortured to the point that he could not walk without assistance. He said he learned they went around and picked other detainees up including Manlafi Corr.

The witness explained that he later heard on the radio that there was an accident while Daba Marenah and co. were being transferred to Janjanbureh Prison and they all escaped which he believed to
When they realized that he was not going to budge, Musa Jammeh asked them to take him back and told Nuha Badjie to make him lie flat on his floor, spread his legs and guard him. He told the Commission that Nuha Badjie was one of the recruits he trained at the training school.

Bunja Darboe stated that Yaya Darboe was also brought in and subjected to the same torture he endured while he watched. He said Yaya Darboe was asked questions about activities that were supposed to happen at the airport during the failed coup but he also refused to say anything.

They were taken back to the prison. On the way, the witness said he heard them say “bring Mariama Denton” whom he assumed to be the Speaker of the House of Parliament at the time of his testimony. He said he did not actually see her.

The witness testified that he sustained injuries all over his body including around his eye with the worse lacerations on his back. When they arrived at Mile 2 Prison, he said he was told he had fainted while they were being processed in and found himself in his cell later on.

Following up on the TRRC Chairman’s emphasis on the need for the army to understand that moral obligation takes a back seat to constitutional and legal requirements, witness Darboe answered that to do that, there is a need to ensure the democracy in country is functional as this will change the perception of the military. He said Yahya Jammeh used the security services as thugs against the people, oppressing, killing and raping people and no one was able to do anything about it. He added that if we ensured that there was functional democracy, regulate governance, introduced term limits among other things, the military would remain subordinate to the civil authority and the will of the people. He added that he believed that even if was a civilian at the time, he would feel the same moral obligation that led him to take action against Yahya Jammeh.
Answering to how his incarceration affected his family, witness Darboe said his family suffered without any help from anywhere though they stayed. His wife who was a stay-at-home mother before his arrest had to go back to work to support the family while he was in prison and the vehicle he had and that the family could have sold was confiscated and packed at the NIA office for over nine years.

On the issue the effects of his victimization, the witness said that presently, he is no longer bitter as he was during his imprisonment and his subsequent exile to Senegal for one year after his release. He added that he still felt pain on his wrist and was unable to lift heavy items.

Questioned about his plans to return the country to democracy if the coup had been successful, the witness said they did not intend to stay in power after taking over but were going to have an interim president.

He further added that the present Gambia Armed Forces is being built up to be a different, a more disciplined force that respects authority and the rule of law. He continued to add that officers accused of torture or killing people and are still serving should be removed from the army as it made the rest of the officers look and feel bad in the eyes of the people who may not be differentiated from the good officers and soldier that serve the Gambia from the bad ones that committed atrocities. He advocated for concrete reforms across all the security forces.

When asked about the fate of CDS Ndure Cham, he said he later came to find out that he was arrested and killed. He added that the people that killed him knew that if Ndure Cham was allowed to testify in a court of law, it would have been catastrophic as many high powered people including civilians who were also part of the coup would have been named and many heads would have rolled.
regards to the use of that answer. The Lead Counsel also explained that persons who have been adversely mentioned have a right to apply for amnesty but that this can only be recommended on certain conditions, such as being truthful in the account of the facts and being remorseful.

Witness Alagie Martin testified before the Commission that on 22nd July 1994, he was assigned by Touroh Jawneh to go to Denton Bridge and stop the soldiers from crossing the bridge to Banjul. The operation was led by Captain Amadou Suwareh and Binneh Minteh who were at that time the most senior officers. He told the Commission that after setting up their ambush and tactics, as a trained commando, he was satisfied that what was established on the ground would prevent the soldiers from going to Banjul.

The witness explained that as they were waiting at the bridge, a vehicle came by and it was stopped. He said RSM Jeng and one of his colleagues were in the vehicle. Alagie Martin told them that they could not cross to Banjul and arrested them.

Alagie Martin told the Commission that after RSM Jeng's arrest, they knew more soldiers would be on their way coming so he went to the Police Headquarters to inform the authorities of what was happening and seek help from the officers. The witness said he met Ebrima Chongan who was then the Inspector General of Police and Pa Sallah Jagne who he thinks was the Permanent Secretary and asked them to join them at the bridge because there was no senior officer on the ground at that time.

The witness said he then asked where Pa Sallah Jagne was but Ebrima Chongan told him not to ask about his whereabouts. The witness explained that at that time, he did not know what was happening and that was the reason why he went to seek help from the headquarters. While he was under the immediate command of Fajara Barracks, he could not go back there because they got information that Fajara Barracks had already been captured.
Witness Martin said when he went to the bridge, Amadou Suwareh was already there and then a group of soldiers showed up, led by Yahya Jammeh. He said they were a hundred plus soldiers, which included Edward Singhateh and Captain Momodou Sonko.

The witness explained that it was not possible to stop the soldiers from crossing to Banjul because of the kind of weapons they had. “After accessing their arsenal capabilities, Suwareh asked us not to fight. He said if we fight here, we are all going to die.” He said Amadou Suwareh suggested that they should surrender and join the mutineers led by Yahya Jammeh.

Upon arrived at Banjul, the witness said they met Binneh Minteh and 30 men who joined them and they all went together. He said at that point, they had no idea the soldiers were going to overthrow the government. He explained that they were just going together, but they did not trust each other. He said they only came to know it was a coup d’état when they arrived at the Arch. He told the Commission that when they arrived at the State House, the State Guards surrendered and they all entered and took control.

The witness said after the coup, he was in charge of Yahya Jammeh’s close protection until 2000 when he was removed. He disclosed to the Commission that he resided permanently with him for almost six months. He admitted that he was one of the closest aids of Yahya Jammeh and that he would be aware of a lot of the things that happened in the State House during that time.

Alagie Martin recounted the night of 11th November 1994. He said that Yahya Jammeh asked the Council members to go and crush the coup plotters. The witness explained that when Yahya Jammeh said the coup plotters should be crushed, he understood it to mean they should go and kill them. Yahya Jammeh gave those directives to Sanna Sabally and the crew. Sanna Sabally led the team, which included Sadibou Hydara, Edward Singhateh and Yankuba Touray. The witness said he saw the team members the following morning celebrating their victory over the coup plotters, which they did by killing them.

