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RECONCILIATION
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THE GAMBIA

REPORT

VOLUME 2

SOLDIERS WITH A DIFFERENCE

The Armed Forces Provisional Ruling Council (AFPRC) Junta

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INTRODUCTION

1. The July 22 1994 coup d'état abruptly ended one of Africa's longest-serving functioning democracies which had a reputation for commitment to human rights, the rule of law and democracy. After staying in power from 1965, despite winning elections at the constitutionally mandatory five-year intervals, the President, Sir Dawda Kairaba Jawara (Sir Dawda) lost a considerable degree of legitimacy in the eyes of ordinary Gambians due to rising discontent on what many attributed to the slow pace of development and accusations of corruption. Within the context of political power and the country's direction, there was a gap between the government and the governed. This facilitated the takeover by the coupists, for many Gambians wanted a change of leadership.
2. On the morning of July 22 1994, officers and enlisted soldiers of The Gambia National Army (GNA) marched into the State House of The Gambia with little resistance and seized the reins of power. They established a transition military government through a military governing council called the Armed Forces Provisional Ruling Council (AFPRC).¹ The leaders of the coup d'état were: 1ST Lieutenant Yahya Abdul Aziz Jemus Junkung Jammeh (Yahya A.J.J. Jammeh), 2nd Lieutenant Sanna B. Sabally, 2nd Lieutenant Edward Singhatey, 2nd Lieutenant Sadibu Hydara and 2nd Lieutenant Yankuba Touray.² After taking control of the State House and key infrastructure, the AFPRC further consolidated power by appointing civilians into the Council. But on the other hand, they arrested scores of politicians, security personnel and top civil servants, held them at the State's central prison (Mile II Central Prison) and promulgated decrees retrospectively to legalise their detention. The unlawful arrest and detention of these individuals in the wake of the takeover disregarded basic fundamental rights of the detainees. Sadly, this episode of arbitrary and unfettered abuse of law fused with military power was the blueprint for what became normalised and subsequently ensued for twenty-two years, characterised by uncontrolled brute force, sheer terror and unprecedented violations of human rights. Abuse of power and authority, blatant disregard for the rule of law and fair dispensation of justice and destruction of democratic values became synonymous with the Junta – even after transformation into a civilian government – from 1994 to January 2017.³
4. The Junta claimed to be “Soldiers with a difference”. To give credibility to its claims of fighting corruption, they brandished an agenda of “transparency,” “accountability,” and “probity”. These principles became immediately popular with the Gambian citizenry who, amidst accusations of corruption, wanted a more accountable and transparent system of governance based on probity. Maintaining probity, accountability and transparency are key principles of government business. The Junta popularised the words “transparency,” “accountability” and “probity”. They borrowed them from Bretton Wood institutions and took ownership of them with the intention of selling the coup idea, not only within The Gambia but also

1 Testimony of Sanna B. Sabally, 25th April 2019; Testimony of Edward Singhatey, 21st October 2019 and Testimony of Amadou Suwareh, 9th January 2019, line 900 – 1009

2 (565) SANNA B. SABALLY TRRC SITTING 24TH APRIL 2019 PART 2 - YouTube 1:05:18-1:07:57/1:39:17, accessed 10.09.2021

3 Commissioned Report to The Gambia's Truth, Reconciliation and Reparation Commission: 1994-2017; by Abdoulaye Saine Ph.D., University Distinguished Scholar and Professor of International Political Economy (Emeritus), Department of Political Science, Miami University, Oxford, Ohio, USA; submitted October 30, 2019, page 2

internationally, in order to reassure Gambians and the outside world that the AFPRC were indeed a military government with a difference. Outwardly, they put up a façade that they were pursuing good governance and were committed to fiscal discipline to combat corruption and address mismanagement. ⁴These principles or slogans were meant to legitimise an otherwise illegal change of the constitutional order by denouncing the “rampant corruption” that they consistently used to characterise Jawara’s 30-year rule. While espousing these IMF/World Bank good governance principles, in reality, the Junta’s actions contradicted their own mantra. Overtime, it was not hard to see that “these young soldiers, and mostly inexperienced junior officers, were motivated to stage the 1994 coup primarily by personal economic gain and improvement and, certainly, their quest for political power.”⁵

- i. *The July 22 1994 coup d’état;*
- ii. *The promulgation of decrees;*
- iii. *Attack on freedom of expression;*
- iv. *The arrests and detention of public officials;*
- v. *The arrests and detention of security officials;*
- vi. *The arrests and detention of PPP demonstrators and other persons;*
- vii. *The November 11 1994 putsch;*
- viii. *The killing of Ouman Koro Ceesay;*
- ix. *Constitutional changes; and*
- x. *Overt demonstration of power*

The above incidents are also discussed with others. While these themes are reported in detail in the thematic volumes, this report highlights the salient actions that belie the claim of the Junta that they were soldiers with a difference. These events and how Gambians reacted to them show a radical departure from traditional cultural values and norms – respect, empathy, tolerance – that had earned The Gambia global recognition for its human rights record. The country, once described as the “Smiling Coast” and its people as a friendly people, suddenly lost those attributes amidst the propaganda and gross violations that were meted out to the citizenry.

THE 22ND JULY 1994 COUP D’ETAT

8. The July 22 1994 coup d’état brought to an abrupt end to one of Africa’s longest-serving functioning democracies which had a reputation for commitment to human rights, the rule of law and democracy. After being in power from 1965, President Dawda Kairaba Jawara was, in 1994, the longest and continuously serving leader in Africa. After being in power for three decades, his popularity had started to wane, and his government had lost a considerable degree of legitimacy in the eyes of ordinary Gambians despite winning

⁴ Commissioned Report to The Gambia’s Truth, Reconciliation and Reparation Commission: 1994-2017; by Abdoulaye Saine Ph.D., University Distinguished Scholar and Professor of International Political Economy (Emeritus), Department of Political Science, Miami University, Oxford, Ohio, USA; submitted October 30, 2019, pages 7 – 8, paragraph 14.
⁵ Commissioned Report to The Gambia’s Truth, Reconciliation and Reparation Commission: 1994-2017; By Abdoulaye Saine Ph.D., University Distinguished Scholar and Professor of International Political Economy (Emeritus), Department of Political Science, Miami University, Oxford, Ohio, USA; submitted October 30, 2019, page 7, paragraph 14.

elections at the constitutionally mandated 5-year intervals.⁶

- 9. The inadequate response to rising unemployment amidst accusations of corruption against some members of his government that he failed to address adequately and “growing domestic discontent over economic and income disparities. In time, critics of Sir Dawda (and his government) singled him out for economic policies that failed to improve living conditions for the bulk of Gambians, and before long, these economic grievances, combined with corruption charges, erode his legitimacy. In time, general public perceptions of pervasive economic malfeasance in the form of high per diems and other travel allowances reignited charges of corruption against the regime and Jawara himself.”⁷
- 10. During the first session of the public hearings of the TRRC from January 7 2019 to January 28 2019, the Commission heard testimonies from 13 witnesses, most of them serving or retired officers of the Gambian security forces. The evidence that came from these testimonies enabled the Commission to establish a reasonably accurate historical record of how and why the coup of July 22 1994 happened, who the main players were, and how institutional failures and policy lapses contributed to its success. A good picture also emerged of the nature and extent of human rights violations that occurred during and immediately after the July 22 1994 coup.⁸
- 11. Within the GNA, there was discontent: “over less than adequate living conditions, paltry salaries and benefits, limited opportunity for professional advancement, and promotions were just as important motivations for the junior officer-led coup. Also, growing tensions within the military, generally, and between Nigerian senior military and Gambian junior officers, specifically over leadership, professional commitment concerns sharpened the divide between the two officer ranks (Wiseman & Vidler 1995; Saine 2009, 1996). 15. Thus, there was a pervasive feeling of “relative deprivation,” among junior officers, generally, and the coup conspirators, specifically. The latter believed that a coup was the only solution to addressing their perceived frustrations within the army and against the army brass itself. Personal ambition coupled with prospects for monetary gain, and for enhanced social standing combined to motivate the junior officer to execute the coup.”⁹
- 12. Saine (2020) further states: “GNA was also divided along ethnic, regional, religious, and certainly, rank dimensions.” This statement was confirmed by the witnesses from the GNA at the TRRC, and these divisions that existed between the superior officers and the junior officers in 1994 were still apparent during the public hearings on this theme.¹⁰ The conflicts that existed then were clearly visible to the Commission as the witnesses narrated their different experiences that were driven primarily by self, rank, ethnic and political interests.

⁶ Commissioned Report to The Gambia’s Truth, Reconciliation and Reparation Commission: 1994-2017; By Abdoulaye Saine Ph.D., University Distinguished Scholar and Professor of International Political Economy (Emeritus), Department of Political Science, Miami University, Oxford, Ohio, USA; submitted October 30, 2019, page 5, paragraph 9.
⁷ Commissioned Report to The Gambia’s Truth, Reconciliation and Reparation Commission: 1994-2017; By Abdoulaye Saine Ph.D., University Distinguished Scholar and Professor of International Political Economy (Emeritus), Department of Political Science, Miami University, Oxford, Ohio, USA; submitted October 30, 2019, page 6, paragraph 11.
⁸ <https://www.facebook.com/moj.trrc> Press Release, Statement by Chair, Dr. Lamin Sise, at the TRRC Second Session, Monday, February 11, 2019, accessed 6.09.2021
⁹ Commissioned Report to The Gambia’s Truth, Reconciliation and Reparation Commission: 1994-2017; By Abdoulaye Saine Ph.D., University Distinguished Scholar and Professor of International Political Economy (Emeritus), Department of Political Science, Miami University, Oxford, Ohio, USA; submitted October 30, 2019, pages 7-8, paragraphs 14-15.
¹⁰ (561) SANNA B. SABALLY TRRC SITTING 24TH APRIL 2019 PART 1 - YouTube, 24:05/1:36:28 accessed 10.9.2021.

The leadership in the army enjoyed privilege and status which mirrored the elitism that existed in the wider society. Even though they were soldiers, they saw themselves as citizens who had national interests as well as career development interests within the army. Many aligned themselves politically with key politicians of the same ethnicity in the political arena. Within the army, affiliations were based on those who benefitted from training from the gendarmerie, the British Army Training Team (BATT) and the Nigerian Army Training Assistance Group (NATAG) in The Gambia. The replacement of the gendarmerie to the Tactical Support Group (TSG) who were incorporated into the police force and the military police into the army did not go down well with the former elite gendarmerie. They were demoralised.¹¹ The angst that Sanna Sabally felt against the NATAG was clearly evident during his testimony at the TRRC when he informed the Commission that it was unacceptable that the Nigerians occupied all the senior positions in the GNA.¹²

13. At the level of the Executive, intelligence reports from the National Security Services about an impending coup d'état were not taken seriously amidst constant information about coup d'états which never materialised. There were so many that the former President Sir Dawda Kairaba Jawara used to say that if he “listens to people, he will go mad, for every now and then, someone would come with a report of a planned coup.” He was dismissive of these reports, and his position was that “it will be if it will be.” No one could tell him about a planned coup d'état without concrete evidence.¹³ Kassama further informed the Commission that after the first rebellious move by army officers, the security detail at State House acknowledged that they did not have the capacity to defend State House in the event of an attack. Turo Jawneh, head of the State House Guards at that time, asked for additional equipment but his (Kassama's) proposal to fortify State House by building bunkers in the grounds that were capable of withstanding any attack fell on the deaf ears of the security service chiefs who said that this was not needed at that point in time. Thus, there was a state of total unpreparedness at all levels for the events of July 22 1994. It can also be argued that there was some endorsement by the NATAG team who could have handled matters differently on the evening of July 21 1994. Lt. Yahya A.J.J. Jammeh was disarmed publicly at the Banjul International Airport but was not arrested. The humiliation of disarming him from a weapon that he was authorised to carry - in front of his men and the general public - inflamed the young officer even further and strengthened his determination and that of his co-conspirators to put their plan into action. They all knew that it was a “do-or-die” situation.
14. The planned coup d'état had a convenient cover. The GNA were to engage in a joint exercise with the United States Marine. This allowed for any abnormal behaviour on that day to be viewed as expected and normal.¹⁴ When it became apparent that there was more to the actions of the officers than a simulation exercise, the efforts made by the TSG to stop the soldiers from coming into Banjul were easily dissipated, as Major Amadou Suwareh who was in charge of Denton Bridge asked his men to surrender. They marched to State House

¹¹ (561) Ebrima Chongan testimony to the TRRC Part One - YouTube, 6:33- 14:06/1:23:53 accessed 10.9.2021.

¹² (561) SANNA B. SABALLY TRRC SITTING 24TH APRIL 2019 PART 1 - YouTube, 41:56-52; 27/1:36:28, accessed. 10.9.2021.

¹³ (562) TRRC Day 19 Momodou Lamin Gassama Testifies part 1 - YouTube, 21:01-38:43/1:14; 29, accessed. 10.9.2021.

¹⁴ (561) Truth, Reconciliation and Reparations Commission pt2 10.01.2019 - YouTube, fmr. Adjutant Sheriff Gomez, 6:05-9:32/1:36:16 accessed 10.9.2021.

with relative ease, and they met with little resistance. The incumbent President, Sir Dawda Kairaba Jawara and his family, other members of his household and some cabinet ministers and the IGP were evacuated to the docked U.S. warship. Momodou Lamin Kassama,¹⁵ former ADC to Sir Dawada, describes the events of the morning of Friday July 22 1994. He informed the Commission that the Director General of the NSS had come to State House that morning to brief the President, Sir Dawda Kairaba Jawara about an imminent coup d'état. Vice-President and Minister of Defense, Saikou Sabally had a morning appointment with Andrew Winter, U.S. ambassador to The Gambia and the Commanding Officer of the Lamoure County Naval Ship. He was not aware of this event, as he had just returned from a trip out of the country. Then Lamin Kaba Bajo informed him that there was shooting at Yundum Barracks. He went to the office of the Vice-President to inform him about the disturbance. The Vice-President told him that they were aware and were monitoring the situation. He, Kassama went a step further and called the navy to send reinforcements to State House.

15. The Vice-President, Saikou Sabally, requested the American Ambassador, Andrew Winter and the Commanding Officer of the Lamoure County Naval Ship to take President Jawara to the Naval Vessel until the situation was addressed. After consultations and much persuasion, Sir Dawda Kairaba Jawara agreed to go on board the Lamoure County for his safety and that of his family. The President rode in the ambassador's car for security reasons, and his wife, Lady Chilel (the First Lady), children, security detail and household staff went into the waiting vehicles. Other persons who were taken on board the ship included the Vice-President, Saikou Sabally, the Minister of Finance – Bakary B. Dabo, Kebba Ceesay – the Chief of the NSS, the Inspector General of Police (IGP) – Pa Sallah Jagne, and the Permanent Secretary of Ministry of Defence – Sulayman Bun Jack. The ensuing communications with the coupists came to naught, as they definitely did not want Sir Dawda Jawara to regain his presidency. They were in control and were not going back to barracks. Eventually, Senegal allowed them to land on their shores if Sir Dawda Jawara agreed not to use Senegal as a platform to return to power. Unlike in 1981, the Senegalese did not intervene this time. The President Sir Dawda Kairaba Jawara accepted that Senegal would not help him return to power.
16. In the 6 o'clock news on the evening of July 22 1994, a public announcement was made over Radio Gambia that a four-member Junta called the Armed Forces Provisional Ruling Council (AFPRC) had taken over the country. Its chair was Lt. Yahya A.J.J. Jammeh. The fifth member, Yankuba Touray, was added later. The relative ease with which they took over the State House and the fact that there was no fighting led Yahya A.J.J. Jammeh and the AFPRC to revel in the statement that “not even a chicken was killed on that day”. What they lacked in knowledge, they made up for it with audacious statements that were intended to win over Gambians and give legitimacy to the coup d'état. The Junta shrewdly exploited the public's almost undisputed notion or at least the perception at the time that not only had PPP overstayed in power but that it had become inept after three decades at the helm of affairs. The Junta propagated slogans that lifted peoples' hopes and expectations of “a new dawn” for The Gambia. Albeit clothed in populist propaganda, these slogans were able to win the hearts and minds of Gambians and also became the decisive factor in promoting

¹⁵ (562) TRRC Day 19 Momodou Lamin Kassama Testifies part 1 - YouTube accessed 10.9.2021.

their agenda for change which resulted in Gambians calling the coup d'état the July 22nd Revolution. The Junta were able to convince Gambians that they were the change the people long yearned for and promised them they would embark on a new system of governance that would embrace the values and tenets of transparency in public matters and good and credible accountability of government actions in matters of public spending. They also proclaimed that they would be driven by moral principles and integrity, which they claimed was lacking in the twilight years of the PPP-led government.¹⁶

17. These were false promises, however, for as soon as they took over power, the AFPRC ordered the seizure of official vehicles, including those of ministers as official vehicles. The vehicles assigned to the ministers were Mercedes Benz, and the Junta largely succeeded in convincing Gambians that this was immoral as the Mercedes Benz vehicles given to ministers symbolised the epitome of class and flamboyance enjoyed by the privileged few in contrast with the poor conditions of ordinary Gambians. The public easily bought the Junta's condemnation of what was perceived as privileged standards of living by a minority at the expense of the majority living below the poverty line. For an impoverished nation like The Gambia, it was preposterous that such expensive cars were allocated to a few elites when the rest of the population struggled to commute to and from work or to go about their daily business.
18. Within the context of political power and the country's direction, considering the growing discontent at the time of the coup d'état in 1994 and the growing divide between the governing and the governed, that gap created a vacuum of moral political leadership. Although an apparent paradox, the Junta tapped into the public sentiment and aligned itself with slogans and populist propaganda to win the hearts and minds of the people and win them away from the one party that had been in power for three decades. The catchy slogan "**Soldiers with a Difference**" was able to attract people towards the soldiers whom they regarded as saviours from their predicament. They were able to relate to it, and this built and strengthened relationships between the soldiers and the citizenry. As the Junta compared itself with the PPP government, it heightened the peoples' discontent and amplified all the ills – real and imagined – attributable to the **Jawara** administration, to garner public support. This effective means of connecting with the people on matters of national importance further excused the illegality of the coup as people endorsed it wholeheartedly. While the people interpreted the slogan "**Soldiers with a Difference**" in a good light and saw them as persons who had come to bring about positive change, in reality, it was the opposite that happened. They were determined to benefit maximally from the takeover, and **Yahya A.J.J. Jammeh** told the other members of the Junta that there should not be "*monkey wok baboon chop*¹⁷" – meaning that the monkey should not take the risks and the baboon reaps the benefits. This was said immediately after the takeover when **Yahya A.J.J. Jammeh** felt that the political leaders and the senior officers in the army were planning a counter-coup. Immediately after this, they started the arrests and detentions of top public officials – including cabinet ministers, security personnel and ordinary civilians started.

¹⁶ Commissioned Report to The Gambia's Truth, Reconciliation and Reparation Commission: 1994-2017; By Abdoulaye Saine Ph.D., University Distinguished Scholar and Professor of International Political Economy (Emeritus), Department of Political Science, Miami University, Oxford, Ohio, USA; submitted October 30, 2019, page 12, paragraphs 27 - 28.
¹⁷ (575) SANNA B. SABALLY TRRC SITTING 24TH APRIL 2019 PART 2 - YouTube 54:15-55:20/1:39:17, accessed 10.09.2021.

RULE BY DECREES

19. The Junta's overthrow of the PPP government descended the once stable country into a relative political abyss, as the bloodless coup left in its wake tumultuous uncertainty that immediately ensued. The fear of the unknown, with soldiers' present everywhere conspicuous displaying heavy weapons as a vivid display of force, was a means to coerce the civilian population into submitting to the new abnormal order of military rule and power.
20. As the country forged to orient itself towards some semblance of normalcy under the fluid circumstances, the AFPRC – the military transition government – was quick to exert its authority, borrowing a leaf from other successful coupists such as Ghana's Jerry Rawlings and Captain Valentine Strasser of Sierra Leone. Hence, the 1970 Constitution of The Gambia was suspended. All political parties were banned and political activities suspended.¹⁸ There was also a ban on media publication.
21. Political Activities (Suspension) Decree, 1994, Decree No. 4, dated 4th August 1994, was passed by the Junta. Section 2 of Decree No. 4 provides that the organs of all political parties that were in existence prior to the coming into force of the Constitution (Suspension and Modification) Decree, 1994, Decree No. 1, shall cease to exist. This Decree banned all political parties from engaging in any form of political activities. Anyone that contravened this Decree, committed an offence that was punishable on conviction to a maximum fine of D5000 or maximum of three years imprisonment or the combination of both fine and a custodial sentence.¹⁹
22. The public announcement on Radio Gambia of the suspension of the 1970 Constitution – the supreme law of the land – as well as the immediate prohibition of political parties and their activities was immediately followed by arrests and detention of officers and soldiers of the Gambia National Army (GNA) and senior police command, cabinet ministers, senior civil servants, and all those that the Junta simply did not trust or categorised as collateral impediments to the new order.
23. The AFPRC issued "The Constitution of the Republic of The Gambia (Suspension And Modification) Decree, 1994", Decree No. 1, 22nd July 1994, dated July 29, 1994.²⁰ The Decree, although dated 29th July 1994, was deemed to have retroactively come into force on 22nd July 1994 – on the same date as the coup d'état usurping power – thereby attempting to legalise any act or omission from the inception of the Junta's rule. This was designed to have retrospective legality so as to pre-empt any potential or future enquiry into the legality, lawfulness and legitimacy of an otherwise act of treason.
24. In terms of the "Status of Constitution and Supremacy of Decrees", Section 3 (1) of Decree No. 1 of 1994 suspended all parts of the Constitution – including the whole of Chapter IV [Office of President], amongst other important provisions.²¹ According to Section 3 (2) of The Constitution of the Republic of The Gambia (Suspension And Modification) Decree, 1994; Decree No. 1, the provisions of the 1970 Constitution which were not suspended by this decree were still subject to the supremacy of the decree.²²

¹⁸ Political Activities (Suspension) Decree, 1994, Decree No. 4, dated 4th August 1994
¹⁹ Section 3 of Political Activities (Suspension) Decree, 1994, Decree No. 4, dated 4th August 1994
²⁰ The Constitution of the Republic of The Gambia (Suspension And Modification) Decree, 1994; Decree No. 1.
²¹ Section 3 (1) of the Constitution of the Republic of The Gambia (Suspension And Modification) Decree, 1994; Decree No. 1.
²² Section 3 (2) of the Constitution of the Republic of The Gambia (Suspension And Modification) Decree, 1994; Decree No. 1.

