

REPORT

OF

THE COMMISSION OF INQUIRY

INTO

PUBLIC DISTURBANCES
OF 10TH AND 11TH APRIL 2000

August 2000

ACKNOWLEDGEMENT

We thank the Almighty for seeing us through this challenging exercise as a worthy response to national call. We therefore wish to express our gratitude to the President of the Republic of The Gambia for the confidence reposed in us by appointing us as Commissioners to investigate such a matter of great public importance and consequence.

We applied ourselves fully in terms of effort and input in the performance of this involved assignment in the national interest. This sense of selfless and dedicated service is evident throughout the deliberations and consultations between the Commissioners in the course of our work.

We hereby make special mention of our Secretary, Mr. Abdul R. Cole for his outstanding leadership and the efficient manner in which he steered the affairs of the staff. The qualities he exhibited no doubt contributed immensely to the successful operation of the Commission as a whole.

In the same vein, our appreciation goes to the supporting staff who rendered invaluable services behind the scenes. But for their dedication, we could hardly accomplish our task so timely. Others include Senior Legal Counsel Mr. Joseph Wowo and his able assistant, Legal Counsel Mr. Almamy Taal, Ms. Fatou Camara, our indefatigable Private Secretary, who typed so much at short notice. Our Stenographers Mr. Amat Sallah and Momodou Jallow for the professional manner in providing instantaneous coverage of the proceedings. Commissioner James Abraham, for his editorial input. Our Orderly, Inspector Nuha Manneh, for the efficient manner in which he discharged his duties.

Finally, our appreciation goes to the press, the general public and all material witnesses who testified before the Commission. We are much indebted for the services of all those who in one-way or the other made our task possible.

**THE COMMISSION OF INQUIRY INTO PUBLIC
DISTURBANCES OF 10TH AND 11TH APRIL 2000**

Hon. Justice Felix Larty
Chairman

Mr. Joseph Joof
Member

Rev. Titus K.A. Pratt
Member

Mr. J.M.B. Abraham
Member

Mr. Bai Ndongo Faal
Member

Aja Ndey Kumba Sosseh
Member

Alhaji Momodou Ousman Njie
Member

Alhaji Ousman Jah
Member

Mr. Kebba B. Sarr
Member

Mr. Abdul R. Cole
Secretary

Mr. Joseph Wowo - Senior Legal Counsel

Mr. Almami Taal - Legal Counsel

- (b) assess and quantify the material loss occasioned by the breakdown of public order on 10th and 11th April 2000;
- (c) make recommendation as to how a recurrence of such a breakdown of public order can be avoided.

The Commission gave a press conference and commenced hearing in Court No. 1 in the Law Courts Complex on 24th May 2000.⁵ The sittings were chaired by the Hon. Chief Justice, and heard 59 witnesses from: the security forces, The Gambia Students Union Officials, teachers, students, parents, members of the public, and officials from the Red Cross, GTTI and the Department of State for Education.

The issues to determine in our view are in accordance with the terms of reference and the constitutional provisions governing the establishment of Commission of Inquiry. We will therefore take the three headings under the terms of reference in chronological order, and deal with the relevant issues raised under those headings.

1. Were any individuals or a group of individuals directly or indirectly responsible for the events of 10th and 11th April 2000?
2. Was any individual or group of individuals directly or indirectly responsible for the loss of life and destruction or damage to property?

In our view, from the evidence given before the Commission, some individuals and groups of individuals were responsible for the loss of life and destruction or damage to property.

WHO WERE THEY?

In answering this important question it is necessary to deal with events which took place in various parts of the country namely – Banjul at Saint Augustine's Senior Secondary School, GTTI, the Police Intervention Unit, Police Mobile Unit at Kanifing, the Westfield Junction area, Brikamaba Town in the Central River Division as well as Janjangbureh, Barra, Bansang and Basse.

We will deal with the events at various locations in turn.

Banjul

The evidence in respect of the events of April 10th and 11th in so far as they affect Banjul, is that on the morning of 10th April 2000, around 8:30 to 9:00, and according to Rev. Fr David Jarju, Vice Principal of Saint Augustine's Senior Secondary School, he was standing near the gate of the school, not far from the road, when one officer of the Police Intervention Unit (PIU), Inspector Darboe, approached the fence and started telling students who were up in the corridor of one of the buildings, to go away and into their classes. Fr. Jarju told him that if he wanted to talk to the students, he should do so through him. The students did not leave the area. After a short while, one of the PIU officers who was with Inspector Darboe, jumped the fence of the King Fahad Mosque which is just opposite the school, and launched a gas canister. The launch was abortive according to Rev. Fr. Jarju, and the students up in the corridor of the school building started jeering at and taunting the officer, whereupon the PIU officers and one Police officer who was with them, and later identified as Gorgi Mboob, got angry and told Fr. Jarju that since the students had refused to go into their classes, they would get them out.