Regarding the arrest of Sanna Sabally, the witness told the Commission that in February 1995⁹, they were given directives to arrest Sanna Sabally who was suspected of planning a coup. He said Sanna Sabally tried to resist arrest and wanted to use explosives so the witness, Musa Jammeh, Almamo Manneh, Alpha Bah and Manlafi Corr had to beat and arrested him. The witness said Yahya Jammeh told them beforehand that he did not want to hear any gunshots during the operation and he thought that it would be difficult considering it was Sanna Sabally they were going to deal with. The witness said they luckily carried out the operation without any shots fired. The witness said they arrested Sanna Sabally while he was about to leave his office and that Musa Manneh supervised the arrest. Edward Singhateh was present at the time of the arrest, but he did not supervise it. He insisted that Sanna Sabally was arrested at the door of his office just when he was about to leave, on the second floor and not Yahya Jammeh’s floor.

The witness confirmed that it was not true that Sanna Sabally was arrested while he was in Yahya Jammeh’s office, pointing a gun at him.

The witness stated that after his arrest, Sanna Sabally was taken to Mile 2 Prison, then to a court martial where he was sentenced. Alagie Martin said he carried out investigations into the activities of Sanna Sabally on two occasions to try to find out who his accomplices were. The witness said that he did not know who had arrested Sadibou Hydara. He explained it was possible that another team had arrested him and took him at Mile 2 Prison, but at different times than Sanna Sabally. He told the Commission that he went to see Sanna Sabally on the same day in the evening with Almamo Manneh, Musa Jammeh, Omar Ndure and Manlafi Corr because Yahya Jammeh had asked him to make a follow up investigation. He said National Intelligence Agency, NIA officers were there and some army officers too.

⁹According our information and Sanna Sabally’s testimony, the arrest took place in January 1995 not February 1995.
The Lead Counsel informed the witness that several witnesses mentioned the use of a hammer and electronical equipment during the torture of Sanna Sabally: such as Ebrima Chongan, Sheriff Gomez, RSM Jeng, Abdoulie Darboe, and Sanna Sabally himself. The witness said that all of them were lying.

Alagie Martin admitted that they resorted to beating Sanna Sabally mercilessly because he refused to talk.

He said beating was an essential part of their operation and whosoever was interrogated was also beaten. He agreed that beating was wrong, but he refused to call it torture.

He explained that beating was normal, that it is done even in the stations, everywhere. He explained that when questions are asked “you have to beat, even in schools”. When asked, the witness said that it was hundred percent wrong but that this was how the situation was at the time.

The witness said that Omar Ndure, Manlafi Corr, Almamo Manneh, Musa Jammeh were with him beating Sanna Sabally on the orders of Yahya Jammeh as beating was an integral part of interrogation.

Alagie Martin told the Commission that on the first day of questioning Sanna Sabally, he could not get much from him. Sanna Sabally only mentioned Babucarr Sanyang’s name, saying Babucarr Sanyang was with him in his house and as a result of this, Babucarr Sanyang was arrested in Yundum by one Butu and some members of the military police. The witness explained that he went to Mile 2 Prison for the second time with Lamin Senghore alias Assassin, Omar Ndure, Manlafi Corr, Pa Modou Sarr and Almamo Manneh to continue with their questioning but Sanna Sabally was persistent. He said they continued to beat him and he presided over his beating and directed the operation. The witness told the Commission that they did not put nylon bags over the face of Sanna Sabally to get him to talk. He said they only used it on Babucarr Sanyang. He also denied ever questioning Sadibou Hydara or torturing him, suggesting, Musa Jammeh was responsible for his investigation, adding that, he was tasked to deal with Sanna Sabally only.

The witness told the Commission that different teams were sent to Mile 2 Prison. He said he had his team, Almamo Manneh had his team and Musa Jammeh too had his own team. He said all these three teams worked separately on different individuals and his team went there only on two occasions.

The witness went on to say that Sadibou Hydara was beaten in his presence and under his leadership, but he said he did not think that Sadibou Hydara’s death was as a result of his torture.

He eventually came to agree that plastic bags were actually put over the face of Sanna Sabally while beating and questioning him and agreed to name the beating as torture. However, he denied using a hammer on Sanna Sabally.

The witness admitted that they used plastic bags on Sanna Sabally, Babucarr Sanyang and Sadibou Hydara because they refused to comply with them. He added that even though there were different teams, he was the head of the entire group and what each group did to a detainee, was his responsibility. He told the Commission that he was responsible for what happened to all the detainees. He said he never took Sanna Sabally to the beach on a torture mission and he never went to the NIA premises to torture him. He said at the time of Sanna Sabally’s arrest, he did not know the allegations made against him were false, but subsequently, he came to know.

He testified before the Commission that Sanna Sabally was taken to the NIA and he assumed that he was beaten there because the “NIA beats people who do not comply with them”.

The witness said that he regretted all that had happened and that it was an unfortunate situation
at the time. “We were getting orders and we have to go and do it otherwise you will go. My apologies to all the families […] We made mistakes, we were young officers and when orders are given, we have to go and execute them or else you will go”.

When asked if he preferred to obey unlawful orders rather than to say no, Alagie Martin eluded the question and said he had no choice. He explained that he even lost some of his family members, such as Buba Jammeh.

The witness told the Commission that he was promoted around 1998 but would not call it a reward. He said he got a promotion because he was hard working and loyal to the regime. He said that it was the last time he carried out torture for Yahya Jammeh.

Regarding the 2006 events, the witness told the Commission that he was part of the panel of investigators during the investigation in Ndure Cham’s coup d’état attempt. He said he was asked by Yahya Jammeh to go and observe what was happening there. It was the responsibility of the Director General to supervise the operation and the NIA was responsible to execute the actual operation, adding that, his responsibility was to be there and see what was happening. “Jammeh said we go there and see what is happening and give him feedback.” He said the purpose of the panel was to know those who were involved in the coup.

He disclosed to the Commission that Yahya Jammeh wanted to receive confessions from all those who were implicated in the coup no matter how those confessions were obtained.

