



TRUTH,
RECONCILIATION
AND REPARATIONS
COMMISSION

THE GAMBIA

REPORT

VOLUME 5

- **ATTACK ON
RELIGIOUS FREEDOMS**
- **ATTACK ON ROAD USERS**

REPORT

VOLUME 5

**• ATTACK ON
RELIGIOUS FREEDOMS**

• ATTACK ON ROAD USERS

ATTACK ON RELIGIOUS FREEDOMS

CONTENTS

1.	INTRODUCTION	1
2.	THE LAWS PROTECTING THE RIGHT TO FREEDOM OF RELIGION	2
3.	RELIGIOUS HARMONY IN THE FIRST REPUBLIC•3	
4.	USE OF RELIGION TO CONSOLIDATE AND TO SOLIDIFY THE DICTATORSHIP	5
5.	THE SUPREME ISLAMIC COUNCIL AND ITS RELATIONSHIP WITH YAHYA JAMMEH	6
6.	MANIPULATION OF THE SUPREME ISLAMIC COUNCIL BY YAHYA A.J.J JAMMEH	8
7.	MANIFESTATIONS OF RELIGIOUS INTOLERANCE BY THE SUPREME ISLAMIC COUNCIL	10
8.	TARGETING OF VARIOUS RELIGIOUS COMMUNITIES	18
	OPPRESSION OF THE MEMBERS OF THE AHMADIYYA MUSLIM JAMAAT	18
	OPPRESSION OF THE CHRISTIAN COMMUNITY•	20
	OPPRESSION OF RESIDENTS OF KERR MOT ALI (THE NDIGGAL SECT)	21
11.	BANNING OF SHIA MUSLIMS IN THE GAMBIA •23	
12.	TARGETING OF INDIVIDUAL RELIGIOUS LEADERS•24	
	TESTIMONY OF ALHAIBA HYDARA	24
	TESTIMONY OF ISMAILA MANJANG	25
	TESTIMONY OF BA KAWSU FOFANA	26
	TESTIMONY OF IMAM BABA MUHTAR LEIGH	27
13.	CONCLUSION	29
14.	FINDINGS OF COMMISSION	31
15.	RECOMMENDATIONS	32

1. INTRODUCTION

1. The freedom of conscience to choose and freely exercise one's religion is a fundamental human right protected by numerous modern human rights laws such as the International Convention on Civil and Political Rights (ICCPR) and Article 8 of the Banjul Charter, which states *-Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms.* In The Gambia, section 25(1)(c) of the Constitution of The Republic of The Gambia, 1997 guarantees every person in The Gambia the freedom to practice any religion and manifest such practice. However, under the span of twenty-two (22) years of Yahya Jammeh's regime, these freedoms were gradually eroded, similar to many of the other fundamental freedoms guaranteed by the 1997 Constitution. The Gambian population is estimated to comprise a population of 95.7 percent Sunni Muslims, a Christian community of up to 4.2 percent of the population (the majority of whom are Roman Catholics) and Ahmadi Muslims, Baha'i, Hindus, Eckankars and adherents to traditional religions making up less than 1 percent of the population
2. Section 1 of the 1997 Constitution as contained in the 2009 Revised Edition of the Laws of The Gambia, states that The Gambia is a sovereign secular republic. This provision unambiguously declares the neutrality of the state in religious matters. The Gambia is a multi-cultural and religious society where religious leaders are held in high esteem and have the power to sway public opinion. They are often perceived as the intermediaries who interpret God's word and laws. Socio-culturally, the belief in spirits and spiritual knowledge, and supernatural beings comes from a belief that some people (mostly religiously trained people) possess supernatural knowledge about these things.
3. Between the military junta's takeover of the government in 1994 and former President, Yahya Abdul Aziz Jemus Junkung Jammeh's election defeat in December 2016, arbitrary interference with religious rights in The Gambia by the government became increasingly common¹. Sheikh, His Excellency, Professor, Alhaji, Doctor Yahya A.J.J Jammeh as he preferred to be called used his position and influence to gain religious titles such as "Sheikh," which is reserved for qualified Islamic scholars and "nasiru-deen," meaning Defender of Religion in Islam which is given to outstanding champions and contributors to Islam. Through patronage, he also secured honorary membership of the Supreme Islamic Council, (SIC) which is the leading Islamic organisation in The Gambia, and many other religious groups and organisations. This then gave the President a façade of religious legitimacy behind which he could manipulate religious beliefs and sentiments intended to bolster his political objectives. Yahya A.J.J. Jammeh proceeded to ensure that only an interpretation of Islam that suited him was propagated and religious plurality was viciously restricted. These acts, which were either carried out or orchestrated by the Jammeh government, unravelled the longstanding history of religious harmony that was characteristic of Gambian society during the first republic, leaving a very polarised society in the aftermath of the regime.
4. On the 11th session of the public hearings of the TRRC which took place from the 20th of January to the 19th February 2020, the TRRC focused on the theme of attacks against

² The point Newspaper: <https://thepoint.gm/africa/gambia/article/president-jammeh-forbids-eid-prayer-on-tuesday>

religious freedoms. Seventeen (17) witnesses testified under this theme. The public hearings provided an opportunity for the different religions including the Christian Council and the Ahmadiya Muslim Jamaat to present their experiences in the country pre and during the Jammeh regime.

The *ndigal* sect, a non-conformist Islamic religious sect based in the Central River Region of the country who were subjected to gross violations of their human rights resulting in their being forced to leave their homes and to settle in neighbouring Senegal.

5. An expert witness, Professor Abdoulaye Saine who was commissioned by the TRRC to analyse the antecedents that contributed to the gross human rights violations that occurred in The Gambia between July 1994 and January 2017 also testified and this is what he had to say: “Thus, religious leaders and marabouts, sometimes one and the same, wield considerable power over all aspects of society. In doing so, they not only serve as intermediaries and intercede on behalf of and between believers and God, but they also help legitimize those in power. The belief that a “leader” is sanctioned and installed by God, is commonly shared by all- the sub-text of which is: one does not challenge leaders installed by God, because when you do, you challenge God.”²

2. THE LAWS PROTECTING THE RIGHT TO FREEDOM OF RELIGION

6. Section 1.1 of the 1997 Constitution as contained in the Revised Edition of the Laws of The Gambia of 2009, provides that The Gambia is a **sovereign secular republic**. The word “*secular*” in this section was not in the original 1997 Constitution. It is purported to be included in the constitution via a constitutional amendment by Act No:6 of 2001. This Act was passed on the recommendation of then Minister of Justice and Attorney General Joseph Henry Joof seeking to amend Section 1 of the 1997 Constitution by adding the word “*secular*” thereby stating that The Gambia is a **sovereign secular republic**.
7. Section 1 of the 1997 Constitution is an entrenched clause and the proposed amendment contained in Act No:6 of 2001 should have been submitted to the people for a referendum. That was not done. The amendment although passed by the National Assembly was challenged at the Supreme Court in the case of *Jammeh vs. The Attorney General*³ and was declared unconstitutional by the same Court which found that the purported amendment to the constitution inserting the phrase that The Gambia is a *sovereign secular republic* was not done in accordance with the established procedures of amending the relevant section of the Constitution. The purported amendment was thus unconstitutional. As such, the decision of the Supreme Court effectively restored Section 1 of the 1997 to its original state as the purported amendment was void and of no effect.
8. However, instead of restoring the Section to its original state, (as it should have done), the 2009 revised edition of the 1997 constitution left the word *secular* in the document and merely indicated a footnote referencing the suit that was filed by Kemesseng Jammeh. While for a long time, Gambians read Section 1.1 of the 1997 Constitution as contained in the 2009 Revised Edition with the impugned words that The Gambia is a sovereign *secular republic*.

² Professor Abdoulaye Saine’s Commissioned report to the TRRC pg 18 para 42

³ 1997 -2001 Suit No:4 of 2001 on Section 1.1 of the Constitution GR 839

The footnote refers to a case and is completely silent on the status of the section. This left a misleading picture suggesting a clear and unambiguous statement in the Constitution that the country is a sovereign secular republic when in fact these words were removed from the constitution.

9. Despite the serious anomaly, The 1997 Constitution of The Republic of The Gambia protects religious freedoms. Section 25 of the Constitution guarantees freedom of speech, conscience, association and movement. Section 25(1) (c) further affirms the freedom to practice any religion and manifest such practices. These freedoms are “*to be exercised subject to the law of The Gambia in so far as the law imposes reasonable restrictions on the exercise of the rights and freedoms thereby conferred, which are necessary in a democratic society and are required in the interest of the sovereignty and integrity of The Gambia, national security, public order, decency or morality, or in relation to contempt of court.*”
10. In addition, The Gambia is a signatory to numerous human rights instruments guaranteeing the right to exercise one’s religion freely. The Gambia has ratified the International Convention on Civil and Political Rights (ICCPR), which under Article 18(1) states that “*Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teachings.*” Article 8 of the African Charter on Human and People’s Rights, which The Gambia has also ratified, similarly guarantees the right to freedom of religion. Although these rights are fundamental human rights and are entrenched in The Gambia’s Constitution, section 25(4) states that they may be subject to restriction when it is reasonable to do so in a democratic society or for the purpose of the sovereignty and integrity of the country, national security, public order, decency or morality, or in relation to contempt of court. Article 18(3) of the ICCPR also states that the manifestation of the right to religious freedom may only be restricted based on lawful provisions and, when necessary, to protect public safety, order, health, morals or to protect the fundamental rights of others. As a result, restrictions to the exercise of religious rights will only be lawful when done for the purposes outlined in section 25(4) of the Constitution or Article 18(3) ICCPR, with reasonable justification.

3. RELIGIOUS HARMONY IN THE FIRST REPUBLIC

11. Throughout the span of The Gambia’s first republic (1970 – 1994), there were hardly any incidents of religious intolerance or infringements of religious freedoms. The Gambia developed a reputation for religious tolerance and harmony that was a source of pride for its citizens. Professor Abdoulaye Saine, in his Report commissioned by the TRRC, states that The Gambia subscribed heavily to international human rights norms under Sir Dawda Jawara’s government, which made it highly regarded around the world as a model of democracy in Africa at that time⁴. Furthermore, in his testimony at the TRRC, he said that in creating an environment of religious intolerance and pronouncing The Gambia an Islamic Republic, Jammeh created problems where none existed before⁵.

⁴ Professor Abdoulaye Saine’s Commissioned report to the TRRC pg 25 para 68

⁵ Testimony of Prof. Abdoulaye Saine, Tuesday 21st January 2020, lines 288 – 290

- 12.. Philip Saine, a Gambian Christian who had worked for several years in Saudi Arabia and author of the book entitled *‘Challenges of Gambian Churches during Yahya Jammeh’s era’* testified that he never experienced religious discrimination during the first republic. He recalled playing in the streets of Banjul as a young boy. He was usually one of four Christian boys among 20 Muslims, yet they played football together. When police chased them for illegally playing tennis on the road, they would run into a home where they would be sheltered, and it would invariably be a Muslim home he stated but, he further stated that he *“never distinguished/differentiated between one home to another home based on religion. Oh no, that never occurred”*⁶ He also recalled religious celebrations such as Christmas, Easter and Sang Marie (Feast of Our Lady of the Assumption (Mary)) when Muslim Neighbours would come by to greet and congratulate their Christian neighbours on the feast during Sang Marie, the Christians would hold a Divine Mercy Procession from the Holy Spirit Church in Campama, and everyone would anticipate meeting Imam Tafsir Gaye (an Imam and reputable Muslim elder of Banjul), who would come out of his house each year to meet and embrace the Christians in the procession. The witness stated that *“that was one of the best sights and you wouldn’t want to miss it in any year...it was a lovely relationship’*. Christians similarly celebrated and socialised with Muslims during their religious occasions of Tobaski (Eid El Adha) Koriteh (Ed el Fitr) and Talaboon (Yamul Ashora). The sharing of food during these festivities was a practice that strengthened good neighbourliness and family relationships, practices that are being eroded over time as Muslim families are being discouraged to partake of food prepared by Christians or to join their celebrations. etc.⁷
13. The Amir (leader) of the Ahmadiyya Jamaat in the Gambia, Baba F. Trawally who was responsible for the preaching, training, education and humanitarian activities of the Jamaat, as well as overseeing its institutions such as schools and hospitals, also testified before the TRRC that the Ahmadiyya Jamaat in The Gambia was treated fairly during the first republic under Sir Dawda K Jawara. He said that the Ahmadiyya Jamaat had been officially in existence in The Gambia since 1961. In 1974, a conference of Islamic Heads of State was convened in Pakistan to declare the Jamaat’ kafirs” (non-Muslims). All the heads of state in attendance signed a declaration to that effect, except President Jawara (of The Gambia), who stated that *“Ahmadis in my country are Muslims, they are building a mosque and after the independence of my country these are the people, this is the organization that built hospitals, clinics and mosques. And they are Muslims.”*⁸
- 14 The evidence from the testimonies portrayed a peaceful religious coexistence that was both within sects of the same religion and between the different religious or faith groups. The demographic percentages of the country’s various religions had no impact on how Gambians generally treated each other. The differences among different people were not emphasised and, Muslims, Christians and adherents to traditional religions commonly referred as “jalang” or “Tuur” (idol) worshippers lived together with mutual love and respect. Families of different faiths shared meals, visited each other’s homes and socialised with one another. Children of different religions played sports together, grew up to be best friends, and intermarried across religions. Philip Saine, in his testimony, stated that **“growing up I never felt I was**

6 Witness Testimony Phillip Saine, 3rd February 2020 lines 180-183

7 Witness Testimony of Philip Saine, 3rd February 2020, lines 165 – 237

8 Witness Testimony of Baba F. Trawally, , 5th February 2020, lines 218 – 226

a minority; that never occurred in my mind”⁹. The government of Sir Dawda Kairaba Jawara respected the separation of state and religion and did not interfere or infringe on the exercise of religious rights and freedoms, something that gradually changed in the second republic under Yahya A.J.J Jammeh. In his book (*Challenges of Gambian Churches during Yahya Jammeh’s era*), which was submitted to the TRRC as Exhibit 116,¹⁰ Philip Saine provides a more detailed expose of religious tolerance in The Gambia during the Jawara years and its gradual erosion during the Jammeh era.

4. USE OF RELIGION TO CONSOLIDATE AND TO SOLIDIFY THE DICTATORSHIP

15. Former President, Yahya A.J.J Jammeh knew that religion was a potent weapon he could use to solidify his dictatorship. Jammeh would over the years appear in public dressed only in white *khaftan* cultivating the image of sainthood and purity. He would always carry a Quran and praying beads to build an aura of religiosity. He so cultivated this image to the extent that people started entertaining the idea that he had supernatural powers. This was all the more so when he started the Presidential Alternative Treatment Programme (PATP) during which he claimed to have received a mandate from God who gave him the power to cure HIV and Aids and other diseases. He painted the picture that he was a grand marabout with healing and seeing powers.
16. Former President Yahya A.J.J Jammeh also knew that religious and cultural leaders wield a power to influence the general public. He would use them to bolster his image, co-opting and using religious leaders and religious groups, organisations and associations to prop and maintain his dictatorship. Jammeh shrewdly utilised the ideological zeal of members of religious organisations such as the Supreme Islamic Council to perpetuate an image of a righteous God-ordained leader. This appealed to the majority Sunni population who believe that God chooses leaders and that the people should keep that leader in position until God removes the leader.¹¹
17. The belief that former President Yahya A.J. Jammeh possessed such supernatural powers was not limited to the ordinary citizens. Even some Imam’s publicly espoused that belief. This position is manifested by the fact that the Imams would often agree with whatever Jammeh said and would quickly find justification for it in the Quran. An example of the grip Jammeh had on the Islamic religious leaders is captured in a video which showed Jammeh pouring water at the steps of the grand entrance at the statehouse and the Imam and other persons present scrambling to touch some of the water as if it were holy or spiritual water.
18. Over the twenty-two (22) years of his regime, former President Yahya A.J.J. Jammeh destroyed all religious and cultural institutions that posed the slightest potential to challenge his narrative and co-opted those that fed into his narrative. This strategy further entrenched and solidified his rule.

9 Witness Testimony of Philip Saine 3rd February 2020, lines 140 – 161

10 TRRC exhibit 116

11 This is a popularly held belief in Gambian society

19. Throughout his rule, former President Yahya A.J.J Jammeh ordered the arrest, detention on various charges and even torture of Imams, Alkalos, chiefs and other leaders who were perceived to have challenged his authority or criticised the religious positions or beliefs he held. On many occasions, former President Yahya A.J.J Jammeh **Jammeh** used the Supreme Islamic Council to legitimize these actions. The Council was used as a tool by **Jammeh** to dictate the brand of Islamic practice that served his purposes. Additionally, through executive directives, the Council was granted powers beyond its legal authority. Imam Abdoulie Fatty, Jammeh’s Imam at the State House Mosque and an influential member of the Council, wielded significant power within the country’s religious landscape.
20. Former President, Yahya A.J.J Jammeh issued executive directives authorising the infringement of the rights of religious groups, individuals and communities. Sects such as the Ahmadiyya Jamaat and the *Ndigal* Sect of Kerr Mot Ali suffered persecution at the hands of state agents, the Supreme Islamic Council and other religious groups.¹² Jammeh’s declaration of The Gambia as an Islamic Republic on December 11, 2015, at a political rally¹³ also threatened the religious freedoms of the Gambia’s Christian minority.¹⁴ Shortly after that, compulsory wearing of headscarves was introduced for all women in public offices.¹⁵ These pronouncements were a culmination of a gradual erosion of religious freedoms by the Jammeh government, forming part of a systemic strategy to consolidate power by controlling the narrative, as well as a foreign policy ploy to attract Arab or Middle Eastern assistance to sustain a nearly bankrupt state.¹⁶

5. THE SUPREME ISLAMIC COUNCIL AND ITS RELATIONSHIP WITH YAHYA JAMMEH

21. The Supreme Islamic Council was set up in 1992 during the first republic. It was founded as a private organisation and was not established under any statutory laws or powers. Among the main reasons for its establishment was the desire by Muslim religious leaders to have an umbrella body to cover all other Islamic associations in The Gambia. Muhammed Lamin Touray, a former President of the Supreme Islamic Council testified that one of the main reasons for establishing the Council was to ensure that “nobody would come into the Gambia and try to establish an Islamic ideology different from the mainstream ideology that was already established here”¹⁷. He said that prior to the creation of the Council, the syllabuses of the various “*Madrasas*” (Islamic Schools) were different. Another goal of the Council was to also ensure that all Islamic schools in The Gambia would run the same syllabus. In selecting its members, each region of The Gambia was represented by fifteen (15) people to form a congress. Eleven positions were created to be voted for by the members of the congress. For each position, whoever is interested in contesting for it will put their names forward. Others may also put a person’s name forward and if that person accepts the nomination, he would be added to the contestants. A voting process is then carried out and whichever contestant has the highest votes will be appointed to that position. The initial mandate for the presidency was three (3) years but was later changed to 5 years. During the second president’s mandate, it was decided to limit each President to two terms only.¹⁸

12 Professor Abdoulaye Saine’s Commissioned report to the TRRC pg 27 line 73
 13 The Gambia: Africa’s new Islamic Republic: <https://www.bbc.com/news/world-africa-35359593>
 14 TRRC Testimony of Professor Abdoulaye Saine, 21st January 2021, lines 279 – 290
 15 Women ordered to wear headscarves in Gambia public offices: <https://www.dw.com/en/women-ordered-to-wear-headscarves-in-gambia-public-offices/a-18963558>
 16 Professor Abdoulaye Saine’s Commissioned report to the TRRC pg 26, para 72
 17 Testimony of Muhammed Lamin Touray, 19th February 2020, lines 137 – 164
 18 Witness Testimony of Ba Kawsu Fofana, 6th February 2020, lines 248 – 253

22. Imam Abdoulie Fatty, who was Imam at State House during the Second Republic and a member of the Supreme Islamic Council, said that he was not present during the founding of the Council, but he had heard that it was due to common rumours at the time, that the funds coming into the country from Arab countries were meant for the “*Majlis*” (local Islamic schools) across the country and as a result, the Islamic elders thought that these “*majlis* should benefit from the funds; thus they decided to form the Council one of whose functions was to ensure that the “*majlis* actually received the benefits of such funds.¹⁹ Imam Fatty testified that when the mandate of the first president of the Council (Alhaji Soriba Gassama) expired and the second president (Alhaji Banding Drammeh) was elected in 1999 that the functions of the Council expanded to issues of mending relationships and settling disputes.²⁰
23. The Supreme Islamic Council’s main function became mending issues among the Muslim population, mediating disputes and facilitating reconciliation between disputing groups. The Council received appeals from Imams, alkalos, Chiefs and sometimes even governors from the various regions for peaceful interventions wherever serious disputes arose. According to Imam Muhammed Lamin Touray, “*even the government, the central government would want us to join them to go to a particular place to try and bring the people together. That was the reason why we were able to end a lot of disputes that happened or took place in the country.*”²¹ The scope of the powers of the Council did not extend to enforcing its decisions or orders against individuals or organisations. In his testimony, Imam Touray said that the Council had the right to state that a particular person or group had deviated or is not a Muslim but, agreed that they had no authority to do anything about it. Imam Touray also agreed that the Council could not force anyone to pray on a particular day, although they had the right to opine that all Gambian Muslims should pray on a specific day.²²
24. Whatever the objectives and functions of the Supreme Islamic Council were in its earlier years, it was gradually expanded and changed. When Yahya A.J.J Jammeh and the military junta usurped power in 1994, he saw in the Supreme Islamic Council a potential tool that could help him consolidate his persona as a gallant champion of the Islamic religion and helped him maintain his grip on power. In addition to the use of force to suppress dissent, Jammeh was quick to realise the effect of culture and religion in manipulating Gambians’ minds into unwitting acceptances of his dictatorship.
25. From the onset of his quest to hold on to power, Jammeh exchanged the military uniform for the big white flowing gowns generally worn by spiritual or religious leaders in the sub-region. The choice of white represents a symbolic notion of purity and goodness, which resonates with the deeply religious/spiritual Gambian public. To advance the image of a spiritual, divinely guided man, Jammeh began to carry the Quran in one hand and a sword in the other. Jammeh then pushed the awe-inspiring persona a notch higher by announcing that he could cure a plethora of ailments, including asthma, infertility, diabetes, hypertension and even HIV/AIDS.²³

19 Witness Testimony of Imam Abdoulie Fatty, 17th February 2020, lines 132 – 135
 20 Witness Testimony of Imam Abdoulie Fatty, 17th February 2020, lines 171 – 179
 21 Witness Testimony of Muhammed Lamin Touray, 19th February 2020, lines 212 – 220
 22 Witness Testimony of Muhammed Lamin Touray, 19th February 2020, lines 275 – 291
 23 Professor Abdoulaye Saine’s Commissioned report to the TRRC para 83

26 With some of the religious leaders paying regular courtesy calls on Jammeh, and some of them coying up to his crafted persona, he quickly saw the Council as his chance of putting a stamp of religious legitimacy to the façade of the brave, pious and national leader who was chosen by God to preside over the Gambian people. Even though there were moderate voices in the Supreme Islamic Council, the Council was eventually hijacked by hard-line scholars who viewed Islam with an ideological single-mindedness intolerant of any interpretation of the religion that differed from theirs.