25. In respect of the supremacy of the decrees, Section 4 of the Suspension and Modification Decree 1994, Decree No. 1, stated that the provisions of the 1970 Constitution that are not suspended by the decree shall apply in so far as they do not conflict with a provision of the decree or any other decree, thus enshrining the supremacy of the decrees over parts of the Constitution still in effect.²³
26. This was a remarkable and radical transformation from established norms and deviation from the country's long-standing political, democratic and legal history. The Gambia was always hailed as democratic and a bastion of the rule of law. The State adhered to the principles of justice, fairness and equality before the law – cornerstones of the principle of the rule of law. However, upholding and respecting the rule of law were seriously under threat because of the hierarchy of powers and supremacy of decrees. The suspension of Chapter IV of the 1970 Constitution reveals the ulterior motives of the Junta right from the onset. Even though the military junta proclaimed to be “Soldiers with a Difference”, in reality, their actions were a tacit betrayal of that self-righteousness and claims of being custodians of moral values and high political virtues. In his book “The Price of Duty: 994 Days in The Gambian Military Junta's Dungeon” (Exhibit 004), Ebrima Ismaila Chongan, critically analysing the point, aptly writes:
- “Besides Decree No.1, which suspended the Constitution, Decree No. 3 would be the first of many promulgations of the AFPRC to erode the basic civil and human rights of Gambians. The PPP government had earlier declared a State of Emergency in the wake of the 1981 bloody abortive coup, but that episode wouldn't compare notes with the total suspension of the due process by this Junta. In spite of all the propagandistic pronouncements that they were Soldiers with a Difference to assuage the nation's uneasiness about the military takeover, the AFPRC was deliberately enacting decrees to keep innocent citizens in indefinite detention without trial.”***²⁴
27. According to Section 5 of Decree No. 1 above, no court of law could question or enquire into the validity of the said decree or any other decree passed by the AFPRC. Legally, therefore, no court of law in The Gambia had jurisdiction or the powers to entertain any hearing or enquiry into the legality of any decree passed by the Junta. Generally, the principle of the separation of powers vests in the judicial arm of government's powers to legally scrutinise decisions of the Executive or laws passed by Parliament to determine if such decisions and legislative actions are lawful and not in excess of the law and, where they hold otherwise, they have the power to declare such decisions and actions *ultra vires*, null and void. This is important in maintaining the rule of law and adherence to democratic principles.
28. Section 6 of Decree No. 1 above, so far as the establishment and legislative powers of the AFPRC, expressly vests in the AFPRC power to make laws. The role traditionally vested in the House of Parliament (National Assembly since 1997) was ousted and substituted for the AFPRC. The Junta thus entrusted itself with unparalleled and unprecedented powers. The AFPRC was both the Executive and Legislature and performed a dual role of policy implementer as well as lawmaker, eroding and undermining the sacred sanctity of the doctrine of separation of powers.

23 Section 4 of the Constitution of the Republic of The Gambia (Suspension And Modification) Decree, 1994; Decree No. 1.
24 Ebrima Ismaila Chongan: The Price of Duty: 994 Days in The Gambian Junta Dungeon, Baobab Books, 2020

29. During his testimony before the Commission, one of the most senior Gambian lawyers, Abubacarr MN Ousainou Darboe,²⁵ commonly known as Lawyer Darboe, conceptualising the different competing theories of coup d'états, was asked if he subscribed to that notion in spite of **Elias'** belief that the **Constitution** should always remain supreme and cannot be overthrown by decree”²⁶ He answered:
- “Well, the **Constitution** remains supreme in certain aspects, not in every aspect. As far as the **Executive** is concerned and the **Legislature**, I mean they are abrogated, solely institutions as the **Judiciary** that remain intact. And in our own case, not only was the **Executive** and the **Legislature** abrogated, but even fundamental rights. The decree even did away with fundamental human rights in this country, and I think that is **Decree Number 30**.”*
30. The AFPRC Junta imposed a State of Emergency immediately after the takeover. Curfew was imposed from 7:00pm to 7:00am. These were extraordinary times. The peaceful, tranquil and politically stable Gambia had suddenly plunged from a normative and functioning democracy to military rule by decree and no longer by pluralist, multi-party tenets, democratic and constitutional parliamentary structures which the country had become accustomed to. The political calculus and trajectory had suddenly metamorphosed to uncertainty, with the military in power, compounding the dilemma suddenly thrust upon the country.
31. The Armed Forces Provisional Ruling Council (Establishment) Decree, Decree No. 30 was promulgated on 29th March 1995 – seven months after the takeover.²⁷ This decree, establishing the AFPRC, was legally deemed to have come into force on 22nd July 1994. Any power or any action exercised by the Council from that date shall be deemed to have been carried out in pursuance to this decree. Thus, it retrospectively endowed powers exercised and actions taken by the Junta from 22nd July 1994 with legality, even though at the time of the exercise of such power and decisions the conduct or action ordinarily would have been illegal.
32. Section 5 of Decree No. 30 evoked the suspension of the 1970 Constitution as well as any Decree made pursuant to the latter, save certain provisions of the 1970 Constitution specified in the Third Schedule to this Decree.²⁸ Decree No. 30 further proffered the supremacy of decrees issued by the Junta over provisions of the 1970 Constitution that were not suspended because where there was any conflict between the Constitution and any provision of a decree, the decree superseded.
33. Decree No. 30 provided that the power to make laws shall be exercised by means of decrees. At the same time, Decree No. 30 repealed the Constitution of the Republic of The Gambia (Suspension and Modification) Decree 1994 (Decree No. 1), save sections 17 and 18 of same. The striking feature of all the decrees was the retrospective aspect contained in all of them. This feature was a politically and legally shrewd and strategically calculated means to achieve the objective of pre-empting any potential challenges of illegality and unlawfulness regarding the exercise of powers and legality and lawfulness of decisions made in the im-

25 (517) TRRC DAY 49 Pt1 10.06.19 - YouTube, Abubacarr NM Ousainou Darboe 27:21-27:26/1:29:42, accessed 10.9.2021.

26 T.O. Elias: Nigeria: The development of its laws its laws and constitution. (The British Commonwealth: the Development of its Laws and Constitutions, vol. 144.) xii, 491 pp. London: Stevens and Sons, 1967.

27 Armed Forces Provisional Ruling Council (Establishment) Decree 1995; Decree No. 30, 29th March, 1995.

28 Section 5 (1) (2) of the Armed Forces Provisional Ruling Council (Establishment) Decree 1995; Decree No. 30, 29th March, 1995.

mediate aftermath of the coup. Suffice to say, the rationale for the promulgation of decrees to override constitutional order was to buttress the legitimacy of the intentions of the drafter of these decrees – in other words, the legal architect of these decrees in the person of the Attorney General and Minister of Justice at the time. Is it the role of the Attorney General – the chief law officer in the country – to actively engage and play a fundamental and crucial role in the annihilation and destruction of the 1970 Constitution and the whole political and legal landscape at the time?

34. In effect, Decree No. 30, in addition to the suspension of the 1970 Constitution, made declarations thus:
 - (a) *The dismissal of persons holding offices of President and Vice-President under the suspended 1970 Constitution;*
 - (b) *The dismissal of persons holding offices as Ministers and Parliamentary Secretaries;*
 - (c) *The dismissal of persons holding offices as Commander of The Gambia National Army and Inspector General of Police;*
 - (d) *The dissolution of Parliament as composed under the 1970 Constitution; and*
 - (e) *The proscription of all political activities.*²⁹
35. The Armed Forces Provisional Ruling Council (Establishment) (Amendment) Decree, 1996, Decree No. 69 of 14th February 1996, repealing Section 9 of the Principal Decree, in respect of Paragraph 2 of the Fourth Schedule, Section 5 of Decree No. 69, states: “Any reference in the Constitution or any other law to the words “House of Representatives,” “House,” or “Parliament” shall be substituted by the word “Council.” This is yet another implicit manifestation and ample demonstration of the Junta’s intention to entrench itself in power by dismantling all the hallmarks and political traditions representative of the doctrine of parliamentary democracy. By displacing words such as “House of Representatives”, “House” and “Parliament” in preference to “Council”, the governing Council of the Junta is remarkably telling and inquisitive.
36. Decree No. 45, passed in June 1995, established the National Intelligence Agency (NIA), replacing the National Security Service (NSS). The NIA became the “*visible repressive arm of the AFPRC created initially to curb dissent within the army. Its role expanded over-time to target civilian critics and dissidents, especially journalists and opposition politicians. Overtime, it built a reputation around killings, torture, disappearances, and abductions.*”³⁰
37. The Junta passed several decrees in relation to detentions. In addition to decree No. 57, the National Security (Detention of Persons) (Amendment) Decree 1995, Decree No. 59, was also passed, specifically dealing with the issue of bail of persons arrested and detained and not released after ninety days, when brought before a court.

²⁹ Section 5 (3) (a) – (c) of the Armed Forces Provisional Ruling Council (Establishment) Decree 1995; Decree No. 30, 29th March 1995.

³⁰ Commissioned Report to The Gambia’s Truth, Reconciliation and Reparation Commission: 1994-2017; By Abdoulaye Saine Ph.D., University Distinguished Scholar and Professor of International Political Economy (Emeritus), Department of Political Science, Miami University, Oxford, Ohio, USA; submitted October 30, 2019, page 15, para. 38.

38. The National Security (Detention of Persons) (Amendment) Decree 1996, Decree No. 66, was also passed in January 1996, giving the Minister of Interior powers, where necessary and where he was satisfied that a person’s continuous detention was necessary, to extend the detention of any person in the interest of the security of The Gambia.

ATTACK ON FREEDOM OF EXPRESSION

39. The Junta’s crackdown on civil and political rights, fundamental rights and freedoms, and rights that Gambians have long enjoyed and cherished, commenced immediately after the military takeover.³¹
40. The Junta passed the Political Activities (Suspension) Decree, 1994, Decree No. 4, dated 4th August 1994,³² less than two weeks after taking the reins of power. Section 4 of Decree No. 4 prohibited what it deemed as engagement in any political propaganda by means of a newspaper publication or in any other media form for spreading the ideas or ideology of any political party.
41. Decree No. 5, in addition, also banned publishing propaganda of political parties. In effect, “*Any person who prints, publishes, displays, distributes, sells or exposes for sale, or transmits through the post or who has in his possession any placard, newspaper, book, circular, pictorial representation or any other document or writing whatsoever to be issued, after the coming into force of this decree, by or on behalf of or in the interest of any political party or its organ, commits an offence,*” with the punishment of fine or imprisonment or both.
42. Decrees 70 and 71 were passed as a means to further restrain the freedom of expression. The shift and gradual erosion from a liberal and relatively free press in the First Republic to the AFPRC’s calculated interventions to limit freedom of expression³³ were clearly noticeable.
43. The Newspaper Act (Amendment) Decree, 1996, Decree 70, dated 14th February 1996, introduced harsh and draconian laws to tighten the noose on the media. Punishment for contravening Section 13 of the Newspaper Act increased monumentally from “one thousand dalasis” in the previous law to “one hundred thousand dalasis” pursuant to the amendment brought by this decree. Punishment for contravening other provisions of this Act attracted fines of not less than ten thousand dalasis and not more than fifty thousand dalasis. Therefore, any media practitioner or media institution that was adjudged to have flouted Section 13 of the Newspaper Act would be liable to pay a fine of one hundred thousand dalasis. No matter how minor a violation under this Act may be, there was a minimum fine of ten thousand dalasis. Considering the promulgation of the decree in 1996 and the value of the currency at the time – one hundred thousand dalasis was a significant sum of money – one can say that if it was imposed on any media organisation, its operations would be crippled. And if it was imposed on a journalist or a media practitioner that would most certainly result in that journalist or practitioner serving a term of imprisonment in default. The effect, therefore, was to psychologically and legally censor the media by punitive laws.

³¹ Political Activities (Suspension) Decree, 1994, Decree No. 4, dated 4th August 1994.

³² Section 4 of the Political Activities (Suspension) Decree, 1994, Decree No. 4, dated 4th August 1994.

³³ Commissioned Report to The Gambia’s Truth, Reconciliation and Reparation Commission: 1994-2017; By Abdoulaye Saine Ph.D., University Distinguished Scholar and Professor of International Political Economy (Emeritus), Department of Political Science, Miami University, Oxford, Ohio, USA; submitted October 30, 2019, page 26, paragraph 69.

44. Newspaper Act (Amendment) (No. 2) Decree 1996, Decree No. 71, was promulgated two weeks after the passing of Decree No. 70 on 14th February 1996. This decree cancelled all bonds previously executed by media institutions to print newspapers and increased the new one from one thousand dalasis to one hundred thousand dalasis. The decree further stipulated that every newspaper previously printed or published on the one thousand dalasis bond shall cease printing or publication until a new bond of one hundred thousand dalasis was executed. The decree made amendments to the principal Newspaper Act to give the courts broad powers, in addition to imposing fines or any penalty, to mandatorily prohibit printing or publication of newspaper as penalty in the event of conviction for contravention of any provision of the said Act. Much like the preceding one, the motive behind this decree was to curtail freedom of expression and free press.
45. Highly respected politicians and social activists, Halifa Sallah and Sidia Jatta of the Peoples' Democratic Organisation for Independence and Socialism (PDOIS), who ran the widely read and highly regarded "FOROYAA Newspaper," were arrested in Banjul for distributing the newspaper.³⁴ This was the beginning of clear manifestations of the Junta's repressive anti-freedom of expression tendencies from very early on.
46. Halifa Sallah and Sidia Jatta were charged with offences relating to alleged contraventions of Decree 2 prohibiting publication and distribution of what the Junta perceived to be political party propaganda ideology and material.
47. Journalists were brutalised during the transition period, and any dissent was met with severe punishments. It appears, the Junta calculated that in order to achieve its objectives of self-perpetuation. They could not afford to allow unfettered flow of freedom of expression, which they believed could potentially affect how the people viewed, perceived and judged the Junta.
48. It was thus not surprising that journalists were routinely arrested and detained. Lorraine Forster, a journalist working for the then Daily Observer newspaper, was detained for reporting that Captain Ebou Jallow, the AFPRC spokesman, had fled to the USA under suspicious circumstances.³⁵
49. The right to freedom of information and expression is fundamental in a functioning democracy. However, as the **Yahya A.J.J. Jammeh's** dictatorship was far removed from respecting democratic values, he resorted to restraining the work of the media. His pursuit of entrenchment in power was at odds with a free and liberal media. He decided that an informed and enlightened public space was a threat to his self-perpetuation. Interfering with the media started immediately after the coup d'état and assault on the media was one of the first actions by the Junta when Foroyaa publishers were arrested and prosecuted for defying suspension of all publication and political activities. The attack on the media intensified as **Yahya A.J.J. Jammeh** pursued methods to perfect his dictatorship. He enacted laws and imposed onerous regulations to control the media. These were intended to restrict mainly the print media and to give government leverage to control and interfere in the operations of the media. The push back by the media only infuriated **Yahya A.J.J. Jammeh** and aggravated his desire to limit the work of the media, and these tensions ensured a fraught relationship with the private media.

34 U.S. Department of State Report on Human Rights in The Gambia, 1995-1999
 35 U.S. Department of State Report on Human Rights in The Gambia, 1995-1999

ATTACK ON MEMBERS OF GOVERNMENT

ARRESTS OF PUBLIC OFFICIALS

50. To lend credence to their accountability claims, the first persons that the Junta disgraced and humiliated were the heads of key institutions. They arrested and put them in a truck and paraded them round the streets of Banjul and Serekunda before detaining them. These highly respected and high profile individuals included **Pa Cham**, the Managing Director of The Gambia Ports Authority; **Abu Denton**, Accountant General; **Alieu Mboge**, Managing Director of National Trading Cooperation (NTC); and **Ousainou Njie**, Managing Director of Gambia Commercial and Development Bank. They were put in the back of a lorry and paraded through the streets of Banjul before they were detained. The purpose of this display was to erroneously show the Gambian people that these public officials lived lavish life styles at their expense. Ebrima Ismaila Chongan told the Commission that while he was detained at Mile II Central Prison, he specifically remembers the Managing Directors of the NTC, (**Alieu Mboge**) GPA, (**Pa Cham**) Social Security and Housing Finance Corporation (**Sankung Fatty**) being brought in.³⁶
51. Next were the Cabinet Ministers. An announcement was made three days after the coup d'état that all former PPP ministers should report to the NSS. When they reported, they were detained. These included: **Omar Amadou Jallow (OJ)**, **Alieu EWF Badjie (Kama)**, **Lamin Kiti (LK) Jabang**, **Landing Jallow Sonko**, **Alhaji Yaya Ceesay**, **Amulai Janneh**, **Alkali James Gaye**, **Buba Baldeh** and **Matthew Yahya Baldeh**. They were placed in a big hall with no facilities and were given a tarpuline to lie on. Food was provided by the NSS but no visitors were allowed. Three days after their detention, the Junta, headed by **Yahya A.J.J. Jammeh**, came to the NSS and, after the usual rhetoric of corruption and lavish life styles, told them that they were lucky that they were not executed.³⁷ **OJ Jallow**, in defiance, reminded him that he had taken over a government that had respect for the rule of law, democracy and good governance and was the safe haven for all West Africans who were running away from despotism. "And if you do anything that is contrary to this, then you are a traitor and betrayer to the Gambian people and the Gambian nation." These were prophetic words, for they heralded a spate of human rights violations that were unprecedented. The former ministers were detained for 10 (ten days) when they were released and put under house arrest for three months.
52. The abuses, however, intensified in November 1994 after **OJ Jallow** made a press conference on 6th November 1994 in response to the announcement made by the Junta that they would stay in power for 2 (two) years and then hand over to a civilian government. Unhappy about his assertion that they had "no right to impose themselves on the Gambian people," the Vice-Chairman of the AFPRC, **Sanna Sabally**, and his orderlies came to his house, beat him up in the presence of his family, threw him into a waiting truck and went round arresting other former ministers – including **Omar Sey**, former Minister of External Affairs (who was also detained along with the others at the NSS), and **Kama Badjie**.

36 Testimony of Ebrima Ismaila Chongan, 7th January 2019, page 36, lines 793 – 798.
 37 (517) Jammeh Survivor Omar A Jallow Confession Part 1 (TRRC) - YouTube, 3:16-6:20/35:34 accessed 10.9.2021.

53. They were paraded round Serekunda and Bakau so that people could see them in the back of the trucks with the aim of humiliating and disgracing them even further before taking them to the Fajara Barracks. **Batch Samba Jallow**, one of the orderlies of **Sanna Sabally**, the Vice-Chair of the AFPRC, attempted to place pistols in their mouths but **OJ** resisted. They were put in the truck again and taken to Mile II Central Prison. There, they met the following Junta members: **Sadibou Hydara**, **Edward Singhatey** and **Yankuba Touray** and he was severely beaten in the presence of the Junta members and prison officers using multiple methods, resulting in serious injuries to “*set an example, as he would not keep his mouth shut.*”³⁸ The kaftan that he wore was soaked in blood. Lead Counsel, Essa Faal described the scene “*like the Junta were watching the gladiator being sent to the lion’s den.*”³⁹ This was a clear manifestation that the Junta would get rid of any dissenting individual, irrespective of who they were. Beating a former cabinet minister and a head of household in the presence of his family and later in the presence of prison officers were intended to humiliate and degrade the person in utter disregard of our cultural values and norms for respect of elders and persons held in very high esteem.
54. The violations did not stop there. They were detained at Mile II Central Prison for three days. **OJ**’s colleagues were placed in the Remand Wing of the prison, and he was put in Security Wing No 1. As the Remand Wing was a little less restrictive than the Security Wing, it can be assumed that this was intended to mete out a harsher punishment to the more vocal and recalcitrant person within the group of former cabinet ministers and to send a signal to the other members that they would suffer a similar fate if they dared to speak out. They, through sheer brute force, effectively silenced the former PPP ministers. The day after, they were removed from Mile II Central Prison. They were again taken to the NSS headquarters.
55. On 9th November 1994, the ministers were subjected to another traumatic experience. They were lined up, and members of the Junta – including the Vice-Chair **Sanna Sabally** and **Sadibou Hydara**, and the Attorney General and Minister of Justice **Fafa Mbai** – came with many soldiers and addressed them using the same rhetoric as the one **Yahya A.J.J. Jammeh** used when he met them at the NSS. The Attorney General and Minister of Justice, **Fafa Mbai** denigrated the PPP government and told the ministers that they deserved to be killed but that their lives would be spared thanks to the humanity of the Junta members. However, “*the Council would set an example on only one person. That is Omar Jallow. He is going to be executed on Friday by firing squad.*”⁴⁰ After this pronouncement, they called a roll call of the other ministers present, and they were released. They were not happy about leaving their colleague (**Omar Jallow**) behind but had no choice.
56. The execution did not hold as planned. The next day happened to be 10th November 1994 when the Junta members had more pressing matters to deal with. They had to deal with rumours of a planned counter coup mutiny by soldiers of the GNA. The soldiers were dissatisfied about the actions of the Junta and planned a takeover. Unfortunately, the leaders knew about their plans and quelled the planned coup in the most brutal manner. Too busy with dealing with the planned takeover, **OJ** was put on the back burner. He was released after the 11th November putsch through the intervention of the American Embassy on an appeal from his wife and the efforts of **Mrs. Fatoumatta Tambajang**, then Minister of Health. This,

38 (517) Jammeh Survivor Omar A Jallow Confession Part 1 (TRRC) - YouTube, 12:26-12:33/35:34 accessed 10.9.2021.
 39 (517) Jammeh Survivor Omar A Jallow Confession Part 1 (TRRC) - YouTube, 13:38-13:51/35:34 accessed 10.9.2021.
 40 (562) Jammeh Survivor Omar A Jallow Confession Part 1 (TRRC) - YouTube, 17:25-18:19/35:34 accessed 10.9.2021.

however, was not the end of his troubles. He faced continuous persecution. The intention was to silence him, but he could not be cowed. He was resilient and claimed “*that the sign of true leadership is not only when the going is nice. Leadership qualities are more recognised when the going is tough.*”⁴¹

57. In his testimony at the TRRC concerning the maltreatment of former PPP ministers at Mile II Central Prison, **Edward Singhatey**, a leading member of the Junta at that time, admitted that what was done to the former ministers – PPP ministers – was psychological and physical torture. When he left Mile II Central Prison after the torture session, he reported the matter to the Junta Chairman **Yahya A.J.J. Jammeh**, who laughed upon hearing what happened. According to **Edward**, **Yahya A.J.J. Jammeh**’s reaction made him reasonably believe that he (**Yahya A.J.J. Jammeh**) knew and must have sanctioned what happened at Mile II Central Prison. When **Edward Singhatey** was confronted with the evidence of **OJ Jallow** after claiming that he was only a bystander, he admitted that **OJ Jallow** and the other political prisoners should not have been treated the way they had been treated. The conduct was unlawful, despicable and it was wrong. “*You don’t treat people like that, especially elderly people.*”⁴²

11TH NOVEMBER 1994 – TORTURE, INHUMANE TREATMENT AND EXTRAJUDICIAL EXECUTION OF 11 SOLDIERS OF THE GNA

58. Just one hundred and twelve (112) days after the Junta took over, disaffection manifested itself in the army. Disgruntled soldiers planned to stage a counter-coup. The Junta received information that soldiers at Yundum and Fajara Barracks were planning a counter-coup.
59. **Lt. Basiru Barrow** was the leader of the planned counter-coup. The other members included **Lt. Abdoulie Dot Faal**, **Lt. LF Jammeh**, **Lt. Momodou Lamin Jarju** and **Sgt. Alagie (Cham) Joof (Sir Jackal)**. The Junta and their loyalist soldiers, laid an ambush for the unsuspecting coupists. When the ringleaders arrived at Yundum Barracks, they were ambushed, captured and subjected to severe beatings and grotesque forms of treatment.
60. After capturing the suspected coupists at Yundum Barracks, the loyalist forces (members of the Junta, their security guards and orderlies and members of the State Guard) decided to go attack Fajara Barracks and after taking over that barracks, **Capt. Sanna Sabally** ordered that the arrested prisoners who were detained at Mile II Central Prison should be brought to Fajara Barracks. **Capt. Sanna Sabally** communicated with **Capt Yahya A.J.J. Jammeh** and they agreed that the ring leaders of the coup be executed.⁴³ The arrested prisoners were paraded at the field. The junior officers were separated from the senior officers and lined up. **Capt. Sanna Sabally** ordered that the senior officers be shot. **Lt. Abdoulie Dot Faal** and **Lt. Basiru Barrow** were hit by the bullets while some escaped, including **Sgt. Alhagie Cham Joof (Sir Jackal)**, **Lt. L.F Jammeh** and **Lt. Momodou Lamin Jarju**.⁴⁴

41 (550) Jammeh Survivor Omar A Jallow Confession Part 1 (TRRC) - YouTube, 12:40-12:49/35:34 accessed 10.9.2021.
 42 (570) EDWARD SINGHATEY TRRC DAY 93 PT3 16.10.19 - YouTube, 20:46-27:25/2:05:59 accessed 10.9.2021.
 43 Testimony of Sanna B Sabally of 25th April 2019, paragraph 3706-3716.
 44 Testimony of Sanna B Sabally of 25th April 2019, paragraph 3606-3657/Testimony of Mafugi Sonko 11th March 2019, paragraph 589-587.