The witness said that the panel was constituted of the NIA who were solely responsible for carrying out the investigation, the police who were writing statements and the Junglers who were responsible for escorts, arrest and torture. He said these Junglers, who were part of the State Guards were Tumbul Tamba, Mustapha Sanneh, Nuha Badjie, Momodou Lamin Jarju alias Rambo and Michael Sang Correa. He also disclosed to the Commission that whenever a witness refused to confess, he would be taken out and tortured by the Junglers. Alagie Martin said that the panel members knew that the person would be tortured. He said this process continued until when the suspects finally confessed. The confession was then presented to Yahya Jammeh and shown on national television as well. The witness told the Commission that he was part of the panel along with Momodou Hydara who he thinks was either the director or deputy director of the National Intelligence Agency, the State House was represented by the witness, Almamo Manneh as well as Musa Jammeh as observers for Yahya Jammeh. He could not remember Lang Tombong Tamba being on that panel.

Alagie Martin added that Lang Tombong Tamba who was Ndure Cham’s deputy was tasked to investigate whether his boss was guilty of the coup or not.

When questioned, the witness said he never slapped nor tore Bunja Darboe’s shirt, who he had trained. He admitted that Bunja Darboe was tortured by the Junglers and that neither him nor Lang Tombong Tamba stopped them to do so. He explained all of them allowed the suspects to be tortured. He also denied ever escorting Faring Sanyang to the NIA or being there with Lang Tombong Tamba during that time. The witness confirmed that confessions were obtained through torture.

“Coup attempt? You must say something. If you do not say something, you will dance to the tune. They will beat you to find out whether you are part of the coup or not. When you agree to be part of the coup, they will write a statement and then bring an independent witness to sign the statement and it will not say that it was as a result of torture” Alagie Martin told the Commission.

The witness again confirmed that the suspects were made to read their testimonies on camera and that they only said what the panel wanted them to say.

10Also referred to as Muhammed Hydara.
He said what was the truth did not matter to the panel, they were expected to confess a crime whether that confession was true or not, did not matter.

He told the Commission that all these confessions were recorded on video.

The witness denied having given Bunja Darboe pen and paper to write a speech and said that it might have been Momodou Hydara. He said at that time, they knew the speech was not based on true facts, but they required him to write thus, creating forgery and that led to the suspects’ imprisonment.

Alagie Martin said he regretted his actions and that apologised to his victims and their families. He claimed that he was young at that time and the situation he found himself in forced him to do certain things, adding that he was a young soldier.

The witness told the Commission that he had never seen any civilian brought before the panel or being tortured and that the only time he joined the panel was when military officers were brought in for questioning. He said even though the military came with the civilians, he only saw the military. He said Demba Dem lied when he said that he (Alagie Martin) was there during the questioning of the civilians. He said he never saw Demba Dem, nor tortured him.

Alagie Martin confessed that he tortured Sanna Sabally and participated in and presided over the torture of Sadibou Hydara and Babucarr Sanyang. He also said that he participated in a panel that was aimed at obtaining confessions from suspects by force. The witness said he also participated in a panel that tortured suspects and extracted information from them and also took part in the forgery of evidence that incriminated suspects who were brought before the panel for questioning.

The witness said killing and torture happened in Yahya Jammeh’s regime partly because of lack of discipline. He explained that discipline was lacking among the soldiers thus giving room for so many “unfortunate incidents”. He told the Commission that the mindset of the soldiers has changed now and that just because they did it before, does not mean they will do it again.

He said he started regretting his actions after the 2006 coup attempt, adding that, an officer accused to be part of the alleged coup and married to his sister died during that period.

He told the Commission that his resignation had never been an option for him because he had to work for this country and for his family. He said he has been serving the country from Jawara’s regime to date and that was what he was ever going to continue doing.

PERSONS MENTIONED BY WITNESS DURING TESTIMONY:

Extrajudicial killings (11th November 1994)
Yahya Jammeh, Sanna Sabally, Edward Sing hateh, Sadibou Hydara, Yankuba Touray

Torture (of Sanna Sabally, Sadibou Hydara and Babucarr Sanyang)
Almamo Manneh, Musa Jammeh aka Maliamoogoo, Lamin Senghore alias Assassin, Omar Ndure, Manlafi Corr, Pa Modou Sarr and witness Alagie Martin

Torture (of persons suspected to be part of the March 2006 failed coup)
Yayha Jammeh, Momodou Hydara, Tumbul Tamba, Mustapha Sanneh, Nuha Badjie, Modou Lamin Jarju alias Rambo, Michael Sang Correa, Almamo Manneh, Musa Jammeh and witness Alagie Martin
“Coup attempt? You must say something. If you do not say something, you will dance to the tune. They will beat you to find out whether you are part of the coup or not. When you agree to be part of the coup, they will write a statement and then bring an independent witness to sign the statement and it will not say that it was as a result of torture”
she went to collect her water container, she found vehicles parked outside Nanding Sirra’s compound. She went into the compound to enquire and found Baba Jobe with Binta Dibba, Nanding Sirra and her children. The witness stated that Nanding Sirra told her that Baba Jobe, a Member of Parliament for the Alliance for Patriotic Reorientation and Construction, APRC had come to convince them to join the APRC. She added that Nanding Sirra responded that it was impossible as she (the witness) had been driven out of her home because of the APRC.

The witness further explained that Baba Jobe then asked where she previously lived and upon being told, he called Landing Kintehba and asked him to allow for the witness to return. Landing Kintehba asked Baba Jobe to instead call the Chief, one Yaya Jarjusey, which he did. Upon being asked why she had been kicked out of her previous home, witness Keita explained that her previous landlord, Landing Kintehba had been instructed by Yaya Jarjusey an APRC strongman to kick her out as she was a member of the opposition and hosted other members in the compound.

Narrating further what happened once Baba Jobe made the call to Yaya Jarjusey, the witness stated that it was agreed that she could return to her previous compound. She said that she wanted to ask her husband first, which she did the next day. Upon briefing her husband of the events, he categorically refused to return to their previous compound. The witness said she decided to stay as she was not

WITNESS NAME: Kasamanding KEITA

TRRC HEARING DATE(S): 24th June 2019

EVENT(S) DISCUSSED: Arbitrary arrest and detention of the witness

POSITION BEFORE THE EVENT: Farmer and petty trader

ROLE DURING THE EVENT(S): UDP mobiliser, farmer and petty trader

POSITION HELD AT TIME OF TESTIMONY: Not mentioned

SUMMARY OF TESTIMONY: Kasamanding Keita told the Commission that as the United Democratic Party, UDP mobiliser, she organised rallies and would host members at her home. She stated that she started experiencing some hardship after the Armed Forced Provisional Ruling Council, AFPRC took over and before the second voter’s registration for the second elections in 2001.