27 Their ideology had no standing because The Gambia was a secular, democratic republic and not an Islamic State operating under Shariah Law. This ideology was a perfect vehicle for Jammeh to control a key area of public life, considering that culture and religion mainly motivate how Gambians think and live. In exchange for his patronage, the Supreme Islamic Council became a proxy of Jammeh's government making sure that their interpretation of Islam was the only one tolerated in The Gambia. First, the Council made former President Jammeh, the Honorary President of the organization, and secondly conferred him with religious titles such as "Sheikh" and "Nasiru-deen". Yahya A.J.J Jammeh was thus given high status in Islam and veritable religious credentials. He cherished his titles to the extent that one would be reprimanded if these titles were not used when addressing him. Thus, the Supreme Islamic Council enabled Jammeh to couch many of his actions on religious grounds with the help of some members of the Council. Philip Saine aptly depicted the symbiotic relationship between former President Yahya A.J.J. Jammeh and members of the Supreme Islamic Council when he described Imam Fatty's fiery statements as follows:

"That is very interesting and typical of this Imam whom you've quoted. . This is how society views him also, to be extremely radical in his views, non-negotiable, and he occupied a seat in the State House Mosque, which give him very close proximity with the Head of State. It came to a stage where you found it difficult to distinguish him and the Head of State - whether he was the President or the President was the Imam - between the two of them their activities were mingled together, maybe they were good friends, and this is a typical example of State influence on to religion."

6. MANIPULATION OF THE SUPREME ISLAMIC COUNCIL BY YAHYA A.J.J JAMMEH

28. Imam Ba Kawsu Fofana testified that when the mandate of the first Supreme Islamic Council president ended in 1999 and Banding Drammeh was elected as the second president in Mansa Konko, former President Yahya A.J.J. Jammeh tried to convince the Supreme Islamic Council to conform to Mecca's decisions in relation to the sighting of the moon, which determines when to begin and end Ramadan. The Council did not do so and Jammeh objected to the way they conducted their affairs.

29. On the first Friday in July 2008, the Imam at State House, Abdoulie Fatty, gave a sermon criticizing the "Shia" who live in The Gambia and the "problems" they caused. After the prayers, Yahya A.J.J Jammeh responded to Imam Fatty that "if that was the case, why did the Supreme Islamic Council allow them into the country." Imam Fatty replied that it was the then President of the Supreme Islamic Council Banding Drammeh and his vice president Imam Ousman Jah who brought groups like the Shia into the country. The former President,

Yahya A.J.J. Jammeh then announced that since their mandate was about to expire, the people would vote in a new Supreme Islamic Council.²⁴

30. The witness (Ba Kawsu) was a contestant for the presidency of the Council in the election. However, since the two-term limit was introduced at the end of Banding Drammeh's second term, Banding insisted that he would contest again after his third term expired because the changes to the organisation's constitution cannot be retrospective. However, the Council members did not support him, considering that former President Yahya Jammeh did not want him to be in the Council anymore. On the following Friday, Imam Abdoulie Fatty then severely criticized Banding Drammeh in his sermon and stated that the Supreme Islamic Council should be dissolved. On the following Thursday, the former President Yahya A.J.J Jammeh went to the Council's offices and unlawfully announced a ban on Banding Drammeh and the entire members of the Supreme Islamic Council²⁵. Amid irregularities in the voting process, Muhammed Lamin Touray was announced as President of the Supreme Islamic Council by the Independent Electoral Commission who were commissioned to conduct the elections on behalf of the Council. According to the witness (Ba Kawsu), there was no voting, Banding Drammeh, who was present, simply held Imam Touray's hand and everyone exclaimed "Allahu Akbar" eleven times, and he was registered as the President of the new executive body of the Supreme Islamic Council.²⁶

31. On the day of Eid el Fitr (end of Ramadan festival) in 2008, the members of the new executive body of the Supreme Islamic Council paid the traditional courtesy call to the President. During the meeting the told their needs to the former President Yahya A.J.J. Jammeh and he gave them two vehicles (a Pajero and a van) and some money to pay their debts and extra money for their personal use. Former President, Yahya A.J.J. Jammeh then asked the Supreme Islamic Council executive members whether The Gambia cannot follow in the footsteps of Mecca in relation to the beginning of Ramadan and Eid. The Supreme Islamic Council members agreed that that was possible and in fact was the best thing to do. The following year, 2009, the Supreme Islamic Council conducted a countrywide tour to seek the public's opinion on the matter. However, instead of proposing to pray along with Mecca, they told the public that the proposal was to begin fasting or hold the Eid prayers even if only one person sights the moon in The Gambia. According to the witness, the Supreme Islamic Council collected signatures while giving out transport refunds to participants and presented those documents to the President as evidence that the public agreed with the idea of following Mecca. They then told the former President that it was up to him to decide how to deal with those who did not comply and this gave him the leverage to clamp down on them.

32. That year, Imam Lamin Touray announced that about five (5) people in the village of Dasilameh Sangajor had seen the moon on the same day as Mecca did. However, many people did not pray the following day. Imam Lamin Touray consequently announced that the Supreme Islamic Council was disappointed that the President had given orders to be followed and some people in the country decided to defy it. The former President Yahya A.J.J Jammeh then made a pronouncement that henceforth, anyone who did not pray on the day the Supreme Islamic Council announces, will not be allowed to pray. Jammeh also

24 Witness Testimony of Ba Kawsu Fofana, Thursday 6th February 2020, lines 141 – 183

25 Witness Testimony of Ba Kawsu Fofana, Thursday 6th February 2020, lines 195 – 278

26 Witness Testimony of Ba Kawsu Fofana, Thursday 6th February 2020, lines 315 – 335

rebuked the Council members for failing in their promise that they had convinced the people to pray on the same day as Mecca.²⁷

33. The relationship between former President Yahya A.J.J. Jammeh and the Supreme Islamic Council led to gross religious intolerance and infringements on the religious rights of both individuals and groups who held views that conflicted with his own plans to use religion for his ends or against the ideological intolerance of members of the Supreme Islamic Council. The Council members readily accepted powers granted by the former President Yahya A.J.J. Jammeh regardless of their legality and proceeded to issue bans and ordering arrests against preachers they disapproved of.
34. In 2012, the former President Yahya A.J.J. Jammeh announced to the Supreme Islamic Council that he was going to execute death row inmates at the Mile 2 Prisons. Significantly, the announcements of the intended executions were issued during the Council's usual courtesy call to the President during the Eid festival. Despite the outcry over the proposed executions, the Supreme Islamic Council endorsed the execution by arguing that Jammeh had a mandate to order the implementation of the death penalty. Although in his testimony, Imam Abdoulaye Fatty denied stating that the inmates were executed according to Sharia, he insisted that the death penalty was already endorsed by the majority of Gambians in the Constitution and that even under the Sharia, if you were found guilty to have killed someone and been sentenced to death, you can be lawfully killed²⁸.
35. Furthermore, according to the testimony of Imam Baba Leigh, the Council gave a press conference following the execution of the nine inmates stating that it was justified by Sharia. He on the contrary criticised the position of the Supreme Islamic Council saying that the executions were not right under Islam²⁹ When he confronted the President of the Supreme Islamic Council on the matter, he responded that they *"had no choice."*³⁰ In light of the Council and Council members' previous pronouncements that the former President must be obeyed as long as his orders do not contradict the Sharia and regardless of the legality of his authority, it is clear that the Supreme Islamic Council served the purpose of legitimizing Jammeh's actions.

7. MANIFESTATIONS OF RELIGIOUS INTOLERANCE BY THE SUPREME ISLAMIC COUNCIL

- 36.. In his testimony, Imam Abdoulaye Fatty defended the Supreme Islamic Council's exercise of banning other Islamic preachers who held a different view from their own, on the basis that the Council was bestowed with the powers to do so by the President. He stated that God commands Muslims to worship God, follow the example of the prophet and listen to the advice of the scholars and rulers among them. Therefore, for the Supreme Islamic Council, *"When instructions come and it is not in opposition to God's way and that is in the interest of Islam and it is in the interest of the country, to go ahead and stop trouble brewing, the Supreme Islamic Council operates on those lines."* He argued that anyone that the Council

27 Witness Testimony of Ba Kawsu Fofana, Thursday 6th February 2020, lines 380 – 466
 28 Witness Testimony Imam Abdoulaye Fatty, lines 1526 – 1554
 29 Witness Testimony Imam Baba Muhtar Leigh lines 1297-1303
 30 Witness Testimony Imam Baba Muhtar Leigh, lines 1211 – 1222

banned, it was lawfully done based on the law of the Quran, stating that *"there was a leader over me, my religion instructs me to execute his directives and I did..."*³¹ Implied that if the instructions came from former President Yahya A.J.J. Jammeh it was lawful to implement them.

37. Former President Yahya A.J.J. Jammeh gave the Supreme Islamic Council instructions to monitor all sermons and preachers on radio and television and to require anyone who wanted to preach to first seek a permit from the Supreme Islamic Council. There is no law in the country which mandates the Supreme Islamic Council to issue preacher licences or regulate their conduct. The Council established a Committee that issued and revoked licences. Imam Fatty headed the Committee. Applicants had to submit certificates and undergo an interview. If the committee considered the applicant qualified, he would be given a permit. The Council also wrote to all radio stations and the national television, advising that they must not allow anyone to preach unless they were certified by the Council. According to Imam Fatty, these steps were all taken to promote unity in The Gambia.³² It was irrelevant to the Imam that the measures they took to ensure this unity was against the constitutional rights to freedom of expression, conscience and religion guaranteed to everyone in The Gambia under the constitution. Due to the ideological obstinacy of members of the Council, whatever it took to ensure that singular view prevailed, was acceptable because it did not offend God's laws in their view.
38. As the Jammeh regime's funds declined, his antagonism of the West and the cessation of financial support from Taiwan left him with only one source of financial support – the Arab world. As a result, he saw in the ideology of the members of the Supreme Islamic Council an opportunity to pander for support from the Arab and Middle Eastern states by appearing to be a proponent of their popular brand of Islam. The Ahmadiyya, Shia and other smaller sects who consider themselves Muslims suffered the consequences through severe persecution at the hands of the State, through the Supreme Islamic Council.

THE DIFFERENT POSITIONS ON SIGHTING OF THE MOON AND PRAYING ON THE SAME DAY

39. In Tobaski (Eid El Adha) of 2009³³, some Gambians did not pray on the same date as Mecca and Yahya Jammeh again rebuked the Council members for giving false assurances that the people had agreed to pray on the same date as Mecca. Imam Lamin Touray then informed Jammeh that it was the witness (Ba Kawsu) who dissuaded people by telling them that they cannot pray on the same date as Mecca.³⁴ On the following Friday, the Ba Kawsu was summoned to the Banjulinding Police Station. He was told that the Inspector General of Police (IGP) Ensa Badjie had received a letter and the police wanted to talk to him concerning the letter. When he arrived at the Station, he was told that the Supreme Islamic Council had reported that he (Ba Kawsu) was working against them, which had led to people in the country disregarding the decisions of the Council. Ba Kawsu replied to the police that Gambians are only obligated to Mecca on two points, one of which was to face towards it when praying and secondly, to go on pilgrimage there, but that in relation to Ramadan,

31 Witness Testimony of Imam Abdoulaye Fatty, 17th February 2020, lines 317 – 369
 32 Witness Testimony of Imam Abdoulaye Fatty, 17th February 2020, lines 413 – 422
 33 Muslim feast in which a ram is sacrificed by every able adult
 34 Witness Testimony of Ba Kawsu Fofana, Thursday 6th February 2020, lines 471 – 478

Gambians should try to sight the moon for themselves. After the meeting with the police, the witness called Imam Lamin Touray, who admitted that he reported the witness to the police. The witness (Ba Kawsu) was called to the National Intelligence agency (NIA) regarding the same matter, and he told them what he had said to the police.³⁵

40. Ba Kawsu was later invited to a radio programme called the Islamic Forum, but when he arrived at the radio station, he found a letter stating that he had been banned from taking part in the programme based on a letter written to them by the Supreme Islamic Council. For the rest of that year (2009), the witness was banned from speaking on radios.³⁶

41. In Omar Fofana’s testimony, he stated that Ba Kawsu wrote a letter to the former President Yahya A.J.J Jammeh himself, petitioning him to intervene in the matter. Jammeh invited Ba Kawsu to a meeting but failed to attend, citing a busy schedule. The meeting was rescheduled to a further date. Ba Kawsu made it known to the President that the Council had banned him from preaching unless he fulfills their condition that he must announce publicly that all he ever preached before that did not conform with the Council’s views was all lies. However, on their part, the Council members told Yahya Jammeh that Ba Kawsu had been making their work difficult because whatever they told the people, he would tell them the opposite. Imam Abdoulie Fatty added that the problem the Council had with Ba Kawsu was not about the sighting of the moon but rather because he had been preaching that if destruction is going to befall former President Yahya A.J.J. Jammeh’s home region of Foni it is because of the festivals which he the former President was holding in Kanilai. Imam Fatty said that Ba Kawsu had been telling the country that the former President Yahya A,J,J Jammeh takes men and women to Foni (Kanilai) to do a lot of bad things (drumming, dancing and fornicating) and that Yahya Jammeh’s practice of the Islamic religion was not clean. According to the witness, Imam Fatty had influence both with former President Yahya A.J.J. Jammeh and the Supreme Islamic Council. It was because of his statements that the Ba Kawsu was treated the way he was.³⁷ He was humiliated by the President, arrested, detained and tortured.

42. Abbas Muhideen Hydara testified to the TRRC about the rights violations suffered by his father, Sheikh Muhideen Hydara , at the hands of Jammeh and the Supreme Islamic Council. His father belonged to the Qadir Sect and was the Caliph General for the entire Sheriff clan in The Gambia and the sub-region. The witness’s father believed that people in The Gambia should be guided by their sightings of the moon to decide when to begin fasting the month of Ramadan or when to perform the Eid prayers, and not on the sighting of the moon by Mecca. In 2014, the Supreme Islamic Council announced that Eid would be on a particular day. During The traditional courtesy call to the President the Council members complained to the President that their efforts to ensure that Gambians prayed on the same day were unsuccessful because some people had refused to comply. The former President Yahya A.J.J. Jammeh then announced that he owned the country and that nobody would be allowed to conduct Eid other than on the day announced by the Supreme Islamic Council. Jammeh announced that the Inspector General of Police (IGP) would arrest anybody who disobeyed this order.³⁸

35 Witness Testimony Ba Kawsu Fofana, lines 481 – 592

36 Witness Testimony Ba Kawsu Fofana, lines 593 – 612

37 Witness Testimony of Omar Fofana, 30th January 2020, lines 690 – 738

38 Witness Testimony of Abbas Muhideen Hydara, 23rd January 2020, lines 117 – 141

43. However, the witness’s father, Sheikh Muhideen Hydara, led the Eid prayers in his village of Dasilameh Sangajour a day after the date the Supreme Islamic Council prescribed. Following the Eid prayers, a police vehicle arrived to announce that they had come to arrest whoever led the prayers in the village³⁹. The village Alkalo Buyeh Touray and Muhideen Hydara were taken to Bwiam Police Station, where they were kept from 11am to 5 pm. They were then moved to Sibamor Police Station and kept overnight. On the following day, they were again transferred to Yundum Police Station. After another night at Yundum, Muhideen and Buyeh were transferred to Banjul Police Headquarters. From there, the two detainees were taken to the Supreme Islamic Council. When the President of the Council initiated a discussion which led to arguments, at that point, Imam Abdoulie Fatty announced that it was not even the government who ordered the arrest of two elderly men, but he (Abdoulie Fatty) himself ordered their arrest. According to the witness, Fatty went on to say that they (the Council) were conducting a jihad and “*then he told my father, ‘what you did is wrong you are on the wrong path’*. He said my father should agree that they were wrong before they can be released, but my father refused and there were a lot of arguments because there were a lot of people and there was no control.”⁴⁰

44. After a private discussion among the Council members and the Police Commissioner for the West Coast and the Station Officer of Yundum Police Station, the Supreme Islamic Council members announced that they could not get hold of the people they wanted to speak to, as a result, they advised that the witness’s father and the Alkalo should be taken back to Yundum Police Station and, once they had spoken to the right people, they would call the Station to release the two detainees.⁴¹ That call did not arrive, and the detainees spent another night at the Yundum Police Station. They were later released on bail on a D100,000 bond, on the instruction of the Inspector General of Police (IGP) Yankuba Badjie, after having spent four days in detention without any charge. When they reported to the police station on August 11, Sheik Muhideen Hydara and the Alkalo Buyeh Touray were told that they should stand trial at the Brikama Magistrates Court. The trial was postponed to the next day after the two men stated that they had no prior notice of the trial.⁴²

45. On the first day of trial, Sheik Muhideen’s lawyers appealed to the magistrate to allow the Sheik to sit down as he was too old to stand throughout his testimony, but the magistrate refused the request. He was forced to stand up throughout the hearings.⁴³ Sheik Muhideen was charged with disobeying a lawful order of the President and conspiring with the Alkalo Buyeh Touray, to commit a felony. After the first day, the case was subsequently transferred to another magistrate called Sirending Sanneh. After one hearing, it was again transferred to magistrate Omar Cham. The case was yet again transferred to the Brikama High Court presided over by one Justice Ikpala. Justice Ikpala was then removed from the Bench and another Judge, Justice Oduma took over.⁴⁴ The case was again sent back to the Magistrates Court in Brikama (magistrate Omar Cham’s court) before being transferred to magistrate Ebrima Jaiteh. Ebrima Jaiteh proceeded to acquit the witness’s father and Alkalo Buyeh Touray.⁴⁵

39 See Exhibit 110

40 Witness Testimony of Abbas Muhideen Hydara, 23rd January 2020 lines 377 – 437

41 Witness Testimony of Abbas Muhideen Hydara, 23rd January 2020 lines 470 – 476

42 Witness Testimony of Abbas Muhideen Hydara, 23rd January 2020 ilnes 489 – 520

43 Witness Testimony of Abbas Muhideen Hydara, 23rd January 2020 lines 534 – 543

44 Witness Testimony of Abbas Muhideen Hydara, 23rd January 2020 lines 576 – 678

45 Witness Testimony of Abbas Muhideen Hydara, 23rd January 2020 lines 749 – 765

46. Baba F Trawally, Emir of the Muslim Ahmadiyya Jamaat in The Gambia told the Commission that during one of the courtesy calls to the former President Yahya A.J.J. Jammeh by the Muslim religious leaders, the President asked them whether The Gambia could pray Eid with Saudi Arabia (Mecca) and the Supreme Islamic Council members said ‘yes’ it was possible. Thereafter it was announced that whenever even one person in the country announces sighting the moon, the whole country must pray Eid. From then on, whenever the Supreme Islamic Council announced the sighting of the moon to begin Ramadan, or to announce Eid, whoever did not comply with the announcement was usually arrested. The Ahmadiyya Jamaat abided by this until on one occasion when Naib Amir Alhaji Ebrima Mbowe sighted the moon for the end of Ramadan and informed the Gambia Radio Television Services (GRTS). However, the national broadcaster did not broadcast the sighting. They assumed that the the Supreme Islamic Council refrained from making the announcement as they did not perceive the Ahmadis to be Muslim and had made an announcement to that effect. The Jamaat did not fast, the next day however, and celebrated the Eid.⁴⁶
47. The treatment they received for their lack of conformity with the views of the Supreme Islamic Council and the narrative Jammeh wanted to propagate led to serious maltreatment and intolerance of the Jamaat and its members. Some members of the Supreme Council used their influence to stoke the intolerance against the Jamaat and other groups with different views within the general public. Emir Trawally further told the Commission that on June 6, 1997, Imam Abdoulie Fatty declared in a sermon broadcast on GRTS (TV and radio) that Ahmadis are not Muslims and that they should be taken to the July 22nd Square (McCarthy Square) and asked to recant or be killed.⁴⁷
48. The castigation from Imam Abdoulie Fatty continued prompting the and the Ahmadiyya Muslim Jamaat to write an official complaint to both the Secretary of State for Interior and Religious Affairs and the former President Yahya A.J.J Jammeh. They received no response. The situation remained unresolved and they met with Major Momodou Bojang who was the Secretary of State responsible for religious affairs to see if he could resolve the problem. They did not stop at that. They also went to see Imam Abdoulie Fatty himself at his compound to ask him to cease his castigation of Ahmadis. He refused, stating that they were treated the same even in Pakistan where the Jamaat started. They also spoke to Imam Fatty’s father-in-law and other people present who promised to see to it that the castigation will stop.⁴⁸
49. In October 2014, Imam Fatty stated in the Standard Newspaper that the Ahmadiyya Muslim Jammah should be banned from The Gambia. He was sacked from his Imamship at State House shortly after that. The Jamaat had a programme on GRTS Radio and another phone-in program on GRTS television which they used to counter the verbal attacks they were subjected to by the Supreme Islamic Council members, but both programmes were suddenly stopped. The Jamaat then resorted to buying airtime on the private radios but were told that before they could preach on any radio, they must acquire a permit from the Supreme Islamic Council.⁴⁹