61. The two men fell to the ground seriously wounded but alive. Many witnesses told the Commission about how the near-death **Lt. Abdoulie Dot Faal** and **Lt. Basiru Barrow** were loaded in a truck and taken to Yundum Barracks by the Junta⁴⁵ where **Barrow** and **Faal, who were almost lifeless at this stage**, were finished.
62. After the operations, the members of the Junta and their loyalist soldiers returned to the State House in Banjul to report back to the **Chairman Capt. Yahya A.J.J. Jammeh**. Another meeting was reconvened at the State House and it was agreed that their previous common plan to kill the ring leaders was not done, as several officers were arrested and detained at Yundum Barracks. They agreed among themselves to return to Yundum Barracks and execute them. As they were leaving, Chairman **Capt. Yahya A.J.J. Jammeh** ordered that they should kill all the ringleaders and take no prisoners.⁴⁶
63. The captured soldiers were later taken to Brikama Nyambia forest where on arrival the Junta members, together with **Capt. Peter Singhatey**, **CDS Baboucarr Jatta** and their orderlies and security guards, got the prisoners to kneel down and **Capt. Sanna Sabally** and **Capt. Edward Singhatey** ordered that they be executed. Six officers were gunned down and killed by the Junta members and their loyalist forces who stood in an extended line. All of them fired at the victims whose hands were tied behind their backs. These victims include: **Lt. Gibril Saye**, **Lt. Abdoulie Bah (alias Achopin Chopin)**, **Lt. Bakary Manneh (alias Nyancho)**, **Lt. Buba Jammeh**, **Lt. Momodou Lamin Darboe** and **Cadet Amadou Mbackeh Sillah**. The corpses of the unlawfully executed soldiers were taken to the Yundum barracks where they were buried in unmarked graves together with the bodies of **Sgt. Basiru Camara** and **E.M. Ceesay**. In total, the members of the Junta and their loyalist soldiers unlawfully killed eleven (11) officers and men of the Gambia National Army on November 11 1994.
64. On 17th April 2019, the TRRC visited the Yundum Barracks to see the see the burial site of the soldiers that had been mercilessly killed on November 11 1994. In the excavated site, the remains of 7 (seven) victims were found. The TRRC is unable to identify whose remains those were, as the forensic capability does not exist in the country. The burial site of the remains of the other four (4) soldiers killed in this incident are unknown.

ARRESTS AND DETENTION OF PPP DEMONSTRATORS AND OTHER INDIVIDUALS AT KAIRABA AVENUE AND THEIR HOMES

ARREST AND DETENTION AT FAJARA BARRACKS

65. On October 11 1995, several persons were arrested around the vicinity of the American Embassy on Kairaba Avenue on allegations that they were planning to overthrow the Junta with the support of the American Government. A planned peaceful demonstration by some supporters of the PPP asking for a return to civilian rule led to the arrest of scores of civilians, many of whom had nothing to do with the planned demonstration. Several prominent opposition members were arrested in connection with the said demonstration. These included **Sainey Faye**, **Batch Samba Jallow (headteacher)**, **Georgiana Koso Taylor** and **Alhaji MC Cham**, to name a few of the persons that were caught up in this saga.

45 Testimony of Mafugi Sonko of 12th March 2019, paragraph 43-170/Testimony of Abdoulie J Darboe of 26th February 2019, paragraph 715-1007

46 (564) EDWARD SINGHATEY TRRC DAY 94 PT2 17.10.19 - YouTube, 0:36-27:54/1:29:33, accessed 10.0.2021.

SAINEY FAYE'S TESTIMONY⁴⁷

66. Testifying on February 2 2019, Sainey Faye told the Commission that on October 12 1995, he went to the American Embassy to collect a visa application form.⁴⁸ On his way home, he was accosted. **Ousman Tamba**, an NIA Officer asked him to join a group of persons including NIA officers **Musa Kinteh**, **Kebba Saidykhan** and **Sainey Manneh**, and **Modou Pika Jallow**. He overheard **Sainey Manneh** advising that they move away from the American Embassy towards Bakau, as the satellite dish of the embassy would capture what was happening. This signalled to him that something was not right. It was tantamount to kidnapping. So he resisted. That was when **Ousman Tamba** ordered the other members of the group to forcibly take him. In the tussle that ensued, his leg and right ankle were broken, and his trousers and shirt were torn. Other people in the vicinity were also arrested and were all taken to Kairaba Police Station. He had to crawl because his leg was swollen and he was in extreme pain. They were later transferred to the NIA headquarters in Banjul.

TESTIMONY OF GEORGIANA KOSO TAYLOR⁴⁹

67. Georgiana Koso Taylor testified via video link from the USA on March 13 2019. She also submitted written statement to the TRRC. She told the Commission that she was a very strong member of the PPP and was a nominated member of the Banjul City Council and the women's wing where she served as treasurer.⁵⁰ She narrated that on 12th October 1995, she was arrested by one **Sainey Manneh** and others and forced into a car and taken to Kairaba Police Station. She was temporarily detained with about ten men who were also arrested. She told the Commission that her presence on Kairaba Avenue had nothing to do with the purported demonstration. She was on a personal errand as she had gone to Kairaba Avenue to purchase an air-ticket from the Arik Airlines office, which was located not far from the Embassy.

TESTIMONY OF BATCH SAMBA JALLOW⁵¹

68. Batch Samba Jallow told the Commission about how he was dragged out of bed at his home in the Bakoteh Housing Estate where he was sleeping with his wife in the early hours of the morning of 12th October 1995, at around 4 am.⁵² A group of four (4) NIA officers broke into his house that morning and forcefully dragged him naked on the bare floor and led him through to the back door, waking up his children who were sleeping in the opposite room. They woke up terrified and started crying. The four (4) NIA officers were **Daba Marena**, **Musa Kinteh**, **Baba Saho** and **Foday Barry**. He said that he knew **Daba Marena** from Kaur but the other three (3), he came to know them during his detention. He was kicked while he was being dragged out of his home to a vehicle parked in front of his gate. They made comments such as, *"You are the people that want to cause trouble in this country, and we will make sure that you will never do it here. That is why we work for the NIA."* **Baba Saho** and **Daba Marena** were present, and **Baba Saho** used his pistol to slap him across his face. As a result, he lost a tooth and sustained some injuries, which later left scars on his face – a permanent and cruel reminder of the state orchestrated brutality that became the *modus operandi* of the NIA.

47 (550) Sainey Faye Part 1 13-02-19 - YouTube, 8:05-8:47/1:49:13, accessed 6.09.2021.

48 (550) Sainey Faye Part 1 13-02-19 - YouTube, 8:05-8:47/1:49:13, accessed 6.09.2021.

49 Georgiana Koso Taylor, statement submitted to the TRRC, page 4, paragraph 2.

50 Georgiana Koso Taylor, statement submitted to the TRRC, page 4, paragraph 2.

51 Batch Samba Jallow, statement submitted to the TRRC, (Code No. 10431), 14.10.28 page 3, paragraphs 1-3.

52 Batch Samba Jallow, statement submitted to the TRRC, (Code No. 10431), 14.10.28 page 3, paragraphs 1-3.

69. After pleading with them, he was allowed to wear trousers to cover himself and restore what-ever remained of his dignity. He was put in a vehicle and the NIA officers had their legs on him to restrain his movement. During the drive to Banjul, **Baba Saho** said to him, “*We are taking you to Banjul because you wanted to bring American soldiers in The Gambia to come and bring war here. And then you want to kill all Gambians here. That is why we are taking you. And today, you will know when we get to the NIA in Banjul.*” They kept telling him that they worked for the President and his government and they would deal with anyone who did not support the President.⁷⁰ He denied this accusation but they insisted that he confess to the alleged crimes when they arrived at the NIA. He believed that they were referring to former President **Yahya A. J. J. Jammeh**, as they were working for his government. After two stops in the Kombos and somewhere around Gambia High School, they eventually arrived at the NIA headquarters at 7:00 am. Even before arrival at Banjul, they started beating and punching him and stamping his feet with their military-type boots while in the vehicle.

TESTIMONY OF ALHAJI MC CHAM⁵³

70. MC Cham testified that he was arrested in his house in October 1995 by ten heavily armed soldiers.⁵⁴ They pointed their guns at his daughter, Soma, who was in her early teens, asking, “*Where is MC Cham? Where is MC Cham?*” The child was terrified. So he (MC) shouted, “*Here I am.*” They pointed their guns at him and took him away. He could not recall who was in charge, but he recognised **Almamo Manneh** whom he described as “terrible,” one **Sanneh** and **Sergeant Mendy**. They put him on board a vehicle, where he found **Ousainou Njie, OJ, Mustapha Ceesay** and **Baboucarr Ceesay**, and they were taken to the Fajara Barracks.

TESTIMONY OF ABUBACARR AN OUSAINOU DARBOE⁵⁵

71. He told the Commission that on 15th October 1995, he was with some of his friends in Bakau when he received a call from one **Daba Marena** asking him to report to the Bakau Police Depot (Fajara Barracks).⁵⁶ He did not want to go. So, they asked **ASP Lamin AMS Jobarteh (Babadinding)** to prevail on him to go to the police station. Jobarteh convinced him to go with him because if he refused to go, they might send the State Guard who may brutalise him. As such, it was in his interest to avoid brutalisation by reporting to the police station without the intervention of soldiers. Upon arrival at the Police Station, an NIA official by the name **Mr. Mendy** asked him why he allowed **MC Cham** to use his office phone to call **Sir Dawda Jawara** (who was in exile in London). He denied it and told them that even if he did it, it was not a crime. They asked him to write his statement, which he did. Then they took him to “the residence” (meaning Fajara Barracks) there he found **Omar OJ Jallow, Ousainou Njie, MC Cham, Riaf Diab, Sarane Jatta, Ismaila Jawara, Batch Samba Jallow, Mustapha Dibba** and **Mustapha** ⁵⁷Ceesay (a former Deputy Permanent Secretary) already in detention. There were about sixty (60) detainees.

53 Alhaji Mamadou Cadi Cham, submitted statement, code no. 16054, 4.2.2019, page 7, paragraph 11.

54 Alhaji Mamadou Cadi Cham, submitted statement, code no. 16054, 4.2.2019, page 7, paragraph 11.

55 (570) TRRC DAY 49 Pt1 10.06.19 - YouTube, Ousainou Darboe 47:32-55:23/1:29:42, accessed 10.9.2021.

56 (570) TRRC DAY 49 Pt1 10.06.19 - YouTube, Ousainou Darboe 47:32-55:23/1:29:42, accessed 10.9.2021.

57 Yaya Saidyleigh written statement to the TRRC on 14th February 2019 (Code No. 10821), page 4, paragraph 1-2.

STATEMENT OF YAYA Y.E. SAIDYLEIGH⁵⁸

72. In a written statement to the TRRC dated 14th February 2019 (Code No. 10821), **Yaya YE Saidyleigh**, a headteacher, explains how he was picked up from his home in Lamin by masked men in October 1995. They met him praying the Maghreb prayer with his family and, after identifying him, they put him in a waiting vehicle and drove him straight to Fajara Barracks.

STATEMENT OF OMAR BAH⁵⁹

73. In a statement submitted to the TRRC on 6th March 2020, **Omar Bah** narrated that he was picked up arbitrarily around the American Embassy on 12th October 1995 (Code 14345).⁶⁰ He was a farmer and had business around that area. Even though he told the arresting officers that he knew nothing about the said demonstration, he was still arrested and taken to the Kairaba Police Station. After he was detained at the police station for several hours, he was transferred to the Fajara Barracks.

STATEMENT OF OUSMAN JALLOW⁶¹

74. Ousman Jallow, a brick moulder, was working on a building site near the American Embassy. In a written statement submitted to the TRRC on 15th February 2019 (Code Number 10895), he explained how he and a co-worker **Amadou Jallow** were arrested and taken to the Kairaba Police Station on allegations that they were staging a demonstration.⁶² Despite their denial, they were arrested and taken to the Kairaba Police Station where they stayed until late afternoon before being taken to the Fajara Barracks.

TESTIMONY OF KADDY CAMARA ON BEHALF OF HER LATE HUSBAND MAMADI SABALLY⁶³

75. **Kaddy Camara** testified that her late husband **Alhagie Mamadi Sabally** (a relative of the former VP **Saihou Sabally**) was arrested in 1995 after he returned home from a trip to Mauritania in 1995.⁶⁴ In his absence, plainclothes men came to the house on several occasions looking for him. This caused anxiety to the family, and she called the former VP **Saihou Sabally** who was residing in Dakar and intimated him about the situation. She also asked him to keep her husband (**Mamadi Sabally**) with him in Dakar if he came to visit. However, few days later, the former VP **Saihou Sabally** called and informed her that her husband would return home in a few days. Several days went by without any news about her husband. One day, she received a call from her daughter **Joko Sabally** who was living in Farafenni, informing her that her father had been arrested and he had given her his belongings. Later, they received a call from one **Ceesay**, a senior police officer from Niamina Kudang who

58 Yaya Saidyleigh written statement to the TRRC on 14th February 2019 (Code No. 10821), page 4, paragraph 1-2.

59 Omar Bah, written statement to the TRRC, 6th March 2020 (Code 14345), page 1, paragraph 2.

60 Omar Bah, written statement to the TRRC, 6th March 2020 (Code 14345), page 1, paragraph 2.

61 Ousman Jallow, written statement submitted to the TRRC 15th February 2019 (Code No.10895), page 3, paragraphs 1-2.

62 Ousman Jallow, written statement submitted to the TRRC 15th February 2019 (Code No.10895), page 3, paragraphs 1-2.

63 Kaddy Camara, written statement submitted to the TRRC, 10th October 2019 (Code No. 12437), page 3, paragraph 1

64 Kaddy Camara, written statement submitted to the TRRC, 10th October 2019 (Code No. 12437), page 3, paragraph 1

allowed them to speak with **Mamadi Sabally**. Her husband told them that he was at the Banjul CID office and was in so much pain that if he had a spoon, he would have committed suicide. Everyone in the house was saddened by the news and the children were crying such that one would have thought that there was a funeral in the house. After that day, they did not hear from him again. **Masanneh Ceesay**, a senior police officer from Kudang, told them that her husband was detained at Fajara Barracks.

TESTIMONY OF OMAR AMADOU JALLOW (OJ)⁶⁵

76. OJ told the Commission that on or about October 13th or 14th 1995, some security personnel came to his house, arrested him and took him to Fajara Barracks where he met **Ousainou Njie** – former Managing Director of the Commercial and Development Bank and nominated member of Parliament, **Alhaji MC Cham** – former minister and prominent businessman, **Alhagie Jobarteh Manneh**, **Sainey Faye**, **Landing Camara**, **Batch Samba Jallow**, **Bakary Camara**, **Ismaila Jawara**, **Mama Jawara**, **Njundu Jawara**, **Malang Fatty**, **Sarane Jatta**, **Omar Bah**, **Sheriff Beyai**, **Alhagie Mori Kebba Saidykhan**, **Masanneh Saidykhan**, **Raif Diab**, **Mustapha Ceesay**, **Baboucarr Mbye Ceesay**, **Fakebba Ceesay**, **Foday Ceesay**, **Yahya Darboe**, **Yahya Saidyleigh** and **Kebbe Tunkara**, **Mustapha Dibba**, **Seedy Sanneh**, **Fanding Conteh**, **Ousainou Darboe**, **Koso Taylor**, **Adama Ceesay**, **Ebrima Solo Sonko**, **Alhagie Mamadi Sabally**, **Landing Gassama**, **Muhammadou Saidykhan**, **Amadou Jallow**, **Ousman Jallow**, **Lamin Kanyi**, **Ousman Sanneh**, **Darboe Colley**, **Ansumana Fadera**, **Buna Kebbeh**, **Modou Kebbeh** and **Lamin Sanneh**, as well as **Adama Ceesay**, **Mama Jawara** and **Georgiana Koso Taylor (women)**. Both men and women were all detained in the same hangar. The women were eventually moved to the Police Headquarters in Banjul.
77. The random arbitrary arrest and detention at Fajara Barracks and other locations of the persons mentioned above show the paranoia and insecurity of the Junta. They claimed that they were “soldiers with a difference”. Yet, they were even afraid of their own shadows. Accusing the unarmed persons whom they found in non-threatening positions (in bed, praying, at home, going to work, or simply on a private business) of trying to overthrow the government with the help of a foreign government was utterly preposterous. It depicted a mindset of a paranoid government who felt that other people, organisations and other forces were acting against them or were out to get them. This is apparent in the statement “*before you kill us, we will kill you.*”⁶⁶

TORTURE OF ALLEDGED PPP DEMONSTRATORS AT THE NIA

78. Immediately after the 22nd July 1994 takeover, Decree No. 13 was passed in 1994 establishing the National Intelligence Agency (NIA), replacing the National Security Service (NSS) which, under **President Sir Dwda Jawara**, was primarily concerned with intelligence and state security. Initially, under the junta, the NIA’s role was advising the Council on state security matters. However, Decree 45 was subsequently promulgated repealing Decree 13.

⁶⁵ (567) Jammeh Survivor Omar A Jallow Confession Part 1 (TRRC) - YouTube, 30th January 2019, 24:35-27:34/35:44, accessed 10.9.2021

⁶⁶ Batch Samba Jallow, written statement submitted to the TRRC, 14.10.28 (code 10431) page 3-4 paras 3-5

This was the beginning of the rebranding of the role of the NIA and its entire raison d’être. The NIA was passed sweeping powers, including powers traditionally exercised by only the police to investigate or intervene in matters of national security as well as private matters. Decree 45 of 1995 gave the NIA almost unfettered powers in the exercise of its functions and a new mindset of allegiance to **Yahya A.J.J. Jammeh** and the Junta rather than the country as a whole. The NIA started operating to further **Yahya A.J.J. Jammeh**’s objectives by terrorising whoever was seen as a threat to the Junta’s plan to remain in power, contrary to the claims of being “soldiers with a difference”.

TORTURE OF SAINY FAYE⁶⁷

79. Sainey Faye testified that when his group arrived at the NIA premises, they were received by the then Director of Operations **Daba Marena**, **Salimina Drammeh**, **Baba Saho** and some soldiers from State Guard.⁶⁸ **Musa Kinteh**, who was part of the arresting team, was also at the NIA. They were all secured in a big hall and **Daba Marena** called them one after the other for interrogation in another room. When he entered the interrogation room, **Daba Marena** looked at him and saw that his leg was broken. He asked him his name and occupation. He responded that he was **Sainey Faye**, a businessman working in Serrekunda. **Daba Marena** then told him that he had information from one **Bakary Camara** that his shop was the meeting place of those planning the demonstration. He was surprised, and he denied the allegation and said to him that **Bakary Camara** did not know the location of his shop.
80. He was escorted into another office, all the while crawling with his broken leg. When he entered the room, he saw some soldiers and NIA officers and an electric machine. He was asked to undress and he complied, remaining only in his underwear. Thereafter, the State Guards started interrogating him with some NIA officers. The soldiers told him, “*Before you people kill us, we will kill you first.*”⁶⁹ They put wires over his eyes, nose and private parts and electrocuted him. Meanwhile, others were beating, kicking and using rifle butts to hit him, inflicting excruciating pain on him. When they were finished torturing him, he was in extreme and unbearable pain and agony. As he crawled back into the room, soldiers followed him, kicking his broken leg, aggravating his pain, suffering and helpless predicament. The interrogation went on for about fifteen minutes, and he nearly fainted. **Daba Marena** was supervising his torture, and **Baba Saho**, **Musa Saidykhan** and **Salimina Drammeh** all participated in this torture session.
81. He later found out from **Bakary Camara**, his fellow detainee, that **Wandifa Saidy Jeng** from **Sara Kunda** was one of the soldiers interrogating him. As a result of the torture, he had injuries in his ears and private parts, and a swollen jaw. Some of the people he was arrested and tortured with at the NIA were **Njundu Jawara**, **Lamin Kanaji**, **Alhagie Mori Kebba Saidykhan**, **Lang Hawa Sonko**, **Foday Ceesay**, **Amadou Jallow**, **Ousman Jallow**, **Buna Kebbeh**, **Ebrima Sonko**, **Sheriff Beyai** and **Omar Bah**.

⁶⁷ Sainey Faye, written statement submitted to the TRRC, 11.2.2019 (Code 12052), page 3, paragraph 4-5

⁶⁸ Sainey Faye, written statement submitted to the TRRC, 11.2.2019 (Code 12052), page 3, paragraph 4-5.

⁶⁹ (550) Sainey Faye Part 1 13-02-19 - YouTube, 17:38-17:43/1.49:13.