The witness explained that during the voter’s registration period, she together with Isatou Sanyang were tasked by the UDP with checking for foreigners attempting to register at one of the registration centres in Soma. She added that she spotted non-Gambians trying to register and after confronting them, she reported them to the Independent Electoral Commission, IEC. After that, she was summoned to court but she could not go as she was unwell. She said that Mam Sanyang and Jali Burama Mbye went to court and testified. The witness testified that nothing came out of the court proceedings and added that about two weeks later, she was notified that the foreigners had summoned her to court.

Witness Keita stated that before the court hearing, her landlord, a man called Landing Kintehba informed her that she had 10 days to vacate the premises. The witness found another compound to move to and the same evening, she moved all her belongings to Mamady Sabally’s compound. A few days later, as she went to collect her water container, she found vehicles parked outside Nanding Sirra’s compound. She went into the compound to enquire and found Baba Jobe with Binta Dibba, Nanding Sirra and her children. The witness stated that Nanding Sirra told her that Baba Jobe, a Member of Parliament for the Alliance for Patriotic Reorientation and Construction, APRC had come to convince them to join the APRC. She added that Nanding Sirra responded that it was impossible as she (the witness) had been driven out of her home because of the APRC.

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The witness said she was detained and after 13 days received a visit from Kaddy Darboe, her sister-in-law, and her friends Fatou Sanneh and Nanding Sirra. Fatou Sanneh told her that Baba Jobe had given 30,000 dalasi for the witness to leave the UDP and join the APRC. The witness told her to return the money and let Baba Jobe know she was not interested. The witness said that Kaddy Darboe then knelt before her and said “Kasamanding, I appeal to you, just take the money and just tell him by mouth that you have accepted so you can leave this place”.

The witness refused and they left.

Witness Keita testified before the Commission that she was released the next day and told that she would be called when needed. She said that everyday for a full month she had to report to the station in the morning. The witness added that upon her release, she was harassed by APRC supporters on a daily basis, which affected her business. She eventually left Soma as she feared for her safety.

Discussing the impact of her detention on her family, the witness said they were not given access to her, not even her child who suffered tremendously from the forced separation. She added that her husband would buy food from the restaurant for the family meals.

After her second arrest, her husband, a Senegalese national left her as he was fed up and returned to Senegal and later divorced her.

On the reasons for her detention, the witness said she believed she was targeted because she was UDP member and a woman.

**PERSONS MENTIONED BY WITNESS DURING TESTIMONY:**

- Arbitrary arrest
- Sarr
- Arbitrary detention
- Yaya Jarjusey

The witness said she was detained for one month and 10 days without access to a lawyer nor was she arraigned before a court.

The witness stated that during her detention, her husband was only allowed to visit once. She said upon her release, people would tell her they would come visit her but they would be turned away. On the impact of her unlawful detention, she said she developed high blood pressure, which she had never suffered from before.

Kasamanding Keita told the Commission that some time after her release, a police officer known as Sarr came for her and told her she was wanted at the Karantaba Police Station. She prayed the 5 o’clock prayer then packed a bed sheet and pillow as she was expecting to be detained. Once at the station, a man called Bakary Jarju told her that she had been reported without specifying by neither whom nor what the report entailed. She also remembered one Sergeant Tunkara as being present.

She was prepared to leave without her husband. She added that the decision not to move back was not well received.

Witness Keita testified that after this, she was informed that she had again been summoned by the non-Gambians who had managed to register for the elections despite the fact that she had reported them. She went to the courthouse on the said date and was not given access to a lawyer. After the court proceedings, she was taken to Mansakonko Police Station and locked in a cell for two days. She was not informed of the crime she had committed nor was a statement taken from her she said. The was then transferred to Janjanbureh Prison on orders of, she believed, Yaya Jarjusey.

When she arrived at Janjanbureh Prison, her belongings were taken away and her name and surname written down. She was then placed in a cell in the remand wing. She said the bed in the cell was made of cement and she had to spread her wrapper when she would want to lie down. She would also spend 2-3 days in the cell without showering.

She was arrested and was arraigned before a court. The witness stated that during her detention, her husband was only allowed to visit once. She said upon her release, people would tell her they would come visit her but they would be turned away. On the impact of her unlawful detention, she said she developed high blood pressure, which she had never suffered from before.
UDP supporters at a commemoration for victims of the Yahya Jammeh regime.
Demba Dem stated that he was therefore perceived as being hostile to the government and an opponent.

Witness Dem stated that as an independent minded Member of Parliament, MP, the government persecuted him. On several occasions, he was called to the National Intelligence Agency, NIA for questioning. They would also try and convince him to stop opposing bills being submitted at the Assembly. He recounted when the Media Commission Bill was to be voted on, he believed that it was detrimental to all journalists in the diaspora and in The Gambia because under the bill, they could be taken to court if they said anything against the government. He said he along with other MPs therefore abstained from voting for the bill when it was submitted at the Assembly. He added that as result, he was called to the NIA and questioned regarding the reason for abstaining from voting.

The witness also recalled abstaining from voting for the Indemnity Act Bill, which was brought to Parliament to be ratified after 10th/11th April 2000 student demonstration. He said Yahya Jammeh wanted all the soldiers involved in the atrocities committed during the student demonstration to be given immunity from prosecution. Witness Dem testified that he categorically refused to vote for the bill and was arrested, taken to the NIA where he was questioned and threatened. He added that the same was done to honourable Mahawa Cham from Kiang and other MPs who refused to vote for the bill.

Mr. Dem told the Commission that the NIA was essentially mandated to follow the activities of the National Assembly members. He explained that during debates at the Assembly, the NIA would be present in the chambers and record their contributions. If anything they said was not deemed in favour of the government, they would be called in for questioning.

The witness stated that during his time as an MP, Yahya Jammeh succeeded in undermining the independence of the National Assembly and was basically in control of the legislature.