The group of security officers forced their way through the gates of the school and into the school grounds where the students started running helter skelter.

The security officers were firing shots in the air and running after the students in the school. A lot of students ran into the school hall where exams were scheduled to take place around 9:30 a.m. According to Mr. Ousman Sabally, P.E. Master in the school, he was in his office at the time, and when he saw the students running, he got out of his office and walked towards the security officers, and spoke to them. He told them that they did not have a right to enter the school, whereupon the security officers assaulted him with their batons and shields, causing him to sustain injuries on the side of his forehead and elsewhere.

When the students in the veranda and in the school hall saw this, they tried to get out and go towards Mr. Sabally. Those in the hall tried to get out but were restrained by Mr. Touray, Chemistry teacher, who was conducting the exams.

Two security officers, including Gorgi Mboob (General duty) then knelt in front of the school hall and aimed their guns at the hall and father Murphy's house. They then fired shots, some of which break the glass of the hall door and injured three students namely Babucar Jagana, Omar Sosseh and Ebrima Darboe, who were later taken to the RVH by Fr. Jarju. Two of the students were admitted, and one of them was treated and later discharged.

The security officers later left the premises.

Later, one Inspector Biram Jobe, who was also a member of the PTA, came to the school and was told of the events which had taken place there. He promised to inform the Inspector General of Police, which he did, and the Police Adviser Mr. Tamsir Jasseh was dispatched to the school. Mr. Jasseh was shown the damage which had been done, and a spent bullet which he asked to be allowed to take with him.

Although the teachers who had it refused to hand it over, Inspector Biram Jobe persuaded them to do so, and they gave the bullet to Mr. Jasseh. Inspector Darboe who later testified, admitted entering the school with 5 or 6 men including one general duty Police Officer, Gorgi Mboob, but denied that his men assaulted anybody or fired any guns. He identified the bullet as a live bullet, and the gas canister as similar to those the PIU had in stock in their stores.

Police Officer, Gorgi Mboob, also testified before the Commission, and said he had excuse duty on the 10th, but was on standby. As he was on his way to the Polyclinic in Banjul, he walked near the Saint Augustine's Senior Secondary School, and saw some PIU Officers among whom he could only recognise Inspector Darboe. As the students inside the school were stoning the security officers and booing at them, he asked them to withdraw from the area. Inspector Darboe was unable to talk to him because of the commotion. He then set off for the Polyclinic, and later spent the whole evening and night at the station in Banjul, still on standby. He denied entering Saint Augustine's Senior Secondary School alone or with the PIU security officers, and also denied assaulting Mr. Sabally or anyone else, and certainly denied holding a gun or firing one. The other officers also denied holding any guns or firing any at Saint Augustine's Senior Secondary School.

Inspector Darboe mentioned the names of the security officers with him at the time they entered Saint Augustine's Senior Secondary School after initially asserting that he did not know their names. The names of the men who accompanied Inspector Darboe were: Constable Modou Lamin Fatty, Constable Abdoulie Bah, 1st Class Constable Adama Saidy, 1st Class Constable Modou Cham, Constable Modou Gajaga, and Corporal. Gorgi Mboob. Rev. Fr. Jarju and Ousainou Sabally identified both Inspector Darboe and Corporal Gorgi Mboob as the persons referred to earlier by them in their testimonies.

Gambia Technical Training Institute and Kanifing area including Police Intervention Unit Headquarters area and Westfield junction

The evidence on how events unfolded at the above-mentioned locations was given by several witnesses including students and security officials

The first witnesses to testify were students who included the Vice President of Gamsu, Alhaji Darboe, Alhaji Camara, Alasana Ceesay, Treasurer, Miss Sainabou Jaye, Secretary General of Gamsu, Baboucar Ann, Secretary to the Advisory Committee and others. The President of Gamsu, Omar Joof, was subpoenaed to appear and testify before the Commission, but failed to do so.