TORTURE OF BATCH SAMBA JALLOW⁷⁰

82. Batch Samba Jallow was detained at the NIA for five to six days. In his testimony before the Commission, Batch Samba Jallow gave a detailed but graphic account of his tortures at the NIA, which included forced nudity, beatings and electrocution, amongst other forms of torture.⁷¹ Upon arrival at the NIA, he was asked to remove his trousers. And when he refused, they forcibly took off his trousers. At that point, five (5) people were in this room, namely, **Foday Barry, Musa Kinteh, Daba Marena, Baba Saho** and a soldier called **Mr. Mendy**. He was then dragged and pushed into a wooden chair, and his hands were tied behind him while his legs were tied in front of him. There was a machine with an electrical cable on the side. **Daba Marena** appeared to be the leader in the room. While they were tying him up, they said to him, “*You were working to bring the Americans here to come and kill us. Before they do, we will kill you. You are going to stay here until we get what we want – what we want to know from you.*” **Baba Saho** then told him, “*When we are ready with you, you will not be a man again.*” Having said this, he brought out a piece of rock and hit him on his genitals. It was so agonisingly painful that he almost passed out. His toes and fingers were later connected to a socket and he was electrocuted on his ears, lips, nose and penis simultaneously. At the same time, they kept beating and insulting him. This painful ordeal lasted from 7:00 am until nighttime. He was later transferred to Bambadinka Number Cell 2.
83. **Batch Samba Jallow** described the Bambadinka cell as a notoriously brutal dungeon within the NIA reserved for the most severe form of torture. It was “*a small cell, very dark with a terrible smell and no light.*” There was a small hole through which he peeped to know if it was morning, or day or night, depending on the darkness, as there was no light (power/bulb). The room was so dark that the only way NIA officers could identify their victims was through the use of a device. He was detained in Bambadinka for approximately 11 hours – from around 7 pm until early the following morning. He was not alone in the cell, however. There were two other men in the cell. When he tried to start a conversation, they refused to talk to him. One of the men told him, “*If you are a Mandinka, this is where they bring you.*”⁷²
84. **Batch Samba Jallow** further told the Commission that during one of the torture sessions, **Foday Barry, Baba Saho, Daba Marena** and **Musa Kinteh** placed a blue sponge in his mouth to muffle his screams and then his mouth was taped. This caused him a lot of discomfort and pain. **Daba Marena, Musa Kinteh** and **Baba Saho** also placed him on the floor, pulled out a knife and started cutting him, causing him bodily injuries and pain. The witness exposed his body, revealing evidence of scars – a living trauma that he will endure for the rest of his life. He also narrated how he was tied up like a football and dragged on the floor on top of broken pieces of glass and bottles. A plastic shoe was set on fire and melting plastic was slowly and painfully dripped on his body. He was dragged over the pieces of glass the whole night. He was in so much pain that he prayed to God to die and be at peace. When he wanted to drink, he was forced to drink the urine of one of the NIA officers. His nose was blocked to stop the passage of air into his lungs so that he opened his mouth, and the urine was forced down his throat. This degrading act was accompanied by slaps,

70 Batch Samba Jallow, written statement submitted to the TRRC, 14.10.28 (code 10431,) page 3-4 paragraphs 3-5.

71 Batch Samba Jallow, written statement submitted to the TRRC, 14.10.28 (code 10431,) page 3-4 paragraphs 3-5.

72 Batch Samba Jallow, written statement to the TRRC, 14.10.2018, (Code 10431), page 3, paragraph 4-5; page 4, paragraph 1-2.

- beatings and abuses. Two military officers carried out this action, and one of them was **Abdoulie Bojang**, deceased.
93. The subsequent days were no better than the first day. Throughout the period of his detention, different people participated in his torture. He could not see the equipment that was used but he could feel the type of material they were using on him. These included an electric cable, which inflicted extreme pain, and a pipe with a hole in it. His torturers usually came in pairs or trios. On the third day, an officer named **Abdou Rahman Jallow** gave him a cup of water and two paracetamol tablets to ease his pain. He was not given food or water. He did not shower, and he was forced to lie on the bare floor. He was kicked and beaten every morning, and cold water was poured on him before he was tortured. As a result of the torture, he suffered an infection on his toes. Since then, his toe nails have not regrown. The soldier referred to as **Mr. Mendy** stamped his finger with his foot and broke his little finger. He got no treatment for his injuries.
94. On the fifth day, the NIA obtained a statement from him without providing him with a lawyer or a doctor to attend to his injuries. He was transferred to Kotu Police Station in a “garbage” truck. At the Kotu Police Station, **Foday Barry, Baba Saho, Daba Marena** and **Musa Kinteh** were also present.⁸³ He believes that they were there to facilitate his transfer to Kotu Police Station and instruct the police officers to keep him incommunicado. A cell was emptied for him and he was detained in the cell alone. The witness remembers being detained at the police station for three (3) to four (4) days without food or water, and bare footed. On the night of the second day, at around 2:30am, he recalled that **Foday Barry, Musa Kinteh, Daba Marena** and **Baba Saho** came to the station and demanded that he be moved, but the officer on duty refused on the grounds that it could not be done without an official document. On the third day, a document was produced to transfer him to Fajara Barracks. He got to Fajara Barracks at around 4pm in a truck. **Foday Barry, Musa Kinteh** and **Daba Marena** escorted him inside while **Baba Saho** waited in the truck that brought him to Fajara Barracks.

CONDITIONS OF DETENTION AT FAJARA BARRACKS

95. Fajara Barracks was intended to dehumanise the detainees. An old hangar that was previously used as a garage was used to hold the detainees – male and female. The hangar was filthy and had no ventilation or sanitary facilities. The detainees lacked privacy and had no personal freedoms. They were given very little food and denied baths and change of clothes. They slept on the bare floor, as they were not given mattresses or blankets. To make matters worse, they were frequently tortured. The “soldiers with a difference” had so much influence on their junior officers that the junior officers who were guarding the detainees “*saw them as the enemy and treated them as the enemy.*” The mindset of the guards was that the detainees deserved to be maltreated because, in their view, the detainees had caused so much havoc in the country. Thus, **Almamo Manneh** (one of the torturers) told them: “*You people, you have been stealing and eating this country’s wealth for 30 years. You will not allow Yahya Jammeh and his men even for a little period.*”⁷³ Similar sentiments were expressed by **Bubacarr Bah** who told the Commission that at that point in time he saw the former ministers as “enemies” who were standing in the way of progress after they had enjoyed so much,

73 Alhaji M.C. Cham, written statement to the TRRC, 4.2.2019, (Code 16054), page 7, paragraph 12.

and that is why he tortured them mercilessly. On hindsight and knowing what he knows now, he regrets everything that he had done during this period.

96. This is what the various detainees had to say about the conditions in which they were kept. According to **Batch Samba Jallow**, they did not take a bath for thirty-two (32) days. They wore the same clothes they were arrested in a month earlier, and some of them had blood-stains on their clothes due to the severe torture regimes.⁷⁴ As a result of deplorable hygiene, they smelt terribly. **Ousainou Darboe** described the denial of hygiene and the impact on his health: *“None of us was allowed to go out to get medical treatment. I did not have any physical injuries. I never had a bath. Even the smell of my body, I found it nauseating. I would want to vomit when I raise my arms and odour came from my armpit. It is nauseating. I want to vomit. And then my umbilicus sweat, settled in. And then you know, got infected.”* When a nephew, a paramilitary officer, knew about his condition, he would come in every evening to treat the infected area but would clean up properly and take the items with him so that there would be no trace of the items. He arranged for his friend **Dr. Borro Susu**, to be coming on visits so that he could have some news to take to his family.⁷⁵
97. As there was no toilet facility, they had to use the open space outside the store as a toilet, and the stench of urine filled the place. According to **Omar Bah**, *“if you want to use the toilet, the soldiers will escort you. When you are about to enter the toilet, they would tell you to go back and threatened to kill you if you insisted. We resorted to using the detention room as a toilet.”*⁷⁶ Once, vultures descended on the store because of the foul odour emanating from it, and the soldiers were afraid to shoot at the vultures without any orders. So, the detainees had to live in fear of being attacked by the vultures. The extreme stench and foul smell was so profound as to cause unsolicited, attempted scavenging by the vultures. Human beings were reduced to such desperate and destitute conditions – untold levels of dehumanisation and deprivation.
98. On the first day of their detention, the detainees who arrived first at the Fajara Barracks were not given any food. Thereafter, the food they were given was horrible, insufficient and given in small quantity. According to **OJ**, about eight to ten of them had to share a basin.⁷⁷ **Sainey Faye** narrated how the insufficient food affected people’s health and recounted an incident when **Ousman Jallow** was so weak from hunger that he fainted. They called the medic – a soldier by the name **Sambou** – to attend to him but the medic told them that what the man needed was food and not medicine. This story was corroborated by **Ousman Jallow** in his written statement to the Commission: *“The food was never enough, and sometimes, we were not given any food. One day, I fell down due to sheer hunger. When I fell, I hurt my head and the injury was serious enough for them to take me to military clinic for treatment. They gave me medication but no food. I told them that I cannot take the medicine without food.”* They gave him food.⁷⁸
99. One of the soldiers felt sorry for the detainees, and offered to pick up food from **OJ**’s wife and sneak it into the store at 3am in the morning. He would remove the basins at 4am so that

74 Batch Samba Jallow, the TRRC, written statement submitted to the TRRC, 14.10.28, (code 10431), page 5, paragraph 2
 75 (570) TRRC DAY 49 Pt1 10.06.19 - YouTube, Ousainou Darboe, 1:08:33-1.11.32/1:29:42.
 76 Omar Bah, written statement submitted to the TRRC. 6.3.2020, (Code 14345), page 1, paragraph 5.
 77 (567) Jammeh Survivor Omar A Jallow Confession Part 1 (TRRC) - YouTube, 34:13-35:31/35:34, 30th January 2019, accessed 10.9.2021.
 78 Ousman Jallow, statement submitted 15th February 2019, (Code No.10895), page 4, paragraph 3.

no one other than themselves would know what happened. Unfortunately, he was caught and dismissed from the army.⁷⁹ **Ousainou Njie** was able to make an arrangement so that the detainees would buy groundnuts from the women in the camp – which they would munch to ease their hunger.⁸⁰

100. One month after their detention, the Army Commander, **Baboucarr Jatta**, visited them. After his visit, they were provided with tarpaulins to use as a mattress. They were also visited by some UN staff who asked questions about the condition of their detention. From then on, there was some improvement in their detention conditions, though by small measures. They were now allowed to take baths, brush their teeth and have access to food provided by their families.

TORTURE AT THE FAJARA BARRACKS

101. The torture was both psychological and physical. This was done through food and sleep deprivation, forced nudity, isolation from family, lack of medical attention, verbal abuse and physical torture. The intention was to break the spirit of the detainees by abasing them to the lowest levels of human existence through depriving them of their basic human needs – sleep, food, water, cleanliness, medication and contact with families. To further destabilise the detainees mentally, a nominal roll call was done twice every night to deprive them of sleep. The detainees were mostly elderly men. The oldest person, **Pa Nyafu**, was about sixty-two years old.
102. **Batch Samba Jallow** describes how **Daba Marena** wanted to strip him of his identity by insisting that he should go by the name **Batch Jallow** instead of **Batch Samba Jallow**. When he refused to drop the “**Samba**”, he received a slap on his face for insisting on being called his real name.
103. **OJ Jallow** and **Alhagie MC Cham** both narrated the incident when they and **Ousainou Njie** were stripped naked by one **Sergeant Gomez** known as **Hitler** and tortured. They were made to squat on the ground in their nudity and other soldiers – about 20 (twenty) in number – started beating them. **Almamo Manneh** then ordered him to “double up” towards the armoury. As he did so, **Almamo** struck him with the bayonet on his back and with a stick, causing him to bleed while he was moving. The beatings were led by **Almamo Manneh** and **Musa Jammeh (Maliya Mungu)**. **OJ** testified that during the beatings, **Bubacarr Bah** hit him in the eye and injured him so seriously that he lost the use of this eye. He also beat his arm with a hard object and his finger nearly got broken. This beating resulted in the permanent deformity of one of his fingers.⁸¹
104. **Sainey Faye** testified that on Saturday, at around 9:00am, they saw a truck full of soldiers from the State Guard led by **Almamo Manneh** and **Kawsu Camara (alias Bombardier)**. They told the detainees that they were going to kill them, and **Almamo Manneh** asked them to lie on the ground and stretch their legs. They all complied. As they lay there helpless-

79 (567) Jammeh Survivor Omar A Jallow Confession Part 1 (TRRC) - YouTube, 34:13-34:55/35:34, 30th January 2019, accessed 10.9.2021.
 80 (567) Jammeh Survivor Omar A Jallow Confession Part 1 (TRRC) - YouTube, 33:24-33:56/35:34 30th January 2019, accessed 10.9.2021.
 81 (567) Jammeh Survivor Omar A Jallow Confession Part 1 (TRRC) - YouTube, 27:33-31:21 /35:34, 30th January 2019, accessed 10.9.2021.

ly, **Almamo Manneh** and **Bombardier** started walking on their backs with their military boots, and the other soldiers also did the same. After that, **Almamo Manneh** gave an order for them to be beaten. The soldiers used sticks, hosepipes, and anything that they could lay their hands on, to beat them. While this was going on, **Mustapha Ceesay** tried to use his hand as a shield, and it got broken. They beat them all over their bodies. Some of the detainees fainted. Others had injuries on their heads, with broken limbs and dislocated joints/hands.⁸²

105. One of the female detainees, **Koso Taylor**, was also subjected to the same inhumane and undignified treatment. **Almamo Manneh** and **Bombardier** pulled aside **Alhagie Jobarteh Manneh** who was quite old and beat him up. **Bombardier** fired a shot close to the old man's ear. **Malang Fatty**, an elderly man, was forced to walk around naked. He was beaten as he walked until his entire back was bleeding. Consequently, **Koso Taylor** started screaming and shouting: *"Oh, you have killed them."* Then, 8 (eight) soldiers rushed upon her and, according to her, *"one of them kicked me with his military boots so hard in my groin area that I fell down on the ground and immediately started bleeding from my vagina. This did not stop them. The rest of them descended upon me beating me on my back and all over my body with plastic rods and tried to remove my clothes, which I resisted, leading them to beat me further."*⁸³ The other detainees shouted, and they left her. After torturing them, they left and told them that they would come back for them. While torturing them, **Almamo Manneh** told them: *"Before you reach Yahya Jammeh, you have to pass my court."* The detainees were severely beaten and, as a result, they all sustained injuries ranging from cuts, bruises and swollen bodies. Even after inflicting injuries on the detainees, they did not provide any form of medical assistance to treat their injuries. This narrative is corroborated by **Sainey Faye**.⁸⁴
- 106: **Koso Taylor** also narrated how she was the only woman at the Fajara Barracks with the men on the first night and she was extremely terrified because they were guarded by soldiers with guns. After four days of detention at Fajara Barracks, some CID and NIA officers came one Sunday and obtained her statement. They accused her of being involved in a demonstration. That same evening, she was transferred to the Police Headquarters in Banjul where she met **Mama Jawara** and **Adama Ceesay**. Once she started chatting with the two women, they showed each other their injuries. **Mama Jawara** told her that they tortured her with electric shocks all over her body when she was detained at the NIA. **Adama Ceesay** told her that she was also tortured.⁸⁵
107. At the early stages of their detention, a soldier named **Alagie Kanyi**, nicknamed **Mofala Kanyi (Man killer Kanyi)**, would taunt and ridicule **Ousainou Darboe** each morning by saying: *"Lawyer Darboe, under what decree have you been arrested? Lawyer Darboe, when are you going to get your people freed?"*⁸⁶ **Ousainou Darboe** also narrated the ordeal of **Raif Diab** a Gambian-Lebanese who was treated so badly because of his shin colour.⁸⁷ This was corroborated by **MC Cham** who personally had to plead with **Babocarr Jatta** on behalf of **Raif Diab** so that he could be given access to a doctor for his deteriorating health

82 Sainey Faye, written testimony to the TRRC, 11.2.209, (Code 12052), page 4, paragraph 3.

83 Georgiana Koso Taylor, statement submitted to the TRRC, page 6.

84 Sainey Faye, written statement submitted to the TRRC, 11.2.2019, (Code 12052), page 4, paragraph 7.

85 Georgiana Koso Taylor, statement submitted to the TRRC, page 7.

86 TRRC DAY 49 Pt1 10.06.19 - YouTube, Ousainou Darboe, 56:53-57:41/1:29:42.

87 (570) TRRC DAY 49 Pt1 10.06.19 - YouTube, Ousainou Darboe, 1:03:42-1:05:06/1:29:42.

condition. He had undergone heart surgery and needed urgent medical care. **Baboucarr Jatta** immediately gave the orders that he should have access to a doctor.⁸⁸ **OJ Jallow** believes that they were given instructions by **Yahya A.J.J. Jammeh** whom they referred to as **Oga** when they spoke, or sometimes as **Boss** or **Crocodile**. The soldiers who tortured them were from the State Guard, which meant they had permission from **Yahya A.J.J. Jammeh** and were implicitly acting on his orders and instructions.⁸⁹ Based on the testimony of **Abdoulie Kujabie**, the decision to transfer the PPP supporters from the NIA to Fajara Barracks even though they were civilians and not members of the armed forces was based on orders given by **Yahya A.J.J. Jammeh** and, therefore, it is reasonable to conclude that he had final authority and control over the detentions.

RELEASE OF THE DETAINEES

108. After about twenty-four days in detention, Ousainou Darboe was released without being charged for any offence. After nine months of being in detention, some of the detainees were released without charge. The other detainees were released after the presidential elections of 1996. They remained in detention until January 1997 before they were released.
109. A delegation of Imams led by Imam Abdoulie Fatty, and Baboucarr Jatta and Major Ann visited the detainees to inform them that the Chairman had decided to release them. The delegation discussed with the detainees who expressed their discontent in being detained without any justification. Thereafter, several people were released – including OJ Jallow, MC Cham, Batch Samba Jallow and others. The remaining detainees were released after a few days. They were told that they would be closely monitored and should not be involved in political activities or be present in gatherings of more than five people.
110. The international condemnation and the mounting pressure from opposition parties on the Junta forced them to release the detainees. Ousainou Darboe testified that he made it a condition for the UDP to participate in the upcoming presidential elections. November 1995, all the detainees at Fajara Barracks were released. The AFPRC announced its decision to transition to civilian rule through an election, leading to the establishment of the Alliance for Patriotic Reorientation and Construction (APRC). The AFPRC/APRC wanted to win the elections at any cost. So, they resorted to the following measures:
111. The National Security (Detention of Persons) Decree 195, Decree No. 57, of 25th October 1995, was promulgated to legally respond to these various detentions emanating from the supposed planned American Embassy demonstration. Few of the detainees were selected and charged before the Kanifing Magistrates' Court. The charge sheet (i.e., Exhibit 11A) contained twenty-five (25) names. However, in the statement of offence, only eight (8) of them were charged on five counts of sedition and its related offences. The eight individuals were Jobarteh Manneh, Mama Jawara, Bakarey Camara, Ismaila Jawara, Batch Samba Jallow, Sainey Faye, Sarane Jatta and Ebrima Sonko.

88 Alhaji MC Cham, written statement to the TRRC, 4.2.2019, (Code 16054), page 6, paragraph 21.

89 (567) Jammeh Survivor Omar A Jallow Confession Part 1 (TRRC) - YouTube, 27:33-31:21 /35:34, 30th January 2019.

112. According to Sainey Faye, the elders were the first to be released. However, he did not see Alhagie Mamadi Sabally who was over sixty years old and the oldest man amongst the detainees. The Inspector General of Police, FRI Jammeh, had a personal grievance with Sabally. As a result, he was transferred to Jeshwang prison where he was subjected to grave ill-treatment. When Sabally was released, he informed his wives that his manhood was damaged by FRI Jammeh.⁹⁰ This was corroborated by Mamadi Sabally's wife who testified that her husband was released after one year three months (15 months) in detention. When he arrived at the bus station in Soma, his sons had to assist him because he could barely walk. He had several physical injuries, and some parts of his body were swollen. After some weeks of local treatment and massage, he was able to walk and talk to his family. He told them that IGP FRI Jammeh and Daba Marena had taken him to Bambadinka at Old Jeshwang prison where they used an object to break his testicles.
113. From the evidence of the testimonies of the witnesses as to how and where they were arrested and the fact that all the witnesses consistently stated that they were not involved in any demonstration, it is evident that the purported demonstration was fabricated by the State and that it was a questionable pretext to justify the detention of the prominent politicians and civilians. The State resorted to drumming up trumped-up charges against a few of the detainees and, even in those cases, because of the lack of cogent evidence capable of being sustained in court, the State discontinued those cases. It is quite evident that their detention was unlawful. It is also clear that they were subjected to torture and barbaric treatment, detained in inhumane and degrading conditions, and stripped and deprived of their fundamental rights and freedoms. MC Cham affirmed that there was no demonstration at the American Embassy. The State came with that idea so that they could arrest prominent politicians like himself and Omar Jallow. He said that some of the people detained were dockworkers, like Lamin Fadera. There was one Jallow who sells gerteh saff (roasted peanuts), and some block workers like Ousman Jallow and Ebrima Jallow.
114. Prosecutor Fatou Bom Bensouda represented the State in "The Inspector General of Police versus Alhaji Jobarteh Manneh and Others Criminal Case No. K1548/95 and CS892/95" before the Kanifing Magistrates' Court. The accused persons were charged with seditious intention and sedition. The case went on for about two to three months with a series of adjournments. During that period, the three women who were detained at the Police Headquarters were made to sleep on the floor at the CID office for six (6) months. Subsequently, they were able to convince the Inspector General of Police to allow their families to bring mattresses for them to lie on. 127 Their families and friends provided food. 128 According to Sainey Faye, the Magistrates' Court granted them bail, but it was revoked by Decree No. 57, presented by Kaba Bajo – which allowed the State to detain them for ninety (90) days from the date of arrest, according to section 4 of this decree.
115. The State prosecutor renewed their detention period on three occasions under a decree. The case was eventually dismissed after months of going to court without any progress. One day, several months later, according to Koso Taylor, the Inspector General of Police, FRI Jammeh told them that the case was over and that they would be going home soon. They did not return

90 Kaddy Camara, written statement submitted to the TRRC, 8.10.19, (Code 12437), page 4, paragraph 1.

to court, and the case was dismissed.⁹¹ Upon their release, she left the country. The women spent 13 months in detention. Sainey Faye testified that when the case was dismissed, they were asked to give false evidence against OJ Jallow, MC Cham and Ousainou or be charged with treason. They refused to do so but were never charged with treason.

CONTINUOUS PERSECUTION OF OJ JALLOW AND MC CHAM

116. OJ's release from Fajara Barracks did not put an end to his persecution. His refusal to be silenced cost him, his family and friends dearly. He was arrested severally and was beaten in front of his wife and children, just to humiliate him. Three days after his release, while he was sitting with his friends, state agents came back for him. **Batch Samba Jallow (Sanna Sabally's ordely)** attacked his friend **Aliou Koroma** and beat him up, breaking his nose. **OJ** was beaten and thrown into the back of a truck. **Batch Samba Jallow** threatened his daughter **Rugi** when she started insulting them for arresting her father. He told her: "*You will not insult me because this is the third time. If you do, your father will never come back here alive.*"⁹² His nine-year old son at that time, **Aliou**, was affected by the situation. His school reported that he was always drawing a gun. When asked why, the boy said he wanted to kill the people who come to arrest his father. He had to take the boy out of the country and sent him to the United Kingdom for his wellbeing. **OJ** further told the Commission that whenever he organised a press conference, he would be arrested. On one occasion, he was arrested for challenging **Bright Akwetey**, the prosecutor of the Baffour Commission. They picked him and took him to Mile II Cenral Prison. Every morning, he was taken before the Baffour Commission. **Ousainou Darboe** had to defend him.⁹³
112. **OJ** testified that **Sanna Sabally** arrested him at least on four occasions and that during those times, **Sanna** ensured that he was tortured in the presence of his children. On one occasion, **Sanna** brought down **Sir Dawda's** picture and stamped on it. **OJ** told him defiantly that "*if you break it, I will get another one and put it up again.*" **Sanna Sabally** usually came with **Sadibou Hydera** and **Batch Samba Jallow**, his orderly. On another occasion, they came and found him talking to the children's Quranic teacher, and **Sanna** pointed his AK47 at him and asked him to get up. As he was getting up, **Batch Samba Jallow** kicked his legs and he fell down. They started slapping and kicking him. They then put him in a truck and took him away.
113. His wife and friends also suffered at the hands of the Junta. His wife was arrested twice and taken to the NIA. The first time was on *Tobaski* day when he was in detention. She was arrested on the suspicion that she was going to a Marabout in Cassamance to seek prayers for his release. She was detained her for a day. The second time, she was also detained at the NIA. Three of his friends and his driver were also detained at the NIA. His driver had a naming ceremony and named the child after him. **Omar Jatta**, who went to the ceremony, was arrested and detained at the NIA and seriously injured, resulting in serious permanent injury. **Bakary Manneh**, **Jabel Ceesay** and **Momodou Jallow** were also detained at the NIA and severely tortured. According to **OJ**, **Jabel Ceesay's** injury as a result of the tortures.