He gave as an example the time when Yahya Jammeh tried to increase the salary of certain ministers, which MPs wanted to reject because a budget of 98 Million
had already been approved for State House and had been depleted within six months. The witness said that upon knowing that the MPs were not going to approve the bill, the witness together with other MPs were summoned to the State House where Yahya Jammeh insulted and threatened to fire them and withhold their salaries. The witness added that when they returned to the House of Assembly, they unanimously approved the bill despite the fact that they completely disagreed with it.

Moving on to the events surrounding the March 2006 failed coup, a day after the alleged coup had been foiled, the witness said he saw men who were suspected of being part of the coup plot namely Captain Bunja Darboe, Captain Yaya YM Darboe, Captain Wasa Camara, from the military side being paraded on TV. He said Paul PJ Mendy, Captain Abdou Karim Jah, Captain Momodou Lamin Bah, Second Lieutenant Farring Sanyang, Lance Corporal Babou Janha, Lance Corporal Alagie Ndure and Lance Corporal Samba Bah were also there. He also recalled civilians being present, including Alieu Jobe, former Accountant General, Omar Faal Keita, a marabout from Touba, Senegal, Abdoulie Njie, a businessman, Amadou Sowe, a student of a marabout, Cherno Barry of Bogal, Senegal, Alieu Lowe, and Mustapha Lowe. MC Cham, former Mayor of Kanifing Municipal Council, Abdoulie Conteh, Uncle Raif Diab, Honorable Omar Barrow Camar, and Honourable Ramzia Diab were also there but not paraded on TV. He said the men’s shirts were ruffled and they looked like they had been tortured.

They were asked to confess on TV that they had acted under the influence of Satan and apologise to Yahya Jammeh.

An announcement was also made on TV and radio that Ndure Cham who was the ringleader and was at large, heavily armed and dangerous.

The witness said that on 28th March 2006, whilst at the National Assembly, he was visited by one Fatou (the witness could not recall the surname) under the pretext of looking for a job. Once she left, the witness was told by his secretary that the person who had visited him was in fact a NIA operative. This turned out to be true, because as soon as she left an arresting team made up of three plain clothed heavily armed officers (and the driver) and said to be from the Office of the President came to unlawfully arrest the witness inside the National Assembly building. The witness added that he suspected that the woman was there to confirm he had reported to work on that day.

The witness explained that once he got to the NIA building, Musa Jammeh aka Maliamoogoo was at the gate with his AK47 rifle and remarked, “Ah ha, you thought that we would not get you”. He then asked the witness if he knew the reason of his arrest and upon responding in the negative (though he told the Commission he suspected it was in connection with his performance of duties as an MP), he instructed for the witness to be taken to Mile 2 Prison.

Once at Mile 2 Prison at around 3pm, he was not registered and remarked it was against normal procedure as this process allowed for the identification of the location of detainees.

He added that when he arrived at the reception area, he saw a lot of detainees and recognized some of them such as Ramzia Diab (woman MP) who was heavily bleeding and shouting, MC Cham, Pierre Mendy (then Commanding Officer at Fajara Barracks), Mustapha Lowe (nephew to Ndure Cham), Alieu Lowe, Amadou Sowe and Ousman Sey who looked they had been seriously beaten as they had marks all over their bodies.

The witness told the Commission that once at the reception area, he had his shirt removed, was handcuffed and escorted by three heavily armed soldiers and the prison officer to the maximum security wing number 5 where he was locked up
in cell number 4. He said that in the next cell was Lai Conteh (former Mayor of the Kanifing Municipal council), in the opposite cell Amadou Sowe, in the cell next to Amadou Sowe was Abdoulie Njie, in the cell just before the witness’ was Omar Keita and the cell before him was Captain Camara. They were all arrested in connection to the alleged coup and seriously tortured. About two hours later, he was escorted by armed Junglers (also known as the Assassin team) to the NIA for interrogation.

In the vehicle, on his way to the NIA, they started torturing and insulting him. The witness explained that on arrival he saw a group of soldiers led by Alagie Martin drinking alcohol, dancing and beating detainees. The witness was escorted to a conference room on the second floor and seated in the middle of a round table.

According to the witness, he recognised as part of the panel, Foday Barry, Baba Saho, Sergeant Lamin Cham, Boto Keita, Abdoulie Kujabi, Nfally Jabang and Momodou Hydara.

There was also a long bench facing the conference table where Lang Tombong Tamba, Ousman Sonko and Alagie Martin were seated. The witness added that those that sat on the bench were acting in supervisory position over those who were on the panel.

Foday Barry who was the head of the panel asked if the witness knew the reason for this panel to which the witness responded in the negative. The witness was informed that it was in connection with his role in the aborted coup. The witness responded that he had no knowledge of this aborted coup as he had been to provinces attending workshops. Foday Barry then told him that they had been informed by the witness’ close friends Abdoulie Njie and Alieu Jobe that the witness had been given money and transport to go and look for “marabouts” for the coup to be successful. When the witness denied the allegations, Alagie Martin stroke him and the witness fell off his chair. Foday Barry asked Alagie Martin to stop and Alagie responded “make him talk or I will kill him”.

Abdoulie Njie who had been arrested the previous day was then brought out. He was handcuffed, his face swollen and mouth bleeding. They asked him to confirm the accusations meted against the witness and he did. The witness explained to the Commission that he believed Abdoulie Njie had confirmed the allegations under duress and to avoid being tortured to death.

Baba Saho then instructed the Junglers to take the witness back to Mile 2 Prison. On the way to the prison, the Junglers beat the witness with black plastic pipes and ropes.

On the next day, 29th March at around at 11pm, the Junglers led by Tumbul Tamba came again and escorted him to the NIA. When he arrived, the panel which comprised of the police, the NIA and personnel of the Gambia National Army told him to write a statement about his involvement in the coup plot. The witness did not write anything so after a while, one Ismaila Jammeh handed him a statement and told him to sign. The witness refused and Ismaila Jammeh threatened to cut his hand. The witness still refused Ismaila Jammeh then stabbed him in the arm.

The witness was handed back to the Junglers. They led him downstairs and made him kneel on the concrete floor in an area nicknamed “Na talk truth”, near Bambadinka.

His head was then covered with a black plastic bag and a very cold bucket of water was poured over him before they started beating him.