The Vice President of Gamsu, Alhaji Darboe, testified that on Monday morning 10th April, around 7:30, he arrived by bus from Brikama where he lives, and alighted from the bus, at the GTTI, where some students had started gathering for the peaceful march. After a while, officers from the PIU arrived armed with guns. As the students gathered in and around GTTI, the PIU ordered them to disperse, and when they refused, they started beating them with their batons and gun butts. He was badly beaten. Later, the PIU officers started chasing the students who ran in different directions. Then he later heard the firing of guns by the PIU officers. The President of Gamsu, Omar Joof, and other students, were arrested by the P.I.U and taken to PIU headquarters at Kanifing, where they were detained. When the Secretary of State for the Interior arrived at the scene, he ordered the PIU to stop chasing the students and allow them to assemble inside the GTTI campus. That would allow their leaders to address them, and they could then select representatives to go to Banjul for a meeting with the Vice President of the Republic of The Gambia, in respect of their demands addressed to the IGP, and taken up with various authorities.

According to witness No. 1, the executive of Gamsu had decided over the weekend of 7th April 2000 to call off the planned peaceful march as a result of the

intervention of the former Secretary of State for Local Government and Lands, Mr. Lamin Bajo, who had intimated to a member of the Gamsu Executive that they should pursue peaceful dialogue, instead of confrontation.

He and others, including one Alieu Darboe, an honorary member of the Gamsu executive, were beaten mercilessly according to him, and taken to the Paramilitary premises at Kanifing, where they were detained and only released when the Secretary of State for Interior came, and ordered their release. Before they could leave the premises, they heard gunshots along the highway. The said Alieu Darboe and himself, spoke to the Secretary of State for Interior, for him to order his officials to stop using force, but according to him, the Secretary of State for the Interior said, that the order had already been given, to disperse the students forcibly. The witness and his colleagues were released conditionally, to help control the situation. They appealed to the students to put down their stones, which according to witness, the students did. He said the firing continued, and the students and PIU officers moved to Westfield with the paramilitary chasing the students to the Westfield junction. He and his colleagues managed to bring the students together at the Westfield junction, to address them to calm down and disperse, but before they could address them, the firing started again near the wall surrounding the monument. The situation then went totally out of control. There was firing and the students were stoning. Students were then beaten up when arrested. They subsequently moved back to the Police Mobile Unit at Kanifing. The firing went on, and he saw students running for their lives. He heard different sounds of repeated gunshots behind the Police Mobile Unit. He saw the bodies of four students lying on the ground, and in uniform. According to him, he stopped the Red Cross ambulance coming from the Sankung Sillah road end, and drew their attention to the dead bodies, which were picked up and driven towards Banjul. He didn't return to GTTI end again, but went to a compound near Sankung Sillah factory, and treated his injuries, and spent the night there.

On 11th April 2000, he tried to go back home to Brikama but was advised against it on the telephone by members of his family. They indicated that security forces and some civilians had gone to his compound, looking for him.

On his way home at Abuko, the vehicle he was travelling on was stopped, and he was asked by some soldiers to alight. He did so, but according to him, he managed to escape from more than five soldiers who had mounted a search for students. He spent that night in Yundum, at the house of a member of his family, and decided not to go to Brikama.

Under cross-examination, the witness stated that Gamsu could not obtain a permit from the appropriate authorities before the march they had organised. He also stated that they did not send to the IGP to ask him about their permit, and that the authorities did not receive their application. According to him, the Gamsu Secretary told them that she could not see the IGP.

When asked if he remembered who was doing the shooting, he said he saw them but could not actually identify who was doing the shooting. He said he did not know why the application for a permit was not submitted, but that at their meeting before 10th April, the person asked to submit the application for a permit told the executive that the IGP was not at work when she went to submit the application and the officers she found there refused to act on the letter. They also refused to accept the letter.

The witness also stated that initially there was no firing at the GTTI, there were only beatings.

Asked how he escaped from the soldiers, who had asked him to come down from the vehicle, he said that while they were busy interrogating others, he slowly walked away. He also stated that the soldiers were armed but none of them followed him.

Another Gamsu Official, Sainabu Jaye, Secretary General of Gamsu, also testified that there was a series of meetings held by the Gamsu executive before 10th at St. Theresa's Junior Secondary School and GTTI. She stated her responsibilities which included promoting the interests of students of the Gambia, and writing down the minutes of Gamsu executive meetings.

She tendered various documents including a minute book which was admitted and marked Exhs 5, 6, 7, 8, 9, 10.