91 Georgiana Koso Taylor, written statement to the TRRC, page 7, paragraph 3-4.

92 Testimony of Omar Amadou Jallow, 28th January 2019, line 683-710.

93 Testimony of Omar Amadou Jallow, 28th January 2019, line 722-728.

It was so serious that he had to take him to America for medical treatment. **Bakary Manneh** still limps as a result of the torture. **Momodou Jallow** died a week after the torture.⁹⁴ He presented the list of seventeen incidents in which he and his close associates were arrested, and the list was admitted in evidence as Exhibit 14.

ALHAGIE MOMODOU CADI CHAM (MC CHAM)

114. **Alhagie MC Cham** was also arrested severally and detained on various allegations. One of the arrests was in relation to an interview he gave regarding allegations of corruption by the military junta against the PPP government, in which he refuted those claims. The publication of the interview infuriated the military junta. Consequently, **MC Cham** was arrested without a warrant and taken to Kairaba Police Station. His property was searched without a warrant, and several of his documents and books were seized without any lawful order. The search was extended to his two properties in the Kombos and his office at Hill Street in Banjul. Several items were seized from his properties without making an inventory. Only a few items were returned afterwards. Later, he was transferred to Banjul Police Station where he was held incommunicado for weeks without being charged. During that period, he was denied visits and was interrogated by the police and intelligence officers. He said he believed *“the reason for our arrest was to terrify and intimidate the public in that all 3 (three) – myself, **OJ** and **Ousainou Njie** – have performed well in our respective avocations to the extent I would say we gained the admiration and respect of many of the citizenry, including the top. So, that it renders us totally helpless, would have the public say: ‘If they can do this to these leaders with impunity, then we better be careful. Otherwise, worst may befall us and nothing will come out of it.’”*⁹⁵ This statement by **MC Cham** exactly shows what the Junta were trying to do – silence the people.
115. **MC Cham** testified that some soldiers came to his store two months after his release, where he kept a large quantity of spades. They searched and ransacked the entire store. They took some cabinet papers he was allowed to keep as a former minister, as well as some of his business documents. This was done without a search or arrest warrant. Yet, he was arrested again. He was accused of stealing the spades from the Ministry of Works where he was the former minister. He denied the allegation and told them to check the documents in his office to verify that he purchased the spades. When they checked his documents, they confirmed that he bought the spades in the UK. He then realised that they were looking for shovels that were stolen from Public Works Department (PWD). Even after verifying this information, he remained in custody for one week without any charges filed against him and was denied access to a lawyer.⁵¹
116. On another occasion, he was detained for about nine months.⁵² He was arrested with **Badou Faye** and others and accused of organising an anti-APRC meeting at his house opposite the Kairaba Police Station. Sometime in 1995, he was arrested again on allegations of spreading false rumours of a coup d’état and causing immense confusion. He was taken to Banjul Police Station where he found **Lamin Waa Juwara** in a cell. The following day, **Assan Musa Camara**, a former Vice-President, and others visited him. **Mr. Camara** was very appalled at what he saw and provided an alibi for **MC Cham**. Despite the alibi, **MC**

94 Testimony of Omar Amadou Jallow, 28th January 2019, line 749-782.

95 Alhagie Momodou Cadi Cham, written statement submitted to the TRRC, 4.2.2019 (Code 16054), page 11, paragraph 3.

Cham was detained for a further ten days without charge. He was detained in a damp, dark, filthy and smelly cell infested with mosquitoes. Apart from the 15-minute visit by **Assan Musa Camara** and others, he was not allowed access to anyone, including family and lawyer. He was not allowed to bathe. That same year, his properties in Banjul and Fajara were confiscated while he was in detention. His family was forcefully evicted from their homes with only their clothes and had to stay with extended family members and friends. After his release, he took legal action and his properties were returned to him. However, his property in Fajara was badly damaged, and some of his valuables were stolen.

SUMMARY OF ARRESTS AND DETENTION OF SECURITY PERSONNEL

117. In order to consolidate power, the Council embarked on mass arbitrary arrests and detention of senior officers of the GNA and the police that they perceived as threats. The security personnel were detained at Mile II Central Prison, and an overwhelming majority of them were detained without trial. To justify their prolonged detentions, the Council issued Decree No. 3, which provided for detention without due process and renewable after six months. This decree was issued subsequent to the detention of the senior officers. It classified the detainees as a threats to national security. The detainees were kept in very deplorable conditions without access to their families and lawyers.

ARREST OF DEPUTY IGP EBRIMA ISMAILA CHONGAN⁹⁶

118. **Ebrima Ismaila Chongan**, Assistant Inspector General of Police at the time, during his testimony at the TRRC on 7th January 2019, told the Commission that he himself and the **IGP Pa Sallah Jagne (PS)** were arrested by **Sanna Sabally** and **Sadibou Hydara** at the Police Headquarters in Banjul on 25th July 1994.⁹⁷ They were asked to assemble in the courtyard. They were put in a Pickup truck and driven to Mile II Central Prison. He described the incident as humiliating and stated that when they got to the prison, they were not processed or subjected to any procedures but merely taken straight to Security Wing Number 4.

ARREST OF ADJUTANT SHERIFF GOMEZ⁹⁸

119. **Sheriff Gomez**, who was the Adjutant at Yundum Barracks, during his appearance before the Commission on 10th January 2019, testified that on the morning of July 22 1994, he was the 1st officer to arrive at Yundum Barraks.⁹⁹ Upon arrival, he was ambushed, arrested and detained by a group of soldiers under the command of 2nd **Lt. Edward Singhatey**. When they locked him up in the detention cells in the guardroom, he was confused and had thought that they were playing by the script of the military exercise of the Americans scheduled to take place that day. He stated that after some time, he was aware of the presence of the duty officer **Lt. OB Mbye** who explained to him that he was also arrested and a coup was taking place.¹⁰⁰ Some time later, 2nd **Lt. Edward Singhatey** and his men came back and asked him

96 Testimony of Ebrima Ismaila Chongan, 7th January 2019, line 650 – 642.

97 Testimony of Ebrima Ismaila Chongan, 7th January 2019, line 650 – 642.

98 Testimony of Sheriff Gomez, 10th January 2019, line 687-747.

99 Testimony of Sheriff Gomez, 10th January 2019, line 763-786.

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for the keys to the armoury. Thinking that he was about to be set up, he asked, “*What keys?*” At that point, **Edward** fired a shot over his head and warned him that he would not miss again. It was then he told him that the keys were in his briefcase. They spent two nights in the cells and their families were not informed of their detention.¹⁰¹ They were eventually transferred to Mile II Central Prison in the early hours of Monday July 25 1994 between 2:00am and 3:00am by **Capt. Ndure Cham** and some military personnel. Upon arrival at Mile II Central Prison, they were immediately taken to Security Wing Number 4 without going through any formal processing. Besides, they were not informed of the reasons for their detention.¹⁰² Days later, **Captain Ndure Cham** himself was also brought in and detained.¹⁰³

ARREST AND DETENTION OF CAPT. BENJAMIN WILSON, MAJOR PA MODOU ANN AND 2ND LIEUTENANT ALAGIE KANTEH.

120. **2nd Lieutenant Alagie Kanteh** testified that **Yahya A.J.J. Jammeh** and **Edward Singhatey** ordered the arrest of **Capt. Benjamin Wilson** and **Major Pa Modou Ann**. He informed the Commission that when he became aware of this impending arrest, he decided to go arrest them in order to protect them from any form of brutality. After arresting **Capt. Wilson**, he put him in the officer’s mess instead of detaining him. Soon after that, **Sanna Sabally** came and ordered that **Wilson** be taken to Mile II Central Prison. He said when he confronted **Yahya A.J.J. Jammeh** about the arrests of some officers, the latter assured him that no one would be executed but detentions were necessary measures.¹⁰⁴ On August 5 1994, *Sud Quotidien*, a Senegalese newspaper requested for an interview to know what was happening in the country. **Yahya A.J.J. Jammeh** gave approval for the interview but immediately after the interview, he (**Alagie Kanteh**) was arrested by **Sanna Sabally** and several armed men and escorted to Mile II Central Prison. He stated upon arrival at there, he was stripped of his personal belongings and immediately taken to Security Wing Number 1/4 without being processed or informed of the reason for his arrest.¹⁰⁵ He stated that he met **Captain Kambi**, **Major Sheriff Mbye**, **Captain Alieu Ndure** and other commissioned officers in the cells. He was released after three months in detention.¹⁰⁶

ARREST AND DENTENTION OF ASP SULAYMAN ABUBACARR SULAYMAN JENG¹⁰⁷

121. **Sulayman Aboubacarr Jeng**, who was an Assistant Superintendent of Police (ASP) temporarily appointed as Secretary to the Junta, testified at the Commission on 15th January 2019. He told the Commission that on Wednesday 27th July 1994, while at the office in the State House, some soldiers informed him that he was needed downstairs.¹⁰⁸ While going downstairs, he saw a convoy of parked vehicles with armed soldiers. Before he got to them, **Sana Sabally** beckoned him to come over. When he did, he was asked to handover all the documents he was working on, as well as his pistol. **Capt. Samsudeen Sarr**, **Capt. Mamat Cham** and **Major Malick Njie** were also arrested the same day. He stated that they were targeted because they were Wollofs.¹⁰⁹

101 Testimony of Sheriff Gomez, 10th January 2019, line 944-956.
 102 Testimony of Sheriff Gomez, 10th January 2019, line 982-1003.
 103 Testimony of Sheriff Gomez, 10th January 2019, line 1043-1055.
 104 Testimony of Alagie Kanteh, 14th January 2019, line 953-1039.
 105 Testimony of Alagie Kanteh, 14th January 2019, line 1042-1119.
 106 Testimony of Alagie Kanteh, 14th January 2019, line 1388-1390.
 107 Testimony of Abubacarr Sulayman Jeng, 15th January 2019, page 37, line 825-826.
 108 Testimony of Abubacarr Sulayman Jeng, 15th January 2019, page 37, line 825-826.
 109 Testimony of Abubacarr Sulayman Jeng, 15th January 2019, line 1095-1169.

ARREST AND DETENTION OF CAPTAIN MAMAT CHAM¹¹⁰

122. **Captain Mamat Cham** was appointed as Minister of Information of the AFPRC. He testified before the Commission on 16th January 2019 that they had a meeting in which some of them raised concern with respect to officers that were detained, during which they agreed to go and meet the detainees and assure them of their release.¹¹¹ The following morning, which was on 27th July 1994, **Sanna Sabally** asked him to join his vehicle with **Captain Samsudeen Sarr**, and **Major Njie** to join **Edward Singhatey**’s vehicle. Upon arrival at Mile II Central Prison, a group of soldiers were positioned at the prison. **Lt. Sanna Sabally** turned around and said, “*Sir, you are under arrest.*” They were stripped of their belongings and taken to Security Wing Number 4.¹¹² He was detained for 27 months.¹¹³

ARREST AND DETENTION OF CAPTAIN EBRIMA BABA KAMBI¹¹⁴

123. **Captain Ebrima Baba Kambi**, who was temporarily appointed as the Junta’s Chief of Staff at the State House, testified at the Commission on 26th January 2019 that he took permission from **Yahya A.J.J. Jammeh** to go and visit his family for the weekend. That Saturday, while he was at his residence at Cape point, **Lang Tombong Tamba** came and informed him that the Chairman needed him at the State House. He asked **Lang Tombong** to go and he would follow but **Lang** spoke to him in a disrespectful manner insisting that they went together. He stated that when he arrived at the State House, he was prevented from going up to meet the Chairman.¹¹⁵ After about five minutes, **Sanna Sabally** and **Sadibou Hydara** – along with their orderlies – came with their vehicles and gestured to him saying, “*Get into that vehicle.*” He complied and was driven straight to Mile II Central Prison. He was handed over to the Commissioner of Prisons, the late **Antou Saïdy**, who detained him in Security Wing Number 4 without being informed of the reason for his arrest.¹¹⁶ He stated that he was charged with treason before a court martial.¹¹⁷ He was accused of supplying ex-soldiers with uniforms – charges that he vehemently denied. **Dr Malick Njie** was also charged. Both cases were subsequently dismissed by the trial judge.¹¹⁸ However, instead of being released, they were taken to Mile II Central Prison even after the dismissal of their cases by the court. He was released on 3rd February 1997.¹¹⁹

ARREST AND DETENTION OF RSM (REGIMENTAL SERGEANT MAJOR) BABOUARR MALICK JENG¹²⁰

124. **Baboucarr Jeng**, RSM (Regimental Sergeant Major) in the army at the time of the coup, testified before the Commission on 2nd February 1994. He told the Commission that when he reported to work at Yundum Barracks on 23rd July 1994, he was shocked to discover senior officers such as **Major Chris Davies**, **Adjutant Sheriff Gomez** and **Sulayman Bun Jack** –

110 Testimony of Mamat Cham, 16th January 2019, page 90, line 2024-2026.
 111 Testimony of Mamat Cham, 16th January 2019, line 2227.
 112 Testimony of Mamat Cham, 16th January 2019, line 2060-2114.
 113 Testimony of Mamat Cham, 16th January 2019, line 2453-2454.
 114 Testimony of Ebrima Baba Kambi, 26th January 2019, page 31, line 646-649.
 115 Testimony of Ebrima Baba Kambi, 26th January 2019, line 728-753.
 116 Testimony of Ebrima Baba Kambi, 26th January 2019, line 787-790.
 117 Testimony of Ebrima Baba Kambi, 26th January 2019, line 1067-1098.
 118 Testimony of Ebrima Baba Kambi, 26th January 2019, line 1106-1124.
 119 Testimony of Ebrima Baba Kambi, 26th January 2019, line 1129.
 120 Testimony of Baboucarr Malick Jeng, 19th February 2019, line 2274-2294; 2320-2339.

Permanent Secretary at the Ministry of Defence at the time, all detained in the guardroom. Later that night, **Sanna Sabally** and **Edward Singhatey**, and then **Samsudeen Sarr** arrived. **Sanna Sabally** accused him of organising soldiers to foil the coup, which he rebuffed as untrue. While they were having this discussion, a report came that a grenade exploded in Sukuta, and they left immediately. But before they left, **Sanna Sabally** warned him that the issue remained pending and unresolved. After **Sanna Sabally**'s team left, **Jeng** asked the guard commander to lock him up with the other detainees.¹²¹ **Capt. Ndure Cham** later came with a group of soldiers and picked up the detained officers and **Mr. Jack** with the false information that they were being taken to the State House for a meeting. But instead, they were taken to Mile II Central Prison. Upon arrival at there, the soldiers escorted him straight to Cell Number 3 of Security Wing 4. He was not informed of the reasons for his arrest and detention. He testified that as at the time he was arrested, he was recovering from injuries he had suffered from an accident months before the coup d'état.¹²²

125. The arrests and prolonged detention of senior officers were deliberate acts by the AFPRC as a means to deprive them of their fundamental human rights to liberty and prevent them from expressing their views and potentially taking counter-coup measures against the military junta. The AFPRC issued Decree No. 3 to prolong the detention of the security detainees after months of their detention. It classified the detainees as threats to national security.¹²³

126. The Decree contained the names of the following officers:

1. *Captain Ebrima Kambi, Gambia National Army*
2. *Captain Mamat O. Cham, Gambian National Army*
3. *Captain Ben Wilson, Gambia National Army*
4. *Captain Sheriff Samsudeen Sarr, Gambia National Army*
5. *Captain J.M.C. Johnson, Gambia National Army*
6. *Captain Ndure Cham, Gambia National Army*
7. *Captain Momodou K. Sonko, Gambia National Army*
8. *Major Malick S. Njie, Gambia National Army*
9. *Major Turo Jawneh, Gambia National Army*
10. *Lieutenant Sheriff M.L. Gomez, Gambia National Army*
11. *Second Lieutenant A. Kanteh, Gambia National Army*
12. *Second Lieutenant Yankuba Drammeh, the current CDS of the Gambia National Army*
13. *Sergeant Musa Manneh, Gambia National Army*
14. *Sergeant Faraba Sabally, Gambia National Army*
15. *Staff Sergeant Lamin Sambou, Gambia National Army*
16. *Warrant Officer Baboucarr Jeng, Gambia National Army*
17. *Warrant Officer Alhagie Faye, Gambia National Army*

121 Testimony of Baboucarr Sulayman Jeng, 19th February 2019, line 2274-2294

122 Testimony of Baboucarr Malick Jeng, 20th February 2019, line 379-383

123 Testimony of Ebrima Chogan, 7th January 2029, line 975-083

18. *Warrant Officer Class 2 Musa Ceesay, Gambia National Army*
19. *Private Borry Darboe, Gambia National Army*
20. *Corporal Momodou Njie, Gambia National Army*
21. *Cadet Superintendent Abubacarr S. Jeng, Tactical Support Group*
22. *Inspector R. Correa, Tactical Support Group*
23. *IGP (Inspector General of Police) Pa Sallah Jagne, Gambia Police Force*
24. *Assistant Inspector General Ebrima Chongan, Gambia Police Force*
25. *Assistant Superintendent Jammeh Conta, Gambia Police Force*
26. *Chief Superintendent Sheriff Mbye, Gambia Police Force*
27. *Superintendent Alieu Ndure, Gambia Police Force*
28. *Lieutenant Kebba Dibba, Gambia Police Force*

CONDITIONS OF THE SECURITY WING OF STATE CENTRAL PRISON MILE II

127. All the security detainees and prison officers who testified before the Commission described the Security Wing as “*unfit for human beings*”. **Ebrima Ismaila Chongan** described the cell as follows: “*The cells were 2m x 1.5m with a steel door painted black. They were bare, except for a 1.90m and 40cm wooden plank bed, a chamber pot for toilet and a one-litre plastic bottle for water.*”¹²⁴ **Abubacarr Sulayman Jeng** described the Security Wing No. 4 as “*despicable*”. He testified: “*We were placed in tiny cells measuring 1x6 metres, slept on a plank of wood without a pillow and blanket, and provided a chamber pot (bucket for the call of nature) and a plastic bottle for drinking water. The cell was fitted with a metal door that had tiny openings atop and a window that provided passage for mosquitoes. The area was infested with mosquitoes and aggressive rats, making sleep impossible.*”¹²⁵

128. Security Wing Number 1 and Number 5 were just as bad. **Ebrima Ismaila Chongan** who was transferred from Security Wing Number 4 to Security Wing Number 1 was able to make this comparison and described Security Wing Number 1 as follows: “*These cells had not been repaired since the prison was built by the British colonialists.*” Like the cells in Security Wing Number 4, their “*amenities were a plank of wood, one-litre bottle of drinking water and a chamber pot for the call of nature.*”¹²⁶ They were completely cut off from the outside world and they could not sleep at night. They were not allowed to shower, brush their teeth or change their clothes. They had no coverings. At night, they had to battle with the cold, the mosquitoes and the rats. There were no lights, and **Ebrima Ismaila Chongan** saw this as a deliberate intention to keep them in the dark during the day and the night. Security Wing Number 5 was just as deplorable. **Alagie Kanteh** corroborated the prison conditions, which he described as absolutely difficult and inhumane.¹²⁷ **Ansumana Manneh**, the current Director General, attested to the fact: “*Security Wing was unfit for human beings, and detaining anyone under such conditions was inhumane.*” He confirmed that the prisoners used to sleep

124 Ebrima Ismaila Chongan, written statement to the TRRC, 8.12.1018, (Code 13133), page 11/64, paragraph 4.

125 Abubacarr Sulayman Jeng, written statement to the TRRC, 15.01.2019, (Code 11867), page 7, paragraph 23.

126 Ebrima Ismaila Chongan, written statement to the TRRC, 8.12.2018, (Code 13133), page 20, paragraph 4.

127 Testimony of Alagie Kanteh, 14th January 2019, line 1149-172.

on planks, as there were no beds or mattresses. The Commissioners of the TRRC were able to ascertain for themselves the horrendous situation of the Security Wing and other Wings when they visited Mile II Central Prison on 18th January 2019.

129. At the Security Wing of Mile II Central Prison, the detainees were completely deprived of respect and dignity and treated without care. The environment and circumstances in which they were detained were degrading and inhumane. The food was unsuitable for human consumption and inedible, according to **Abubacarr Sulayman Jeng**.¹²⁸ **Sheriff Gomez** corroborated that the food was unfit for humans. The menu was the same day in day out. They were given *pap* (porridge) in the mornings, and in the evenings, they were given *chereh* (a millet based cereal) served dry or wet – meaning with sauce. The *chereh* was usually filled with sand and so they preferred it dry to enable them to wash off the sand themselves. At Security Wing Number 1, the three detainees were not given any blankets or beddings. They wore shorts all the time and were only able to wear long trousers when they were visited by **CDS Baboucarr Jatta, Major Dennis Coker, Police Chief Gibril Joof** and the then **Head of the NSS Samba Bah** on 11th September 1994.

LOCKDOWN

130. Life in Mile II Central Prison is made even more unbearable by the harsh treatment meted out to the detainees. The political prisoners who were also mainly detained in the Security Wing in Mile II Central Prison often had 23 hours of confinement with limited interaction with the general prison population. The 1994 security detainees were on two occasions subjected to complete lockdowns. The first lockdown was for a week and took place immediately after their detention, and the second was for a month after the night of the mock executions which took place on 6th September 1994. They were locked up for 24 hours a day throughout the period of lockdown, with no access to bathing, sanitation or change of clothes.
131. According to **Ebrima Ismaila Chongan**, after a week of being in lockdown, they were visited by the International Committee of the Red Cross (ICRC) under the auspices of the Gambia Red Cross. After the visit, their situation improved, as they were provided with mosquito coils to fend off the mosquitos. They also received basic toiletries – toothbrushes, toothpaste, towels and slippers. **Ebrima Ismaila Chongan** describes the visit of the International Red Cross under the auspices of The Gambia Red Cross as “a life saver”. According to him, the visit most probably saved their lives. “*Since the ICRC has now documented our incarceration, we believed that the military junta couldn’t simply make us disappear or execute us without worrying about a valid explanation to the international community.*”¹²⁹ This was corroborated by **Sheriff Gomez** who told the Commission that the visit by the Red Cross helped because after the visit, a detainee like **OB Mbye** was released and reinstated.¹³⁰ The 2nd visit of the ICRC in December 1994 ensured that they had access to blankets. Visits were stopped after that. Another highlight of the starkness of their detention was the visit of the Bishop Michael Cleary.¹³¹

128 Testimony of Ababoucarr Sulayman Jeng, 15th January 2019, line 1424-1467.
129 Ebrima Ismaila Chongan, written statement to the TRRC, 8.12.2018, (Code 13133), page 14, paragraph 9-19.
130 Testimony of Sheriff Gomez, 10th January 2019, line 1071-1080.
131 Ebrima Ismaila Chongan, written statement to the TRRC, 8.12.2018, (Code 13133), page 14 paragraph 9-19.