He stated that the beating went on for about 30 minutes with questioning in between.

After he was tortured, he was taken back to the panel and asked to make a confession. The witness refused and was therefore taken back downstairs to be tortured again. He specified that those who tortured him were Tumbul Tamba, Musa Jammeh, Michael Sang Correa, Malick Jatta, Ismaila Jammeh and Bora Colley.
At this point, the witness clarified that the then Director of the NIA, Daba Marenah was not part of the panel as he had been arrested in connection to the coup and had been seriously tortured and detained at Mile 2 Prison maximum security wing.

Going back to the events at the NIA, the witness specified that he saw others being tortured including Omar Faal, Mustapha Lowe, Alieu Lowe, Ousman Sey, Lai Conteh, Mustapha Dibba, Pierre John Mendy and Amadou Sowe.

He specified that **Omar Faal was tortured by Ismaila Jammeh who wanted to cut Omar Faal’s leg.**

The witness also named Malick Manga, Sulayman Badjie, Nuha Badjie, Sanna Manjang and Malick Jatta as being part of the Junglers who tortured the detainees on that day. He said that when they were done torturing them, they were all returned to Mile 2 Prison.

Once at Mile 2 Prison, the witness saw Alieu Jobe and Tamsir Jasseh being taken to the NIA. He saw them the following day and they had difficulties walking.

Witness Dem told the Commission that he was detained for one year and nine months. He said that Abdoulie Kujabi, Foday Barry, Baba Saho from the investigative panel were eventually detained at Mile 2 Prison. The witness confronted Foday Barry and he told him that he had recommended for the witness together with Lai Conteh, MC Cham, Alieu Njie and Amadou Sowe to be released and use as state witnesses instead but Yahya Jammeh refused to let the witness, Alieu Njie and Amadou Sowe go. The others he said were released. Demba Dem explained further that Foday Barry told him that his recommendation did not go well with Musa Jammeh who then accused him of sympathising with the coup plotters thus Yahya Jammeh ordered for his arrest.

Upon being asked if he knew what had happened to Daba Marenah, the witness explained that Daba Marenah, Lieutenant Ebou Lowe, RSM Alpha Bah and Lieutenant Alieu Ceesay were one night escorted by the Junglers led by Tumbul Tamba. The following morning, he heard that on their way to Janjanbureh Prison, they had an accident.

He added that he later found out that they had been **killed under the leadership of Tumbul Tamba.**

Going back again to his detention, the witness said he and the others detained in connection with the alleged failed coup were eventually charged with treason and conspiracy to commit treason. He added that they were all taken to the High Court presided by Justice Agim who was very close friends with Yahya Jammeh. He said that when their lawyers told them who the presiding judge was, they protested and asked for another judge. They were taken back to Mile 2 Prison.

The civilians in the group were eventually taken to the High Court presided by Justice Yeboah, a Ghanaian judge. He added that the trial was very hectic and there were many irregularities. Eventually, he was acquitted and discharged. Others were convicted and sentenced. He added that upon his acquittal, he was re-arrested by one Omar Colley under orders of Yahya Jammeh and sent back to Mile 2 Prison.

Witness Dem testified that after five days at Mile 2 Prison, the then head of the prison, Auntie Rose asked what he was still doing there. After he explained, she released him as she said she could not keep him without a warrant or court order.

The witness stated that upon his release, NIA and State House personnel came to him to ask him to apologise to Yahya Jammeh and tell him it was the work of Satan. The witness pretended to agree but instead went into hiding and eventually fled to Senegal where he was granted asylum.

According to the witness, in 2008, following Musa Jammeh’s attempt to kidnap Yahya Dampha, a journalist working with Amnesty International in Senegal (and
who had leaked the location of Chief Ebrima Manneh when he was being held incommunicado), the witness and his family were relocated to the Netherlands while Yahya Dampha to Sweden for their safety.

On the impact of his ordeal, the witness stated that as a result of his torture at the NIA, he had kidney malfunction and has to go for dialysis. He recalled when Ismaila Jammeh gave him a kick and two days later he started vomiting blood.

He said he now needed a transplant and his brother has agreed to be his donor. He added that during his trial, he got very ill and was vomiting throughout the day. He was eventually admitted to the hospital, which delayed the trial.

Demba Dem told the Commission that his arrest and detention affected his family. His wife had to go into hiding as well and eventually made her way to the United Kingdom.

11 Please note that according to our research, Musa Jammeh died in 2007.
with then Chairman Yahya Jammeh after which they went home. He said Yankuba Touray told them they should not go anywhere, that they should all stay put.

Witness Ndure told the Commission that when it started to get dark, they left for the State House again. He said it was himself, Yankuba Touray and his two orderlies, Jali Musa Susso and Ensa Mendy. Upon arrival, Yankuba Touray went into a meeting with Yahya Jammeh. He said he found soldiers getting armed. When asked, he said that Sanna Sabally came and briefed them that they were going to Yundum Barracks where there was a coup in the making and as they did not know who the enemy was, they should all be careful. Sanna Sabally then asked all the drivers to form a convoy with Sanna Sabally as the leader, all of them armed.

The witness recalled that they the branched off at Tabokoto and took the back roads through Banjulinding where they stopped at former President Jawara’s garden. He said at this point, Sanna Sabally gave an order for some of them to join Edward Singhateh to go into the camp and check to see what was going on. He said this was around 11pm to midnight and that they were about 1 kilometer away from the barracks.

Witness Ndure said that other men followed them but the drivers were asked to remain behind and in their vehicles. After about an hour, he said they heard a single gunshot. He said he could tell that it was a warning shot fired in the air as the sound was different from a shot fired on a target or a human being.

Lamin Ndure explained that after the shot, they sent someone to ask them to move with the vehicles to the barracks. He said there were more than five, moving in a convoy. He said the vehicles were the Council members’ vehicles plus others.

He told the Commission that when they got inside, there were gunshots coming from the main gate end. He added that at he was not at the place where the shooting was taking place so he could not tell who was shooting.

Witness Ndure said he knew some people were arrested but did not know who were arrested and
After that, the witness said they took them inside the forest at the range and Yankuba Touray, Sanna Sabally, Sadibou Hydara and Edward Singhateh and their orderlies alighted. He saw them from where he was sitting (in his vehicle) bring the people that were alive down from the truck and line them up. Sanna Sabally gave the order and his orderlies and other Council members started firing at the men lined up.