46 Witness Testimony of Buba F. Trawally, 5th February 2020, lines 1145 – 1166

47 Witness Testimony Buba F. Trawally, 5th February 2020 lines 154 – 242

48 Witness Testimony Buba F. Trawally, 5th February 2020 lines 307 – 431

49 Witness Testimony Buba F. Trawally, 5th February 2020 lines 486 – 494

50. Other manifestations of this intolerance are evident in the way that Imam Baba Leigh a founder member of the of the Sheikh Omar Futiyou Foundation, an Islamic organization that used to conduct a major annual *Ziyareh* in Gunjur for the descendants and “*talibehs*” of Sheikh Omar Futiyou Taal was prevented from playing his role in the organization even though he participated in setting up. During his testimony at the public hearing of the TRRC on January 22, 2020, he told the Commission that he did an interview with Fatou Camara on GRTS, in which he explained the reason why the Foundation chose Gunjur to do the annual *Ziyareh*. He explained that this was due to the fact that the members of the organization, along with other Sufi groups in Islam, believed that the location in Gunjur was a holy and spiritual place. They believed that whatever prayers were offered at the location were answered by God, and that was why in the past, their patriarch Sheikh Omar Futiyou came and spent 41 nights of worship there. The members of the Supreme Islamic Council did not like this.
51. He further explained that during a visit by the former President Yahya A.J.J. Jammeh to Gunjur, Imam Alhagie Muhammed Lamin Touray, President of the Supreme Islamic Council who was the Deputy Imam of Gunjur Central Mosque, condemned *Ziyareh*’s describing the practice as unIslamic and superstitious. Imam Touray made this denunciation in his sermon on Friday April 24, 2009. He implied that Imam Baba Leighs organizing of the *ziyareh* at the holy site in Gunjur was related to idolatry and that the people of Gunjur should not allow him to do it. The former President Yahya Jammeh then announced that he was taking over the praying ground site. According to Imam Leigh, the President then proceeded to build a fence around the site and even indigenes of Gunjur could not go there at one point in time. When Imam Baba Leigh heard that the former President Yahya A.J.J. Jammeh was building an expensive mosque at the site, he went to Gunjur to see it for himself. He was stopped by the security guarding the place. On his way back, he received a warning call from one Mr. Bojang who said he worked for the Intelligence Unit, “*we have to warn you, apart from today do not step foot in Gunjur, in fact, you are not allowed to exceed Sukuta.*” The caller then hung up the phone. Imam Baba Leigh took the threats seriously because, knowing Jammeh he was aware that anything wicked he promised to do, he was very capable of carrying out. Subsequently, there was an announcement on the radio and other media dated June 18, 2012, announcing that the President’s Office banned the annual Gunjur *Ziyareh*. The President further made a statement accusing Imam Baba Leigh of having no knowledge about Islam and that he (Imam Baba Leigh) was no Imam because he studied Engineering and is also a Shia.⁵⁰
52. The witness also used to conduct a major annual “*Gamo*” at Brusubi, over three years. However, former President Yahya A.J.J. Jammeh went to that community where he used to hold the *Gamo* and donated one million Dalasis to the *Dairra*. He also gave another one million Dalasis to the organizers of the *Gamo* and another one million Dalasis to the women. In addition he gave two bulls to the organizers. He then told the organizers that he would send one Imam Manneh to conduct the *Gamo* for that year instead of the usual person who used to lead the *Gamo*. At the planning meeting for the *Gamo*, when his name came up and it was proposed that Imam Baba Leigh should be informed of the *Gamo*, Imam Manneh stood up and asked the gathering if they were mad. He told them: *If we bring Baba Leigh here, we will have a problem after what the President did for us, let us leave him aside.*”

50 Witness Testimony Iman Baba Muhtarr Leigh, 22nd January 2020 lines 906 – 1061

53. Imam Baba Leigh was also stopped from continuing with his programme on GRTS called “The Ideal Wife”. The programme was shortlived. During the second episode of the programme just after the usual greetings the programme was abruptly stopped and a to be continued” message was posted. The witness called the director of GRTS to find out why this happened. He replied told him that “*the man (meaning president Jammeh) told us to stop your programme, he doesn’t want to see your face on the screen...and for you to have a problem and me also to have a problem, will be very hard*” the witness said to him “*then stop the programme.*”⁵¹
54. He was also victimized for his advocacy against Female Genital Mutilation (FGM). Cognisant about the harmful effects of FGM through the activities of his aunt who was a *Ngansinba* (circumciser), he was aware of the pain and suffering circumcised women went through. He therefore, decided to engage in advocacy against FGM. As part of this work, he was a co-founder of the Gambia Committee on Traditional Practices (GAMCOTRAP) and participated in their activities and also addressed the topic in his sermons as an Imam. He travelled from Adhaar University to Khartoum University as well as Iran to conduct research on the subject. Former President, Yahya A.J.J. Jammeh did not like his advocacy against FGM.⁵² Imam Baba Leigh also conducted a radio programme “Yetteh” on West Coast Radio Station, which taught young people about Islam and their responsibilities to the country. One day the proprietor of the radio station, Peter Gomez, told Imam Baba Leigh that he wanted to stop the programme because the witness was a target and consequently his (Peter Gomez’s) radio station had also become a target as well, and he did not want it to be shut down. Imam Baba Leigh was thus forced to stop doing the programme.⁵³
55. On his part Philip Saine, the representative of the Christian Council in his testimony, at the TRRC, highlighted that the signs of rising religious intolerance were gradually developing, although when many of the incidences experienced by the Christian community are looked at separately, they seem like harmless disruptions. He testified that some of the things that happened included the grabbing of land belonging to the Christian Diocese of Banjul without going through the proper procedures.⁵⁴ Then between April and July 2003, some students at St Therese’s school, with the support of members of the Masjid Bilal, situated opposite the school, decided to transform the uniform of the school from knee length to ankle length and also ripped off the badges of their uniforms because of the insignia of the cross that was part of it. Imam Abdoulie Fatty waded into the argument by stating that the only reason people opposed the changes some of these students did to their uniforms was because The Gambia lacked good Islamic morals.⁵⁵
56. There were also interruptions of Christian religious processions around April 2016.⁵⁶ The Gambia Police Force also imposed a ban on drumming and music during Ramadan. Police went into churches, including in Faji Kunda and New Jeshwang, to enforce the ban even though this was part of the Christian worship. It took some effort for the police to allow

51 Witness Testimony Iman Baba Muhtarr Leigh, 22nd January 2020 lines 811 – 841
 52 Witness Testimony Iman Baba Muhtarr Leigh, 22nd January 2020 lines 618 – 711
 53 Witness Testimony Iman Baba Muhtarr Leigh, 22nd January 2020 lines 811 – 841
 54 Witness Testimony Philip Saine, 3rd February 2020, lines 423 – 461
 55 Witness Testimony Philip Saine, 3rd February 2020, lines 485 – 579
 56 Witness Testimony Philip Saine, 3rd February 2020, lines 626 – 657

- the churchgoers to continue with their worship. When the IGP was contacted, he announced that it was not alaw made by the National Assembly, but that it was an Executive Directive from the President, which was then published in the Daily Observer of June 8, 2016, stating as follows:
- “As the Muslim ummah is observing the holy month of Ramadan the Office of the Inspector General of Police in honor of the Holy Month is hereby informing the general public that all ceremonies festivities and programmes that involve drumming music and dance during the day or night are prohibited...all those engaged in the practice are therefore warned to desist from such activities otherwise they will be eventually apprehended and face the full force of the law without compromise, the Inspector General Police is hereby advising the general public to report any such person or groups to the Police as stern actions will be taken against those found wanting of violation.”*⁵⁷
57. Some Christian churches were later exempted from the ban after negotiations with the police, but some never had the opportunity to negotiate, while others did not bother to negotiate, so the harassment continued throughout Ramadan.
58. The suppression of religious freedoms by former President Yahya A.J.J. Jammeh in concert with the Supreme Islamic Council specifically targeted particular religious communities or *specific individuals*. In all cases, it seems that what motivated Jammeh’s hostility was the same as the Supreme Islamic Council’s motivation, or that the outcome of suppressing the religious rights of those groups or individuals served the different interests of both the former President Yahya A.J.J. Jammeh and the Supreme Islamic Council.
59. Imam Abdoulie Fatty, who was one of the most prominent members of the Supreme Islamic Council as well as former President Yahya A.J.J. Jammeh’s Imam at State House, expressed views that may be considered the general views of the Supreme Islamic Council about different religious groups. Imam Fatty’s views and rhetoric are very similar to Jammeh’s own. Being a pretentious religious man without any education in the Islamic sciences, Jammeh easily endorsed Imam Abdoulie Fatty’s rhetoric, perhaps to appear as conforming to the tenets of the religion.
60. In regard to the Shia Muslims, Imam Abdoulie Fatty argued that they were not Muslims but merely a group of people. In his statement, he further said that though he was not the author of a paper in 2008 stating that “*The Gambia denounces Shia faith. The Gambia Supreme Islamic Council has ordered all programmes geared towards propagating or defending Shia Muslims to stop with immediate effect*”, if it was issued by Council then he endorses it because whoever wishes to insult Aisha (the wife of the prophet Muhammad [SAW]) must do so outside The Gambia.⁵⁸
61. In relation to the Ahmadiyya Muslim Jamaat, Imam Abdoulie Fatty denied accusations that he said Ahmadis should be taken to the July 22 Square and asked to convert to Islam or be killed were untrue, although he publicly stated that they were not Muslims but

57 Witness Testimony Philip Saine, 3rd February 2020, lines 746 - 802
 58 Witness Testimony Abdoulie Fatty, 17th February 2020, lines 837 – 972

“*kafirs*” (non-believers).⁵⁹ He argued that making such comments would not breed religious intolerance. In his view, groups such as the Kadrianis or Ahmadis can call themselves any name they choose, but they must not go out to preach to people because they refuse to pray with other Muslims and build their mosques which causes division among the people. He said that although the Christians also preach to Muslim communities, they should not be banned because they have accepted that they are not Muslims.⁶⁰

8. TARGETING OF VARIOUS RELIGIOUS COMMUNITIES

OPPRESSION OF THE MEMBERS OF THE AHMADIYYA MUSLIM JAMAAT

62. According to the Emir of the Ahmadiyya Muslim Jamaat, they suffered many violations to their right to practice their religion freely under the Jammeh regime. Their oppression began when Imam Abdoulie Fatty commenced a series of verbal attacks against the sect and labelled them as non-Muslim. The verbal attacks triggered an increasing sense of animosity and intolerance from some sections of the public. In his testimony, Emir Baba F. Trawally also said that on the July 1, 2000, the Jamaat’s mosque in Makamasireh in Wuli East was demolished by the Alkalo (Muhammed Kamateh) and some villagers. The Jamaat reported the issue to the police and they also filed a suit in the Courts. Judgement was obtained in their favour and the **court ordered that the mosque be rebuilt within sixty days and fined each of the offenders D400 (four hundred Dalasis)**⁶¹. The Jamaat’s radio programme on GRTS radio and one on GRTS TV were both stopped on the order of the Supreme Islamic Council.
63. In Wuli, in the Upper River Region of the country, the Chief initially stopped the Jamaat from constructing their mosque due to dissent from the residents, although after negotiations, they were allowed to build the mosque.⁶²
64. In Sareh Ngai in the Lower Fulladu West, Central River Region (CRR), the Jamaat’s Mosque was destroyed. Yahya Jallow the Jamaat member who served as Imam was initially asked to demolish the mosque. When he refused, he was arrested and taken to Fula Bantang Police Station and later on, he was moved to Bansang Police Station and then subsequently Remanded at Janjangbureh Prison.⁶³
65. In January 2015, the Supreme Islamic Council announced on GRTS television and radio, that the Ahmadiyya Muslim Jamaat should not bury their members in Muslim cemeteries as they are not Muslims. Then on August 30, 2017, an Ahmadi called Masireh Dibba died, and his body was brought to Tallinding Muslim cemetery and buried there. The Supreme Islamic Council then contacted the Jamaat members asking that they should exhume the body of Mr. Dibba because the Ahmadiyya weren’t Muslims and could not be buried in the Muslim cemetery. On September 1, 2017, the Jamaat received a call from the police

59 Witness Testimony Abdoulie Fatty, 17th February 2020, lines 999 – 1228

60 Witness Testimony Abdoulie Fatty, 17th February 2020, lines 673 - 650

61 Witness Testimony Baba F. Trawally, 5th February 2020 lines 457 – 470

62 Witness Testimony Baba F. Trawally, 5th February 2020 lines paras 457 – 525

63 Witness Testimony Baba F. Trawally, 5th February 2020 lines paras 535 – 573

summoning them to the Station. When they arrived at the Police Station, they met the President of the Supreme Islamic Council, Alhagie Momodou Lamin Touray, and Vice President, Alhagie Sheriff Badjan, there. The Jamaat team was asked whether they had asked for permission before burying Mr. Dibba. When they replied in the negative, Imam Badjan told them that they should not bury their dead in the Muslim cemetery when they are not Muslims.⁶⁴ On September 6, 2017, another Ahmadi (Kebba Sanneh) died and the Jamaat requested the cemetery keys from the Alkalo of Tallinding. They were asked to collect the key a 2 pm but received a summons to the police station once again. They again met with the Supreme Islamic Council President and Vice President, who told them that they were denied burial. The Jamaat defied the statement and was a standoff for over an hour before one “King Colley” came and ordered that the cemetery gates be opened, and they buried the dead.⁶⁵

66. In February 2000, the Jamaat bought a 49.4 hectare leased piece of land with serial number P78/1992 situated in Jambur from Abou Dandeh Njie, for 1.3 million Dalasis. There were occupants on the land, including high-ranking military and government officials. The Jamaat took the matter to court, with judgment obtained dated 4th July 2002 in favour of the Jamaat. However, they tried with every means at their disposal to execute the judgment and remove the over 200 occupants to no avail. The witness said that authorities (the Department of Physical Planning, the governor and alkalo) were issuing certificates of occupancy to those occupying the land. Meanwhile, when the Jamaat began fencing off part of the property, they were sent an emergency notice to stop work from the same authorities.⁶⁶
67. Between October 8-16, 2014, the Supreme Islamic Council invited an Islamic scholar, Dr. Zakir Naik to The Gambia at the behest and backing of former President Yahya A.J.J Jammeh. Naik is considered a controversial figure in some quarters. During his stay, he reiterated the rhetoric of the Supreme Islamic Council that the Ahmadiyya Muslim Jamaat is outside the fold of Islam and that Muslims should not take their children to Ahmadi or Christian schools. He also stated that he wished that The Gambia was an Islamic state. On December 10, 2015, on Naik’s second visit, the President of the Gambia duly declared The Gambia an Islamic state, to the dismay of the minority groups who share the country with the majority of Muslims, and contrary to Section One of the 1997 Constitution which stipulates that The Gambia is a Sovereign Secular Republic.⁶⁷

9. OPPRESSION OF THE CHRISTIAN COMMUNITY

68. In his testimony, Philip Saine, informed the Commission that while former President Yahya A.J.J. Jammeh and the Supreme Islamic Council did not directly attack the Christian community in the earlier part of his regime, they did not also ensure that the religious rights of the Christian community were guaranteed and safeguarded as envisaged by the Constitution. In 2014, Yahya Jammeh invited the Indian Islamic Scholar Zakir Naik, who is famous for his diatribe and stance against Christianity. Naik had made several public speeches stating that

64 Witness Testimony Baba F. Trawally, 5th February 2020 lines 942 – 1051

65 Witness Testimony Baba F. Trawally, 5th February 2020 lines 1059 – 1092

66 Witness Testimony Baba F. Trawally, 5th February 2020 lines 1213 – 1294

67 Witness Testimony Baba F. Trawally, 5th February 2020 lines 604 – 712

he was more knowledgeable of the Bible than the Pope and other uncalled for statements about Christians. At one of his meetings when a Christian woman confronted Dr. Naik and told him that he was misinterpreting the Bible and making claims he should not have made, Naik replied that *“because you are a woman, I don’t talk to a woman”*. The woman had to be helped out of the hotel and taken home as people were threatening her for merely confronting Dr. Naik on his statements. On the other hand, Dr. Naik was given the maximum level of treatment accorded to Very Important People (VIP) by the former President Yahya A.J.J. Jammeh by giving him a gift of millions of dollars and granting him a Gambian diplomatic passport.⁶⁸ Philip Saine told the Commission that Dr. Naik’s invitation and public statements were the triggers that led to other subtle infringements on the rights of Christians to practice their faith freely. Taken individually, these infringements looked trivial enough but had a cumulative effect of putting unease and deep worry in the hearts and minds of the Christian population. The fear of the Christian community and other minority religious faiths in the country reached its peak when just a year after Dr. Naik stated in his preaching that he wished The Gambia to be an Islamic State, on December 10, 2015, former President Yahya A.J.J. Jammeh granted the wish and declared The Gambia an Islamic Republic.⁶⁹ In their shock and worry, the Christian community requested for Jammeh to clarify what he meant by the declaration. He stated that the decision was final and he would also be replacing the Constitution with Sharia Law. When the Christian community, including the Pope’s Emissary in The Gambia representing the Vatican City, tried persistently to meet him for dialogue, Yahya A.J.J. Jammeh refused to meet them saying that *“in Ramadan, I don’t entertain such visits.”*⁷⁰

69. Former President Yahya A.J.J. Jammeh’s declaration was totally in contradiction to Article 1 of the 1997 Constitution which declares that The Gambia is a secular sovereign republic. It was done unlawfully and without legitimate authority. It was an absolute infringement of the right of the Christians and other minority religious groups in the country. Philip Saine remarked that it was a typical dictatorial proclamation and that besides verbal condemnations, the Christian community *“was aware of the fact that they had little or no powers other than challenging it verbally. They realized that they had no powers in the courts, in the Judiciary, they had no powers in the military, they had no powers in terms of the population proportion. So, in all areas, they lacked sufficient powers to take up the challenges”*⁷¹. This statement from Philip Saine depicts the lack of confidence of the Christian community in being able to address their grievances through the court system which was heavily influenced by former President Yahya A.J.J. Jammeh, or garnering enough support to counter his divisive rhetoric.

10 OPPRESSION OF RESIDENTS OF KERR MOT ALI (THE NDIGGAL SECT)

70. Yunusa O.S. Ceesay a disciple of the *Ndigal* sect gave an expert witness statement on behalf of the sect. He gave a historical explanation of how Kerr Mot Ali was founded by Muhammed Ali Secka in 1777 and generations later, in 1966, Serign Basirou Secka (who came from Touba Saloum in Senegal) took charge of the village. Serign Basirou was known to found

68 Witness Testimony Philip Saine, 3rd February 2020, lines 1007 – 1042
 69 Witness Testimony Philip Saine, 3rd February 2020, lines 1046 – 1066
 70 Witness Testimony Philip Saine, 3rd February 2020, lines 1116 – 1126
 71 Witness Testimony Philip Saine, 3rd February 2020, lines 1180 – 1184

several villages in The Gambia and Senegal and in each one he installed one of his sons to take charge of the affairs of the village as its marabout. In Kerr Mot Ali, he appointed his son, Muhammed Basirou Secka, as head of the village in 1982. Serign Basirou died in 1998.⁷² According to the witness, Muhammed Basirou Secka initially conformed to the traditional mainstream practices of Islam, which he called *“Sharihatul Mutahara*. His followers believed that due to his dedication to worship, he was spiritually elevated to a higher status in 2002. He and his followers adopted another way of worshipping. He introduced a new type of worship (*Haqikatul Munawara*) different from the mainstream Islamic rituals. This required his over five thousand followers to *“jebalu” (pledge allegiance) to him to be their spiritual guide to the right path to God.*⁷³

71. Muhammed Basirou Secka, no longer did anything without first getting *ndigal (divine inspiration) to do so. No government or authority could make him do something he did not have ndigal to do. He no longer had any regard for any person’s opinion but only did what he knew to be pleasing to God and became known as Ndigal.*⁷⁴ Ndigal’s brothers in the other villages did not like Ndigal’s new approach and style of worship, notably because he closed the mosque his father built in Kerr Mot Ali. Rumours spread that Ndigal was peddling drugs, owned a counterfeit currency making machine and was also harbouring weapons with the intent of overthrowing former President Yahya A.J.J. Jammeh. In October 2002, a team of 34 (thirty four) paramilitary officers led by Landing Badjie alias 13 Badjie then the Inspector of Police, descended on the village and arrested Ndigal.⁷⁵ He was taken to Farafenni Police Station while Landing Badjie returned to Kerr Mot Ali to search for weapons. The witness also highlighted the influence of the Supreme Islamic Council in the arrest of his leader. He testified that when Ndigal was arrested the former Interior Minister Ousman Badjie then ordered that Ndigal be taken to the NIA headquarter in Banjul. The witness was told by one police commissioner Abdoulie Sanneh that Ndigal was subsequently taken to the Serious Crimes Unit, where he was confronted by members of the Supreme Islamic Council who threatened to tie him up and throw him in the sea for heresy.⁷⁶
72. Yunusa O. S. Ceesay also testified that members of the sect were arrested, and many were indeed severely beaten. For some of them, it took weeks before their backs healed from the beatings. The detainees were taken and detained at various locations - Njau, Kaur and Janjangbureh- in the CRR. They were detained for about 21 (twenty-one) days. Some of the detainees were forced to pray the conventional Muslim way and some were also forced to clear the fields for some of the paramilitary personnel. The detainees were not taken to court but to the Governor of the region, Ganyi Touray. The Governor was to determine whether to release a detainee or not. Furthermore, the paramilitary returned to Kerr Mot Ali and broke down many doors and would detain those they found still staying there, so the remaining residents crossed the border into Senegal (where there was also a village called Kerr Mot Ali) to escape the persecution. Most of them left their livelihood and belongings behind.⁷⁷

72 Witness Testimony Yunusa O.S. Ceesay, 29th January 2020 lines 281 – 421
 73 Witness Testimony Yunusa O.S Ceesay, 29th January 2020 lines 444 – 495
 74 Ndigal meaning “one who awaits instructions.”
 75 Witness Testimony Yunusa O.S. Ceesay, 29th January 2020 lines 646 – 824
 76 Witness Testimony Yunusa O.S. Ceesay, 29th January 2020 lines 1100 – 1161
 77 Witness Testimony Yunusa O.S. Ceesay, 29th January 2020 lines 1311 – 1457

73. The witness (Yunusa O. S. Ceesay) said he believes that they were expelled from their village because of the difference in their religious practice and mainstream Islam in the country. After the change of government, the villagers took the matter of their expulsion to the High Court represented by Lawyer Sheriff Tambadou. On October 12, 2017, the court granted their claims to be returned to their rightful home of Kerr Mot Ali and be returned all their properties (including livestock). On January 18, 2018, the court ordered the Sheriff to take steps to return members of the sect all their properties and possessions.⁷⁸
74. In responding to the claims made by Yunusa O.S. Ceesay Ganyi Touray, who was the governor of CRR at the time of the *Ndugal sects incident testified that after Ndugal's death, the villagers of Kerr Mot Ali appointed his son to replace him. However, he was approached by the district chief Malick Mbye who informed him that Ndugal's older brother from Touba Saloum in Senegal, Alieu Secka, had expressed his desire to reopen the mosque at Kerr Mot Ali. The witness said he sent the chief to negotiate with the villagers of Kerr Mot Ali, but the villagers vehemently refused. Governor Touray then wrote to the Supreme Islamic Council and informed them of the situation regarding the mosque and asking them to intervene since it was an Islamic issue. The Supreme Islamic Council also came to negotiate with the villagers of Kerr Mot Ali but were driven away, so they informed him the governor that the community had refused to allow the mosque to be reopened.*⁷⁹
75. According to the witness, the *Ndugal* follower's resident in Kerr Mot Ali responded that "anybody who prays here and calls the name of God we are going to put a bullet through your backside." He then wrote to the Ministry of Religious Affairs, who then informed him that they should take action to preserve morality and stability. He said he received this advice to take action in the form of an Executive Order. The Order required the witness to protect Alieu Secka and those who were to refurbish the mosque and use all resources at his disposal to request the police or even the army to come in and expel followers of the *Ndugal* Sect out of The Gambia. The witness said that they only intended to expel the non-Gambian followers, but the Gambian followers of the sect decided to leave. Mr. Touray admitted that he was not cited any laws according to which the order to evict the residents of Kerr Mot Ali was to be based, nor did he take steps (as governor) to check whether the laws of The Gambia allowed him to do so. According to him, an Executive Order was as good as the law during those days, so he did it without question when he was ordered to do something.⁸⁰
76. Consequently, the witness led armed security officers into Kerr Mot Ali to evict the residents. He claimed that although he led them into the village armed, they were not under his direct command but the command of the IGP. He also went with his security officers, who were armed but insisted that if any of the residents were beaten or their rights violated, he was unaware of it and did not witness or order it.⁸¹
77. However, the current Alkalo of Kerr Mot Ali, testified that when the former Governor Ganyi Touray arrived with armed security in Kerr Mot Ali to support Alieu Seck and those intending to reopen the mosque, violence erupted. According to him, the *Ndugal* sect members