132. Lockdowns are clearly inhumane and degrading treatment of persons in detention. According to the UN basic principles, Rule 3, “*Imprisonment and other measures that result in cutting off persons from the outside world are afflictive by the very fact of taking from these persons the right of self-determination by depriving them of their liberty. Therefore, the prison system shall not, except as incidental to justifiable separation or the maintenance of discipline, aggravate the suffering inherent in such a situation.*” The UN Special Rapporteur on Torture, **Juan E. Méndez**, has decried the practice of prolonged or indefinite solitary confinement, as it inflicts pain and suffering of a psychological nature, which is strictly prohibited by the Convention Against Torture.¹³²

MOCK EXECUTIONS 6TH SEPTEMBER 1994

133. On 6th September 1994, the military junta members, except **Yahya A.J.J. Jammeh**, came to Mile II Central Prison with a common intention to torture and intimidate the security detainees. Those junta members were **Sanna Sabally, Edward Singhatey, Sadibou Hydera** and **Yankuba Touray**, as well as their orderlies/guards and **Peter Singhatey**. The three senior officers – **Captain Mamat Cham, RSM Baboucarr Malick Jeng** and **AIG Ebrima Chongan** – were the target for mock executions. They were dragged out of their cells, severely beaten and stamped upon and used as proxies in mock executions carried out by the members of the Junta and their guards and orderlies.
134. **Sheriff Gomez** told the Commission that due to the proximity of cell, he had a view of what was happening. He saw soldiers using their military boots and rifle butts to beat the three senior officers.¹³³ He recalled that all of the soldiers who came to the prison that night participated in the beatings and that **Antou Saïdy**, the Deputy Prison Director at the time, was the one who opened the cells for the junta members.¹³⁴ **Mamat Cham** was the first to be dragged out of his cell in the early hours of the night of 6th September 1994 between the hours of 1:00am and 2:00am. **Captain Mamat Cham** told the Commission how he was brutalised that night by **Sanna Sabally, Edward Singhatey, Sadibou Hydera** and **Yankuba Touray**, as well as their orderlies/guards and **Peter Singhatey**. When they came in, **Edward Singhatey** was shouting, “*Where is Captain Mamat Cham? Where is Captain Mamat Cham?*” As soon as **Antou Saïdy** opened his cell door, they grabbed him and handcuffed him from the back. **Edward Singhatey** and the soldiers started hitting him with rifle butts and kicking him and dragging him on the concrete floor to Security Wing Number 1. There, **Edward Singhatey** hit him with his rifle and, at one point, the butt of the gun hit him on his nose and it started to bleed. In addition, **Singhatey** fired a few shots in the air and also put the rifle in his mouth and started playing with the safety catch. He stated that this was a life threatening and a very dangerous moment which was stopped by **Sanna Sabally**. He was dragged and put in Cell Number 8.¹³⁵
135. **RSM Jeng** was the next to be subjected to this brutal torture. Even though he was wearing a neckbrace as a protective safeguard for a neck injury that he had sustained from a car accident, the torturers had no consideration for his condition. Like **Captain Mamat Cham**, he was dragged and kicked and taken away to be executed. When they came for **RSM**

132 UN Human Rights Experts (Again) Push for Access to U.S. Prisons, Call for Solitary Reform | Solitary Watch.
133 Testimony of Sheriff Gomez, 10th January 2019, line 1202-1241.
134 Testimony of Sheriff Gomez, 10th January 2019, line 1202-1212.
135 Testimony of Mamat Cham, 16th January 2019, line 2227-2228.

Jeng, Edward Singhatey had bloodstains on his hands. The blood came from **Capt. Mamat Cham**'s bleeding nose, but the detainees believed that **Capt. Mamat Cham** was actually killed. The sound of gunfire and **Singhatey**'s bloody hands led to the natural and reasonable inference that **Capt. Cham** was killed. In describing the events of that night, **RSM Baboucarr Malick Jeng** corroborated the torture of **Capt. Mamat Cham**. He described how he was kicked, beaten and dragged away, after which they heard gunshots. Thereafter, they came for him and **Antou Saïdy** put him on handcuffs. As he was exiting his cell in handcuffs, he stumbled and the jittery soldiers thought he may have been employing some form of defence mechanism, revealing the undercurrent of paranoia of the Junta at the time, such that **Edward Singhatey** hit him from the back and he nearly collapsed as a result. While he was on his knees, **Peter Singhatey, Yankuba Touray** and **Batch Samba Jallow** then started kicking him, and he was dragged to Security Wing Number 1. At that point, he stated that he was in enormous pain. Notwithstanding, some soldiers were pointing their guns at him, and **Yankuba Touray** insulted his mother and asked him to say his last prayers. He said that he thought he was going to be executed until he heard someone asking on the radio or telephone, "Where are they?" At that stage, **Edward Singhatey, Yankuba Touray** and **Sadibou Hydara** all moved slightly away and spoke to the person on the other end. When they returned after the brief conversation with that person on the other end of the line, they told him that he was "finished" and one of the soldiers discharged his rifle right over his head. After that, he was placed in Cell Number 12 of Security Wing 1. While there, he heard noises of kicking and beatings, followed by gunshots.

136. Then, they came for **Ebrima Ismaila Chongan**. They were shouting his name and were angrily accusing him of trying to ambush them on the day of the coup d'état while they were trying to advance to Banjul. **Antou Saïdy**, the Deputy Commissioner of the prison, opened **Chongan**'s cell door, and he was insulted, kicked and dragged to Security Wing Number 1. In his testimony, **Chongan** said that he recognised **Private Suso** as part of the entourage that came that night. **Private Njie** yelled at him and hurled insults at him. At one point during his ordeal, **Yankuba Touray** put a gun in his mouth and was playing with the safety pin. This act of recklessness and cruelty terrified and scared him.¹³⁶ After he was dragged to Security Wing Number 1, **Sanna Sabally** asked him to "say your last prayers." He replied, "No, I'm not saying any last prayers. If I die, I am going to heaven. Anyway, you murdered me." That was when they just started firing and the bullets went past his head. He knew it was a hoax and they would not kill him. When they finished their mock execution, they left them and went away.¹³⁷ He himself, **Mamat Cham** and **RSM Jeng** were kept isolated in Security Wing Number 1, separated from the rest of the detainees who thought that the three had been executed in cold blood. Before the Junta members and their band of torturers left the prison, they promised the other detainees that they would come back for them.¹³⁸ They were all psychologically affected and traumatised, as they genuinely believed that the executions really occurred. The belief that **Chongan, Cham** and **RSM Jeng** had indeed been executed and the Junta's promise to be back intensified the psychological trauma to the extent that one of the detainees, **Capt. Samsideen Sarr**, started exhibiting symptoms of psychosis or semblance of post-traumatic stress disorder.¹³⁹ **Capt. Samideen Sarr** refutes this statement, even though it was corroborated by several the witnesses.

136 Testimony of Ebrima Chongan, 7th January 2019, line 1181-1193.
137 Testimony of Ebrima Chongan, 7th January 2019 line 1160-1182.
138 Testimony of Alagie Kanteh, 14th January 2019, line 1323-1292.
139 Testimony of Alagie Kanteh, 14th January 2019, line 1315-1348.

137. The tortured persons were seriously injured but could only receive very basic first aid from the prison medic **Baboucarr (Buba) Jatta**. All he had to administer on their wounds was GV Paint. He did this with care and the detainees fondly called him "GV Paint" for the gentle care with which he put the GV paint on their wounds. In his testimony to the TRRC, **Buba Jatta**, the prison medic at Mile II Central Prison in 1994, confirmed that he attended to the trio – **Chongan, RSM Jeng** and **Mamat Cham** – and dressed the multiple bruises on their bodies sustained from the beatings that were meted out to them on the night of 6th September 1994.¹⁴⁰
138. **Sheriff Gomez** testified that on the night of 6th September 1994, at Mile II Central Prison, **Edward Singhatey** called out his name, pointed his gun at him and threatened to shoot him saying, "Last time I shot, I missed. This time, I am not going to." **Sheriff Gomez** told the Commission that after hearing the shots, they believed that their colleagues had been killed.¹⁴¹ When the entourage were leaving, **Edward** told him that they would be back for him, and he lived in perpetual fear believing that the Council members would come back and make good on their promise. He added that he would never forget that terrible experience because it was psychological torture and it weighed heavily on their minds.¹⁴² They lived in constant fear and anxiety until the day Security Wing Number 1 was opened forty-five (45) days later and they were joined by **Chongan, Cham** and **RSM Jeng**.¹⁴³
139. In his testimony to the TRRC, **Sanna Sabally**, who was adversely mentioned and accused of being complicit as one of the chief perpetrators of the torture of the security detainees, told the Commission that before the night of 6th September 1994, the Council received intelligence from the NIA that **Ebrima Chongan** was sending intelligence (information) to the diplomatic corps. According to **Sanna**, the Council thus made a decision to quell any such behaviour that they deemed undermining them. All the Council members, except **Chairman Yahya A.J.J. Jammeh**, were there with their orderlies. **Sanna Sabally** went with his orderlies **Baboucarr Njie, Muhammed Sambou, Lamin Drammeh, Dembo Gibba** or **Wahab Colley, Zakaria Darboe (driver)** and **BA Njie**, forming part of a security team. **Edward Singhatey**'s orderlies were **Mustapha Touray (alias Churo)** and **Lamin S Marong**. **Yankuba Touray**'s orderlies were the late **Batch Samba Jallow (driver)** **Ensa Mendy, Jali Suso** and **Lamin S. Touray**. **Sadibou Hydara**'s orderlies were **Alfusainey Suso** and **Lamarana Jallow**.¹⁴⁴ **Peter Singhatey** was also part of the team that visited Mile II Central Prison that night.
140. **Sanna Sabally** confirmed that they first went to Mile II Central Prison on 5th September 1994 but were unable to gain access because the prison guard responsible for the keys had already left for home. He told the Commission that the guard was detained for some days in the prisons as punishment.¹⁴⁵ On 6th September 1994, they returned to Mile II Central Prison and, upon arrival there, dragged **Capt. Mamat Cham, AIG Chongan** and **RSM Jeng** out of their cells to Security Wing Number 1. The trio was beaten by the orderlies. The three were collectively placed on the wall and he (**Sanna**) fired shots over their heads. Then, they were

140 Testimony of Baboucarr Jatta, 22nd January 2019, line 269-270.
141 Testimony of Sheriff Gomez, 10th January 2019, line 1160-1187.
142 Testimony of Sheriff Gomez, 10th January 2019, line 1188-1199.
143 Testimony of Sheriff Gomez, 10th January 2019, line 1288-1303.
144 Testimony of Sanna Bairo Sabally, 24th April 2019, line 2563-2635.
145 Testimony of Sanna Bairo Sabally, 24th April 2019, line 2662-2688.

locked in Security Wing Number 1.¹⁴⁶ He denied that he had blood on his hands and that the three were individually taken to the wall and shots fired over their heads. He stated that none of the Junta protested against what was happening and all of them were individually and collectively responsible for the torture of the security detainees that night.¹⁴⁷ He also admitted that their actions must have led the other detainees to reasonably believe that the Junta would be coming back and they too would meet the same fate as the trio that was “executed”. He acquiesced that their actions were equivalent to psychological torture but denied promising the detainees that they would be back.¹⁴⁸

141. **Edward Singhatey**, for his part, admitted that in the early hours of 6th September 1994, all the Council members, with the exception of **Yahya A.J.J. Jammeh**, went to Mile II Central Prison. According to him, the decision to go to the prison was collectively made by all Council members. They had received intelligence concerning **Samsudeen Sarr, Chongan** and some of the other security detainees, and the purpose of the visit was to interrogate them with regard to that intelligence. Responding to claims by some of the detainees who testified before the TRRC that he was under the influence of alcohol, as they could smell alcohol from his breath while he took part in the beatings and torture of the detainees, inferring that his intoxicated state of mind wickedly influenced his brutality that night, he denied this.
142. In addition, it was also put to him that all the witnesses consistently corroborated the account that he called out **Capt. Mamat Cham**’s name when they arrived at the cells but he also refuted this version. He, however, admitted that **Mamat Cham** was dragged out of his cell and one of the soldiers hit him but he could not recall who hit him because it was dark. It was put to him that because he is light skin, he would be easily recognised in the dark. He also denied this evidence and also maintained that he did not speak. He also denied carrying an AK 47 rifle with him with which he threatened **Sheriff Gomez**. When he was confronted with the evidence of **Mamat Cham, Ebrima Chongan** and **RSM Jeng** as to the torture that he personally carried out on them, he denied beating any of them. He stated that the orderlies carried out the beatings. He willingly accepted indirect and command responsibility for the physical and psychological torture meted out to the detainees but conveniently rejected any notion or attribution of individual culpability in the torture of the detainees. However, he admitted that most of the detainees were not security threats and their prolonged detention was in fact unlawful.

ARRESTS, DETENTION AND TORTURE OF SANNA SABALLY AND SADIBOU HYDARA

143. Barely six (6) months after seizing power, the “soldiers with a difference”, were no longer as united as they were in the beginning. **Yahya A.J.J. Jammeh**’s mistrust of everyone and everything that threatened his agenda of perpetuating himself in power turned inwards on to his colleagues. The Vice-Chair **Sanna Sabally** and the Minister of Interior, **Sadibou Hydara** were the first victims within the Junta of **Yahya A.J.J. Jammeh**’s obsessive desire to stay in power. Even though they had taken an oath that they would only stay in power for

146 Testimony of Sanna Bairo Sabally, 24th April 2019, line 2749-2807.
147 Testimony of Sanna Bairo Sabally, 24th April 2019, line 2741-2863.
148 Testimony of Sanna Bairo Sabally, 24th April 2019, line 2867-2880.

six months, **Yahya A.J.J. Jammeh** did not want to relinquish power and wanted to stay on.

144. Testifying before the Commission on the 2nd day of his public appearance, **Sanna Sabally**¹⁴⁹ said he and **Sadibou Hydara** were opposed to the setting up of the National Consultative Committee (NCC) which was set up to consult the public on how long they wanted the Junta to stay as an interim government. He felt it was not necessary to set up the NCC as they had taken an oath that they would stay in office for only six (6) months after the coup d’état and hand over to a civilian government. They were outvoted, as the other Junta members wanted the NCC to be set up because they also wanted to stay longer at the helm of government. When the NCC report was handed over to **Chairman Yahya A.J.J. Jammeh**, he (**Sabally**) saw that he (**Jammeh**) was not happy, as he expected them to recommend two and half years. When he reminded **Yahya A.J.J. Jammeh** of their sworn agreement, he proposed that they would discuss it the next day before the Council meeting.
145. That meeting never took place because he (**Sanna Sabally**) was arrested at the State House. Responding to a call from **Chairman A.J.J. Jammeh**, he went to the State House. Walking towards the office, he was accosted at the corridor and was arrested by **Kalipha Bajinka, Almamo Manneh, Musa Jammeh (Maliamongu), Bakary Camara** and **Manlafi Corr** – soldiers from the TSG – together with **Lamin S. Camara (body guard to Capt. Edward Singhatey)** and **Batch Samba Jallow (driver)**. They overpowered him and disarmed him. He was pinned down and tied. Few minutes later, **Sadibou Hydara** also fell into the same trap.¹⁵⁰ At the time of their arrests, **Edward Singhatey** came out from his hiding position and pointed a gun at **Hydara**’s forehead and then entered **Jammeh**’s office. **Sabally** and **Hydara** were led through **Jammeh**’s office into the stairwell and onto the parked vehicles outside. The whole episode, according to **Sanna Sabally**’s testimony, was well planned and executed to perfection to restrain them with the element of surprise. They were transported to Mile II Central Prison on 27th January 1995 and detained at Security Wing Number 1.
146. There are conflicting narratives to the reasons for the arrest. **Sanna Sabally** believes it was a cleverly planned “*set up to eliminate him*”. He premised this belief on two factors. One is the fact that the evening before, **Edward Singhatey** had requested that he surrendered all weapons at his house as members of the general the public were afraid of weapons, which he did, but after the arrest and detention knew that it was a ploy to disarm him. The second factor is his insistence that they had agreed to stay in power only for six months and the time was up. **Edward Singhatey**’s narrative is that **Yahya A.J.J. Jammeh**, had told him that he had received intelligence information that **Sanna Sabally** and **Sadibou Hydara** were planning a coup d’état and were planning on taking over the Bridge, while he was not directly privy to this information, as the Intelligence Unit reported directly to **Jammeh**. **Edward** took his men to the Bridge and camped the whole night but nothing happened. He informed **Jammeh** that the report was unfounded. However, knowing the volatile nature of **Sanna Sabally**’s character, he waited for him to come to work the next day and trailed him until he entered the State House. He informed **Yahya A.J.J. Jammeh** that **Sanna Sabally** was in the office and it looked like the suspicions were misplaced. However, when **Yahya A.J.J. Jammeh** called **Sanna Sabally** to come over to his office, and considering **Sanna Sabally**’s

149 (564) Sanna Sabally DAY 2 TRRC SITTING 25TH APRIL 2019 PART 1 - YouTube, 42:44-1:24.48/1:28:18.

150 (564) Sanna Sabally DAY 2 TRRC SITTING 25TH APRIL 2019 PART 1 - YouTube, 42:44-1:24.48/1:28:18 accessed 10.9.2021

(564) Sanna Sabally DAY 2 TRRC SITTING 25TH APRIL 2019. PART 2 - YouTube, 8:44-1:11:42/2.29:15 accessed 10.9.2021.

disposition, he was on the alert as to how he would act. **Jammeh**'s office was not far from **Sanna**'s office. While waiting, they heard **Sanna Sabally** call **Sadibou Hydara**. Convinced that **Sanna Sabally** was calling **Sadibou Hydara** as reinforcement, they decided to set up an ambush along the corridor leading to **Yahya A.J.J. Jammeh**'s office. They positioned **Captain Kalipha Bajinka, Bakary Camara, Musa Jammeh** and some orderlies to carry out the plan. As soon as **Sanna Sabally** and **Sadibou Hydara** appeared, they were disarmed, arrested and taken to Mile II Cenral Prison. **Edward Singhatey** told the Commission that he deeply regrets participating in the arrest of **Sanna Sabally**.¹⁵¹

147. The third version, which is quite preposterous, was narrated to the Commission by **Sanna Sabally**. He said it was whilst he was in detention that he heard the radio announcement in which **Jammeh** claimed that the two of them barged into his office, withdrew and brandished their weapons at him with the intention of assassinating him. But due to his supernatural (mystical) powers, the duo froze in their tracks and he (**Jammeh**) simply walked over to them and disarmed them and called his guards in to arrest them.¹⁵² Even at this time, **Yahya A.J.J. Jammeh** was portraying himself as someone who had mystical powers.

148. **Ebrima Ismaila Chongan** described his feelings when “*the Vice-Chairman of the AFPRC, now Capt. Sanna Sabally and the Minister of Interior, now Capt. Sadibou Hydara, were led with their hands cuffed behind their backs, to the notorious Security Wing Number 1----- as I watched their fellow coup-leader and Minister of Defence Capt. Edward Singhatey, Warrant Officer II Alagie Martin and an entourage of soldiers carrying heavy weapons taking the two fallen members of the ruling Council to the same cells they had condemned us in solitary confinement. What an irony! This new prisoner in handcuffs was the almighty Capt. Sanna Sabally, the much feared Vice-Chairman of the AFPRC; the very man who brought us to Mile II, subjected us to a night of raw, remorseless terror, isolated us in Security Wing Number 1 and left clouds of execution hanging over our fate; the man who held the sole power of detention decrees to determine how long we could be kept as national security detainees on the mere whims of his feelings.*”¹⁵³ This profound statement clearly describes the type of power that “the soldiers with a difference” had at that time and how these powers were executed on whims of individual.

149. **Sanna Sabally** informed the Commission that during his detention, he was tortured over twenty (20) times by **Alhagie Martin, Lance Corporal Lamin Senghore (Assasin), Manlafi Corr, Batch Samba Jallow, Baboucarr Mboob** and **Ndure** of the TSG. This team were always present at all the tortures, led by **Alagie Martin**. But **Batch Samba Jallow** and **Boubacarr Bobb** were sometimes absent from the torture scene but were within the prison. **Pa Modou Sarr** never participated in the tortures. He was a silent observer. On one occasion, **Alagie Martin** and his team were joined by **Kalipha Bajinka** and **Musa Jammeh** who were part of the presidential guards. The tortures at Mile II Central Prison were meted out by **Alagie Martin** and **Lamin Senghore** and at the NIA Headquarters. The electrocution was done by one **Darboe** whose first name **Sanna** could not recall.

150. Describing his experiences at the hands of his torturers, **Sanna Sabally** told the Commission that on one occasion, he was completely naked (every time he was tortured he *was naked as*

151 (568) Edward Singhatey part 8 21-10-19 - YouTube, 0:15- 5:53/2:39:37, accessed 10.9.2021.

152 Testimony of Sanna B. Sabally, 25th April 2019, page 40-42, line 930-941.

153 Ebrima Ismaila Chongan (2018), written statement submitted to the TRRC, 8.12.2018, (Code 13133), page 30, paragraphs 2-3, accessed 10.9.2021.

a needle), he was shackled on hands and feet and a plastic bag was placed over his head and he was subjected to water boarding. This involved pushing his head into a bucket of water and gasoline while interrogating him. International experts have condemned this method of interrogating suspects as unlawful as it is a form of torture where the victim's head is submerged in water to heighten the belief they were drowning. While subjecting them to waterboarding, the torturers would simultaneously beat and hit them with a Warrington Claw Hammer, wielded by **Manlafi Corr**. In the mornings, they would take him to the beach and dip him in water until he fainted. At the beach he was also routinely subjected to the water boarding torture technique where he would be immersed in water at the sea until he felt like he was drowning.

151. On another occasion his hands and feet were tied and they put him in a bag, hung it on the ceiling and swing it from left to right until he passed out. They also electrocuted him on his tongue and penis while beating him at the same time. **Sanna Sabally** said that **Manlafi Corr** always used a hammer to beat him and **Sadibou Hydara** and they would also be struck with the butt of AK47 rifles. He further testified that at the NIA HQ, thorns were spread on the floor and he and **Sadibou Hydara**, while naked, were dragged on those thorns. That process would go on from 1:00a.m to 2:00a.m. **Sanna Sabally** also informed the Commission that he was subjected to pit treatment in which he was made to stand on tip toes to avoid drowning in the prison sewage. In other sessions, they were gagged with their hands tied on top of cell doors after interrogation by **Alagie Martin**. He was buried alive three times near the gallows area in the State Central Prison, Mile 2. During one of the torture sessions he was asked to defecate and eat his own excreta. When he could not excrete, they picked up faeces from an unknown source, rubbed it on his chest and asked him to lick it. When he was unable to do so due to his limited mobility (his hands and feet were bound), he was beaten till he fainted.