He testified that he recognized Sanna Sabally’s orderlies at the scene – J.C.B. Mendy, Baba Njie and Njie Ponkal and Edward Singhateh’s orderlies Susso, Batch Samba Jallow, Lamin Marong and Mustapha “Churro” Touray.

After the firing, the witness said they loaded the dead bodies onto the truck and returned to Yundum Barracks with the truck where they left the corpses and went home.

Moving to the events surrounding the death of Ousman Koro Ceesay, the witness recalled the day when Yankuba Touray residential guards were asked to go on patrol, something that he said had never happened before. He also said he recalled that was the day Yahya Jammeh travelled out of the country.

He said he was told to drop off the guards and Yankuba Touray’s family to a programme taking place at Edward Singhateh’s residence at Cape Point in Bakau around 6 or 7pm. He said he could remember Captain Pa Amat Jangum, Lie Bojang and Ensa Mendy among the people he drove from Yankuba Touray’s residence in Kerr Serign. There was also a third individual but he could not recall his name he said.

The witness explained that he dropped the guards at the beach on patrol as they were expecting an unknown boat while he returned to Yankuba Touray’s residence with Ensa Mendy where they found government vehicles parked, something he described as unusual because this normally happened when there was a programme.
Witness Ndure continued on to explain to the Commission that Ensa Mendy got out of the car and he saw Edward Singhateh standing just outside Yankuba Touray’s residence. He added that he left to go to the shop and when he came back, he found that the people in the house had left. The witness stated that he went inside the house and said he found the corridor and sitting were not as clean as they normally would be with a foul smell.

Lamin Ndure testified that he did not find anyone in the house at that time and later after picking up Yankuba Touray’s family and bringing them home, he went home. He added that the next day, he heard on the radio that Ousman Koro Ceesay had died in an accident.

The witness said that after a while he heard rumours that Ousman Koro Ceesay’s death was not an accident and that he was killed. Later he heard people say that the Council members were responsible for his death. He thought to himself that perhaps that was why they had asked that Yankuba Touray’s family members and guards be taken from the house.

Responding to the Counsel’s observation that throughout his testimony he had not attached himself to any incident nor witnessed any incident and was always behind, or just standing there, the witness said that it was his job and that as a driver, he was taught that when your boss is out, he had to inside the vehicle and respond when called to.

In closing, Lamin Ndure stated that the military heads should be mindful of their juniors and should assist the young ones and called for the junior men to obey their seniors. He concluded by urging his fellow security officials to unite and work together for the betterment of the county and try not to let what has happened in the past be repeated.

PERSONS MENTIONED BY WITNESS DURING TESTIMONY:
Extrajudicial killing (November 1994)
Sanna Sabally, Edward Singhateh, Sadibou Hydara, Yankuba Touray, Ensa Mendy, Jali Musa Susso, Batch Samba Jallow, J.C.B Mendy, Baba Njie, Babucarr Njie aka Njie Ponkal
He walked back into the witness room, followed by the security team and camera crew. After a while, the usher came in and appeared to be trying to convince Mr. Touray to comply to no avail.

Chairman Sise proceeded to make a statement which read as follows:

“Thank you very everyone. I will read a statement on behalf of the Commission. The Truth, Reconciliation and Reparations Commission issued multiple subpoena to Mr. Yankuba Touray to appear before the Commission to testify as a person adversely mentioned for his involvement in human rights violations between 1994 to 1996. All those subpoenas were postponed and the last subpoena was issued the 24th day of June 2019 for his appearance and testimony before the Commission today, on the 26th of June.

During a meeting this morning, between Mr. Touray, the Chairman and Commission staff members, Mr. Touray indicated his refusal to honour the subpoena. He is presently within the premises of the TRRC but just as we have seen, he has clearly refused to appear and testify before the Commission. Mr. Yankuba Touray claims that he has immunity from prosecution for all human rights violations that occurred between 1994 and 1997. It must be noted, however, that even if this immunity claim were to be accepted, which is not the case, he cannot lawfully refuse to appear before the Commission and answer questions that do not directly violate the immunity he claims.

Mr. Yankuba Touray has also been informed on several occasions that failure to respect a subpoena issued by the TRRC constitute a contempt of court and is therefore liable to be referred to the High Court for prosecution. In the light of this, this Commission has to act firmly and within the parameters of the law to ensure that actions of this nature are dealt with a full force of law. I therefore have no choice but to order the immediate arrest of Mr. Yankuba Touray, pursuant to sections 15 1A and 15 2B of the TRRC Act 2017 and to hand him over forthwith to the police station that has jurisdiction over offences within this area and a referral to be submitted as soon as possible to
the Attorney General’s chambers for prosecution of Mr. Yankuba Touray to the High Court. We would conclude our meeting today”.

At the end of his statement, the Lead Counsel craved the Chairman’s indulgence to allow Mr. Touray a second chance to testify before adjourning the case if he refused again. The Chairman expressed concern that Mr. Touray could change his mind again, treating the Commission as a kangaroo body where he comes in, stumps out and comes back again.

The Lead Counsel responded that he was not convinced the witness would honour the subpoena to testify but just wants it on record such that if the witness refused again, it will remove all doubt that Mr. Touray was refusing to testify. Before accepting Counsel’s request, the Chairman expressed concern over Mr. Touray making a mockery of the statement he just read.

The Chairman enquired if the witness would be sworn in as it was part of the requirements that he did. The Lead Counsel confirmed the requirement to be sworn in pursuant to a summons or subpoena and proceeded to explain to the Commission that refusal to be sworn would attract certain consequences under the laws of The Gambia.

The Lead Counsel then asked the usher to call in the witness to appear before the Commission again. Upon the usher’s request, Mr. Touray continued to refuse to go in, asking to speak to someone. Lead Counsel Faal came in to the witness and personally requested for witness Touray to come and respond to the subpoena, appear formally before the Commission and testify under oath. Mr. Touray asked for clarification and was told it meant he had to take an oath, promise to tell the truth and testify before the Commission. Mr. Touray responded that he would not testify before the Commission nor answer any question, that he could appear but not testify.