78 Witness Testimony Yunusa O.S. Ceesay, 29th January 2020 lines 1500 – 1626
 79 Witness Testimony Ganyi Touray, 6th February 2020 lines 354 – 375
 80 Witness Testimony Ganyi Touray, 6th February 2020 lines 457 – 641
 81 Witness Testimony Ganyi Touray, 6th February 2020 lines 678 – 727

took offence to the armed paramilitary in the village and tried to stop those working in the mosque. They threw stones at the paramilitary and injured one of them and thereafter the paramilitary then used all their means to ensure security. He said: "In fact, they [the paramilitary] followed and they beat up some people, some were arrested, others used other means to subdue them." All of the followers of the *Ndugal* sect were then forced to leave the village during this time. The witness confirmed that after the expulsion, those that left were replaced by Senegalese and that even the head of the village, Serign Alieu Secka is also Senegalese. A case was brought before the High Court in Banjul by Muhammed Basiru Secka against the new settlers in which the witness was a respondent. The judgment in that case also concluded that the new residents of Kerr Mot Ali were Senegalese, including their head.⁸²

78. The witness Shiekh Alioun Secka said that despite the judgment of the High Court giving back the right of possession to the members of the *Ndugal* Sect, as Alkalo, he is not willing or prepared to let them come back into Kerr Mot Ali in accordance with the orders of the court, because they are not Muslims.⁸³

11. BANNING OF SHIA MUSLIMS IN THE GAMBIA

79. In a statement by the Supreme Islamic Council in an article dated August 7, 2008,⁸⁴ the Council announced that "The Gambia Supreme Islamic Council has ordered all programmes geared towards propagating or defending Shia Muslims to stop with immediate effect." In his testimony before the TRRC, former President of the Supreme Islamic Council Muhammed Lamin Touray defended the Council's statement on the basis that wherever the Shia are found in the world, the place ends up in flames. He said that they did not have the authority to make such an order but were instructed to do so by former President Yahya A.J.J. Jammeh. The ban stated that the Council had decided that the proprietors of all print and electronic media must ensure that all religious programmes aimed at propagating or defending the faith that contradicts the teaching of Prophet Muhammad should be stopped. In his defence, Imam Touray said that though he and the Supreme Islamic council had no authority to impose bans on the public but that Jammeh: "tasked me with an assignment which was not in contradiction to the Sharia. So, my religion instructs me to accept his instructions if they are not in contradiction to the word of God. Wherever he got his authority from that is left to him. What he tasks me to do that was my assignment. I am not supposed to trouble anyone or to ban someone who is not supposed to be banned; if I did that, I would be in bad blood with the Almighty, so we tried our best to be straightforward and be just with people."
80. The targeted oppression of religious rights by former President Yahya A.J.J. Jammeh with the aid of the Supreme Islamic Council was not only restricted to sects and groups who held opposing views to the President of the Council. Various individuals were also targeted. Some of these individuals were leaders or influential group members, while others were targeted for their outspoken views. As the years went on, persecution of religious leaders aggravated from mere bans to arbitrary arrests and detentions of people who offended the President, torture and other inhumane and degrading treatments.

82 Witness Testimony Cheikh Alieu Secka, 4th February 2020 lines 860 – 975
 83 Witness Testimony Chiekh Alieu Secka, 4th February 2020 lines 1010 – 1020
 84 Witness Testimony TRRC Exhibit 120F

12. TARGETING OF INDIVIDUAL RELIGIOUS LEADERS

TESTIMONY OF ALHAIBA HYDARA

81. Imam Alhaiba Hydara was born in Baddibu Yalal Tankonjala in the North Bank Region, and went through Islamic education. In 2002, he was appointed by The Gambia International Airlines as a Hajj guide for pilgrims to Mecca and later became the Imam of the Banjul International Airport Mosque. In 2005 he was selected to go to Mecca as a Hajj guide, and it coincided with his father's going to pilgrimage. Earlier in the day, he and his father were supposed to fly out to the Hajj, the witness decided to attend a friend's naming ceremony in Sukuta Sabiji. He received a call from Bakary Kassama, the Head of the National Intelligence Agency (NIA) at the Airport informing him that he was needed at the NIA headquarters in Banjul. Shortly after the first call, Kassama called again and asked the witness to come outside. When he went out, Kassama explained that he had come to pick the witness himself because he did not want to send his juniors to the naming ceremony and embarrass the witness. The witness requested to go back and take his leave of his host, but Kassama refused. The witness was asked to switch his phone off, although he was allowed to turn it back on briefly to tell those he left behind that someone had come to pick him up for a mission at his house, then he switched off the phone again. He boarded Kassama's vehicle and he was taken to the NIA Headquarters through the back entrance. Kassama dropped him off and then left.⁸⁵

82. After waiting a while, he was picked up again by a Pajero with tinted windows and driven to the Banjul Police Headquarters by two plain-clothes individuals. He was taken to Jata Baldeh, Head of CID at the time. Jata Baldeh asked him why he was there, and the witness replied that he hoped to find out precisely that. Baldeh then asked him whether he had said anything against the government or the President himself. The witness replied that if there was any evidence that he had done anything, let it be brought out in the open. Baldeh also asked him what the topic of his sermon was during the previous Friday's Jumma prayers. The witness pointed out that he only talks about current affairs in his sermons and as it was Hajj season, he only spoke about Hajj. He was then told to wait in the juniors' office of the Serious Crimes Office, where he was left until sunset without information, food and water. He was not charged with anything but was not allowed to call his family or a lawyer. After the evening prayers, he was again put into another vehicle and taken to the Police Intervention Unit (PIU) headquarters in Serekunda.⁸⁶

83. Biran Mbye the Officer in Charge (OC) at PIU headquarters ordered the witness's release and returned his mobile phone and gave him food. As soon as he finished praying the night prayers, another pickup arrived and he was again returned to Banjul Police Headquarters and placed in the cells.⁸⁷ The next morning, he was taken up to the first floor again and questioned by one Jawara Touray about the subject of his previous Friday's sermon. He was then taken to Janjangbureh Prison, but on the way, he met the then President of the Supreme Islamic Council, Banding Drammeh, who informed the witness that the then Minister of Interior had told him (Banding Drammeh) that he had received information that the witness insulted the government.⁸⁸

85 Witness Testimony of Alhaiba Hydara, 27th January 2020, lines 320 – 430

86 Witness Testimony of Alhaiba Hydara, 27th January 2020 lines 456 – 423

87 Witness Testimony of Alhaiba Hydara, 27th January 2020 lines 646 – 736

88 Witness Testimony Alhaiba Hydara, 27th January 2020, lines 885 – 996

84. At Janjangbureh Prison, the witness said he was not processed at all, nor was his detention recorded, fuelling his suspicion that his captors wanted to hide any evidence of his whereabouts. He spent 23 (twenty three) days in prison. Although he was not maltreated, the lack of communication with his family and the failure of his intended Hajj with his father was distressing. Eventually, His wife Fatoumatta Hydara and a friend of his hired the services of lawyer Borry Touray, to help pro bono and get him released. On January 31, 2005, the witness was granted bail on a D50,000 bond with his wife as a surety.⁸⁹ This was even though he had never been charged with any crime. The witness said that about a week after his detention, his family was evicted from the quarters they lived in at the Airport by Maimuna Taal, the Director of Civil Aviation at the Airport at the time as she feared that she would lose her job if she did otherwise. After some time, he was called to report at the Banjul Police Station. At the Station, he was told he must repay the monies he was paid as a Hajj Guide, and the payment had to be immediate. The witness argued that he did not voluntarily refuse to go; it was the government authorities that prevented him. He had distributed the money to his family to use in his absence and thus, did not have it. The witness was told by one Jawara Touray that the money was just a bait and that once he repaid it, he could be free from the authorities. The witness then told his father-in-law, who gave him the Thirty thousand Dalasis he was asked to pay. On payment, he asked for a receipt which he was promised would be prepared for him to return and collect, but this never happened.⁹⁰

TESTIMONY OF ISMAILA MANJANG

85. Ismaila Manjang testified that on June 17, 2011, he gave a speech at the graduation of grade nine (9) students at the Khalid Bin Walid School, in which he advised students to avoid praying in particular superstitious sites which are not acceptable to pray in according to the religion of Islam, listing among these Bakau Kachikally, Gunjur Nyani Tarma, etc. The next day a group of officers, including one Mr. Sowe, a police officer, came to tell him that he was wanted at the police station. When he got out of his house, he was asked to board a vehicle instead. On reaching the Station, Numo Kujabi told him to get back into the vehicle in a very harsh tone and ordered two paramilitary officers to take the witness away. He was, however, taken to the NIA Headquarters in Banjul and where he found the same Numo Kujabi. Numo alleged that the witness had insulted the elders of Gunjur. The witness denied the allegation and Numo hit him hard with a rubber baton on the right shoulder and again on the left shoulder and repeated the beating. He was then asked to remove his shirt as well as his undershirt, which he did but refused when he was asked to take off his trousers. Numo then ordered the paramilitary men to take him away. He was ushered into a room and locked up with only a bottle to ease himself in and another bottle with water to drink.⁹¹

86. The witness was locked up from that Saturday 18th June 2011 until the morning of Monday June 20, 2011 when other NIA officers found him there. They asked why he had been arrested and brought into the NIA. He admitted to them that he did not know and that he had not seen the man who detained him. After questioning him, they informed him that his detainer was Numo Kujabi (who worked at the President's office as an NIA agent).⁹² He was asked

89 Witness Testimony Alhaiba Hydara, 27th January 2020, lines 1243 – 1349

90 Witness Testimony Alhaiba Hydara, 27th January 2020, lines 1482 – 1679

91 Witness testimony Ismaila Manjang, 28th January 2020 lines 235 – 393

92 Witness testimony Ismaila Manjang, 28th January 2020 lines 527 – 536

to find surety to bail him out.⁹³ In order to be granted bail, his surety was to hand in his compound documents and he (the witness) was asked to provide his passport. He was forced to withdraw his passport from the Banjul Travel Agency (as he was due to travel for Umra in Mecca).⁹⁴ His travel documents were held for over six (6) months, which prevented him from making his annual Umra pilgrimage to Mecca. He also still feels pain on the shoulder where Numo Kujabi had hit him with the baton.⁹⁵

TESTIMONY OF BA KAWSU FOFANA

87. In his testimony at the public hearing of the TRRC, on February 6, 2020, Ba Kawsu Fofana testified that on May 18, 2012, Imam Abdoulie Fatty did a sermon at the State House in which he advocated that the witness (Ba Kawsu) should be arrested, disciplined and punished. On May 31, 2012, Ba Kawsu was arrested by a team of officers led by Yankuba Badjie. He was taken to the NIA, where he was severely beaten by at least 10 (ten) people, including Ousman Sonko, which led to the witness sustaining injuries, including a broken finger. The witness said he did not recognize the others who tortured him because of the darkness. When one of them attempted to light a cigarette at one point during his torture, another person slapped the lighter out of his hands to prevent him from revealing his face. The witness testified that some of the torturers used sticks, pipes and nylon bags over his head, trying to strangle him. “What they do is they would put you down on your stomach, you would lie down on your stomach, some would stand on your legs, some would stand on your hands so that they would have a free room. They would beat you anywhere on your body.”

88. According to the witness, all the beatings took place around 3 am. He was not stripped naked, but his head covering and outer garment were taken away. After the beatings, the witness said he would be asked questions, such as why he called the former President “*Banjul Mansa*” (King of Banjul) and was asked to change his way of preaching and stop mentioning the President constantly. He did not suffer any injuries but experienced severe body pain due to the beatings and suffered pains from his broken finger. He was eventually released on bail on June 8, 2012, after 9 (nine) days in detention, with the condition that he must report back regularly. However, on June 15, 2012, Yankuba Badjie and a team of officers came to his home to re-arrest him. The witness asked for permission to perform ablution, and he was able to sneak out of the compound and escape.⁹⁶ He subsequently went into exile in Cassamance and received protection from the Senegalese government. He later returned in 2015 after Yahya Jammeh announced an amnesty for all those he had issues with in the past. The witness said that being in exile was painful for the witness’s family, parents, followers and students (all in all, about five hundred people who were dependent on him one way or another).⁹⁷

TESTIMONY OF IMAM BABA MUHTAR LEIGH

89. When Yahya Jammeh announced to the Supreme Islamic Council that there were death row inmates he was going to execute, the witness (Imam Baba Leigh) met with the Imam Ratib

93 Witness testimony Ismaila Manjang, 28th Janaury 2020 lines 438 – 500
 94 Witness testimony Ismaila Manjang, 28th Janaury 2020 lines 593 – 653
 95 Witness testimony Ismaila Manjang, 28th Janaury 2020 lines 667 – 719
 96 Witness Testimony Ba Kawsu Fofana, 6th February 2020 831 – 1017
 97 Witness Testimony Ba Kawsu Fofana, 6th February 2020 1100 – 1142

of Banjul, Cherno Kah and told him they must talk to the former President Yahya A.J.J. Jammeh about the issue, but the Imam Ratib declined. He then approached Imam Abdoulie Fatty and said to him that they should intervene and speak to Jammeh. Imam Fatty promised that the Supreme Islamic Council knows how to deal with the issue. However, the witness later heard rumors that ((9) nine people were taken from the prisons and executed, and this was later confirmed by the GRTS. According to the witness, the Supreme Islamic Council also issued a press release stating that the President did not kill those people; it was Sharia that condemned them. The witness took the newspaper bearing the Council’s statement and confronted Muhammed Lamin Touray, President of the Supreme Islamic Council, pointing out that what the Council had written in the paper was not right. Muhammed Lamin Touray said to the witness that they had no choice; they had to do it. The witness responded that he would then issue his own press release, which he did. The press release was published by the Standard Newspaper as well as Madi Ceesay’s newspaper, the Daily News. The witness stated that the executions were not in accordance with Islam and that the Supreme Islamic Council was also wrong in arguing that it was right. He further argued that since the inmates had already been executed, the government should hand over the bodies to their families to carry out necessary burial rites. Both newspapers were closed down after that and the witness’s life became a nightmare as he received threatening calls and warnings to leave the country.⁹⁸

90. On December 2, 2012, upon arriving home, while parking his car, two men by the names of Sanna Saidykhan and Haruna Suso, told him that he was wanted at the NIA headquarters in Banjul. Fortunately, the arresting agents allowed him to call Omar Amadou Jallow (OJ) and his colleagues at GAMCOTRAP. He told these people to notify Fatou Jaw Manneh and Bruce Nutsch (former Deputy American Ambassador to The Gambia) about his arrest. He also called friends at the BBC and New York City to tell them he was being arrested.⁹⁹ On arrival at the NIA, the witness was searched and placed in a small room. Around 1 am people arrived, dressed in all-black attire like “ninjas”, with masks that made them unrecognizable. When they passed, the caretaker at the reception (one Demba Jawo) said to the witness, “*they have arrived, and it will be very hard for you today...but just bear whatever you see will come to an end one day*”. A short while later, he was taken by the caretaker to an upstairs room where all the lights were switched off and people were seated. When he entered, someone who had been hidden behind the door suddenly slapped him from behind and then said, “*You are calling yourself an Imam*”. The witness replied that he was not calling himself an Imam, but he was, in fact, an Imam. Then the man who slapped him replied that “*here it is, Oga before God*”. The witness said he was overwhelmed by the smell of alcohol. At that point, he was stripped naked and was beaten on every part of his body. Some of his tormentors kicked him, some extinguished cigarette butts on him, among other types of torture. At some point, the witness said, he did not hear or feel anything and fainted. Water was poured over him and once revived, they asked him why he hated Yahya Jammeh. According to the witness I said to them: “Do I hate Yahya Jammeh?” They said “yes, you hate him. Are you the only Imam in this country, or you want to say that you are more learned than Abdoulie Fatty, or you want to say that you are more God-fearing than Lamin Touray? Whatever happens, you are the person who will talk about it.”

98 Witness Testimony Imam Baba Muhtar Leigh lines 1160 – 1322
 99 Witness Testimony Imam Baba Muhtar Leigh lines 1363 – 1443

91. At that point, the beatings resumed again. At least seven people were involved in the beatings and they used sticks, cables, and what looked like a bicycle chain. He was beaten three times in the day before they left him and went away. He sustained injuries, including wounds on his back which did not heal for over two months. He was also not offered any medical attention where he was locked up.¹⁰⁰ On the second occasion, the witness was asked questions such as where he got his money? How many compounds (houses) he had? How did he get his three cars and whether it was the American Embassy that were paying him? The questioning continued for about 6 (six) days. The beating also continued throughout those days.¹⁰¹
92. On the third day in detention, the witness was told that he would be released. He got dressed and was returned his belongings. He was told to return the next day to collect his car keys and retrieve his car. However, as soon as he exited the back gate of the NIA, he met two men who rearrested him and they continued to mete out the daily tortures and questionings.¹⁰² On the 6th day in detention, the torturers told the witness that if he wanted to leave custody, he must name certain people -Kebba Touray, Omar Amadou Jallow (O.J), Cherno Barry, the Marabout at Bogal and the American Embassy- and confess that they made him do the things he was accused of, but he refused, stating that it would be untrue. On the 9th day, the torturers took the witness to the back of the NIA compound and dug a hole like a grave. He was buried in it up to his chest and was told, *“today, if you do not talk, we will just bury you and finish with you.”* He was left half-buried for about an hour and a half before they returned and took him out.¹⁰³ He also said that *“All these torturing I am talking about, they had these plastic bags and that is more painful than the torturing, they will put it over your head and tie it around your neck, if you are breathing that plastic bag will sometimes block your nose, you cannot breathe. If they are taking you outside, they will wear the same plastic bag over your head; you will not know where you are going to. But whatever they said, I can say I can hear it. We drove up to the point and they took me upstairs. I sat down. The man started questioning me and they took off the plastic bag.”*
93. On the 10th day in detention, the witness was taken to a place called Bambadinka at Jeshwang prison and told that that was where he would die.¹⁰⁴ The witness spent 5 (five) months, seventeen (17) days and five (5) hours in Bambadinka.¹⁰⁵ The food the witness was given was terrible and he did not eat for the first few days, but due to severe hunger, he began to eat it to stay alive. Throughout his detention, he was not allowed to see a lawyer because the government denied any knowledge of his whereabouts. However, with the help of Bakary Colley (a prison officer), the witness was able to get a phone and let friends know his whereabouts.¹⁰⁶
94. According to the witness, he was praying one Friday evening when someone came running and told him to pack up his things as he was being released. He was put on board a vehicle and taken to Banjul, to the office of the Secretary General, Njogu Lamin Bah, where Imam Cherno Kah, Alieu Mboge (both representing Banjul Muslim Elders), Imam Abdoulie Fatty

100 Witness Testimony Imam Baba Muhtar Leigh lines 1445 – 1529
 101 Witness Testimony Imam Baba Muhtar Leigh lines 1533 – 1581
 102 Witness Testimony Imam Baba Muhtar Leigh lines 1588 – 1617
 103 Witness Testimony Imam Baba Muhtar Leigh lines 1663 – 1676
 104 Witness Testimony Imam Baba Muhtar Leigh lines 1633 – 1660
 105 Witness Testimony Imam Baba Muhtar Leigh lines 1695 – 1719
 106 Witness Testimony Imam Baba Muhtar Leigh lines 1763 – 1800

and Muhammed Lamin Touray, President of the Supreme Islamic Council were also seated. Njogu Bah told the witness, *“father, the president said let me receive you on his behalf,”* and Imam Abdoulie Fatty began by telling the witness that nobody perpetrated what happened to him but that it was ordained by Allah. The others echoed similar statements. Alieu Mboge then told the witness, *“Imam Baba, you know that you should praise Yahya Jammeh because of the forgiveness he has done for you, you know that the United Kingdom is the leading democratic country, but you see what they did to Abu Hamza...”*. The witness refused to thank Jammeh, but GRTS published a story falsifying the facts¹⁰⁷. The witness said that the entire experience was painful because it broke his family, but he is thankful for the man it has made him into –an advocate for human rights. .

13. CONCLUSION

95. The intermingling of religion and politics during former President Yahya A.J.J.Jammeh’s regime created a highly polarized society. The religious intolerance which has resulted from it can be felt even now, as evident from feedback from the general public gathered through the Constitution review consultation process and the TRRC’s outreach program. Despite the overwhelming majority of Gambians agreeing to the idea of a new draft constitution to move the country forward, one of the most remarkable points of argument arose concerning whether or not the draft should explicitly state that The Gambia is a secular republic. One thing that is clear from the testimonies heard by the TRRC is that the mixing of religion and politics and its impact on social cohesion is not an accidental by-product of the Jammeh regime but was part of a conscious strategy and methodology by Jammeh to consolidate his power to maintain a firm and absolute grip on power.
96. A clear pattern can be seen from all the various thematic hearings conducted by the TRRC, which reveals a *modus operandi* by former President Yahya A.J.J Jammeh. Regardless of what sector it was, Jammeh was determined to have absolute control of the narrative within the country. Secondly, to ensure that only he held actual power within the web that he was creating. Jammeh’s persecution of the religious leaders is similar to his treatment of members of all other sections of the social order and was motivated by the desire to entrench himself in power. This can be seen in the manner in which the Junta set about arresting all the politicians and influential players from the first republic, some of whom he continuously harassed with arrests, violations of their economic and political rights, etc. Similarly, he targeted the media from early on in his regime and ensured strict control over the only television as well as severe suppression of all independent media that did not sell his propaganda. The legal system fared no better. The former President Yahya A.J.J Jammeh used the office of the Attorney General to settle personal scores and additionally, hired and fired members of the judiciary at whim depending on whether he was personally satisfied with the decisions they made. In similar vein, control over religious affairs was just another means to serve his dictatorial intentions. As Professor Saine indicated in his Commissioned report for the TRRC, *‘culture and religion are intertwined in The Gambia and are a strong motivator of the public character’*. To capitalize on these, Jammeh set out to create an awe-inspiring persona through claims that he could cure the various ailments he proclaimed.

107 Witness Testimony Imam Baba Muhtar Leigh lines 1823 – 1869

Secondly, he also took on a religious façade symbolized by his long flowing all-white gowns and constant carrying of a copy of the Quran, the sword and praying beads. The impression of this combination was that of a God ordained; gifted spiritual leader. This is evident from the statements of members of the Supreme Islamic Council that God commands them to obey Jammeh as long as his orders are not against the Sharia.