152. During one torture session, they were blindfolded, driven around, hooded and kept in very hot shipping containers. They were so hot that he felt that he “*was in hell*” and almost suffocated from the heat. On two occasions, they were suspended on the two concrete slaps that held the prison bed without the wooden planks, and their hands and feet were handcuffed for about a week. **Alagie Martin** and **Senghore** put an iron in his anus and kept his hands hanging with his feet hardly touching the ground.

153. **Sanna Sabally** and **Sadibou Hydara** were also subjected to sexualised torture. At Security Wing Number 5, they inserted an iron in **Sanna**'s penis and that of **Sadibou Hydara**. To humiliate them, the torture team gave them G-strings to wear and ordered them have sex with each other. When they refused, they threatened to kill them. The team that carried out this particular act of humiliation comprised of **Alhagie Martin, Lamin Senghore, Ndure** and **Manlafi Corr**. **Sanna** also testified that they forced down **Sadibou** and put an iron on his testicles. He believes that this must have caused **Sadibou**'s death because after that, he was bleeding from his mouth, nose, anus and penis, and blood everywhere. When the investigation report from the NIA was read to the witness, in which it was stated that **Sadibou Hydara** died of hypertension at the Remand Wing on 3rd June 1995, he responded that the report was a fabrication and a coverup because **Sadibou** died on 6th June 1995 and never suffered from hypertension. He stated that the same thing was done to him when **Manlafi Corr** hit him with a hammer all over his body and testicles until he passed out. As a result, he suffered from sexual dysfunction until he got medical treatment for it after he was discharged. While

in prison, they attempted to poison him through the prison superintendent **Yaya Jarju** but was saved by an inmate.

154. When he was released, he was informed by two women close to him that while they were detained, they were subjected to sexualised torture. Bananas and dildos were inserted in their private parts while the torturers would be telling them that they would “*never have a man inside them again.*” The women identified **Buba Drammeh** as the perpetrator during their detention at the NIA for two months. When those women were being tortured, he **Sanna Sabally** was brought in to watch. After this ordeal, they took him to another room and asked him to sign a confessionary statement that he wanted to kill **Yahya A.J.J. Jammeh** but he refused to sign.¹⁵⁴ He remained in detention and was charged with treason before a court martial and subsequently convicted on 22nd December 1995 and sentenced to nine years.
155. **Ebrima Ismaila Chongan** and **Sheriff Gomez** corroborated **Sanna Sabally**’s testimony of some of his torture sessions at Mile II Central Prison. According to the testimony of **Ebrima Ismaila Chongan**, on 29th January 1995, “*Warrant Officer 2 Alagie Martin of the State Guard and some members of the National Intelligence Agency in civilian clothes conducted the torture*” of **Sanna Sabally** and **Sadibou Hydara**. He further informed the Commission that as they were leaving, he saw “*Alagie Martin had a big steel hammer in his hand,*” and his understanding was that he **Martin** had used it to torture **Sanna Sabally** and **Sadibou Hydara**. “*The two captains were severely wounded after the torture. They were bound in foot chains and handcuffs during the torture.*”¹⁵⁵ The torture of **Captains Sanna Sabally** and **Sadibou Hydara** and **RSM Sanyang** on 5th February 1995 by **Warrant Officer 2 Alagie Martin**, supported by **Director General of Prison David Colley**, assistant **Prison Officer Faye** and **Thomas Jarju** was clearly a contravention of prison rules. In the words of **Ebrima Ismaila Chongan**, “*a dangerous precedent had been established. I deplored in my sad heart now that senseless torture had been incorporated into the country’s prison system.*”¹⁵⁶
156. **Sheriff Gomez** testified that the day **Chongan** and the others rejoined them, he saw **Edward Singhatey** escorting **Sanna Sabally** and **Sadibou Hydara** to Security Wing Number 1.¹⁵⁷ Immediately after **Sanna Sabally** and **Sadibou Hydara** were brought in, he saw **Alagie Martin**, who is now a general in the army and others, storming in to torture them, and he heard the duo screaming in pain. He stated that **Alagie Martin** and one **Ndow** came in with an electric machine, which he reasonably believed was used to electrically shock them.¹⁵⁸ He also informed the Commission that **Sanna Sabally** and **Sadibou Hydara** were tortured several times, and sometimes, they would be removed from their cells and brought back with bruises on their bodies. At one point, **Hydara**’s body was swollen beyond recognition,¹⁵⁹ from the beatings and torture. He stated that the torture was usually conducted by a group but he could recall only **Alagie Martin** and **Ndow**.¹⁶⁰
157. **Alagie Martin**, who was adversely mentioned as one of the torturers of **Sanna Sabally** and **Sadibou Hydara**, testified that he was part of the soldiers that arrested **Sanna Sabally** at the

154 Testimony of Sanna Sabally, 25th April 2019 1432-1442.

155 Ebrima Ismaila Chongan, written statement to the TRRC, 8.12.2018, (Code 13133), page 30, para graph 4; page 31, paragraph 1-2.

156 Ebrima Ismaila Chongan, written statement to the TRRC, 8.12.2018, (Code 13133), page 33, paragraph 32.

157 Testimony of Sheriff Gomez, 10th January 2019, line 1306-1320.

158 Testimony of Sheriff Gomez, 10th January 2019, line 1503-1507.

159 Testimony of Sheriff Gomez, 10th January 2019, line 1466-1492.

160 Testimony of Sheriff Gomez, 10th January 2019, line 1462-1472.

State house. He told the Commission that he received orders to arrest **Sanna Sabally** on the allegation that he wanted to take over the country.¹⁶¹ He, **Musa Jammeh**, **Almamo Manneh**, **Alpha Bah** and **Manlafi Corr** effected the arrest with some guards, and they beat him up during this process.¹⁶² He confirmed that after the arrest of **Sanna Sabally**, he was taken to Mile II Central Prison by himself, **Edward Singhatey**, (which **Edward** denies), **Musa Jammeh (Malia Mungu)**, **Almamo Manneh** and **Manlafi Corr**. That evening, he was asked by the **Chairman (Yahya A.J.J. Jammeh)** to go and interrogate **Sanna Sabally**. He went with **Almamo Manneh**, **Ndure**, **Manlafi Corr** and **Pa Senghore (Lamin)**, and they went with their weapons only. When he was comforted with testimony of **Ebrima Ismaila Chongan** who said he was having a hammer, he denied it.¹⁶³ He also denied the testimony of **Sheriff Gomez** and **Sanna Sabally** that he and his team also had an electric machine that was used to torture him (**Sanna**) and **Sadibou Hydara**.¹⁶⁴ He stated that the only thing they did to **Sanna Sabally** “*was to beat and not torture him.*”¹⁶⁵ He testified that the second time he went to interrogate **Sanna**, he went with “*Senghore, Ndure, Musa Jammeh and Pa Modou, and they just beat him.*”¹⁶⁶ He denied that he participated in the torture of **Sadibou Hydara**.¹⁶⁷ To the witness, beating is not torture. In addition, his testimony is inconsistent with the account of other witnesses concerning the arrest of **Sanna Sabally** as well as the torture meted out to **Sanna Sabally** and **Sadibou Hydara**.¹⁶⁸ **Lamin Senghore**, also known as **assassin**, denied torturing **Sanna Sabally**.¹⁶⁹

THE KILLING OF OUSMAN KORO CEESAY (KORO)

158. The second incident within the ranks of the AFPRC, which shocked The Gambia and the international community, was the gruesome death of **Ousman Koro Ceesay**, the 33-year-old Finance Minister of The Gambia, which occurred on 25th June 1995. The shocking news was received with disbelief and consternation by members of his family and the general public, but not by the members of the Junta who had again carried out a “well-executed plan” to get rid of yet another person they perceived to be a threat to their false promises of accountability, probity and transparency. They were anything but what they were claiming to be, and the young **Koro Ceesay** was an upright person whom many regarded as a man of high integrity and intelligence.
159. **Koro** was first appointed as Permanent Secretary at the Office of the Chairman at State House. Within a short period, his outstanding qualities were recognised and he was appointed as Minister of Finance. However, in her testimony to the Commission, his sister **Ya Bajen Ceesay** told the Commission that his family, especially his mother, was unhappy about him accepting this appointment. However, he persuaded the family that he could not decline an offer to serve government and make a contribution to the development of the country, especially during that crucial period. His mother was deeply disturbed with his relationship with

161 Testimony of Alagie Martin, 20th June 2019, line 531-532.

162 Testimony of Alagie Martin, 20th June 2019, line 543-544.

163 Testimony of Alagie Martin, 20th June 2019, line 855-858.

164 Testimony of Alagie Martin, 20th June 2019, line 862-867.

165 Testimony of Alagie Martin, 20th June 2019, line 876.

166 Testimony of Alagie Martin, 20th June 2019, line 1002-1056.

167 Testimony of Alagie Martin, 20th June 2019, line 1084-1087.

168 (568) Edward Singhatey part 8 21-10-19 - YouTube, 0:15- 5:53/2:39:37.

169 Testimony of Lamin Senghore, 8th April 2019, line 1614-1655.

Edward Singhatey and had told her (**Bajen**) that **Koro** had an argument with **Singhatey** and he threatened to kill him.

160. Sadly, the family's apprehension became real when, on the morning of 25th June 1995, **Koro**'s charred remains were found inside his burnt official vehicle in the bush in Jambur under very suspicious circumstances. The incident was never investigated, according to witness testimonies. **Koro** was part of a high-profile delegation at the Banjul International Airport that saw **Chairman Yahya A.J.J. Jammeh** to Addis Ababa, Ethiopia (Addis) for the 1995 African Union (AU) Summit. When the flight left, he should have gone to his family home as he always did. However, he did not go to the family home this time round. Instead, he was lured to **Yankuba Touray**'s house and, according to the testimony received, was bludgeoned to death. Several of the guards of the Junta members, as well as **Edward Singhatey** and **Peter Singhatey**, testified to the Commission and told about the events that took place that night.
161. The Commission heard testimony from the staff of **Edward Singhatey (Fatty and LS Marong)** and the staff of **Yankuba Touray (Ndure and Jangum)** that on the day of **Koro**'s assassination, **Yankuba Touray**'s family was transferred to **Edward Singhatey**'s house, while the guards were sent on "a wild goose chase" to go on patrol to the beach because the country was "under attack by foreign forces". They patrolled the beach but found nothing. In his testimony **Alhagie Kanji**, narrated that they first went for a debriefing at **Edward Singhatey**'s house at Cape Point, where **Edward** told them that they were going to "get rid of one fucking cunt", before they proceeded to **Capt. Yankuba Touray**'s residence at around 8pm. Upon arrival, **Edward** asked them to stay because they had an activity at the airport and from there they would be coming to the house with one minister. That night, none of **Yankuba Touray**'s guards and his family members was around. **Kanyi** further told the Commission that **Peter Singhatey** was the first to arrive, followed by **Edward Singhatey**, and **Yankuba Touray** was the last to arrive with a civilian whom he did not know but presumed that he was the minister. As soon as he walked in, **Peter Singhatey** hit at the back with what looked like a big piece of wood. Then **Edward** hit and asked him **Kanyi** to hit, and later called others to hit until the man died. The remains were taken by **Edward Singhatey**, **Peter Singhatey** and **Yankuba Touray**. **Kanyi** testified that **Peter Singhatey**, **Pa Alieu Gomez**, **Tumbul Tamba**, **BK Jatta** and **Yankuba Touray** all participated in the killing. **Edward Singhatey** denied **Kanyi**'s testimony and said that he never worked with **Kanyi**. According to him, he had his own guards and did not need to work with **Kanyi**.
162. **Demba Njie**, the ADC to **Yahya A.J.J. Jammeh** at the time and **Kaba Bajo**, then Minister of the Interior and member of the AFPRC, both confirmed the "abnormal behaviour" of **Chairman Yahya A.J.J. Jammeh** and **Capt. Singhatey** at the foot of the aircraft on the day that they left for Addis Ababa. Unlike the normal farewell protocols, the **Chairman** and the Vice-Chair (**Edward Singhatey**) had two conversations before he (**Yahya A.J.J. Jammeh**) climbed up and boarded the plane. Shortly after arriving at his hotel in Addis Ababa (about 20-30 minutes), **Chairman Yahya A.J.J. Jammeh** called members of the delegation to his room and told them that "he had received very bad news that the Minister of Finance was involved in a car accident along the Jabang/Jambur Road and that it was a very unfortunate thing."¹⁷⁰ He also told them that the situation was serious as the car was burnt and the

170 (575) Lamin Kabba Bajo TRRC SITTING 16th APRIL 2019 PART 3 - YouTube, 6:40-11:27/1:34:18 accessed 17.09.2021.

Minister was burnt in the vehicle and that the Vice-Chairman and the persons on the ground were investigating the accident. Thereafter, **Yahya A.J.J. Jammeh** did not discuss the case again.¹⁷¹ **Demba Njie**, however, denied that this meeting took place.

163. A former Attorney General and Minister, **Mustapha Marong**, told the Commission that shortly after he returned from viewing the charred remains of **Koro Ceesay**, he spoke to **Edward Singhatey** but **Edward** never mentioned anything relating to the incident. This was strange because it was a cabinet minister who had died under very mysterious circumstances and, as acting Chairman at the time, he would have been informed about the death. The following day, after returning from the home of **Ousman Koro Ceesay** where he had gone to sympathise with the family, he reported back to **Edward** and informed him that the family believed foul play was involved in **Koro**'s death because he had no business in Jambur, let alone in the bush. According to the witness, as soon as he said that, he noticed that **Edward Singhatey**'s voice went up and he exclaimed, "murder!" This was also strange as, according to the witness, he had not hinted or suggested that it was a murder. **Edward Singhatey** insisted firmly that the death of **Koro Ceesay** was an accident, even though an investigation had not yet been carried out, as it was only a day after the event. No information or docket was sent to the Ministry of Justice indicating the circumstances surrounding **Koro**'s death and drawing a conclusion that it was an accident and seeking the minister's advice.¹⁷²
164. **Yankuba Touray** appeared before the Commission on 26th June 2019 under a subpoena as an adversely mentioned person. He refused to testify on the grounds of an immunity clause in the Constitution protecting the AFPRC members from prosecution in carrying out their duties during this period of the Junta's rule. He was charged with contempt by the Commission and handed over to the courts¹⁷³. On 14th July 2021, the High Court of The Gambia in Banjul convicted and sentenced the former Junta member **Yankuba Touray** to death for the murder of **Ousman Koro Ceesay**.

THE 1997 CONSTITUTION:

CHANGES MADE TO THE 1996 DRAFT CONSTITUTION THAT DID NOT REFLECT THE ASPIRATIONS OF THE PEOPLE OF THE GAMBIA

CHANGES MADE TO THE 1996 DRAFT CONSTITUTION

165. After the 2nd July 1994 military takeover, the 1970 Constitution was suspended by the Junta who began governing by decrees. To restore The Gambia to civilian rule, the AFPRC passed Decree 33 to set up a Constitutional Review Committee (CRC) mandating it to consult the people of The Gambia and to revise the Constitution of The Gambia.
166. **Mr. Gaye Sowe**, Executive Director of the Institute for Human Rights and Development in Africa (IHRDA) and a specialist in International Human Rights Law and Constitutional Law, was invited to present an expert paper to the Commission to help them better under-

171 (575) Lamin Kabba Bajo TRRC SITTING 16th APRIL 2019 PART 3 - YouTube, 6:40-16:24/1:34:18, accessed, 17.09.2021.

172 Mustapha L Marong, transcript, page 11, paragraph 213 – 228.

173 (564) YANKUBA TOURAY TRRC SITTING 26th JUNE 2019 - YouTube

stand how the Constitution which is the supreme law of the land was used by the AFPRC as a tool to engineer their grip on power. In his presentation, he highlighted the steps that were taken by the Junta to legitimise their stay in government. He informed that the Junta set up a Constitutional Review Committee (CRC) through Decree 33 of 31st March 1995. The CRC was mandated to consult with the people for Constitutional Changes.

167. The CRC completed consultations and handed over their report to the Junta. The draft that was submitted based on extensive consultations reflecting the hopes and aspirations of the people of The Gambia. The Junta made significant changes to draft. **Mr. Gaye Sowe** metaphorically described the differences between the draft 1996 Constitution and the 1997 Constitution of the Republic of The Gambia as “*what was taken into the kitchen and what is dished out is different from what you cooked.*”¹⁷⁴ It was the modified revised draft that reflected the hopes and aspirations of the AFPRC, and not the people of The Gambia who went to the referendum and what the people voted for to become the 1997 Constitution of The Gambia. He illuminated how Gambians were blindsided into accepting a Constitution that did not reflect their wishes and aspirations due to the significant changes that the AFPRC made in the draft Constitution that was presented to them for consideration. These changes contributed greatly to disempowering the citizenry by granting the executive and the President absolute power. According to the witness, **Gaye Sowe**, “*the 1997 Constitution grants the President the powers of an absolute monarch.*”¹⁷⁵

168. Some of the changes in the 1996 Draft Constitution include:

- i. *The preamble of the 1996 Draft Constitution was changed by adding the following statement: “The sovereign people of The Gambia therefore endorsed the change of government of 22nd July 1994 to rectify such evils.”*¹⁷⁶ This meant that the Gambian people accepted and supported the 1994 coup d’état by the AFPRC and for the stated reason.
- ii. *Section 7(c) of the 1996 draft was a saving provision for the existing laws under the 1970 Constitution. However, this was changed to include the decrees passed by the AFPRC.*
- iii. *The appointment of ministers, the Independent Election Commission chairman, judges, auditor general, ombudsman and deputy ombudsman, board of directors of the Central Bank, members of the Public Service Commission, inspector general of police, director general of prisons, chief of defence staff and commander of the army and the navy should be confirmed by Parliament to ensure that they were screened and the right individuals were appointed. However, these provisions were removed by the AFPRC and these appointments were only subject to the approval of the President.*
- iv. *The provision for a runningmate, which would enable the people to have a say in choice of the vice-president, was removed from the Draft Constitution.*

174 (568) TRRC GAYE SOWE PT1 01.04.21 - YouTube, 37:10-37:35/1:30:20, accessed 13.09.2021.

175 Testimony of Mr. Gaye Sowe, 1st April 2021, < <https://witness.youtube.com/watch?v=Jwti9krllGI>>, accessed 09/06/21.

176 Gaye Sowe, statement submitted to the TRRC by Mr. Gaye Sowe, page 3.

- v. *Term-limits were also provided for in the 1996 Draft Constitution under section 63 (3) which stated that “no person shall hold office as President for more than two terms of five years each, whether or not such terms are consecutive.”*¹⁷⁷ This provision was entrenched to ensure that it could only be amended through a referendum. This provision was also removed.
- vi. *The position of “an independent Office of the Director of Public Prosecutions (DPP) who will not be answerable to the Attorney General or anyone”*¹⁷⁸ was also removed. This provision would have made it difficult for the President to interfere with the prosecutorial power of the Office of the DPP.
- vii. *Section 54 of the 1996 Draft Constitution provided for membership to Parliament. This section provided for “60 members of Parliament, 20 of whom are to be elected in accordance with the principle of proportional representation, provided for in section 54 of the 1996 Draft. Under section 93, the speaker and deputy speakers were to be elected from elected members of Parliament, and they couldn’t come from the same political party.”*¹⁷⁹ It was changed to read that: “*where one was removed from his or her political party, he/she will lose their seat in Parliament. This provision was used by the former President Yahya A.J.J. Jammeh against elected members of his own party and to dismiss nominated members at his own whims.*”
- viii. *1996 Draft Constitution provided a registered voter with the power to challenge the validity of the election of a president of The Gambia. However, the phrase ‘registered voter’ was changed to “registered political party or an independent candidate who contested in the election.”*¹⁸⁰ The right given to registered voters under the 1996 Draft is necessary in any democratic society to ensure that they have the right to challenge the validity of the election of a president. This right was limited by the AFPRC so that only registered political parties or independents that contested an election could challenge its outcome.
- ix. *The independence of the Judicial Service Commission (JSC) was provided for in the Draft Constitution in the clause: “The JSC shall not be subject to the direction or control of any person or authority.”*¹⁸¹ In addition, the 1996 Draft also provided for security of tenure of judges. There were clear set criteria for the removal of a judge. These were changed and replaced by a new provision that gave the President the power to terminate the appointment of a judge. This provision threatened the independence of the Judiciary and was utilised by the Yahya A.J.J. Jammeh to terminate the services of judges, thus resulting in the compliance of so many judges who acted in the interests of the former President.
- x. *The draft Constitution did not also contain any immunity clauses. These provisions which grant immunity to the AFPRC officials and the government were inserted in the Revised Draft Constitution. The provisions were also made unamendable.*

177 Gaye Sowe, statement submitted to the TRRC by Mr. Gaye Sowe, page 3.

178 Testimony of Mr. Gaye Sowe, 1st April 2021, < <https://witness.youtube.com/watch?v=Jwti9krllGI>>, accessed 09th/06/21.

179 Statement submitted to the TRRC by Mr. Gaye Sowe, page 4.

180 Statement submitted to the TRRC by Mr. Gaye Sowe, page 4.

181 Statement submitted to the TRRC by Mr. Gaye Sowe, page 4.

169. These amendments to the Draft 1996 Constitution of The Gambia helped to create a dictatorship in The Gambia. They also undermined the viability and credibility of the 1997 Constitution as the supreme law of the land embodying the aspirations of the Gambian people.

OVERT SHOW OF POWER TO FRIGHTEN THE PEOPLE OF THE GAMBIA AND PERSONS RESIDENT IN THE COUNTRY

170. The “soldiers with a difference” displayed sheer power to put fear into the hearts and minds of Gambians and persons living in The Gambia. One such show of power was the President’s convoy. The vehicles from the office of the Chairman or Vice-Chairman would speed along the roads and anyone who dared to cross the road or not stand to show respect to the convoy was severely dealt with. The heavy handedness on the roads by the Chairman’s or Vice-Chairman’s security detail against anybody perceived to be obstructing or disrespecting **Yahya A.J.J. Jammeh’s** or **Sanna Sabally’s** convoy was aimed at intimidating and oppressing the entire population. This was one element of the broader objective in pursuit of self-perpetuation, which was intensified in later years.