The Lead Counsel advised witness Touray that it would be considered a criminal offence, a contempt of court if he failed to answer questions posed by the Commission. Mr. Touray remained adamant about not answering any questions and added that he was not going to appear in front of the Commission.

Mr. Touray proceeded to ask the Lead Counsel if this was an ambush at which the Lead Counsel ended the discussion, telling Yankuba Touray that he was not there to answer questions but to inform him (Yankuba Touray) that he was being invited him back to come and that if he refused, to leave it at that.

Witness Touray decided to go back into the hearing room and sat down while the Lead Counsel briefed the Commission. When asked by the Lead Counsel if he was ready to formally appear and testify before the Commission, Mr. Touray responded that he was ready to appear before the Commission formally and took the oath.

The Lead Counsel began the questioning asking the witness basic bio data, educational background and his joining the army in 1996. Witness Yankuba Touray proceeded to tell the Commission about his work history at the army until early 1994. When asked about the problems with The Gambia National Army at the time, witness Touray stated that he would not respond the any of those questions, stating that he was invoking his constitutional immunity on all those issues.

Mr. Touray was warned by Lead Counsel Faal that that was not the place to raise the issue of immunity, that it should be taken to the high court. He added that they were a Truth Commission, not a civil or criminal proceeding and as such, his claimed immunity does not apply to a fact-finding mission by the Commission of Enquiry.

Witness Yankuba Touray stood by his position, defiantly adding

“The Constitution is the supreme law of this country, any proceedings that is against the 1997 Constitution, I am not going to testify and I will not answer any questions.”
Yankuba Touray was eventually transported to Fajara Police Station where an even bigger angry crowd quickly gathered, some even threatening to kill him.

The Lead Counsel said he would not enter into a legal debate with Mr. Touray as to whether immunity applies here or not. That he would proceed to ask his questions and reminded Yankuba Touray that it is an offence under the laws of the Commission, under the TRRC Act for failing to answer questions by the Commission.

Witness Yankuba Touray responded saying “I have gone through your laws and your rules of procedure. Counsel, please let us not prolong this issue. In the sense that I have appeared when you asked me whether I am going to appear and testify, I made it clear that I am going to appear. So the issue of testimony before this Commission is out and I do not recognise the legitimacy of this Commission when I have constitutional immunity. I am not going to continue further. You may also use all your legal tools and then we will proceed and see. I thank you”. And refused to speak further, walking out of the hearing with the statement “it’s over”.

In the face of Mr. Touray’s blatant refusal to comply with the subpoena simply because he had come and made an appearance and even though the questions posed to him did not have anything to do with the immunity that he claimed, the Lead Counsel proceeded to add that they thought that by giving Mr. Touray the red carpet to come back in, Mr. Touray would show respect to the Commission and proceed but instead, they saw that he continued to treat the Commission with contempt and with great disrespect at a time when “…all Gambians are looking to our people to show good regard to the rule of law, to show respect to our people and our institutions”. With that, Counsel Faal asked the Commission to institute and restate the order that the TRRC Chairman had previous given and order the arrest of Mr. Yankuba Touray. Chairman Sise accepted the request to order Mr. Touray’s arrest and adjourned the meeting.

Mr. Touray was arrested and attempts to take him out of the TRRC premises were delayed by an angry mob outside expressing their anger at his blatant refusal to testify and disrespect of the hearings.

PERSONS MENTIONED BY WITNESS DURING TESTIMONY:
None
DISCREPANCIES/CONFLICTING TESTIMONIES

Pa Modou Sarr
At the beginning of the hearing, Pa Modou Sarr (session 5) confirmed to the Commission that he had been informed by the TRRC that he had been adversely mentioned by Sanna Sabally as someone who participated in torture against him. However, Sanna Sabally (session 4) testified that although Pa Modou Sarr was always present during his torture, had never touched him. Discussing further Sanna Sabally’s torture, in his testimony, Pa Modou Sarr initially said Alagie Martin participated in beating him but later said that Alagie Martin did not participate in the beatings but ordered them.

In session 4, Lamin Senghore denied having participated in the torture of Sanna Sabally which contradicts Pa Modou Sarr’s testimony (session 5) as he confirmed that Lamin Senghore was part of the torture team led by Alagie Martin.

Again, Pa Modou Sarr (session 5) stated only being present once during the torture of Sanna Sabally, however Sanna Sabally (session 4) said during his testimony that he was always present.

Alagie Martin
During his testimony (session 5), Alagie Martin insisted that Sanna Sabally was arrested as he left his office, at the door and that Musa Manneh had supervised the arrest whilst Sanna Sabally (session 4) explained that while he was at work, he got a call from Yahya Jammeh telling him to come to his office. He went upstairs and before entering the office, he was seized by Yahya Jammeh’s bodyguards namely Khalifa Bajinka, Almamo Manneh, Bakary Camara, Manlafi Corr, Musa Jammeh aka Maliamoogoo, Lamin S. Camara, and Batch Samba Jallow amongst others.

Alagie Martin denied using a hammer and electronic equipment during the torture of Sanna Sabally which contradicts statements given by Ebrima Chongan, Sheriff Gomez, RSM Jeng, Abdoulie Darboe, and Sanna Sabally himself.

Alagie Martin denied hitting Bunja Darboe. However, Bunja Darboe (session 5) stated when he refused to answer questions unless given access to a lawyer, Alagie Martin asked him if he thought they were joking, walked round the table, slapped him from behind and pulled down his shirt to his waist.

Alagie Martin denied hitting Demba Dem which contradicts Demba Dem’s testimony (session 5) that when he (Demba Dem) denied the allegations meted against about his involvement in the March 2006 coup plot, Alagie Martin stroke him and the witness fell off his chair. Foday Barry then asked Alagie Martin to stop and Alagie threatened to kill Demba Dem.

Lamin Ndure
In session 4, Babucarr Njie aka Njie Ponkal categorically refuted the allegation that he had participated in the execution of soldiers in November 1994. According to Babucarr Njie’s statement he was not present as the execution took place during his weekend leave. However, Lamin Ndure (session 5) placed him at the crime scene and as part of those who shot at the captured soldiers.
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.

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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 2004. The current co-publisher is his son, Baba Hydara.

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