According to her, at the initial meetings of the Gamsu executive, they resolved to embark on a peaceful march because they wanted to see justice done in the rape of Binta Manneh and the alleged murder of Ebrima Barry. According to her, however, there was no peaceful march on 10th April 2000 because of developments which afforded room for them to negotiate with the authorities. She stated that students were not informed of these developments directly, but that they asked student leaders of GTTI and Gambia College to assemble at the GTTI, and, whether the peaceful march took place or not would depend on the outcome of the demands made to the IGP. She said she did not know the leaders of the Gambia College Students Union and those of GTTI.

Asked how the Gamsu executive or leaders disseminated the information that they had called off the march, the witness said that when they gathered at the GTTI, they told the students who had assembled there, that they were waiting for the outcome of the meeting they were supposed to have with the Vice President, on that day. However, they did not meet the Vice President. Before the vehicle which was supposed to take them to the Vice President could arrive, the paramilitary (PIU) had already come in to disperse the students.

She narrated what she witnessed on the 10th April 2000. According to her, when she arrived at GTTI in the morning, she found some students and executive members of Gamsu standing beside the bus stop. The paramilitary found them

there. One of them held a megaphone and asked the students to disperse. The students did not disperse as they, according to her, felt that they did not infringe on anyone's rights. She stated that the paramilitary then started chasing the students who ran into the cemetery, towards Jimpex and into Old Jeshwang on the GTTI side. She said she crossed the road and went into a white painted compound opposite GTTI.

After the paramilitary had dispersed the students, the students reassembled at the GTTI. She noticed that two of the student leaders namely Babucar Jonga and Alieu Darboe had been apprehended. She said both the Interior Secretary and the Armed Forces Chief of Staff came to GTTI where the students had reassembled with other members of the executive committee of Gamsu including Alagi Camara, Information Secretary, Ebrima Jallow, Regional Co-ordinator of Gamsu in the Kombo Saint Mary Division, and, Babucar Ann, Secretary to the Advisory Committee of Gamsu. The students and executive committee members insisted that their leaders who were arrested ought to be released. The Secretary of State for the Interior told them that he would not order the release of their leaders unless they went into the GTTI campus. The students, she said, refused to comply and calm down. The Armed Forces Chief of Staff told them that the executive committee members should go, and another arrangement would be made to pick them up to go and see the Vice President. The vehicle did not come, according to the witness, because the students said their leaders should not comply unless the executive members of Gamsu were released.

One of the security forces stopped Babucar Ann, Secretary to the Advisory Committee of Gamsu. The witness saw that things were getting bad and she went into one of the compounds. She saw Babucar Ann board a vehicle which drove towards Banjul. She could, according to her, see what was going on. The security forces were using guns, and all the members of the security forces whom she saw, were in paramilitary uniform. The witness said she could hear the guns being fired at students who were running into GTTI. Some members of

the security forces were firing in the air but others were aiming at the students. She could not identify anyone amongst those who were firing. She saw a boy being dragged from GTTI but did not know whether he was alive or dead. Some students were brought beside the compound she was in, and later taken away in a bus. Some of those students were injured.

She later left the area around noon, went to her mother's office at Kanifing, and later went home.

As far as the witness knew, she did not know anything about 11th April 2000, and was at work on that day.

Asked whether she obtained a permit for the march scheduled to take place on 10th April 2000, the witness said she did draft a letter on 7th April 2000, around 7 p.m. She confirmed that they did not obtain the permit. She did take the letter to the Police Headquarters on Saturday 8th April 2000, but found the place locked. She went to the Banjul Police Station with the letter but could not submit it. She met a police officer at the Police Station, who informed her that there was no relevant authority to whom she could submit the letter, so she took the letter back home. She admitted that although she should have sent the letter earlier, she had forgotten about it. According to her, the Gamsu executive did not stress the need to obtain a permit because they were hoping that their meeting with the Vice President would go well. Asked whether she informed the Gamsu executive that she had failed to obtain a permit, the witness said she had done so at a meeting they had on 9th April 2000. Asked how the Gamsu executive had planned to inform the students that the peaceful march had been called off, the witness said they had informed the student leaders, and others heard it through a press release that weekend. The leaders of the sub-unions were also present at the meeting of 9th April 2000, so they knew about it. The Gamsu executive however could not inform the students that the peaceful march was then

conditional on the outcome of the meeting with the Vice President, but they had no chance to do so.