171. **Sanna Sabally** admitted that after the military takeover, in his position as Vice-Chairman of the AFPRC, members of his security detail – including the bodyguards and drivers – attacked road users that were perceived to be obstructing his convoy. He emphasised that he did not give them such instructions but that they knew what they should do for his protection. The bodyguards knew what they should do in such instances even though there was no standard operational procedure for bodyguards in the army. He confirmed that he knew that it was unlawful to go around beating people that obstructed his convoy but they continued doing so.¹⁸² He also admitted to knowing about the following incidents of assaults on innocent road users committed by members of his security detail – including bodyguards **John C B Mendy, Baboucarr Njie alais Njie Ponkal, BA Njie, Zakaria Darboe and the late Albert Gomez,** and drivers **Dembo Gibba, Alkali Jallow and Lamin Drammeh.**¹⁸³ It should be noted that some of these incidents were used against the former Vice-Chairman of the AFPRC when the Junta wanted to get rid of him. Below some examples:

i. *On 25th January 1995, while on their way from Brikama to Banjul, a vehicle suddenly swerved between the lead vehicle and Sanna’s official vehicle from the left side of the road. This occurred around Lamin Village while his convoy was traveling on the right-hand side of the road. The lead vehicle made a sudden break and so did the rear vehicle, creating a perimeter around his vehicle to secure it. The driver of the other vehicle sped off. The bodyguards pursued him, apprehended him and took him to Banjulinding Police Station. Sanna Sabally told the Commission that it was possible that the driver was beaten but he was aware of it. The driver, Abdoulie Tekanyi – an employee of the Gambia Civil Aviation Authority – was later charged, convicted and sentenced to pay a fine of D1000, and his driving license was suspended for six months.¹⁸⁴ JCB Mendy confirmed that he was in the Vice-Chair’s vehicle that day and that they chased the car, as they believed that it endangered their convoy. By the time they caught up with the sweeper vehicle, the man was already manhandled, although*

182 Testimony of Sanna B Sabally 24th April line 2333-2346
 183 Testimony of John Charles B Mendy 18th March 2019 line 596 -651
 184 Testimony of Sanna B Sabally, 24th April 2019, line 2250-2292.

he did not know if he was beaten. When confronted with an NIA investigation report titled “Incidents of Assault by Sanna Sabally” in which it was alleged that “one Ablie Tekanyi had been assaulted by Captain Sanna Sabally and his escorts at Lamin,” he insisted that he was not aware of Mr. Tekanyi being beaten and that he did not participate in any beating.¹⁸⁵

- ii. *The case of Alo Bah was reported in the Daily Observer newspaper. The newspaper article reported that one Alo Bah was shot on 27th January 1995 at the Brikama-Serrekunda Highway. Sanna Sabally told the Commission that he was not sure about the date because he was in prison by then.¹⁸⁶ He stated that he could, however, recall the incident with Alo and if his guards admitted that “they did it,” he too would admit same. He was also referred to a Point Newspaper article dated 30th March 1995, which reported that a young mother called Alo Bah was requesting for compensation of one million from the State after being hit by a bullet from the convoy of Sanna Sabally. The incident took place in January 1995 while she was selling potatoes at Latrikunda Sabiji market on 25th January 1995. Sanna Sabally, however, confirmed that that day was the day of his son’s naming ceremony and he remembered the incident with the taxi.¹⁸⁷ He stated that whenever a vehicle obstructed his convoy, the bodyguards “take security measures irrespective of who the person is or where, what happened,” and that involves beating people and “getting things done at all cost.”¹⁸⁸ Even though he denied that his convoy was responsible for shooting Alo, he apologised to her publicly for what happened to her.¹⁸⁹*
- iii. *On one occasion, the convoy was travelling from the Brikama towards Babun Fatty Highway when a vehicle obstructed Baba Njie’s vehicle. He got out of the vehicle he was travelling in, which was Sanna Sabally’s vehicle itself, and burst the tyres of the obstructing vehicle.¹⁹⁰*
- iv. *The fourth incident was in relation to the obstruction of the rear vehicle. They got down from their vehicle and physically assaulted the driver and burst the tyres of the vehicle.¹⁹¹*

V. SHOOTING OF TYRES OF VEHICLES

Sanna Sabally confirmed the incident involving **Dr. Sabally** around Cooperative in the KMC, whose vehicle tyres were shot.¹⁹² **JCB Mendy** testified that on another occasion, when they were rushing to the airport, one vehicle kept moving from Buffer Zone to Kaw Junction and did not stop. He stated that he did not know if the driver refused to leave the road or that he did not hear the siren. Consequently, they managed to sweep him off the road and then bust the tyres of his vehicle. The owner of the vehicle was **Mr. John Njie. Mendy** claimed that he was not aware if **Mr. Njie** was beaten. However, he admitted that he shot the tyres but denied knowledge of the beating of **Mr. Njie.**¹⁹³

185 Testimony of John Charles B Mendy, 18th March 2019, line 727-764.
 186 Testimony of Sanna B Sabally, 24th April 2019, page 107, line 2418-2429.
 187 Testimony of Sanna B Sabally, 24th April 2019, line 2438-2489.
 188 Testimony of Sanna B Sabally, 24th April 2019, line 2496-2513.
 189 Testimony of Sanna B Sabally, 24th April, 2019, line 2514-2562.
 190 Testimony of Baboucarr Njie, 15th April 2019, line 2809- 2812.
 191 Testimony of Baboucarr Njie, 15th April 2019, line 2812-2834.
 192 Testimony of Sanna B Sabally, 24th April 2019, line 2347-2358.
 193 Testimony of John Charles B Mendy, 18th March 2019, line 675-7222.

OTHER INCIDENTS OF BULLYING

INCIDENT OF BEATING A PERSON ACCUSED OF INSULTING THE AFPRC

172. **Baboucarr Njie** testified that one day, **Sanna** asked them to go and pick up a civilian at Serrekunda Police Station. The individual was taken to **Sanna Sabally**'s residence where he asked them to “deal with him”.¹⁹⁴ According to **JCB Mendy**, **Sanna Sabally** asked the man why he was insulting the President, and when the man did not respond, he asked them to give him military punishment.¹⁹⁵ The said individual was subjected to series of punishments such as frog jumping, squatting and bathing with cold showers.¹⁹⁶ **Baboucar Njie** testified that while this was going on, they were beating and kicking him. He and other orderlies were acting on the instructions of **Sanna Sabally**. He stated that giving the said individual a bath was a form of a punishment. A pipe was fixed to the tap and they were using it to splash water on him.¹⁹⁷ **Sanna Sabally**, on the other hand, testified that **Yahya A.J.J. Jammeh** asked him to go and arrest someone at the Gamtel telephone booth in Serrekunda for insulting the council members. The man was one **Fafa Ceesay**. He arrested him, and he was taken to Serrekunda Police Station. Subsequently, he learnt that **Yahya A.J.J. Jammeh** called the station and asked them to take the man to the State House. He denied that **Fafa Ceesay** was taken to his residence.¹⁹⁸

CONCLUSIONS

173. The first session of the public hearings of the TRRC set the scene that enabled the Commissioners to have a better understanding of the persons who were behind the 22nd July 1994 coup d'état, the raison d'être of the coup d'état and their actions after having legitimacy through successfully carrying out the coup and gaining public support it. Having two former vice-chairmen of the AFPRC – **Captain Sanna Sabally** and **Edward Singhatey** – to testify at the public hearings of the TRRC enabled the Commission and the public to gain insights into the psyche of the persons who called themselves “soldiers with a difference”. The perspectives of other persons who participated in the coup d'état, their victims – including senior members of the GNA at the time of the coup d'état – politicians, ordinary civilians and a widow of one of their victims, are also helpful to the Commission. The Commissioned Report to The Gambia's Truth, Reconciliation and Reparations Commission: 1994-2017 By **Abdoulaye Saine, Ph.D.** enhance the Commission's understanding of the psyche of the Junta members, and **Yahya A.J.J. Jammeh** in particular.
174. The choice of the name “soldiers with a difference” was a deliberate intention on the part of the Junta to make the public see them in a positive light and make them genuinely believe that they were going govern in a ‘transparent and accountable’ manner and to undertake

194 Testimony of Baboucarr Njie, 15th April 2019, line 2843-2847/Testimony of John Charles B Mendy, 18th March 2019, line 856-861.

195 Testimony of John Charles B Mendy, 18th March 2019, line 861-864.

196 Testimony of John Charles B Mendy, 18th March 2019, line 866-869/Testimony of Baboucarr Njie, 15th April 2019, line 2847.

197 Testimony of Baboucarr Njie, 15th April 2019, line 2849-2899.

198 Testimony of Sanna B Sabally, 24th April 2019, line 2360-2402.

meaningful development. In reality, however, they acted very differently from the way in which they wanted to be perceived. The principal actor, **Chairman Yahya A.J.J. Jammeh** was driven by the mindset that “the monkey will not work and allow the baboon to eat or reap the benefit”. He would not tolerate any threat to his self-perpetuation agenda – from outside or within the AFPRC.

175. Dictators have a common characteristic. That is, they are able to maintain political power by using violence and propaganda. The Junta used these two strategies and their leadership skills to persuade the public to believe their agendas. They used decrees to control the flow of information in order to maintain power. Lastly, they used legitimation by strongly condemning corruption, under-development and high moral rhetoric with a view to not only winning the hearts of the people but also getting people who would kill, maim, torture and tamper with the Constitution so that they could stay longer in power. After the two years, the Junta took off their military uniforms and became civilians, and **Yahya A.J.J. Jammeh** contested in the presidential election they organised.

FINDINGS

THE COMMISSION FINDS THAT:

1. Even though the military coup was bloodless and the junta declared to the Gambian people that its style of governance would be guided by the principles of “transparency, accountability and probity” to legitimize the coup and win public support, in practice, they ruled by fear and oppression.
2. In order to have a tight control over the entire machinery of government and the prevailing political climate, the Junta ruled by Decrees. This was a deliberate strategy to ensure that Decrees, laws passed by the AFPRC, superseded and prevailed over all other laws. In practical terms, this means Decrees promulgated by the Junta carried more legal power, weight and authority over and above any other laws, including the subsisting parts of the 1970 Constitution. Decrees passed by the Junta have been incorporated in the 1997 Constitution and are thus part and parcel of the laws of the country as per section 7 of the Constitution.
3. Decrees were passed to keep political and security detainees in prison and other detention facilities. This led to a system where courts granted accused persons bail but the NIA and the Police would disregard those orders and continue to detain certain individuals.
4. The Junta restricted the freedom of expression by suppressing and stifling freedom of expression immediately after the takeover.
5. While the Junta used the media to communicate its ideology to the people, it was also adamant to control socio-political narrative at the time and to have a tight control on the flow of information.
6. The arrests and subsequent prosecution of **Halifa Sallah** and **Sidia Jatta** were meant to crush dissent. This was a strategy by the Junta to curtail and control the flow of information to the public.

7. In terms of the state security apparatus, the NIA and Police were used as instruments of oppression. Between 1994 and 1996, opposition politicians were at risk of arrests without due process or access to a lawyer. Most of them were tortured and subjected to cruel and inhumane and degrading treatment.
8. The State was complicit in the systemic violation of the rights of the opposition supporters, especially, former PPP ministers and UDP supporters.
9. Any dissent, especially from the former PPP ministers was met with disproportionate, unreasonable and unlawful crackdown.
10. The unlawful arrests and detention of **Omar Amadou Jallow** (more commonly known as **O.J Jallow**), **Alhagie M.C. Cham** (**M.C Cham**), **Alhagie A.E.W Badjie** (**Kama**), **Omar Sey** and the other PPP Ministers in the wake of the takeover, violated their basic fundamental rights and freedoms.
11. **Alhagie M.C. Cham**, **Omar Jallow (O.J)**, **Alhagie A.E.W Badjie** (**Kama**), **Omar Sey** and other former PPP Ministers were physically and psychologically tortured by **Batch Samba Jallow** (Soilder and Driver to **Sanna B. Sabally**) and other soldiers at the instructions of the junta. The former ministers were lined up and soldiers pressed pistols in their mouths. They were threatened to be shot by soldiers. The threat of being killed especially with pistols forced in their mouths, giving the impression of being killed imminently, was designed to break the detainees.
12. **Omar Jallow (OJ)** was physically and psychologically tortured by the junta members at the Mile 2 prisons following his arrest on 6th November 1994. The brutal treatment of **O.J Jallow** in the form of kicking, beatings, slapping and hitting with truncheons by Batch Samba Jallow on the orders of **Sanna Sabally**, **Edward Singhateh**, **Sadibou Hydara** and **Yankuba Touray** was intended to silence him and the other ministers through unlawful, cruel and inhuman treatment.
13. When **Omar Jallow (O.J)** and former PPP Ministers were arrested, the four (4) Council members, **Sanna Sabally**, **Edward Singhateh**, **Yankuba Touray** and **Sadibou Hydara**, not only failed to stop the beatings but encouraged it by even laughing, in other words, enjoying the torture and humiliation of **OJ Jallow** and the other ex-Ministers.
14. It is clear that the Military Junta intended to humiliate the former Ministers by arresting and driving them around in an open truck. From the evidence, **Omar Jallow (O.J)** was singled out and beaten to set an example and deter the others from criticising the military regime. The Junta had no regard for the law or the people whose rights they were violating. They used torture as a means to crush the spirit of the former ministers and PPP supporters in general at Mile II prisons without any reasonable cause or justification.
15. The *incommunicado* detention of **M.C. Cham** at Banjul Police Station in 1994 for weeks without any charge or access to family and lawyer was cruel, inhuman and degrading treatment.
16. **Sanna Sabally**, **Batch Samba Jallow** and some soldiers tortured **Omar Jallow (O.J Jallow)** when they arrested him from his residence on 6th November 1994. This was done in the presence of his family and intended to humiliate him.

17. **Sanna Sabally**, **Edward Singhateh**, **Sadibou Hydara** and **Yankuba Touray** subjected the former PPP ministers to a mock execution at Mile II prisons by removing them from the remand wing, leading them away from the other detainees and firing shots in the air so as to make the others genuinely believe that their colleagues were being executed by firing and their own executions were imminent. This was intended to instill fear in the minds of the detainees and this level of mental and psychological torture amounted to cruel, inhuman and degrading treatment by the junta members.
18. **Yahya Jammeh**, the Chairman of the AFPRC Junta was jointly and severally culpable for all the tortures, cruel, inhuman and degrading treatments of the PPP detainees and serious human rights violations committed against the detainees because according to the evidence of **Edward Singhateh**, the Commission can draw adverse inference that he (**Yahya Jammeh**) ordered these rights violations or at least had reasonable knowledge of them and failed to stop same.
19. The arrests and unlawful detention of the former PPP ministers at the Mile II prisons was the beginning of a much bigger plan to crush any form of opposition to the Junta's reign. The Junta did not honour its promise of handing over power to a civilian government. Instead, they launched a wider campaign to persecute members of opposition parties to intimidate them and instil fear in the opposition and the population at large.
20. The NIA as an institution became a weapon and symbol of oppression, and the State condoned brutality with impunity to terrorise the population and perceived enemies of the junta. NIA officials then such as **Daba Marenah**, **Musa Kinteh**, **Baba Saho**, **Foday Barry**, **Musa Saidu Khan**, **Lamin Babadinding Jobarteh** and others acted with impunity in committing acts of torture and other forms of assault causing physical injury to detainees.
23. With regards the detention and torture of political detainees at Fajara Barracks, the Commission finds that the conditions and treatment amounts to cruel, inhuman and degrading treatment and punishment.
24. As for those detained in relation to an alleged demonstration in 1995, this was a fabrication by the State. It was a pretext to justify the detention of the prominent politicians and civilians. The detainees were subjected to torture and barbaric treatment and kept in inhumane and degrading conditions and deprived of their fundamental rights and freedoms.
25. Omar Jatta was arrested from his home in Serrekunda for allegedly holding a meeting of PPP supporters at Bakoteh. He was interrogated at the NIA by **Daba Marenah (deceased)**, **Foday Barry**, and **Sainey Manneh**, **Njaga Mendy**, **Ousman Sidibeh**, **Salimina Drammeh** and other NIA officers he could not identify. In the process of interrogation, Omar Jatta was tortured by **Ousman Sidibeh** and **Salimina Drammeh** including by subjecting him to partial nudity and genital electrocution.
26. Sainey Faye was tortured during his interrogation at the NIA through electrocution around his genitals and beatings. **Daba Marenah** (deceased) supervised his torture while **Musa Saidu Khan**, **Baba Saho** and **Salimina Drammeh** tortured him.
27. Batch Samba Jallow was tortured from the point of arrest and during his detention at NIA. **Daba Marenah (deceased)**, **Baba Saho**, a soldier referred to as **Mr. Mendy** and **Foday Barry**. Later on, during his detention, the same officers, excluding **Mr. Mendy**, participated

in the subsequent multiple incidents of torture against Batch Samba by electrocution on his genitals, beatings and lacerating his body with a knife.

28. **Foday Barry** and **Baba Saho** tortured Mama Jawara during her detention at the NIA through stampings, kicking and beating. Even though both of them denied torturing her, the Commission knows that this was the modus operandi of the Investigation Team led by **Foday Barry** and **Baba Saho**, who have tortured the others who were detained together with Mama Jawara. As such, the Commission believes the evidence of Mama Jawara.
29. Seedy Sanneh, Lamin Gassama and Massaneh Sanneh who were also detained at the NIA, were tortured by electrocution and beatings by **Daba Marenah** and others who could not be identified by Seedy Sanneh.
30. The Commission finds that **Salimina Drammeh's** admission PPP supporters detained at the NIA in 1995 were tortured as credible. However, the Commission rejects his statement that he did not participate in the tortures of Omar Jatta and Sainey Faye. This is a mere effort to seal himself from responsibility, the Commission is convinced by the corroborated evidence of witnesses that **Salimina Drammeh** participated in the tortures mentioned earlier.
31. The arrest of the PPP supporters was arbitrary and their detention unlawful. Even in the face of legal opinions suggesting that the evidence was insufficient to sustain the accusations against the detainees, the government still kept them in detention for one year.
32. On the totality of the evidence, it appears that the main reason for the detentions of the PPP supporters was to instill fear amongst politicians in general.
33. On conditions of detention, the detainees were subjected to harsh detention conditions amounting to inhuman and degrading treatment.
34. There is evidence of sexualized torture on **Kosso Taylor**, which is corroborated by **Sainey Faye** and the forced nudity of **Malang Fatty**. The soldiers intended to inflict physical and psychological pain and trauma on the detainees, and they did so without any show of sympathy or concern. This was done in the name of **Yaya Jammeh** and the other members of the Junta.

SECURITY DETAINEES FOLLOWING JULY 22 COUP

35. On September 6 1994, junta members, except Yahya Jammeh but with his approval, their orderlies and **Peter Singhateh**, visited Mile II central prison purposely with the intention to torture and intimidate the security detainees and **Edward Singhatey** pointed a gun at **Sheriff Gomez** and threatened to shot him, causing **Sheriff Gomez** extreme psychological trauma and fear of being imminently killed.
36. **Edward Singhatey** in concert with the other Council members, on the night of 6th September 1994, put a rifle in **Mamat Cham's** mouth and threatened to shoot him. This caused **Mamat Cham** severe traumatic experience and fear of being imminently killed.

37. The decision to visit the security detainees at Mile II Central Prison on the night of September 6 1994 and subjecting **Ebrima Chongan, Mamat Cham** and Jeng to physical torture and the others to psychological torture by carrying out mock executions to instill fear of imminent death by execution was a collective one by all the AFPRC members, **Yahya Jammeh, Sanna Sabally, Edward Singhatey, Sadibou Hydera** and **Yankuba Touray** and they are all complicit jointly and severally.
38. Despite denying individual responsibility for the physical torture of **Sheriff Gomez** and **Mamat Cham** and psychological torture of the other security detainees on the night of September 6 1994, Edward Singateh's evidence was evasive, unreliable and not untruthful. The Commission holds that **Edward Singhatey** was a key participant in torturing the detainees and the witnesses' description of his actions and actual state of mind was consistent with his personality in the early days of the junta's rule.
39. The rest of the security detainees who were not physically tortured were psychologically and mentally tortured as a direct consequence of the actions of the council members and their orderlies, in the mock execution of some of the detainees.
40. The majority of the security detainees, if not all of them, were not security threats to the junta or the state's national security and accordingly their prolonged detention was unlawful and disproportionate.

TORTURE OF SANNA B. SABALLY AND SADIBOU HYDARA

41. Following the arrests of Captain **Sanna B. Sabally** and Captain **Sadibou Hydera** on January 27 1995, they were subjected to severe brutal, cruel, inhumane and degrading forms of torture at Security Wing No. 1 of Mile II Prison.
42. Sanna Sabally and Sadibou Hydera were subjected to frequent and consistent patterns of torture to extract false confession from them. These torture sessions were led by **Alagie Martin, Manlafi Corr, Lamin Senghore (aka Assasin), Batch Samba Jallow** and **Baboucarr Mboob** and some unidentified NIA operatives. **Pa Modou Sarr** was present at these torture sessions, however, he never participated in the physical torture of Sabally and Hydera.
43. Two unidentified women who were close to Sanna Sabally were detained and sexually tortured both at the NIA and Mile II prison following his arrest to force Sabally to confess to planning a coup against Jammeh with Hydera. This was to give credibility to the state publicised narrative that Sabally and Hydera indeed planned overthrowing Jammeh.
44. The Commission believes the account of several witnesses who testified that Sadibou Hydera died as a result of the severe and extreme forms of torture that he was subjected to by Alagie Martin and his team of torturers. This position rebuts the false narrative that the Junta peddled at the time to mask the truth of what actually happened.
45. **Baboucarr Sanyang** was tortured by **Alagie Martin, Lamin Senghore (aka Assasin)** and others that the victim was unable to recognize.

RECOMMENDATIONS

1. In terms of the mass arrests of ex-Ministers and political opponents, the Commission recommends the prosecution of the AFPRC junta members, namely **Yahya Jammeh**, **Sanna B. Sabally**, **Edward Singhatey** and **Yankuba Touray** for ordering the unlawful arrests, detention and torture of **Omar A. Jallow**, **M. C. Cham** and the others held at Fajara Barracks.
2. Persons subjected to detention have rights that must be respected. Any place designated as a detention facility should meet standards required by relevant laws and international instruments to which The Gambia is a party. The government should put in place procedures for designating a place as a detention centre. The authority making the decision should ensure:
 - (i) *The place is clean and hygienic and weather proof.*
 - (ii) *The place is suitable for habitation by human beings.*
 - (iii) *Essential facilities that are ordinarily required on a day-to-day basis by detainees should be available. These include toilet facilities, prayer facilities, first aid and basic medical facilities.*
 - (iv) *Bed and beddings are available.*
 - (v) *Regular and intermittent supply of food and water.*
3. **Almamo Manneh**, **Baboucarr Bah**, **Musa Jammeh** aka Maliamungu, **Sergeant Gomez** aka Hitler and **Kawsu Camara** aka Bombardier were all complicit in torturing and subjecting detainees to inhuman and degrading punishment. The Commission is of the view that the Amnesty Committee should consider recommending **Baboucarr Bah** for amnesty in view of his testimony and the fact that he showed remorse and participated in reconciliation with his victims.
4. **Almamo Manneh** and **Musa Jammeh** are deceased. For **Sergeant Gomez** (Hitler) and **Kawsu Camara** (Bombardier), the Commission recommends that they should not hold any office with the government of The Gambia for ten years.
5. Repeal of the Decrees susceptible to rights violations and abuses.
6. Review of all laws that are relevant to the grant of bail with a view to establishing a regime that takes into cognisance the value of individual liberty and to balance same with the need to curb flight from justice taking into account the demands of a modern democratic state.