97. Jammeh found in the Supreme Islamic Council the perfect vehicle to hide behind and push his dictatorial agenda under the pretense of championing the religion of Islam. He used the overzealousness of some of the members of the Supreme Islamic Council to legitimize many of his actions. However, from some of the testimonies heard at the TRRC, even if members of the Council saw through some of Jammeh’s pretentious claims, they were willing to go along with them as long as it served their ideological purposes. Jammeh lacking much knowledge of religious affairs, yet wanting to be seen as a religious authority, was influenced by members of the Council to give out orders that infringed the religious rights of some individuals and religious groups that the Council viewed as unacceptable. From the testimonies, it is clear that many of the groups and individuals that the Council complained about to the former President Yahya A.J.J Jammeh were subjected to rights violations. For example, Imam Abdoulie Fatty’s sermons stating that Ba Kawsu should be arrested and disciplined, or his proclamations against Imam Baba Leigh as well as the Ahmadiyya Muslim Jamaat, among others, may have been a significant factor in the treatment of those people by state authorities. Indeed, suppressing those people also served Jammeh’s intention to suppress dissent and flatter the Arab states he was trying to get financial support from.

98. In the testimonies of the members of the Supreme Islamic Council, they consistently argued that they did not have any authority to compel other religious groups or individuals to conform to their (the Council’s) own beliefs, these statements are contradicted by their hardline stance against any groups they did not view as orthodox and their issuing of bans against other preachers and issuance of permits without which no one is allowed to preach. These actions were clearly outside their power and authority, but some of the Supreme Islamic Council members were happy to implement Jammeh’s unlawful authorizations and then hide behind the fact that they only did their religious duty of obeying the leader as stipulated by The Quran. From the testimonies, there is a clear indicator that the Council members were well aware of the influence their statements had on Jammeh. However, as the President’s patronage enabled them to impose their religious views on the entire country, they also entertained his excesses and sometimes even provided justifications for them (e.g., their endorsement of the execution of the nine (9) death row inmates). With that justification, the former President Yahya A.J.J Jammeh was, in turn, able to ensure that, just as in the other sectors, no religious sect or individual religious leader had so much influence and following that they may pose a threat to his absolute authority in the country. Sects such as the *Ndigal* sect would have posed a problem in Jammeh’s paranoid mind considering that the sect proclaims that they did not recognize any human authority except what is ordained by divine inspiration total submission to the authority of their leader.

99. While the Supreme Islamic Council was the leading enabler of Jammeh’s attacks on religious freedoms, other individuals and smaller groups also helped perpetuate former President Yahya A.J.J Jammeh’s pretensions in exchange for his patronage. One common trend in their testimonies is the excuse that they were only obeying executive orders. However, most of

them never bothered to take steps to verify the lawfulness or otherwise of the orders they received. This has not only been expressed in the testimony of the Supreme Islamic Council members but also in the testimony of other individuals such as Ganyi Touray, who was a governor of CRR at the time of the persecutions against the *Ndigal* sect..

100. Ultimately, it is clear that Yahya A.J.J. Jammeh’s regime operated outside the basic tenets and the provisions of section 25(1) of the 1997 Constitution of The Gambia. As with many other areas, Jammeh was able to find enablers within the country’s religious setting, willing to subscribe to his tactics and subvert the will of the people to maintain his hold on power. In particular, with the Supreme Islamic Council, Jammeh was able to forge a symbiotic relationship that resulted in serious human rights violations for many Gambians. Not only the infringement of religious rights but in some cases the expulsion of Gambian citizens from their rightful homes to be replaced by a foreigner. In some instances, the arbitrary arrest and torture of respected citizens of The Gambia and in other cases, the actions of the former President Yahya A.J. J. Jammeh and the Supreme Islamic Council caused rifts and stirred religious intolerance that is going to be hard to put back to rest. The religious polarity and intolerance that has been created were sensed when the draft constitution was released and may pose one of the most significant challenges to ensuring national healing and reconciliation, as well as ensuring non-recurrence of human rights violations in the Gambia.

14. FINDINGS OF COMMISSION

After a careful review of the evidence, the Commission finds as follows, that:

1. The appointment of Yahya Jammeh to an honorary position in the Supreme Islamic Council enabled him to establish that relationship with the Council in which he dominated and dictated the Council’s actions. This symbiotic relationship between Jammeh and the Council, enabled Jammeh to use the Council for his own political ends.
2. It is improper for the Head of State of the country to occupy a position in one of the religious bodies especially an organization that seemed to have a regulatory function.
3. The Supreme Islamic Council arrogated to itself powers that it could not have without any legislative backing. The power to register and/or ban preachers was unlawfully arrogated to itself. The Supreme Islamic Council should immediately desist from the exercise of such powers.
4. The authority purportedly given to the Supreme Islamic Council by former President Yahya A.J.J. Jammeh to ban preachers who were perceived to be preaching or espousing different beliefs or were considered unsatisfactory, was unlawful. Even though the Constitution in section 25(4) allows for restriction of the right to freedom of conscience and the freedom to practice any religion and manifest such practices, when it is reasonable to do so in a democratic society or for the purpose of the sovereignty and integrity of the country, national

security, public order, decency or morality, or in relation to contempt of court, there is no prescribed procedure to do so in the Constitution or any other law. As such Yahya Jammeh himself did not have the power to impose a ban or authorize the Supreme Islamic Council to impose bans on anyone.

5. The Supreme Islamic Council is a private organization that was aimed at mainly harmonizing syllabuses of Islamic schools and to help settle disputes between members of the Umma. It is quite clear that there are many other functions that the Council can perform which will help the Muslim community in the country. However, the Commission considers that it is beyond the scope of the work of the Commission to carry out an in-depth study of the Supreme Islamic Council¹⁰⁸ in order to determine how it could be remodeled to be of greater benefit to the Muslim Community.
6. Former President Yahya A.J.J. Jammeh persecuted members of the Muslim Community who he believed practiced or manifested a brand of Islam that he considered different from the one of his choice-these groups include the *Ndiggall* Sect, the Shia Muslims, the Ahmadiya Jamaat and individuals such as Bakawsu Fofana, Sheikh Muhideen Hydara, Dr. Dumbuya, Ismaila Manjang, and Imam Baba Leigh.
7. The removal of members of the *Ndiggall* Sect from Kerr Mot Ali in The Gambia, pushed to live in Senegal amounts to deportation and is impermissible under international human rights law and proscribed /criminalized in the Rome Statute which is applicable in The Gambia.
8. The declaration by former President Yahya A. J.J. Jammeh that The Gambia was an Islamic State was unlawful. The only way to change the no-state religion character of the country is by Constitutional means which will require a referendum. It cannot be done by edict or decree or mere pronouncement.
9. The unilateral and unlawful declaration of The Gambia as an Islamic State was largely inspired by the influence of non-Gambian religious clerics. Extremist religious clerics/preachers can potentially offset the religious tolerance and harmony that is enjoyed in the country.

15. RECOMMENDATIONS

The Commission makes the following recommendations:

1. Former **President Yahya A.J.J. Jammeh** should be prosecuted for unlawful arrests and detention and torture of Ba Kawsu Fofana, Imam Baba Leigh, Sheikh Muhideen Hydara and Alhaiba Hydara and the persecution of the Ahmadiya Jamaat, Shia Muslims and the *Ndiggall* Sect in The Gambia.
2. The government shall ensure the separation of the state and religion, but this shall not be

¹⁰⁸ Although the Commission is mandated to make recommendations for institutional reform, the Commission considered that the Supreme Islamic Council is not a state institution and would therefore be outside the mandate of the Commission. For this reason, the Commission did not make an in-depth study of the Council for the purposes of recommending reforms to it.

interpreted to mean that the State cannot facilitate the free exercise of religious beliefs of the citizens.

3. The members of the *Ndiggall Sect* still living in exile in Senegal should be returned to live in Kerr Mot Ali (Gambia) and their properties returned to them. The government should enforce the judgment obtained by members of the Sect in the High Court of The Gambia.
4. The Government should establish a Peace Committee for Kerr Mot Ali comprising of all relevant stakeholders including the National Human Rights Commission whose mandate would be to negotiate the resettlement of the exiled residents and restoration of peace and religious co-existence in Kerr Mot Ali with all the relevant stakeholders and National Human Rights Commission.
5. Establish civic education in all educational institutions in The Gambia to teach the importance of religious tolerance and social cohesion. .
6. Undertake a study of how the Supreme Islamic Council could be reformed and remodeled under a proper legal framework to be more useful in Gambian society considering its potential to carry out regulatory and other useful functions.
7. Make it a rule that the Head of State shall not hold any substantive or honorary position in the Supreme Islamic Council, religious body or religious order.
8. Establish an interfaith consultative body that will be mandated to carry out activities that will help strengthen religious tolerance and social cohesion
9. The government shall take steps necessary to ensure the clear separation between the state and religion. This shall not be interpreted to prohibit the facilitation by the state of the free practice of religion by the citizens of the country.

ATTACK ON ROAD USERS

CONTENTS

A.	OVERVIEW	37
B.	THE PRESIDENT’S CONVOY	38
	B.1 <u>INCIDENTS THAT HAPPENED UNDER THE FORMER VICE CHAIRMAN AFPRC, SANNA SABALLY</u>	39
	The incident with Abdoulie Tekanyi	40
	Incident involving an Fafa Ceesay	41
	B.2 <u>INCIDENTS UNDER FORMER PRESIDENT JAMMEH</u>	42
	<u>Incident involving the Throwing of Biscuits & T-Shirts</u>	42
	Incident involving an unknown child	43
	Incident involving a young Fula shepherd	43
	Incident involving a child – Isatou	43
	<u>Beatings and/or Shootings of Road Users</u>	45
	Incident involving a Nigerian taxi driver	45
	Incident involving Lamin Jarju at Kaur	46
	Incident involving Omar Kanyi	46
	EXCERPTS FROM STATEMENT OF MAJOR ARMANDO JATTA	48
	Incident involving Kisira Krubally	49
	OVER SPEEDING AND RECKLESS DRIVING	52
	Incident at Barra	52
	Incident involving Musa Bass	53
	The Lamin NTC Junction incident – 2016	55
	Incident involving Abdoulie Barry	54
	Incident involving William a Swedish national	57
	Incident involving Kandeh from Sintet, and Nyassi	59
	Incident involving Foday Jawla	59
	Incident involving two civilians at Busumbala	60
C.	CONCLUSION	60
D.	FINDINGS	61
E.	RECOMMENDATIONS	65

OVERVIEW

1. Between July 1994 and January 2017, the presidential convoy, travelled with a display of force and power. Shortly after the Armed Forces Provisional Ruling Council (AFPRC) ousted the People's Progressive Party (PPP) government, Gambians started seeing junta members travelling in convoys with heavily armed soldiers. The display of heavy weapons was a deliberate attempt to show the Gambian people that this was a military regime and by implication, the conventional rules did not apply.
2. As well as being heavily armed, the convoy travelled at an alarming speed without much regard to the road users who may accidentally or otherwise find themselves in the convoy's way. Consequently, pedestrians, motorists, bystanders, and other road users who came into the convoy's way got hit, beaten, or even shot. This led to many injuries and even loss of lives. Some victims became permanently disabled. All these road accidents and related incidences derived from the recklessness and or the incredible speed at which the convoy travelled even within highly populated areas.
3. In all the accidents causing death, or serious injuries, the convoy drivers who caused the said accidents and incidents were never investigated, prosecuted or held accountable for their actions. There was never an inquiry into how and why many people were killed by the convoys and how the situation could be averted or remedied. Where there was an investigation the culpability of the state employees/convoy personnel was never called into question.
4. The military junta took over the country in the July 22 1994 *coup d'etat* with the message that they were soldiers with a difference and would bring prosperity and development to Gambians. However, soon after they consolidated power, they began to exert excessive force against the people they promised to protect. The Vice Chairman of the military Junta, then **Lt. Sanna B. Sabally**, drove in a convoy with heavily armed personnel who exercised dominance on the road and demanded that road users give way whenever his convoy was passing. Individuals who failed to do so were brutally dealt with by his bodyguards.
5. Over the years, Yahya ammeh's convoy also became even more dangerous. The presidential convoy included heavy vehicles which traveled at top speeds, with military escorts equipped with high-grade weapons. During Presidential tours, Ex-President Jammeh would throw biscuits and/or T-shirts to the crowd while the convoy is moving causing stampede as people push and shove each other for the biscuits/T-shirts, leading to many accidents involving children.
6. In many cases, road users were beaten for merely failing to stand up in acknowledgment of the President's convoy. Soldiers in the convoy also shot vehicles they perceived as obstructing the road or failing to get off the road quickly enough when the Presidential convoy was passing. As a result, several civilians, young and old, lost their lives and those that survived were abandoned, with no assistance from the state or the President.
7. In most of these cases, neither the victims nor their families received compensation from the President. None of the convoy drivers were held accountable or punished for their misconduct. As a result of this impunity, members of the Presidential convoy became brazen

and emboldened to drive with total disregard for the lives and wellbeing of road users. In essence, the large entourage, a big fleet of vehicles and heavy weapons were a show of force and strength which were all calculated to intimidate and further instill fear in Gambians.

B. THE PRESIDENT'S CONVOY

9. Several witnesses testified before the Commission about the accidents caused by the President's Convoy. Below is the list of witnesses who testified before the Commission on this issue, some of whom were military drivers in the convoy:

1. *Abdoulie Barry*
2. *Matthew Bass*
3. *Ebou Jarju*
4. *Lamin Jarju (soldier)*
5. *Baba Kanyi*
6. *Abdoulie P.O.Njie*
7. *Lamin Sillah (soldier)*
8. *Musa Saidykhan (soldier) and*
9. *Protected witnesses (KC48)*
10. *Protected witnesses (KB29)*

10. The President's Convoy was led by sweepers who were responsible for clearing motorists and pedestrians off the road¹. The sweepers included vehicles of the police and infantry soldiers. The vehicles of the infantry sweepers had two PKM guns (general purpose machine guns) mounted on two trucks. Then came the command vehicles occupied by state guards and other officers. These were followed by the state press, protocol, plainclothes and presidential vehicles, and the ambulance which came last. Always, there were two or three reserved vehicles in the convoy.² The soldiers that accompanied the convoy were always dressed in full combat gear and armed with AK47 rifles and PKMS guns mounted on vehicles.³ The convoy had a communication system connected to the Presidential vehicle⁴ as well as the protocol vehicle and the ambulance.⁵ The soldiers who accompanied the convoy were always dressed in full combat gear and armed with AK47 rifles and PKMS guns mounted on the vehicles.⁶

11. This was an unprecedented show of might and power to show the citizenry that they were in complete control of the country and its people and everyone or anything that stood in their way or did not show obeisance would be severely dealt with. The sheer display of the heavily armed vehicles and the speed with which they went struck fear into the hearts of many Gambians and people resident in The Gambia. According to Saine (2020), "Sana Sabally, as second in command, presided over a reign of terror"⁷ During the short period in

¹ Testimony of Lamin Saidykhan, 8th July 2020, paragraph 152-160

² Testimony of Lamin Jarju, 13th July 2020, paragraph 497-577

³ Testimony of Lamin Sillah, 9th July 2020, paragraph 334-361

⁴ Testimony of Lamin Saidykhan, 8th July 2020, paragraph 163-174

⁵ Testimony of Lamin Jarju, 13th July 2020, paragraph 497-577

⁶ Testimony of Lamin Sillah, 9th July 2020, paragraph 334-361

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 20 para 1

which he was the Vice Chairman of the Junta (July 1994- July 25, 1994) he used the roads as if they were his and treated all road users and pedestrians that were perceived as being dis-respectful with utter contempt. The Commission received evidence that the President's Convoy under the command of the former President Yahya A.J.J. Jammeh and Sana Sabally, Vice Chair of the Junta travelled at very high speed and did not stop for anything under the disguise of security reasons. Witnesses revealed that whatever happened on the road was known by both Vice Chair-Sana Sabally and former President Yahya A.J.J. Jammeh. In the case of the former President's Convoy any incident relating to the convoy was instantly communicated over the internal radio communication system to the hearing of everyone, including the President who would thus be aware of whatever had happened.⁸

12. The witnesses further testified that although there was always a convoy commander who sat in the presidential vehicle transmitting orders and directions to other members of the convoy, **Yahya A.J.J. Jammeh** was always in charge. He would dictate and direct the speeds at which the Convoy would travel at and how he deemed it fit. The orders he gave to the Convoy commander were transmitted by him to the other members of the convoy via the same communication device.⁹

13. The evidence further revealed that the convoy often travelled at high speed and did not stop for anything. According to witness testimonies, five issues relating to the President's Convoy were the major reason for accidents that often resulted in the death of motorists/pedestrians or spectators and other human rights violations that arose from the actions of the soldiers driving in the convoy. These issues are enumerated below:

1. *Throwing of biscuits and T-shirts while the convoy was moving*
2. *Over speeding*
3. *Attacks on people who failed to acknowledge the convoy*
4. *Attacks on those who were perceived as threats to the convoy*
5. *Attacks on those who did not give way to the convoy*

B.1 INCIDENTS THAT HAPPENED UNDER THE FORMER VICE CHAIRMAN OF THE AFPRC, SANA SABALLY

14. In his testimony to the TRRC, on April 24, 2019, Sanna Sabally, admitted that 'his convoy 'had been attacking road users or other users of the road who were perceived to be obstructing his convoy.¹⁰ The former Vice Chair of the AFPRC told the Commission that members of his security detail including the body guards and drivers attacked road users that were perceived to be a threat to his convoy. He emphasised that he did not give them such instructions but that they knew what they should do for his protection. The body guards knew what they should do in such instances even though there was no standard operational procedure for bodyguards in the Army. He also agreed that he knew that it was unlawful to go around beating people that obstructed his convoy but yet, they continued doing so.¹¹ He narrated the following incidents of assaults on innocent road users committed by members of his security

⁸ Testimony of Lamin Saidykhan, 8th July 2020, paragraph 163-174

⁹ Testimony of Lamin Sillah, 9th July 2020, paragraph 168-174

¹⁰ (580) Sanna Sabally TRRC Sitting 24th April 2019 Part 3 - YouTube 10:52-41:50/2:09:43 accessed 18.09.2021

¹¹ Testimony of Sanna B Sabally 24th April line 2333-2346

detail, including bodyguards - John C B Mendy, Baboucarr Njie alais, Njie ‘Poncal’, BA Njie, Zakaria Darboe and the late Albert Gomez and drivers Dembo Gibba, Alkali Jallow and Lamin Drammeh.¹² 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.

INCIDENT INVOLVING ABDOULIE TEKANYI

- i. The incident with Abdoulie Tekanyi: On the January 25, 1995 while on their way from Brikama to Banjul, at around 9 (nine) in the evening, a vehicle suddenly swerved between the lead vehicle and his official vehicle from the left side of the road. This occurred around Lamin village and his convoy was traveling on the right hand side of the road. His driver acted quickly and the lead vehicle made a sudden break, so did the rear vehicle, creating a perimeter around his vehicle to secure it. The driver of the other vehicle sped off and bodyguards pursued him and apprehended him and took him to Banjulinding Police Station. He could not be left alone as the Security arrangements did not allow that so they all went after the driver of the vehicle. The driver of the vehicle one Abdoulie Tekanyi, an employee of the Gambia Civil Aviation Authority was arraigned before the Kanifing Court and was convicted and sentenced to pay a fine of D1000 and his driving license was suspended for six months.¹³ Sanna Sabally denied knowledge of his security detail beating Mr. Tekanyi. When confronted with an NIA investigation report titled “Incidence 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.¹⁴ He was expressed willingness to apologise to Mr. Tekanyi and participate in a reconciliation exercise with him. JCB Mendy, confirmed that he was in the Vice Chair’s vehicle that day and they chased after 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 he did not know if he was beaten.
- ii. This other incident according to the witness, Sanna Sabally, had not gained public attention. This incident occurred opposite the Ahmadiyya Hospital in Tallinding at the junction of the road leading to Nusrat High School. They were going to Yundum Barracks when a taxi driver swerved and came in front of the lead vehicle. The vehicle veered to the left in an uncontrollable manner and then hit the wall of the Ahmadiyya Hospital. That is where Couple Albert Gomez, sustained serious injuries permanent injuries. The lead vehicle somersaulted because of the abrupt appearance of the taxi before it. The driver ran away while they evacuated Couple Albert Gomez to the hospital. The driver was eventually caught and taken to Banjul Police Station. Sana Sabally denied any knowledge of the beating of this driver.
- iii. Shooting of tyres of vehicles: Sanna Sabally confirmed the incident involving Dr. Sabally around Cooperative in the KMC. They were on the way to Banjul in the morning when Dr. Sabally’s car came between the lead vehicle and his official vehicle. Dr. Sabally’s vehicle car tyres were shot.¹⁵ He could not remember the incident involving

12 Testimony of John Charles B Mendy 18th March 2019 line 596 -651
 13 Testimony of Sanna B Sabally 24th April line 2250 – 2292
 14 Testimony of John Charles B Mendy 18th March 2019 line 727-764
 15 Testimony of Sanna B Sabally 24th April line 2347-2358

John Njie of Caritas. JCB Mendy however, remembered this incident which occurred 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. Finally, they managed to sweep him off the road, then bust his tyres. , He admitted that he shot the tyres but denied knowledge of the beating of Mr. Njie.¹⁶ In relation to the shooting of vehicle tyres, Baba Njie one of Sanna Sabally’s orderlies narrated that they were travelling from Brikama in the WCR towards KMC. At the Babun Fatty Junction a vehicle obstructed the vehicle of Baba Njie. Baba Njie got out of his vehicle and burst the tyres of the other driver’s vehicle. On that day, he was seated in the front seat of Sanna Sabally’s vehicle.¹⁷ JCB Mendy stated that he could not recall this incident.¹⁸ Baboucarr Njie testified that another incident occurred in which he was in the rear vehicle. A driver obstructed the convoy. Consequently, they beat him up and burst the tyres of his vehicle. He admitted that this was their mode of operation. They would burst the tyres of the vehicle and slap any individual who obstructs the convoy.¹⁹

- iv. He stated that he could not recall the incident involving Fafa Ceesay at Mandinaring, and the old Jeshuwang and Nyambai Forest incidents.²⁰

INCIDENT INVOLVING Fafa CEESAY

- v. Baboucarr Njie testified that Sanna Sabally asked them to pick up a civilian at Serrekunda Police Station. After that, they took the individual to Sanna’s residence where Sanna asked them to “deal with him.”²¹
- vi. According to JCB Mendy, Sanna B. Sabally asked the man why he was insulting the President. When the man did not respond, he asked them to give him military punishment.²² The said individual was subjected to series of punishments, such as frog jumping, squatting and bathing.²³ Baboucar Njie testified that while this was going on, they were also beating and kicking him. He and other orderlies did all these under the instructions of Sanna Sabally. He stated that bathing the said individual was a form of punishment. A pipe was fixed to the tap, and they were using it to splash water on him.²⁴
- vii. 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.²⁵

16 Testimony of John Charles B Mendy 18th March line 675-7222 JC
 17 Testimony of Baboucarr Njie, 15th April 2019, line 2809-2812
 18 Testimony of John Charles B. Mendy, 18th March 2019, line 831-833
 19 Testimony of Baboucarr Njie, 15th April 2019, line 2812-2834
 20 Testimony of John Charles B. Mendy, 18th March 2019, line 834-843
 21 Testimony of Baboucarr Njie, 15th April 2019, line 2843-2847/Testimony of John Charles B. Mendy, 18th March 2019, line 856-861
 22 Testimony of John Charles B. Mendy, 18th March 2019, line 861-864
 23 Testimony of John Charles B. Mendy, 18th March 2019, line 866-869/Testimony of Baboucarr Njie, 15th April 2019, line 2847
 24 Testimony of Baboucarr Njie, 15th April 2019, line 2849-2899
 25 Testimony of Sanna B. Sabally, 24th April 2019, line 2360-2402

- viii. Sanna’s recollection of this event is different from that of his bodyguards JCB Mendy and Baboucarr Njie who testified that they tortured and assaulted Fafa Ceesay on the instructions of Sanna Sabally. As such, the Commission is more inclined to believe the evidence of these two individuals on this matter.
- ix. Shooting of Alo Bah: An Oberserver Newspaper Article, which reported that a woman named Alo Bah was demanding compensation of One Million Dalasis for being shot in the arm by his convoy. The newspaper article reported that one Alo Bah was shot on January 27, 1995 at the Brikama Serrekunda Highway. Sanna Sabally told the Commission that he was not sure about the date of the incident because he was already in prison by then.²⁶ He was reminded that a complaint could not have been made when he was the Vice Chair of the AFPRC because everyone was afraid of them. The complaint in the Newspaper was opportunistic as he had lost his position of power so the complainant accompanied with her uncle, Amadou Sowe, had gone to the Point Newspaper to lodge their complaint. Based on her story the Point Newspaper published an Article dated 30th March 1995 which reported that an 18 year old young mother called Alo Bah was requesting compensation of one million Dalasis by the State after being hit shot in the arm by a bullet from the convoy of Sanna Sabally. The incident took place on January 25, 1995 while she was selling potatoes at Latrikunda Sabiji market. Sanna Sabally however confirmed that day was the day of his son’s naming ceremony but he could not remember incident with the taxi.²⁷ He stated that whenever a vehicle obstructed his convoy, the bodyguards would: “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”.²⁸ Even though he denied knowledge about the shooting Alo, he took the opportunity of her presence at the public hearing of the TRRC and apologised to her publicly for what happened to her.²⁹ The victim on her part said she would only forgive him if she and her uncle compensated.