Alhagi Camara, Information and Propaganda Secretary of Gamsu, also testified as witness No. 3, on 26th May 2000, and gave evidence on the meeting he and the other Gamsu officials held first with the Chief Fire Officer and then with officers of the Serious Crime Unit. He tendered two minutes in evidence, and said the other minutes were handed over to the Vice President of Gamsu, Alagie Darboe. According to him, the total outcome of these meetings was provocative, and the reason for the provocation was that the Chief Fire Officer asked: "What is Gamsu? What can Gamsu do? Can Gamsu make demands? Can you dictate to us what to do in our office?" The Chief Fire Officer, according to him, then left the meeting unceremoniously. The effect was that the authorities were not willing to listen to them, and were belittling them. They also had no regard for Gamsu. The Gamsu executive however decided to go in for further dialogue, and if their demands were still not met, they intended to go on a peaceful demonstration. They did have a dialogue with the then Secretary of State for Local Government, and at an emergency meeting held on 9th April 2000, they decided to call off the peaceful demonstration. That meeting was held at St. Theresa's School, Kanifing. They had decided to meet the vice President and the entire Cabinet on 10th April, and a vehicle was to be provided at 8:30 a.m by the then Secretary of State for Local Government.

On 10th April 2000, the Gamsu executive and students gathered at GTTI. The executive of Gamsu, according to him, informed the students that there would be no peaceful march. But they did not allow the students to go. They were to wait for the feedback from the executive, in respect of the outcome of their meeting with the Vice President. He said the meeting with the Vice President did not take place, and that they ended up being provoked by the paramilitary at GTTI. The paramilitary were dispersing the students by using force when they gathered at GTTI and were arresting student leaders. The President and Vice President of

Gamsu were arrested and beaten. Baboucar Jonga and Aliou Darboe were also arrested. According to him, there was no demonstration, but as the students were being dispersed, the paramilitary ran after them and were shooting at them. The shooting was directed at students and in the air, and the students also started throwing stones.

He and Aliou Khan later appealed to the Secretary of State for the Interior for their student leaders to be released. They were released. The Secretary of State then asked them to talk to the students, so that the students could go and attend the meeting with the Vice President, but as they came out, they saw students running in different directions followed by security forces who were shooting. The paramilitary were there, and he only saw the Secretary of State for Interior. They appealed to the security forces in green to stop shooting, but one of the paras said that the order had already been given. The students were also at Westfield, and as they gathered the students, they were dispersed by security forces, and everything went out of control. The Secretary of State for Interior was there. The witness then walked back to GTTI and went to the Kanifing Estate to rest.

Asked whether he saw any casualty, the witness said he saw some students lying on the ground around Westfield and towards the Jimpex end. They were students in uniform.

Alassan Ceesay, Witness No. 4, Treasurer of Gamsu, also testified and confirmed that they had gathered at the bus stop opposite GTTI, at 6 a.m. on 10th April 2000, because they wanted to organise a peaceful march. They had made certain demands to the authorities, including the Secretary of State for the Interior, and the IGP, and had given a deadline of 7th April 2000. Up to the deadline, only one of their demands had been met. The students met at GTTI to go to the Vice President, and others were to await their return whereupon they would ask them to disperse. The vehicle which was to convey them to the Vice

President did not come, and at 7:30 a.m, the PIU arrived and paraded opposite GTTI. The executive were asked by the parade commander to disperse, but they did not disperse. Security forces charged on the students to disperse them forcefully, and some were beaten. Some students ran through the cemetery; others ran towards GTTI and others towards Jimpex. He then went home.

Alieu Khan, President of Brikama College students sub-union, testified as witness No. 5, and said he left Brikama in the morning of 10th April 2000. He and witness No. 7, Babucar Ann, also testified and gave testimony similar to the evidence of other Gamsu executives, in respect of the events of 10th April 2000, and the meetings between them and the Gamsu executive before 10th April 2000.

Babucar Ann was arrested and detained on 15th April 2000, for 12 days, and taken to Police headquarters in Banjul, before being released.

The Inspector General of Police, Zephaniah Beresford King, (Rex), testified as witness No. 9, and stated that he had held various meetings with the student representatives, at the Brikama College Campus and at the Police headquarters. The purpose of his meeting with the students was to clear the air over the issue of the alleged murder of Ebrima Barry and the alleged rape of Binta Manneh, and to address the students on the matter of the student demonstration which took place at Brikama on 22nd March 2000. He informed the students that the police had taken action on the two matters.

According to the IGP, he normally related with his deputy who should have told the Commissioner of Operations that the instructions given prior to 10th April stood on 10th April 2000. Those were that if the students came out on a peaceful march on April 10th 2000, as intelligence reports were suggesting, they should not disturb them, but in doing so, they the police must make sure that persons who wanted to go about their lawful and private businesses must equally be allowed to do so.

On the day, he was told around 7 – 7:30 a.m, by the former Permanent Secretary for the Department of State for Interior, that all was fine at GTTI; his deputy, Sankung Badjie, also told him the same thing. Later the Police Adviser Mr. Jasseh, rang him on the mobile and then came into his office looking upset, and reported that things had gone out of hand somehow.

He did not get out until 11th April, and anything he could say was what he was told. He tendered in evidence a list of damaged police property. The IGP stated that he regretted to have learnt of the death of students, and would like those who violated the law to be brought to justice. He also testified that there were no instructions from him to anyone to use live ammunition or to shoot. He did not know how the Police or PIU got guns and bullets. The stand-by unit was not armed, and was around to prevent law and order from breaking down.

Asked why he had allowed the demonstration at GTTI to go on without a permit, the witness said they were receiving two sets of information i.e of a demonstration and rampage, and, that some members had been selected to meet the Vice President. They did not want to come into confrontation directly with the students or body politic. Asked whether he was reluctant to go to the scene of the events in Banjul and the Kombos on 10th April, the IGP said he was not supposed to go on the ground as IGP. He was to remain in his office and co-ordinate. He did not know why the others went to the scene. He confirmed that there were no paramilitary in The Gambia, only PIU. He confirmed that their uniform in normal circumstances was green or light green. He said he would relate with the Commissioner of Operations, Babucar Sowe, who would in turn relate with the Commander of the Unit. Anyone can be commander of the Unit at any time. At the time of the events of 10th April, ASP Momodou Ceesay was the Commander. The PIU, according to him, had kits including guns for expelling tear gas, shields, helmets, batons and respirators. The unit did not have guns with bullets, but there is a place at the Police headquarters where guns and ammunition are kept. As far as he knew, no bullet was used to disperse the

students, but he later learnt that there were casualties. The police, according to him, did not take live ammunition or guns from the armoury of the headquarters. He did not know why the Police Adviser was upset, but the Adviser kept saying that things had got out of control.

Asked whether he found out if part of the police force had a supply of ammunition which was used, the IGP said he confirmed through his Commissioner of Operations, and the DIGP, that a count was done and all was O.K. He said he had an inventory of record of the use of firearms, and that the armourer was in charge. Asked whether the Police had an armoury around GTTI and Westfield, the IGP said they had a mini armoury at Kanifing under the control of the PIU commander. The armoury was within the unit. Asked whether the Commander of the PIU had access to the armoury, there, the IGP said yes, but only to riot gear and not ammunition.

Colonel Babucar Jatta, Chief of Staff of the Armed Forces of the Republic of the Gambia, also testified and outlined his duties and testified on his role in the 10th and 11th April 2000 disturbances. He indicated that the incident was a purely police matter but they learnt of the students intention to go on a demonstration, and later, that the students were going to pursue a dialogue with the Vice President. It was an internal security matter and therefore police business. He was informed by IGP that students were going ahead with the strike, and that they had started planning. He planned to maintain a quick reaction force within the units, and to maintain routine patrols, and have soldiers at key installations and others were to maintain a stand-by watch. He testified on how he was informed by the Army Commander in the morning of 10th April, as he was going to work, that the students had started gathering at GTTI. He and Commissioner Sowe decided to drive by. At Jimpex junction he found many students and the Police. He felt he should not go past without finding out what was going on. He called the IGP on the mobile and asked him whether he should not have gone down the area, but IGP had said that the Commissioner of Operations was there

and he was doing something else. The witness advised the students to go and do their exams, and he put them on a school bus and asked them to go to Banjul. He later found the same bus and, that the students had been dropped there. Some said it was the student leaders who had done so, and others were saying that they had been brought down by the Police Intervention Unit. He left for his office after the Secretary of State had left. He was later informed of a student gathering at the arch, and he had stopped by on his way to Yundum. He had left the DIGP there and gone to the Kombos. He met the Army Commander and briefed him on what he had seen and driven to the Kombos. He met the Secretary of State for Interior at Kanifing on the highway and asked him what was happening. The Secretary of State for the Interior told him that the Gamsu leaders had been released to help negotiate with the students. They both dropped by the Co-operative Union, walked towards Westfield and found a crowd near the statue. He approached them to gain their confidence and asked them to talk to the Secretary of State for Interior, and Omar Joof, President of the Students Union. Another group came from Bakoteh and they also learnt that there were students on Kairaba Avenue, in Kotu, Bakoteh and Churchill's Town end. The security forces could not cover all those areas. They later learnt that there was a group at Dippakunda, and he and the Secretary of State for Interior decided to go there. The Secretary of State for Interior spoke, but something went wrong. Stones started being thrown and the Secretary of State for Interior had to go. As the witness took cover under a veranda, some stones hit him. Some students came to him and asked him to accompany them to the PIU to ensure that their student leaders were released from detention. He walked with them to Cedar Club, up to Radio1 FM, and Westfield Clinic where they saw a large crowd and the students went with him surrounding him for protection. They came out of the Red Cross end towards PIU. As they approached PIU the road was packed to capacity and the witness asked the students to go behind him so that the PIU officials could recognise him. It took time for word to go round, and at that time he heard firing and some stones were also being thrown from the back. The students were trying to run away and he held his hand to his head