B.2 INCIDENTS UNDER FORMER PRESIDENT YAHYA A.J.J. JAMMEH

I. INCIDENTS RESULTING FROM THROWING OF BISCUITS AND T-SHIRTS

- 15. Former **President Yahya A.J.J. Jammeh** usually went on an annual nationwide tour. In addition, he often travelled to his home village of Kanilai. During these trips, large crowds of supporters and spectators generally would gather along the roads to cheer him on as his convoy passed. The former **President Yahya A.J.J. Jammeh**, would throw biscuits and T-shirts at the crowds from his vehicle during these trips. This often resulted in people – including children – rushing towards the convoy whilst it was still moving. They would scramble for these items, which led to chaos, stampede and accidents. Some drivers had

26 Testimony of Sanna B Sabally 24th April Line 2418 -2429 page 107
 27 Testimony of Sanna B Sabally 24th April line 2438- 2489
 28 Testimony of Sanna B Sabally 24th April line 2496-2513
 29 Testimony of Sanna B Sabally 24th April line 2514-2562

to navigate and maneuver through the mayhem and drive off the road. Many children who rushed to pick up biscuits were run over by the President’s Convoy whilst it travelled at a very high speed.³⁰

- 16. **Lamin Saidykhan**, the current Motor Transport Officer in charge of all the vehicles at the State House, testified that he joined the gendarmerie in 1991 as a driver. After 1994, he was incorporated into the army and later transferred to the State House as a convoy driver in 2000. He narrated that there were about twenty accidents caused by the President’s Convoy involving both adults and children.³¹ Another witness **Lamin Jarju** admitted that from a security point of view, the convoy was a dangerous and difficult affair. He acknowledged that, sometimes, former **President Yahya A.J.J. Jammeh** would throw the biscuits across the road and children would attempt to cross the road in their pursuit of biscuits, not knowing that other vehicles forming part of the convoy were at the rear and travelling at a very high speed. Often, it was up to the individual convoy drivers to make sure they did not hit the children. However, he insisted that he could not remember any accidents that occurred due to the throwing of biscuits.
- 17. **Ebou Jarju**, steward to former **President Yahya A.J.J. Jammeh** who during his time as an employee at State House, always travelled with the President’s Convoy. He told the Commission that the drivers were concerned about the throwing of biscuits because accidents became quite frequent as a result of throwing of biscuits. According to him, this concern was raised by one **Kodou** – a female Protocol Officer. **Kodou** commented that the former **President Yahya A.J.J. Jammeh** should be advised to stop throwing biscuits because people were dying as they scrambled for them. Consequently, she was transferred the following day.³² Her so-called misconduct, which led to her transfer as a form of punishment, was her advice about the irresponsible manner in which the biscuits were thrown from the President’s Convoy leading to the deaths and injuries of people, mainly children.

Incident involving an unknown child

- 18. The witness confirmed that the former **President Yahya A.J.J. Jammeh** knew that the throwing of biscuits was causing accidents because the information would always be communicated on the cars’ radio. He added that sometime around 2002, **Jane Colley Faye**, an MP, took a child who had been knocked over by the convoy back to “his people.” The child passed away, and **Jane Colley Faye** attended the funeral³³

Incident involving a young Fula shepherd

- 19. He also testified that an accident occurred around the Senegambia area in Kerr Serign, West Coast Region. “A Fula shepherd boy ran to pick the biscuits thrown from a Land Rover and it hit him. I can’t tell whether he died or not, but he was seriously hit.”³⁴

Incident involving a child – Isatou

- 20. KB29, resident in West Coast Region, testified in a closed-hearing session because of the fear of reprisals. He told the Commissioners that sometime in 2013, his REDACTED-old

30 Testimony of Lamin Saidykhan, 8th July 2020, paragraph 603-611
 31 Testimony of Lamin Saidykhan, 8th July 2020, paragraph 618-619
 32 Testimony of Ebou Jarju, 27th February 2020, paragraph 447 – 463
 33 Testimony of Ebou Jarju, 27th February 2020, paragraph 459-463
 34 Testimony of Ebou Jarju, 27th February 2020, paragraph 465-468

daughter, **Isatou**, was playing outside with her friends when he heard a siren and people saying, “*The Head of State is coming.*” By then, people gathered around his house, which was only a short distance from the road, although he did not go outside himself. As soon as the convoy passed, he heard people saying, “*Someone has been killed. They have killed somebody.*” Someone then came running into his compound and told him, “*It was Isatou that these people killed.*” Upon receiving this terrible news, he became terrified, and he got up crying with grief and closed his compound gate. The ambulance in the convoy picked up the child and took her to the hospital. This was around 4:00pm. He remained in his compound and called his wife to inform her about the accident involving their daughter. Upon receiving the news, his wife fainted, and was brought home. Mourners came to pay their respects and to console the distraught family. **Isatou**, was officially pronounced dead upon arrival at the hospital even though the police did not want to release the body. After washing the body in line with Islamic custom, he finally had the chance to properly look at his daughter and examine the state of her body. He observed that her head was almost completely broken.

21. On the third day after **Isatou’s** death, a neighbour came to commiserate with the family. He asked if someone from the government had visited the family to pay their respects. When they replied in the negative the neighbour assured the grieving father that government representatives would come and pay their respects to the family. On the Friday following the fatal accident, three soldiers came to pay their respect with a bag of sugar, a bag of rice, a drum of oil and D1000. However, the grieving father noted that the soldiers left quickly without meeting the family and community elders. This made him even more upset.
22. On another occasion, when the President’s Convoy was passing, a soldier approached him with two cartons of biscuits and said to him, “*It was me who knocked down your child and killed her. I brought these biscuits for you.*” The soldier explained that he could not avoid the child under the circumstances and that it was an accident. He further explained that on the day of the accident, the President was throwing biscuits and people were rushing to pick the biscuits. His daughter was close to the road when she was hit by one of the convoy vehicles. The person who put her in the ambulance in the immediate aftermath of the accident told him that “*Isatou’s body was completely destroyed, especially her head. Her head was completely broken.*”
23. Witness KB29, explained that after the incident, he obtained the number of one, **Mr. Njie** who worked at the President’s Office. When he called to explain himself, the person promised that he would get back to him but never did. The witness stated that the most painful part of this incident was the refusal of the persons who killed his daughter to meet with the elders to show remorse for the death of his daughter. He said that he suffers from personal insecurity and does not feel safe and lives in fear that at any time something would happen to him or any member of his family. He stated that he is still afraid when he thinks about what had happened to his daughter.³⁵
24. From the testimony of KB29, the cause of the accident can easily be attributed to the throwing of biscuits by former President **Yahya A.J.J. Jammeh** whilst his vehicle and convoy travelled at high speed.

35 Testimony of KB29, 16TH March 2020

II. BEATINGS AND/OR SHOOTINGS OF ROAD USERS

Incident involving a Nigerian taxi driver

25. **Lamin Sillah**, a driver in the President’s Convoy and a Jungler, gave evidence concerning the conduct of soldiers in the President’s Convoy. At the beginning of his testimony, he stated that he used to hear about the shooting of vehicles but never witnessed any.³⁶
26. However, under cross-examination, he stated that he witnessed an incident at Westfield. He said that **Almamo Manneh** stopped his vehicle, alighted and shot a Nigerian taxi driver at close range on the ground that the taxi obstructed the convoy. The convoy was returning to the State House after dropping off former **President Yahya A.J.J. Jammeh** at the airport, as he was travelling abroad. The incident happened close to the Jokor Night Club (a popular night club), situated at Westfield Junction in the Kanifing Municipality. The taxi driver was trying to leave the road upon hearing the sound of sirens when **Almamo Manneh** stopped and drew his weapon, saying, “*the man will defecate bullets.*”³⁷
27. **Lamin Sillah** admitted to the Commission that the Nigerian taxi driver was not a threat to the convoy at all because he was not on the highway. He said that the man had already reversed and parked his vehicle off the highway.³⁸ He also said that the former **President Yahya A.J.J. Jammeh** was not on board the vehicle, so there was no principal to protect. He admitted that the convoy was a show of power and that road users were terrified whenever they heard the convoy passing.
28. **Baboucarr Jatta** (then Chief of Defence Staff (CDS) ordered the military police to arrest **Almamo Manneh**. However, the military police were afraid to do so. **Almamo Manneh** threatened them that he was protected by his *jujus*’ (spiritual charms believed to give protection) and nothing could harm him.³⁹ **Almamo Manneh** was a Staff Sergeant and was close to the former President, Yahya A.J.J. Jammeh and people feared him. He was never prosecuted or reprimanded for this incident.⁴⁰ Later the former President told Saikou Jallow his close protection orderly that Almamo Manneh was an ingrate as he had protected him during this incident.
29. This very important evidence was provided by **Saikou Jallow** (a former orderly and close aide to during his testimony via video link on May 27, 2021. He told the Commission that when that when **Almamo Manneh** was killed by the Junglers, **Ousman Sonko, Ismaila Jammeh** and others, he had a conversation with former **President Yahya A.J.J. Jammeh** about the matter. The former **President Yahya A.J.J. Jammeh** told him that he felt betrayed by **Almamo Manneh** who was staging a *coup d’état* against him after what he had done for him. He, said to him “*Saikou, Almamo is the last person that I ever thought was going to betray me.*” He **Yahya A.J.J.** had protected **Almamo Manneh** and saved him from losing his job and from arrest and prosecution when he shot and killed the Nigerian taxi driver⁴¹.

36 Testimony of Lamin Sillah, 9th July 2020, paragraph 600

37 Testimony of Lamin Sillah, 9th July 2020, paragraph 633-673

38 Testimony of Lamin Sillah, 9th July 2020, paragraph 675-680

39 Testimony of Lamin Sillah, 9th July 2020, paragraph 924-931

40 Testimony of Lamin Sillah, 9th July 2020, paragraph 957-979

41 (580) TRRC SAIHOU JALLOW PT1 27.05.21 - YouTube 1:02:38-1:10:07 /1:55:47 accessed 18.09.2021

30. This evidence is quite important, as it shows that former **President Yahya A.J.J. Jammeh** would protect those soldiers who were close to him, even when they committed serious violent crimes such as murder.

Incident involving Lamin Jarju at Kaur

31. Testifying further **Lamin Sillah**, also revealed that soldiers in the President’s Convoy gave the road users what they referred to as “*VIP treatment.*” In explaining the *VIP treatment*, he said, “*The VIP treatment, sometimes, you know when the convoy is passing, they used to say, if it finds you sitting down, you are expected to stand up. When the President is passing, if he finds you by the side of the road, you should stand up.*”⁴² If a person fails to honour the President’s Convoy by not standing up as the convoy passes, soldiers would come down from the convoy and beat up the person that failed to stand up, and the convoy would continue.⁴³ He testified that usually, the last vehicle in the convoy was in charge of such things. **Lamin Sillah** stated that it got to a point where even old people stood up whenever they saw the President’s Convoy approaching.⁴⁴ When questioned even further, **Lamin Sillah** narrated the incident involving a young nurse called **Lamin Jarju of Kaur**. **Lamin Jarju** was given the so-called “*VIP treatment,*” and he died three days later. **Lamin Sillah**, however, denied having first-hand knowledge of the incident as it was narrated to him. He admitted, however, such treatment of people was a standard operating procedure for the convoy.⁴⁵ He informed the Commission that the former **President Yahya A.J.J. Jammeh**, himself gave orders for the soldiers to beat road users who failed to acknowledge his convoy by sanding up until the convoy passed.⁴⁶
32. The notion that bystanders along the roads must stand up for the President was ingrained into the soldiers’ minds and they enforced the order by punishing without mercy those perceived to be non-compliant. Road users who failed to stand up for **Yahya A.J.J. Jammeh** were in some cases beaten up mercilessly by soldiers in the convoy who were usually dressed in full combat gear and armed with AK47 rifles.⁴⁷ The mere sight of the convoy and the display of power and force that came with it was quite intimidating.
33. Soldiers sometimes shot at vehicles that were perceived to be on the road when the convoy was passing. The Commission received the testimony of **Baba Kanyi** whose brother was beaten to death for not standing up when the President’s Convoy was passing and the testimony of **Abdoulie P.O. Njie** whose vehicle was shot for obstructing the convoy. Below is a summary of their evidence.

Incident involving Omar Kanyi

34. **Baba Kanyi** testified that on 7th September 2013, he was at work when he received a call from his brother **Seedy Kanyi**, informing him that their elder brother **Kassim Kanyi, alias Omar Kanyi**, was at the Royal Victoria Teaching Hospital (RVTH) in Banjul. He was granted

42 Testimony of Lamin Sillah, 9th July 2020, paragraph 704-709
 43 Testimony of Lamin Sillah, 9th July 2020, paragraph 714-718
 44 Testimony of Lamin Sillah, 9th July 2020, paragraph 720-726
 45 Testimony of Lamin Sillah, 9th July 2020, paragraph 727-733
 46 Testimony of Lamin Sillah, 9th July 2020, paragraph 734-741
 47 Testimony of Lamin Jarju, 13th July 2020, paragraph 325-331

permission by his superior **Lieutenant Ebou Jallow**, to go to the hospital to see his brother. At the time, he did not know the severity of the condition of his brother. He highlighted that he did not have any idea what had happened to his brother. He arrived at the emergency ward at 6:00pm and the nurse he found there informed him that his brother had died and the body was in the mortuary. **Kassim** was thirty years old at the time of his death.⁴⁸ **Baba Kanyi** proceeded to the mortuary to identify his brother’s body. When he was shown his brother’s body, he noticed that it was covered in sand, and his shirt was tied around his neck. He also saw wounds on his head where he was hit. He untied the shirt around the neck, moved the head and then realised that his neck was broken. The injuries on his head suggested that he was hit with a gun butt. Several parts of his head were swollen, and other forms of injuries were also visible on him.

35. While looking at the body, he was outraged and unhappy. Based on his observations, he concluded that his brother was beaten. At the time, however, he did not know who was responsible. He left the hospital and returned to the camp to inform his superiors that his brother had passed away. He was granted permission to go home.⁴⁹
36. He later went to the Abuko Police Station to enquire about his brother’s death because the nurse at the hospital informed him that his brother was brought there by one **Ousman Sonko**, a police officer from Abuko Station. The officers at the station told him that his brother was brought in by some soldiers who were part of the advance party of the President’s Convoy heading from the airport to Banjul. The head of that entourage was **Captain Armando Jatta**. They had wanted to leave the body at the station’s veranda, but the officers protested against the soldiers dumping a body there and leaving.
37. Following this protest, the senior military officer, **Captain Armando Jatta**, took out the book, wrote down his details and the time, signed and they left. The police told **Baba Kanyi** that someone from Lamin Village recognised his brother and helped the police contact the family. When his father, **Bamba**, and his stepmother, **Kumba Joof**, arrived at the station, his father decided to leave the body at the police station and protested that his son was well and healthy when he left home that day.⁵⁰
38. The following day, he went to Abuko at the site of the incident and found some hawkers discussing the previous day’s incident. They said, “*Yesterday, soldiers beat a young man here and the man died in their hands.*” When he asked who witnessed the incident, they all dispersed because no one wanted to be a witness against soldiers. After all, they were afraid.⁵¹
39. The following Monday, when the family and some police officers went for the body, he insisted that they should not collect the body until they knew the cause of death. Some people advised him that his family would not be safe if he wanted to follow up on the issue. This was because during that time, people were beaten and killed and nothing came out of it. Eventually, he was persuaded by the elders to relent. He and a police officer received the body. They buried his brother later that day. The government neither sent any representatives to attend the funeral, nor condolences to the family.⁵²

48 Testimony of Baba Kanyi, 14th July 2020, paragraph 438
 49 Testimony of Baba Kanyi, 14th July 2020, paragraph 49- 139
 50 Testimony of Baba Kanyi, 14th July 2020, paragraph 144-
 51 Testimony of Baba Kanyi, 14th July 2020, paragraph 235-254
 52 Testimony of Baba Kanyi, 14th July 2020, paragraph 256-316

40. The online news outlet, Freedom, reported that soldiers killed **Omar Kanyi**. It noted that his brother was serving in the army. The following morning, they were called to report to Bundung Police Station, where the police asked his stepmother how her son died. She responded that she did not know, as they were the ones that informed the family of his death. They told them that many rumours were going around about the incident that was why they called them.
41. Kibaro news also published an article captioned “Police arrest murdered **Kassim Kanyi’s** family members.” The article stated that the police had detained his uncle – **Kassim Kanyi**, his mother – **Bamba Kanyi** and **Tanding Fofana**. It noted that **Kassim** was physically tortured by the soldiers in the President’s Convoy for riding his bicycle on the roadside just before former **President Yahya A.J.J. Jammeh’s** convoy passed they cleared Banjul-Brikama Highway. The said article dated the 12th of September was admitted in evidence as Exhibit 145.
42. According to **Baba Kanyi**, eyewitnesses he found near the scene of the incident narrated that the military jumped off their vehicle and started gun butting, kicking and raining blows on the deceased whilst he was talking to the police who stopped him. He subsequently died upon arrival at Abuko Police Station, where **Armando Jatta** and his team dumped him after beating him severely. It also observed that the deceased’s neck was broken and no autopsy was conducted on him. The witness confirmed that the contents of the online article were accurate.⁵³

EXCERPTS FROM TRRC STATEMENT OF MAJOR ARMANDO JATTA

43. **Armando Jatta**, who was adversely mentioned in this incident, did not testify in the public hearing sessions. However, he submitted a statement in response to the allegation. He stated that on that particular day, he cannot fully remember where the convoy was going but he was the commander of the advance party. He dropped off some of his men at Abuko Bridge to secure it so that the convoy could have a free flow without any security threat, but he cannot recall names of those men. Later, he received a call via the radio communication set that the men at the bridge had a confrontation with a man. He immediately returned to the bridge to ascertain what happened. Upon arrival, he was made to understand that his men had a scuffle with the man because he refused to distance himself from the convoy. From his observation, he noticed that the officers had ruffled up the gentle man, because his cloths were scruffy. He immediately gave orders for to his men put the man on board his Toyota Land Cruiser, and they drove to Abuko Police Station. Upon arrival at the station, he narrated the incident to the officers at the station and asked that they investigate the man and if he did not pose any threat, he should be released. One of the police officers asked him to identify himself and he told them his name was **Armando Jatta**. Then, he left. Since then, he did not enquire about the investigations or the fate of the man. This was wrong because as a Commander he was expected to follow up in order to know the status quo of the matter he had reported. But in this case, he failed to do the needful. He stated that he found out the outcome of the case on the 14 the July 2020 when **Baba Kanyi**, a navy officer, testified at the TRRC that the man

53 Testimony of Baba Kanyi, 14th July 2020, paragraph 316-411

who had a problem with his men at Abuko died and that his name was Omar Kanyi. He stated that after the incident, he remained at the State House as a convoy commander until after the 2016 elections. He was deployed at the Guards Battalion as the second in command and promoted from captain to Major in 2016 as well.

Incident involving Kisira Krubally

44. **Abdoulie P.O. Njie** during his testimony at the public hearing of the TRRC on July 14, 2021 he testified that he was driving with his brothers in a Pickup when a traffic police officer asked them to stop because the President’s Convoy was about to pass. They parked close to the Bahai Church at Kanifing along the Bertil Harding Highway and waited. The President’s Convoy passed and the traffic resumed. While going, they offered the traffic officer a lift and dropped him off somewhere close to Methodist School. When they got to junction of the Methodist School their vehicle turned off from the highway at the sight of another convoy coming towards them at full speed from the traffic lights junction. The convoy was moving at top speed with guns mounted on top of the vehicles. Suddenly, **Abdoulie P.O. Njie** heard a shot. He and one of his friends, **Bunna**, were then sitting at the back seat. So, they got down from the vehicle thinking that the tyres of their vehicle had been shot. However, his brother **Kisira Krubally**, who was driving the car, placed his hand on the window and they noticed blood on his hand. As the witness opened the door, his brother leaned on the steering wheel, and he saw a lot of blood oozing from his back. He then knew that his brother was shot. He immediately took the towel from around his neck and placed it on his brother’s back to stop the flow of blood.
45. Meanwhile, the convoy did not stop. It passed them at full speed. With the assistance of his friends, they moved **Kisira Krubally** from the driver’s seat of the car and asked one of his friends **Lamin Saïdy**, a photographer, to take a picture of the car seat. He also picked up two spent cartridges from the scene, which he kept. A Police Intervention Unit (PIU) Officer whose number was 268 from Kanilai, but whose name he could not recall, escorted them to the Royal Victoria Teaching Hospital (RVTH).
46. By the time they arrived at the hospital, **Kisira Krubally** was bleeding profusely. The doctors attended to him and an X-ray was taken. After that, they gave the X-ray results to **Abdoulie P.O. Njie**. He went to the State House and told the guards on duty that his brother was shot by someone in the convoy and was between life and death at the time. The guards just beamed the light on him and asked him to go away. When he went back to the hospital, he found the following individuals at the hospital: **Captain Ousman Badjie** – then ADC to **President Jammeh**, **Thirteen Badjie** – the Inspector General of Police, **Ensa Badjie**, **Kalipha Banjinka** – a State Guard, and other soldiers. The soldiers spoke to **Dr. Jah** and two Cuban doctors. He stated that he perceived that they were trying to collect the bullet taken from his brother’s back.
47. Soon after the visit by the soldiers, someone dressed in civilian clothing, who did not introduce himself, came to the hospital and warned **Abdoulie P.O. Njie** not to speak to the media about the shooting of his brother. He told him that his brother would be taken care of even if he required treatment abroad. According to the witness, this made him quite distressed about

the whole situation. The following day, the Daily Observer published an article stating that the Vice-President’s convoy was involved in the shooting incident. According to the witness, this was inaccurate because he was sure that it was the **President’s** convoy. The incident happened about twenty minutes after the President’s vehicle drove past them and he saw the President. The shot came from a vehicle that was far from the other vehicles. Their vehicle was parked off the road for about five minutes before the arrival of the convoy.⁵⁴

8. **Abdoulie P.O. Njie** approached **Ndey Tapha Sosseh**, the editor of the Daily Observer at the time of the incident and told her that they got it wrong in the article. According to him, **Ndey-Tapha** wanted to pursue the story further but he convinced her to drop it because of the warning he had received earlier.⁵⁵ He was scared for himself and his family because of the threats that he had received. He also advised **Ndey-Tapha** whom he regarded as a sister to desist from further investigating the story because the soldiers meant serious business and he had heard rumours that they usually took people to Mile 7 and beat them up.⁵⁶ Subsequently, a delegation led by **Seringe Modou Njie** went to the house of the witness to apologise to his brother, **Kisira**.
49. To date, the family does not know who shot **Kisira**. The family paid **Kisira**’s hospital bills. He was eventually evacuated to Norway to seek further medical treatment. **Abdoulie P.O. Njie** testified that his brother had three bullet wounds – one on his hand and two holes on his back. There was no investigation into the matter.⁵⁷
50. After the incident, someone called him to inform him that he was needed at the State House. Out of caution, he decided to go with his aunty. When they arrived at the State House gate, he met **Ousman Badjie**, **Kalifa Bajinka** and three (3) other individuals dressed in suits. They asked for the photographs and the cartridges in his possession. At that point, he suspected that the photographer **Lamin Saidu** must have given that information to the security officers at State House about the photographs and the bullets because he worked at the Statehouse as a photojournalist. So, he contacted his friend **Kwaku Harris** and asked him to bring the pictures. The pictures were clear evidence that showed that the vehicle was parked off the road. There were some pictures of his brother while they were at the hospital, which showed that his brother was shot. He stated that State House officials confiscated the evidence to conceal the crime they committed. He said that he went there with his aunty and her daughter, **Aji Krubally**, because he was scared to go there alone. His aunty was able to identify **Bajinka**, **Ensa Badjie**, alias **Jesus** because she was previously resident in Brikama where these people also lived. **Banjinka** commented that he could have come alone and not bring along his aunt and the daughter. That night, **Abdoulie P.O. Njie** decided to flee to Dakar because he felt that he was not safe in the country. He stayed there for an extended period before returning home later.⁵⁸
51. The US Department of State Country Report on Human Rights Practices 2005 – Gambia country, reported this incident as follows: *“There were no developments in the following 2004 cases: the January shooting by soldiers of a driver at a military checkpoint; the June beating by soldiers; the October beating of a young woman by a soldier; and the October shooting of a motorist by a soldier escorting the Vice-President’s convoy.”*⁵⁹

54 Testimony of Abdoulie PO Njie, 14th July 2020, paragraph 187- 385
 55 Testimony of Abdoulie PO Njie, 14th July 2020, paragraph 389-408
 56 Testimony of Abdoulie PO Njie, 14th July 2020, paragraph 446-451
 57 Testimony of Abdoulie PO Njie, 14th July 2020, paragraph 458-462
 58 Testimony of Abdoulie PO Njie, 14th July 2020, paragraph 488-616
 59 Testimony of Abdoulie PO Njie, 14th July, 2020, paragraph 434-443, <https://www.refworld.org/docid/441821852f.html>

OVER SPEEDING AND RECKLESS DRIVING

52. **Ebou Jarju** testified that convoy accidents were quite prevalent between 2001 and 2008.⁶⁰ As a result, he once asked his then Supervisor **Serigne Modou** if he could be excused from being part of the President’s Convoy as there were too many accidents but **Serigne Modou** told him that was not possible.⁶¹ He narrated that the convoy always travelled at very high speed and that former **President Yahya A.J.J. Jammeh** was in control of the speed or otherwise dictated the convoy’s speed.
53. **Lamin Saidu**khan, the current Motor Transport Officer (MTO) at the State House who served as a convoy driver since Sir Dawda Kairaba Jawara’s regime, said, *“Yahya A.J.J. Jammeh always controlled the speed of the convoy, and no matter how fast the vehicles were going, once in a while, you would hear Yahya Jammeh tell Umpa Mendy ‘Move out! Move out!’”* which meant to go faster. And then, **Umpa Mendy** would promptly use his handset and tell the other drivers to do so.⁶² This was corroborated by **Lamin Sillah**. He stated that **Umpa Mendy** received instructions as to the speed of the President’s convoy.⁶³ **Lamin Jarju** was the only witness who alleged that the commander controlled the convoy’s speed.⁶⁴
54. According to **Lamin Saidu**khan, the reason for the over-speeding was because the former **President Yahya A.J.J. Jammeh** was always departing late. To make up for lost time, they would be asked to drive at a very high speed.⁶⁵ He stated that the speed of the convoy was such that when one stands by the road between Westfield and Tabokoto, one can feel the convoy passing.⁶⁶ **Lamin Saidu**khan recounted that the accident that occurred at Buffer Zone in which someone who was crossing the road was hit by the convoy, was as a result of over-speeding by vehicles within the President’s Convoy. People who were standing by the road were hit by a vehicle in the convoy.⁶⁷

From the evidence of the witnesses, the speed of the vehicles was primarily responsible for the accidents. Once someone was hit by the speeding vehicles, the chance of survival was minimal.⁶⁸ When asked if the victims of such accidents were ever compensated, the witness stated that he was aware of only one accident when a vehicle in the convoy hit a taxi on their way to the airport. The vehicle driver was compensated with the sum of about 30,000 Dalasis for the repairs. The said driver was a retysed soldier and had a good relationship with the Motor Transport Officer (MTO). He also cited another accident when one of the convoy drivers, **Ousainou Jammeh**, collided with two taxis. The driver took the matter to court but before the proceedings ended, the witness was dismissed from his job. So, he could not tell the Commission the outcome of that case.⁶⁹

60 Testimony of Ebou Jarju, 27th February 2020, paragraph 472-474
 61 Testimony of Ebou Jarju 27th February 2020, paragraph 472-474
 62 Testimony of Lamin Saidu

INCIDENT AT BARRA

55. **Ebou Jarju** further testified that whenever a vehicle in the President’s Convoy hit a person, they would continue with their trip. At the same time, the ambulance would pick up the person and take him or her to the nearest hospital, even if members of the convoy were involved.⁷⁰ This was corroborated by **Lamin SaiduKhan** who said, “*The convoy never stops,*” even if it was communicated that someone was hit.⁷¹ **Lamin Sillah** admitted that road users were afraid of the convoy because of the speed at which they drove.⁷² He revealed an incident when a convoy driver **Sulayman Jatta** rammed into a man whose truck was parked off the road leading to Barra. The victim was crushed in his vehicle and his body was severely injured.⁷³ They did not stop.
56. Over the years, the President’s Convoy has claimed the lives of many road users and left some disabled due to the severity of their injuries. Below are summaries of some of the victims of the convoy due to over-speeding and reckless driving.

Incident involving Musa Bass

57. **Mathew Bass** testified that he is the brother of the late **Musa Bass** who was twenty-seven years old at the time of his death. He described **Musa** as a gentle person who was hardworking, intelligent and respectful. He had just started working at the Gambia Groundnut Corporation (GGC) after finishing his electrical course at the Gambia Technical Training Institute (GTTI).⁷⁴
58. On June 28, 2010,⁷⁵ while he was at work in Bwiam, he received a call from his cousin **Joseph** informing him that **Musa** was involved in an accident. An hour later, a colleague confirmed to him that his brother was dead. Later, he was told that his brother was called that evening by his office to come and fix an electrical problem. After finishing his work, he crossed the road to head home. He was hit by a vehicle in the convoy. The following day, when he arrived at the Royal Victoria Teaching Hospital (RVTH) Mortuary, he asked to see his brother’s corpse and it was shown to him. It was excruciating for him to see his brother’s body in that state. He noticed that blood was oozing from the ears, nose and face. He could not observe more than that because of the pain he was feeling.⁷⁶ When he got home, the house was filled with people mourning the death of his brother.⁷⁷
59. At the time, the case was investigated by the police at Denton Bridge. However, the family could not follow up on the case because their elder brother was also seriously ill. His elder brother also died around that period.⁷⁸ Subsequently, the witness found out that the President’s Convoy driver that caused the accident was **Cherno Jallow**. **Cherno Jallow** and his boss, **Mboob**, came to their house during the funeral and apologised for what happened. They offered their condolences to the family and gave some charity. He emphasised that apart from these individuals, the family did not receive any delegation or compensation from the President.⁷⁹

70 Testimony of Ebou Jarju, 27th February 2020, paragraph 480-484
 71 Testimony of Lamin SaiduKhan, 8th July 2020, paragraph 626-631
 72 Testimony of Lamin Sillah, 9th July 2020, paragraph 451-457
 73 Testimony of Lamin Sady Khan, 8th July 2020, paragraph 871-899
 74 Testimony of Matthew Bass, 8th July 2020, paragraph 2020-42-64
 75 Testimony of Matthew Bass, 8th July 2020, paragraph 111
 76 Testimony of Matthew Bass, 8th July 2020, paragraph 73-116
 77 Testimony of Matthew Bass, 8th July 2020, paragraph 121-125
 78 Testimony of Matthew Bass, 8th July 2020, paragraph 128-132
 79 Testimony of Matthew Bass, 8th July 2020, paragraph 134-160

60. He told the Commission that the police investigations did not progress because it was a matter involving former **President Yahya A.J.J. Jammeh**. The police were not always keen on investigating such cases. So they decided to forget the case.⁸⁰ He acknowledged that his brother’s death could have been avoided if the convoy drove with due care and attention. During those days, the President’s convoy travelled at top speed and therefore, accidents were highly likely.⁸¹ His brother’s death caused a massive vacuum in their family, especially for his father who grieved heavily over his son’s death.⁸²
61. **Lamin SaiduKhan** testified that **Cherno Jallow**, a civilian convoy driver, also known as **Papa**, knocked down someone crossing from one side of the road to the other. The person died on the spot. He stated that the victim’s name was either **Mendy** or **Gomez**.⁸³ From the testimony of this witness, it is reasonable to conclude that he was referring to the incident involving the death of **Musa Bass** as it fits the evidence of **Matthew Bass**.

THE LAMIN NTC JUNCTION INCIDENT – 2016

62. KC48 testified that sometime in 2016, she attended a funeral after closing from school with her friend. REDACTED. That day, there were a lot of people walking on the footpath. Most of them had come from the funeral. When they got close to Lamin NTC Junction, they saw the President’s Convoy approaching. The convoy was moving at full speed. So, they waited until all the vehicles passed and the road was clear for them to cross to the other side. As they were crossing the road, a car suddenly appeared and hit them. Because of the speed at which it was going, it could not stop.⁸⁴ The victims were immediately rushed to Banjulinding Hospital where they were attended to for a short period. According to KC48, she was conscious at the time and she saw bodies being wrapped. She stated that she was certain that some people died.⁸⁵
63. KA67 testified that when she heard that some students from Wayoto who attended the funeral were involved in an accident, she rushed to the main road because KC47 had gone to the funeral. She found out that the victims were taken to the hospital. A crowd was already gathered on the road, and there was blood on the road. She was told that a black Jeep that caused the accident hit the victims and rammed into a “Narr”(Mauretanian) shop. As she was leaving to go to Banjulinding Hospital, she saw an ambulance heading to Serrekunda. So, she decided to follow it since it was carrying the victims.⁸⁶ KC48 and the other victims were transferred to Kanifing Hospital. KA67 testified that upon arrival at Serrekunda Hospital, she forced her way in and started looking for daughter but she was restrained by a police officer. She received a call from REDACTED informing her that KC48 was involved in an accident and was admitted at the hospital. She told the officer that she was at the hospital and she was allowed in. When she got inside, she saw about five dead bodies. And as they entered the emergency ward, she saw KC48 and another female victim.

80 Testimony of Matthew Bass, 8th July 2020, paragraph 162-170
 81 Testimony of Matthew Bass, 8th July 2020, paragraph 171-176
 82 Testimony of Mathew Bass, 8th July 2020, paragraph 178-181
 83 Testimony of Lamin SaiduKhan, 8th July 2020, paragraph 838-853
 84 Testimony of Redacted, 8th July 2020, paragraph 42-153
 85 Testimony of Redacted, 8th July 2020, paragraph 182-186
 86 Testimony of Redacted, 8th July 2020, paragraph 295-353

64. The other female victim was a student of St. Peter’s School in Lamin. KC 48 was unconscious at the time and was in bed, covered with a blanket and was on an intravenous (IV) fluid drip. While at the hospital, she received calls from concerned relatives and some of KC48’s friends enquiring about KC48’s condition.⁸⁷ She stated that it was very painful to see KC48 in that condition.⁸⁸
65. According to KC48, when she regained consciousness, she saw drips on her hand and felt pain on her chest, ribs and hips. She, however, could not recall how many people were victims of the incident.⁸⁹ KC48 was admitted at the Kanifing Hospital for about a week. When she was discharged, she collapsed, and she was taken to Sharab Hospital. According to KC48, she was admitted for 17 days.
66. Afterwards, she had a relapse and was admitted to the RVTH. She spent about three weeks there to get treatment for the pain in her chest, ribs and hips. During that time, no one from the Office of the President came to see her.⁹⁰ They received no support from the Office of the President. KC48’s father paid the hospital bills. KA67 lamented that they faced many challenges during that period and that she had to quit her job to take care of KC48.⁹¹ KC48 stated that she lost her voice after the incident and, as a result, she missed three months of school. She said that she still feels pain in her chest and hips during the cold season.⁹² She had to discontinue her schooling after that.
67. **Lamin Jarju** testified that on the day of this accident, they were coming from Kanilai. He stated that as his vehicle passed the scene, he saw the protocol vehicle had crashed into a “Narr” (Mauretianian) shop. The witness was not willing to admit that the accident was as a result of over-speeding. The driver of the protocol vehicle was **Musa Colley**. **Mr. Jarju** stated that he could not remember the number of casualties.⁹³
68. The Commission received no evidence to suggest that this incident was investigated and the culprits prosecuted. In addition, the victims who include five dead people were not treated or compensated by the government. In view of the above, the Commission finds that former **President Yahya A.J.J. Jammeh** should bear responsibility for the five deaths and injuries to survivors caused by this accident.

Incident involving Abdoulie Barry

69. **Abdoulie Barry** testified that sometime in 2000, he received financial assistance from some European friends. He used the money to buy a fourteen-seater commercial vehicle. As a result, he became self-employed.⁹⁴
70. On April 29, 2002, he stopped around the junction leading to Saint Peter’s High School to allow some passengers to alight from the vehicle. He then turned around to see what the apprentice was doing and suddenly noticed bright lights coming towards them. He suddenly

87 Testimony of Redacted, 8th July 2020, paragraph 356-425
 88 Testimony of Redacted Mendy, 8th July 2020, paragraph 401
 89 Testimony of Redacted Mendy, 8th July 2020, paragraph 155-173
 90 Testimony of Redacted, 8th July 2020, paragraph 196-215 and paragraph 427-461
 91 Testimony of Redacted, 8th July 2020, paragraph 490- 496
 92 Testimony of Redacted, 8th July 2020, paragraph 503-521
 93 Testimony of Lamin Jarju, 13th July 2020, paragraph 1833-1901
 94 Testimony of Abdoulie Barry, 16th March 2020, paragraph 90-102

- heard a loud noise on the door of his vehicle. A car coming from the opposite direction hit them. When he realised that he had been hit, it felt like someone had poured hot water on his body. He was bleeding profusely from his mouth and his leg. He looked around and saw that his leg was broken and his waist had “*turned to an angle which was not correct.*”
71. By then, his vehicle was surrounded by soldiers. He overheard them saying, “*He is not dead.*” His hipbone was broken so severely that it was sticking out. When the soldiers tried to get him out of the vehicle, they did it so roughly that his thighbone broke during the process. At that point, he did not know where the soldiers came from. His apprentice and another woman also sustained injuries.⁹⁵
72. After the soldiers removed him from the vehicle, he was taken to the Banjulinding Hospital where his wife was called and informed about the accident. When his wife arrived, she found him lying down on a stretcher at the hospital, he tried to give his wife some money, but she told him that she was not there for any money. He stated that they needed to transfer him to another hospital but the ambulance was out of fuel. His wife had to buy fuel for the ambulance. By then, he was not aware of his surroundings. He stated that he was unconscious for three days. When he regained consciousness, he saw himself at the Royal Victoria Teaching Hospital (RVTH) with his children and wife by his side.
73. **Dambe**, an officer at the Banjulinding Police Station who came to see him at the hospital, informed him that he was at the scene of the accident and that the vehicle that hit him was a Mitsubishi coaster transporting soldiers from Kanilai to State House. He told him that the driver did not have a license or insurance. The officer also told him that the said driver worked for the President’s mother, **Asombi Bojang**. Three days later, the said driver came to visit him. He explained that as he was driving, he saw something cross the road in front of him and when he swerved out of the way to avoid it, he hit the witness’s vehicle. The driver told him that his name was **Dawda Sanneh** and he worked at State House. He was released from the hospital after three months.⁹⁶
74. He stated that he was admitted to the Royal Victoria Teaching Hospital (RVTH) for about three months, during which time he underwent several treatments. His thighbone was reduced by several inches to accommodate a ring that was placed in his hip. For about ten years, he required assistance to turn on his side when he lies down.⁹⁷
75. After he was discharged, he went back to Banjulinding Police Station to see the state of his vehicle and give his statement. After that, he was referred to the Brikama Police Station. He stated that he had to pay the fare of officer **Dambe** who accompanied him to Brikama Police Station.

When they arrived at the Brikama Station, OC **Jatta Baldeh** asked him to provide a Medical Report. He did after two days. They told him that they were preparing the case file so they could send it to State House. The case file was sent to the Police Headquarters in Banjul. Deputy Inspector General (DIG) **Jai Sowe** asked him to come back three days later. He testified that he went back and forth to the police for about a month but to no avail. One day, he decided to sit at the station and refused to leave. Once, he went all the way to **Asombi**

95 Testimony of Abdoulie Barry, 16th March 2020, paragraph 129-204
 96 Testimony of Abdoulie Barry, 16th March 2020 paragraph 206-296
 97 Testimony of Abdoulie Barry, 16th March 2020 paragraph 307-399

Bojang's house, looking for the driver that caused the accident. Upon arrival, he saw the driver seated right in front of him. But when he asked, they told him that the driver was not there, which made him feel that the driver was above the law.

76. He went back to the Police headquarters where he met the Inspector General of Police (IGP) **Ebou Njie** who asked him what happened to him. After narrating his ordeal, they went to **Jai Sowe** who told them that his file was missing. During that time, he was in pain and on crutches and had to struggle to get to the DIG's office. After that, he walked to the courthouse because he could not enter certain vehicles due to his injury. He met lawyer **Ida Drammeh** and she invited him to her office⁹⁸ and made an effort to help him. **Ms. Drammeh** wrote a letter addressed to the Secretary-General and **Dawda Sanneh** on his behalf, but nothing came out of it. During that time, his fellow drivers contributed money to assist him with his expenses because his main source of income, his vehicle, was damaged due to the accident. The said letter was tendered as Exhibit 130B.⁹⁹ He stated that he reached out to the African Centre for Democracy and Human Rights Studies (ACDHRS) to pursue his case. **Mrs. Hannah Forster** of ACDHRS also wrote several letters on his behalf but received no responses. The letter was tendered as Exhibit 130 E.¹⁰⁰ The Ombudsman also wrote to the IGP requesting the prosecution of the driver, **Dawda Sanneh**, and compensation for the witness, but he received no response.
77. During the court hearing, he was evicted from his house, which forced him to beg on the street. He and his family spent two nights sleeping under a mango tree before they could find accommodation. His oldest child dropped out of school because he could not afford to pay her fees. But luckily, she eventually got a scholarship and continued her education. For seven months, while going back and forth from the hospital, he was dependent on his wife. He approached the Independent Newspaper to publish his story. The newspaper article titled "*Botched Justice Blighted Life: The Touching Tale of an Accident Victim Left in the Lurch*" dated 4-6 June 2004, attracted the attention of Lawyer **Badou Conteh**. **Mr. Conteh**, who generously paid for his second operation to remove the iron from his leg, bought him a bag of rice and gave him some money for feeding.
78. By August 2004, when he did not receive any reply to the letters sent on his behalf, he decided to travel to Kanilai with a copy of a newspaper article and a letter he wrote. He spent one month under a mango tree there waiting to see the President. He then went back home unsuccessful in his pursuit to see him. He returned on a Friday and caught a glimpse of then **President Yahya A.J.J. Jammeh**, but the guards did not allow him to get close. Thinking he was a beggar, he gave him some money.
79. On another occasion, he was able to get close enough to give the letter to the President. After his return from Kanilai, he met with the new IGP, **Thirteen Badjie**. However, it was fruitless, as he was told that his case file was lost and they could not write to the State House without the case file. The driver that caused the accident was never prosecuted.¹⁰¹ He then wrote a letter to the Office of the President in 2014 and 2015 appealing for assistance. In 2016, he received a call informing him that the President had left something for him and he should collect it at Banjulinding Police Station. The following day, he arrived at the station

98 Testimony of Abdoulie Barry, 16th March 2020, paragraph 417-553
 99 Testimony of Abdoulie Barry, 16th March 2020, paragraph 118-144
 100 Testimony of Abdoulie Barry, 16th March 2020, paragraph 145-169
 101 Testimony of Abdoulie Barry, 17th March 2020, paragraph 437-685

and met two Protocol Officers. They asked him to bring his wife. When he brought her, both of them were interrogated separately. The following day, he reported to the station and met the Protocol Officers and the driver, **Dawda Sanneh**, who admitted that he caused the accident.