and ran to a corner near CBMC. When he ran near the wall he found the DIGP, Sankung Badgie, at the entrance to the Police Station. According to him, he asked the DIGP what was going on, and the DIGP said the situation had changed. He was told that the students had burnt the station at Kanifing, Serrekunda and the PIU. At that time the witness was exhausted and called for water at the PIU where he met the Secretary of State. He was then shown the burnt down buildings and was told that one of the children of the Police officers had had to be evacuated. He was later given an armed escort to Banjul. The Secretary of State for Interior joined his vehicle and the escort was carrying an AK 47 rifle. At the Vice President's Office he learnt of the casualties.

He said the soldiers operated elsewhere but not at the PIU. A platoon had been despatched from the Infantry Battalion at Yundum barracks. They were coordinated by the Army Commander. Soldiers had also been despatched to Brikama to protect the station as a result of an appeal from IGP. The next day, they were in Basse, Kaur, Kuntaur, Farafenni, Kerewan, Barra and Bakau and their mission was to protect key installations and reinforce positions. Soldiers were also in Brikamaba under Captain Keita of Farafenni. The witness tendered in evidence Operations orders for their men from the Army, for execution on 11th April 2000. The witness had signed the orders. The orders were admitted as Ex 19. He confirmed that a section of the National Guard were present at GTTI on 10th April 2000 and they had come from the vicinity of Radio Gambia and were on the Highway before they went to GTTI. They had stopped behind GTTI and later returned to post, and to their barracks. He produced and tendered the order for Army Sentries and guards of the GNA which was admitted and marked Exh. 20. Asked who was shooting, the witness said he could not identify who was shooting but it came from around PIU and the only person he recognised there was the DIGP. He also said no one could fire without the order from superior officers, in the circumstances. An order had to be given before live and blank ammunition were fired. He said he had not given any orders to use firearms.

The Secretary of State for the Interior, Ousman Badjie, testified as witness No. 15, and narrated how he had stopped by GTTI as he was on his way to work. He saw a group of students near GTTI, and with the Intelligence report at the back of his mind, he got off his vehicle and walked to the security forces and asked them to stop chasing the students. The security forces stopped. He spoke to the students who said they had been stopped by a student and asked to come down from the buses. He calmed them down and went to the GTTI with them. There they found a bigger group and he went to PIU with some student leaders to help get their leaders released. Those were released and as they came out of the PIU they saw some students running. Tear gas smoke was everywhere. The witness asked Omar Joof and others to come down from a vehicle taking them to Banjul for the meeting with the Vice President for them to help calm the students. They had tried but to no avail. As he was walking towards Westfield, he met the Chief of Staff around Iceman. He went to Westfield where he and others addressed students from Churchill's town end, and later had learnt that there was another group at Bakoteh petrol station. He had gone with the Armed Forces Chief of Staff towards Serrekunda market where they were told there was a hostile group at Dippakunda. As he spoke stones were being thrown and he was asked to leave. He drove the car of the Chief of Armed Forces and returned to PIU where he and others found the windscreen of his car which had been parked there smashed, and the mobile traffic office and PIU quarters burnt. He was stranded there and had no car to go to Banjul. He was later joined there by the Chief of Armed Forces to Banjul for a meeting. He denied hearing or witnessing any firing.

On 11th April the witness said he was in his office as usual. He said the PIU men had been overpowered by the students and that he had not personally seen any student with a gun on that day. He was not in charge of the GPF operationally. He said he had given instructions for PIU to be deployed with riot gear and as far as he knew that was what happened. He agreed that some people died from gunshot wounds according to the autopsy reports. He did not agree that those

who died were killed by people with guns. He said they had done everything to calm down the students and reason with them, but it appeared that there was a more powerful force behind them. He denied that the Secretary of State for Local Government had appealed to him to keep the PIU away from the scene. He had only been asked to provide a vehicle which he did.