80. The following Monday, when he reported at Brikama Station, he was escorted to the court by soldiers on the allegation of false accusations against the Head of State. He was arraigned before the Brikama Magistrates' Court on charges of giving false information to a Public Officer. On the date of the trial, several Protocol Officers came to court to attend the proceedings. He was represented by Counsel **Badou Conteh** while personnel from the Office of the Ombudsman and a representative from the African Centre for Democracy and Human Rights Studies (ACDHRS) were there to show their support. On the next adjourned date, the Protocol Officers called him aside to negotiate. Subsequently, the case did not proceed.¹⁰²
81. **Lamin Saidykhan** also testified that on one occasion, a driver heading to Barra parked his Pickup off the road and was loading goods. A vehicle in the convoy driven by the late **Sergeant Sowe** hit his vehicle.¹⁰³ The witness did not provide many details on this incident. However, this goes to show that innocent pedestrians were killed as a result of the recklessness speed of the former President's convoy.

Incident involving William (Willie) – a Swedish national

82. **Lamin Sillah** testified that he was involved in an incident that resulted in the death of a Swedish national known as **Sir William**. The victim was driving a Mercedes Benz Sedan coming from the Senegambia direction heading towards Turntable at Brusubi Junction in the WCR. **Sillah** and others in the convoy were driving in a Ford F350 vehicle. While driving, they received communication from the police sweepers that a vehicle was approaching. They tried to sweep it off the road, but it did not give way. At that point, they took it as a threat and as it was his duty to protect the VIP, he acted accordingly.
83. Later, he stated that he was supposed to block the vehicle perceived to be a threat. He eventually admitted that his job was to neutralise the threat. The distance between the outrider and his vehicle was far and he was in the command vehicle.¹⁰⁴ Under cross-examination, he insisted that the driver was on the road and that his vehicle collided with the Benz and it went off the road. He admitted that he would take the responsibility since it was an accident but emphasised he did not cause the accident and that the two vehicles simply collided. He insisted that the victim's car hit his vehicle. He stated that the Mobile Police Unit visited the scene of the accident and took some photographs. After having previously admitted giving a statement, he retracted, saying that he was not sure if he issued a statement or not.¹⁰⁵
84. **Lamin Saidykhan** testified that the incident occurred when they were either on their way to or from Kanilai. When they reached the Turntable Junction at Brusubi, he saw **Lamin**

102 Testimony of Abdoulie Barry, 17th March 2020, paragraph 751- 1291
 103 Testimony of Lamin Saidykhan, 8th July 2020, paragraph 873
 104 Testimony of Lamin Sillah, 9th July 2020, paragraph 1010-1155
 105 Testimony of Lamin Sillah, 9th July 2020, paragraphs 1814- 1870

Sillah's vehicle collide with the vehicle of a Mauritanian or Lebanese man. When they reached their destination, the drivers began talking amongst themselves. **Lamin Sillah** revealed that the foreigner came back onto the road when the first sweeper passed and was struck by the next sweeper. According to what he heard, they found alcohol in his vehicle and he was drunk. When he was confronted with his TRRC witness statement, he stated that he saw the victim's car partly off the road and he heard that the accident was unavoidable because he had been in the middle of the road. The victim **died** instantly.¹⁰⁶

85. **Lamin Saidykhan** confirmed that they were coming from Kanilai when his vehicle arrived at the scene and they saw that **Lamin Sillah's** car involved in a collision with a vehicle driven by a Lebanese. He stated that the President's vehicle drove by the scene and that the incident must have been communicated to the President¹⁰⁷. **Sillah** informed them that the man was swept off the road by the sweeper. This contradicts the previous account which seemed to suggest that the motorist whom he believed to be Lebanese was on the road and despite attempts to push him off the road, he refused, suggesting that this was what caused the accident.

86. When confronted with his statement, he admitted that the man's vehicle was slightly off the road when they arrived at the scene. **Jarju** stated that because **Sillah's** vehicle was the last vehicle before the President, it was his responsibility to sweep the vehicle off the road. He said that when there is a vast distance between the sweepers, civilian vehicles would try to move between the cars in the convoy. The sweepers were responsible for getting cars off the road. He admitted that knocking cars from the road to ensure the President was safe would be the role of the lead VIP vehicle. He was also confronted with **Lamin Sillah's** statement which claimed that the Lebanese driver refused to leave the road. In response to **Sillah's** statement, **Jarju** rebuked the latter's account and stated the impossibility of that narrative.¹⁰⁸

87. **Ebou Jarju** testified that he could recall the incident that occurred around ATLAS Petrol Station at Bijilo on a Saturday when they were coming from Kanilai in the early hours of the morning. When they drove past Turntable heading towards Senegambia, they saw an accident involving the big white Ford F350 vehicle driven by **Lamin Sillah** and a Mercedes Benz. Both the Ford and the Benz were off the road on the right-hand side. The Benz ordinarily would have been facing the Senegambia direction, but it was facing the Brufut end, having spun around as a result of the accident.

88. From his driving experience, he observed that had the two vehicles collided head-on, they would be in the middle of the road. It would not be possible that both of them would be on the right-hand side. When he was confronted with **Lamin Sillah's** testimony regarding the incident, he stated that it could not be accurate based on his observations. He said that maybe the distance between the sweeper and the main convoy was far and probably the Lebanese driver was not aware of the approaching convoy. He must have driven on the road, and it coincided with the convoy's arrival, resulting in the accident.

89. When **Ebou Jarju** and others arrived at the scene approximately five minutes after the accident, they found one **Mr. Sonko**, an NIA officer who was injured, being brought out of the Ford. The Benz driver was not a Lebanese but **Willie Bakoto**, whom he knew when he

106 Testimony of Lamin Jarju 13th July 2020, paragraphs 1254-1407

107 Testimony of Lamin Saidykhan 8th July 2020, Paragraphs 729- 747

108 Testimony of Lamin Jarju, 13th July 2020, paragraph 1274-1445

worked at Bungalow Beach (BB) Hotel. **Willie** used to run a restaurant called Sir Williams and a motel called Lala. After the incident, a former colleague called and informed him that the convoy had killed their boss. The witness submitted a photograph of the wrecked Benz for identification.¹⁰⁹

90. **Lamin Saidykhan** also confirmed **Sillah's** collision with a civilian's vehicle in which the latter's vehicle went off the road. The victim died on the spot.¹¹⁰ He stated that the President's vehicle also passed the scene of the accident. This narrative corroborates the testimony of **Ebou Jarju**, leading to the conclusion that the civilian vehicle was not on the road at the time of the collision. Instead, the driver attempted to drive on the road, unaware that the convoy was passing. The speed at which the convoy was going made it impossible for **Sillah** to avoid the Benz, reinforcing the point that the convoy always travelled at an electrifying and dangerous speed.

Incident involving Kandeh from Sintet, and Nyassi

91. The convoy drivers were also victims of accidents due to over-speeding. **Lamin Saidykhan** narrated to the Commission about his own personal experiences. He said the drivers were always scared and worried for their safety because of the speed at which they typically travelled. The high speed at which they travelled was such that the drivers could not control the vehicles if something crossed their paths or if they hit someone. One such incident led to the death of two motorcyclists – one **Kandeh and Nyassi** from Sintet. However, he could not provide sufficient details of these two accidents.¹¹¹

Incident involving Foday Jawla

92. **Lamin Jarju** told the Commission about an over-speeding incident that led to the death of one **Foday Jawla** who was a convoy driver. He testified that they were coming from Basse in the Upper Region, entering Jengjil. They adopted a zigzag formation (when he goes right, Foday follows on from the left and vice-versa). They were driving at low speed. He stated that the President told them to slow down whenever they were entering a village, and that the commander is responsible for the convoy. The commander acts on orders of the President. When they got to the outskirts of Jengjil, **Jarju** said they started the formation and, suddenly, **Foday's** vehicle left the road and somersaulted in the air and fell on the ground. He was right in front and could see what had happened in the mirror. **Foday** flew out of the car through the windscreen.¹¹²

93. Under cross-examination, the witness insisted that they were not over-speeding. **Adama Jagne**, an officer, and **Fanta Jammeh**, an adopted daughter of **Yahya A.J.J. Jammeh** and a Protocol Officer, were also in that vehicle. Both women suffered fractures and were taken to Dakar and later to Europe for medical attention, whereas **Foday Jawla** died.¹¹³ **Lamin Saidykhan** however, said that **Foday** lost control of the vehicle and it somersaulted due to over-speeding.¹¹⁴

109 Testimony of Ebou Jarju, 13th July 2020, paragraph 33-158

110 Testimony of Lamin Saidykhan, 8th July 2020 paragraph 729- 754

111 Testimony of Ebou Jarju, 27th February 2020, paragraph 491- 503

112 Testimony of Lamin Jarju, 13th July 2020, paragraph 1542-1568

113 Testimony of Lamin Jarju, 13th July 2020, paragraph 1647-1688

114 Testimony of Lamin Saidykhan, 8th July 2020, paragraph 702-710

INCIDENT INVOLVING TWO CIVILIANS AT BUSUMBALA

94. Another incident involved **Cherno Jallow**, known as **Papa Chee**. The convoy was on its way to Kanilai and he was driving a bulletproof vehicle. **Lamin Jarju** stated that he was not present when the incident happened, but he was told about what had happened. **Papa Chee** was the driver of the last reserved vehicle. They were going to Kanilai and when they reached Busumbala, there was space between **Papa Chee** and the two vehicles. The distance was too much. So, somebody attempted to cross the road and **Papa Chee** almost reached him. He tried to manoeuvre. In the process, he swerved and hit a van that was parked just off the highway. He stated that he did hear that there were casualties, but he did not know how many. The bumper of the convoy vehicle was smashed. He admitted that the convoy must have been running at high speed.¹¹⁵ **Lamin Saïdykhan** corroborated this incident. He testified that two civilian casualties were evacuated from the scene before he arrived at the scene, and thus, he did not know what happened to them afterward.¹¹⁶

95. In other instances, convoy drivers were also at the risk of being dismissed or detained at the State Central Prison, Mile II. ¹¹⁷ **Lamin Saïdykhan** testified that on one occasion, **Yaya Sawaneh** and **Ebou Colley**, both convoy drivers, were detained at Mile II Central Prison for about six months on the orders of the former **President Yahya A.J.J. Jammeh** for driving over a slab while taking the 1st Lady from Nusrat Senior Secondary School. This was during the tenure of **Commander Serigne Modou Njie**.¹¹⁸ He also testified that he was nearly detained for asking the President to wait while he prayed. Some of the senior personnel begged the President on his behalf and he was sent to Denton Bridge instead.¹¹⁹

96. **Lamin Sillah** also testified that on one occasion, his Commander **Serigne Modou Njie** assigned him, **Buba Darboe** and **Staff Sergeant Danjo** to escort the President’s mother-in-law to Dakar Airport. Upon their arrival at the ferry terminal, they met a soldier carrying a bag of rice. They decided to take him in the reserved vehicle. When the soldier alighted at Amdalaye, the President’s mother-in-law saw him and started complaining. He was driving the vehicle, and she was a passenger. They spent the night in Dakar and the following day, when they returned, **Commander Serigne Modou Njie** and **Musa Jammeh**, (**Malia Mungu**) asked about their trip. **Buba Darboe** confirmed that they carried a soldier. **Malia Mungu** then told them that the President had ordered their detention at the State Central Prison, Mile II. He stated that the way they were treated was wrong and that due process was not followed.¹²⁰

.C. CONCLUSION

97. From the above testimonies, the Commission finds that **Yahya A.J.J. Jammeh** knew fully well that soldiers in his convoy were committing violent crimes and violations against road users who came into contact with his convoy and there were fatal casualties as a result. **Yahya A.J.J. Jammeh** was also aware that the biscuit charities he used to throw led to

stampede and scramble for the biscuits, sometimes resulting in deaths. Besides, he was not only aware that the convoy often travelled at breakneck speed but also was responsible for controlling the speed limit of the convoy, thereby causing accidents in which many people lost their lives. In spite of this knowledge, **Yahya A.J.J. Jammeh** protected the soldiers who were committing these violent attacks on road users. These soldiers were never prosecuted or disciplined. As has been demonstrated, victims who dared to launch formal complaints were dealt with. **Yahya A.J.J. Jammeh** condoned the attacks by his soldiers, and they also acted under his orders.

Through its investigations, the Commission notes that convoy incidents were under reported, due to the fear of the victims and their families facing persecuted by the government of **Yahya Jammeh**. It is worthy to note that most of the incidents listed on paragraph 16 of the findings were obtained from witness testimonies submitted to the Commission

D. FINDINGS

1. The commission finds that the evidence presented overwhelmingly shows that though this pattern of road brutality started with the convoy of the then Vice –Chairman of the AFPRC **Sanna B. Sabally** during the transition period, over the years, the organization and structure of the presidential convoy were tightly controlled and micro-managed by Ex-President **Yahya Jammeh**.
2. Soldiers in Ex President **Jammeh’s** convoy terrorized, traumatized, intimidated, bullied and beat other road users, including those by the roadside. Failure to stand up when the convoy was passing by was a crime they invented and they summarily inflicted punishment on those who did not show ‘respect’ to the President.
3. Impunity reigned. Reckless and careless driving by the convoy drivers became the norm under **Jammeh**. In one case involving a victim of an accident caused by the presidential convoy, instead of compensating him, they charged him for seeking justice for the harm that he suffered.
4. Instead of addressing the concerns raised about the convoy, including state house staff, **Yahya Jammeh’s** convoy became larger and more heavily armed. They drove around in dark, tinted vehicles with heavy machine guns and anti-aircraft guns mounted on some vehicles. Their main goal was to show strength, frighten, intimidate, and terrorize. This had a harmful effect on the psyche of the people.
5. The Commission finds that four issues relating to the Presidential convoy have been the major reasons for accidents that often resulted in the death of motorists, pedestrians and members of the crowds waiting to see Ex President Jammeh and the other noted human rights violations that arose from the actions of the soldiers protecting the convoy. These include throwing of biscuits and T-shirts while the convoy was was moving at top speed, failure to acknowledge the convoy and perceived threats to the convoy

115 Testimony of Lamin Jarju, 13th July 2020, paragraph 1713-1804
 116 Testimony of Lamin Saïdykhna, 8th July 2020, paragraph 897-909
 117 Testimony of Lamin Saïdykhan, 8th July 2020, paragraph 258-270
 118 Testimony of Lamin Saïdykhan, 8th July 2020, paragraph 272-284
 119 Testimony of Lamin Saïdykhan, 8th July 2020, paragraph 384-429
 120 Testimony of Lamin Sillah, 9th July 2020, paragraph 1748-1801

6. The Commission received evidence that, there was failure on the part of Ex President Jammeh and or those concerned to mitigate the real risks posed to the public and road users by the speed of the convoy.
7. There was complete impunity for the drivers and those that caused deaths and serious injuries to road users. Ironically, the victims of these accidents were subjected to more ordeals as they often treated themselves without government intervention. Their victimhood was exasperated by the calculated and deliberate failure of the government to compensate them or give medical assistance. Many were shunned and treated with contempt and total disregard by the government.
8. Ex **President Jammeh's** throwing of biscuits to crowds welcoming him were not only negligent acts but carried out without due regard to the consequences it may cause to members of the crowds that went out to welcome him. The Commission further finds that the fact that the occurrences of these deaths were repetitive suggested that Ex **President Jammeh** knew about these deaths but did not care about the nature and consequences of his actions. He was also aware that death could occur as it did on several occasions when he threw biscuits to the crowds. The fact that he did not stop it suggests that **Yahya Jammeh** intended the consequences of his actions or accepted that these deaths could occur and could not care less.
9. The Commission finds that the four (4) incidents of deaths arising out of the biscuit throwing constitute unlawful killing and that the former president **Yahya Jammeh** and the perpetrators who were part of the convoys and directly caused the deaths are responsible for those four (4) unlawful killings.
10. Despite Lamin Sillah's denial of firsthand knowledge of the physical assault on Lamin Jarju by soldiers in the presidential convoy, The Commission believes that **Lamin Jarjue** was beaten by members of the presidential convoy thereby causing his death three days later. The Commission finds that this constitutes unlawful killing.
11. With respect to the death of **Omar Kanyi**, the Commission finds that soldiers who were part of the Presidential convoy under the command of then **Capt. Armando Jatta** attacked and killed **Omar Kanyi** by beating him with gun butts and kicking him without any lawful or justifiable reason. They attacked and killed **Omar Kanyi** because he rode his bicycle on the road when the Presidential convoy was about to pass. The Commission finds that this act constitutes unlawful killing. As the commander at that material time **Major Armando Jatta** knew that his men assaulted Omar Kanyi and failed to investigate and punish those involved in that act. **Major Armando Jatta** should be held accountable for the death of **Omar Kanyi**.
12. The Commission believes that the case involving the shooting of the vehicle around Methodist Academy School, is an attempted unlawful killing of **Kisira Krubally**. This incident was known publicly and in fact reported in the press. There was no investigation or prosecution. Instead, state agents intimidated witness and vehicle owner **Abdoulie P.O. Njie** and recovered the incriminatory evidence from him. As such, **former President Yahya Jammeh** ought to be held responsible for this crime.

13. The Commission finds that the case of **Abdoulie Barry** among many others demonstrated that **Ex-President Yahya Jammeh** had no regard for road users who come into contact with his convoy. The evidence clearly shows a pattern of protection of soldiers under him and shielding them from prosecution when they hit road users, killing or injuring them. The fact that he caused the victim in this case to be prosecuted for allegedly giving false information against him clearly shows that he was aware of the case. As such, **Yahya Jammeh's** failure to ensure that the culprit was prosecuted instead of the victim is in fact an offence in itself. As Commander in Chief of the Gambia Armed Forces, hex President Jammeh had an obligation to punish the soldiers known to have committed an offence. His failure to do so attracts command responsibility. For this reason, the Commission finds that **Yahya Jammeh** should bear responsibility for the reckless driving causing the injury of **Abdoulie Barry**.
14. In the case involving a Swedish National, the Commission does not believe the testimony of **Lamin Sillah** who claims that the driver of the Mercedes Benz hit his vehicle. Rather the more realistic position is that **Lamin Sillah** deliberately blocked the path of the oncoming vehicle by coming unto it head on. The Commission believes that in this particular instance, the oncoming vehicle was viewed as a threat to the safety and security of the principal (i.e. **Ex-President Jammeh**). As such, the rules of engagement that the military members of the convoy take such action as is necessary to neutralize the threat would come into play. The question then is whether at that moment, **Lamin Sillah** used excessive force to neutralize the threat. The Commission finds that the circumstances described reveal that **Lamin Sillah** was confronted with an urgent need to act at the spur of the moment. He did not have much time to reflect on the situation and did not have any other tools at his disposal to avert the oncoming threat other than to place his vehicle in the path of the oncoming Mercedes Benz vehicle. For this reason, the Commission finds that **Lamin Sillah's** conduct was to be expected under the circumstances even though it led to the unfortunate situation where a foreign national lost his life in such terrible circumstances.
15. With respect to the incident involving the shooting of a Nigerian taxi driver by Almamo Manneh, the Commission finds that **Ex President Jammeh** as Commander In Chief knew that **Almamo Manneh** committed a very serious crime. Instead of ensuring the prosecution of **Almamo Manneh** for murder as required by law, **Jammeh** shielded **him** from prosecution thereby violating the law of command responsibility. On that basis, in his failure to ensure the investigation and prosecution of **Almamo Manneh, Yahya Jammeh** is liable for murder of the Nigerian taxi driver.
16. Members of Yahya Jammeh's convoy violated peoples' rights at will. They acted with complete impunity. They beat, shot or killed motorists, pedestrians and sometimes mere bystanders by reason of their high-speed reckless driving. For many of these victims, their "supposed" crime was not acknowledging the convoy when it passed which was seen as disrespectful to Jammeh. Some victims of the reckless speed at which the convoy travelled, were perceived as security threats to Yahya Jammeh. The victims include the following:
 1. *Alpha Bah, Mamud Fana, NBR (killed)*
 2. *Kadijatou Bah , Nemakunku (killed), and four (4) others seriously – Fatoumatta Tunkara, Mbansi Sillah, Sandeng Sillah and Natou Waggeh*

3. *Mustapha Badjie, Tabokoto (killed)*
4. *Abodulie Barry, Brikama (serious permanent injury)*
5. *Musa Bass, Brufut (killed)*
6. *Bakary Camara, Serrekunda (shot)*
7. *Isatou M. Ceesay, Busumbala (serious permanent injury), and five (5) killed at Lamin NTC Junction, WCR*
8. *Lamin Chorr, Lamin (beaten)*
9. *Kebba Dampha, Kaur (killed)*
10. *Modou Jallow, Talinding (serious permanent injury)*
11. *Lamin Jarju, Kaur (killed)*
12. *Omar Kanyi, Abuko (Beaten to death)*
13. *Dawda Ngum, Denton Bridge (killed)*
14. *Kandeh and Modou Nyassi, Sintet (killed)*
15. *Kisira Krubally, near Methodist Academy School, (shot in the arm)*
16. *Fatou Sanneh, (serious permanent injury)*
17. *Dembo Sibi, Numuyel, URR (killed)*
18. *Rohey Sonko, Dawda Jatta (child) and 2 other children (killed)*
19. *Lamin Susso, Kanubeh Basse (killed)*
20. *Adama Saidu, Nyima Camara, Nachitu Mendy, Protected witness Banjul (KC48) and another student, Lamin (all serious permanent injuries) Daughter of Protected Witness (KB27) (killed)*
21. *Unknown truck driver, Barra (killed)*

17. Yahya Jammeh is responsible for the injuries and/or deaths of the persons listed above jointly and severally with his subordinates including Capt. Armando Jatta, Sulayman Jatta and Dawda Sanneh.

18. Shortly after the takeover and in the very early days of the junta's reign, Vice Chairman Sanna B. Sabally started travelling in a heavily armed convoy that beat and assaulted motorists and road users. Any motorist that was deemed to obstruct his convoy was mercilessly dealt with. Sanna B. Sabally introduced the culture of the intimidation and mistreatment of road users by the Junta. He and his subordinates JCB Mendy, Baboucarr Njie (Ponkal) among others are responsible for the beating and/or injury to:

- a. *Abdoulie Tekanyi*
- b. *John Njie*
- c. *Fafa Ceesay*
- d. *Alo Bah*

18. JCB Mendy lied to The Commission that he was neither present nor aware of the incidents involving Sanna B. Sabally's convoy. The Commission finds that he is merely evading responsibility by providing false information about his knowledge of these incidents.

E. RECOMMENDATIONS

1. The Commission further recommends that members of the Presidential and Vice Chairman-convoys, including former President **Yahya Jammeh**, be investigated and prosecuted for murder, manslaughter and other road traffic offences committed by them.
2. The Commission also recommends that Parliament enacts legislation and or regulations limiting the privileges of convoys, including the President's convoy. This could be included in the Motor Traffic Act or Highway Code.