He denied having given any command. He had only instructed security forces to stop chasing students. He had only given instructions from his end and not commands. He denied hearing gunshots at GTTI or Westfield. He said the IGP can give order for guns to be fired and he can delegate. He remembered meeting O/C of the Station, ASP Modou Ceesay, who said they were overpowered by the students who burnt the station. He found the National Guard in the ground assisting, apart from the PIU.

Commissioner of Police Operations, Baboucar Sowe, testified as witness No. 24. He said he was ordered by the IGP and DIGP to take necessary measures and have in place the corresponding logistics in case the demonstration or riots took place, and he, as usual had given them written directives and, circulated them to his SPOs (Superior Police Officers), Unit Commanders and Divisional Commanders.

The directives and order dated 7th April 2000 was tendered in evidence and admitted as Exh. 34. He said they were given to all Divisional Heads and that was to be their guiding tool on 10th April 2000. The SPOs were supposed to arrange the units based on the orders exhibited as Exh. 34. He saw students gathering in the vicinity of GTTI on his way to work. The group started growing and he drew the attention of the Commander PIU and O/C Kanifing and DIGP. Traffic was being obstructed as students in buses on their way to GTTI and Banjul were asked by other students to alight. As traffic began to be obstructed, the Commander PIU, ASP Ceesay, came with his team. ASP Ceesay was heading one of the platoons. He stood at a distance from the students and

ordered them to clear off the road which had now become jammed. When the traffic came to a halt he asked the students to leave the main road. They would leave, and then return. He asked the students to disperse but they refused, and he charged on them with his team, but they refused to disperse after the proclamation. He said he saw students throwing stones at the PIU men and students were running in all directions. They later regrouped on the highway around Jimpex. The number of students continued to rise until the available men could not contain them. He called the O/C Kanifing who had another platoon, for reinforcement, but the situation worsened, and he called the DIGP for reinforcement from Banjul Division, but it did not come.

The situation got out of control when the number of students increased. He was later in the day, informed that people had sustained injuries, and that there were deaths, and properties burnt, and certain places looted. He was at a distance at Westfield junction and saw the Gamtel there being vandalised through stone throwing. On 11th April he was informed that Armitage Senior Secondary School students had burnt the station at Janjangbureh and that the Gamtel had been attacked. He said he had been Commissioner of Police Operations since December 1999. He did not know where the gunshots came from but they came later in the day. He was not in charge of operations on the ground. The gunshots happened when the situation was chaotic. He said it was not his duty to serve as a peace-broker. Those whose responsibility it was had done so. He did not see any shooting and did not know what had killed or injured the students. He had seen PIU on the Mamadi Manjang Highway. The situation as far as he knew did not warrant the use of guns. The Unit Commander was responsible for the command of Units on the ground. He denied that when the Senior Officers came they took over command of the Units. The Unit Commanders were responsible for the Units under their command and he only co-ordinated. He could not take over from the Unit or Divisional Commander. He was only the co-ordinator of different platoons. Three platoons were present in the area. The other commander of the platoons apart from ASP Ceessay, was

— O/C Kanifing Division, ASP Momodou Gaye. Those two ASPs commanded three platoons. He said the officers on the ground used their discretion to handle situations and, depending on their situation, that discretion included the use of live bullets, but one could not find any written order to shoot. Asked if he called for reinforcement from the Army, he said he did not have the authority as he was not the IGP. He was, he said, not around when the burning started at PIU. He had gone up to the Post Office and GRTS. He had not given any order to use live bullets, and he had not been given any command by his superiors to use live bullets. His men had not, he said, carried guns and he was around the scene as a co-ordinator/facilitator of the various units. The unit commanders directed the units on what to do and what not to do. He said the security forces did not carry guns capable of discharging live bullets on 10th and 11th April 2000, and he did not see any of the units who came to GTTI carry guns. He felt that the incident was very unfortunate and it should not have happened at all.

ASP Momodou Ceesay and ASP Momodou Gaye, both testified on the part they played in the events of 10th and 11th April 2000, and tendered the lists of the men in the platoons they led to GTTI, PIU Kanifing and the Serrekunda Highway area. They confirmed the evidence of the earlier witnesses on the large number of students, and the confrontation between the security forces and the students. They denied that their men had carried guns or that they had shot at the students. They insisted that their men were only carrying riot gears, batons and shields, and not guns. They said the students threw stones at the security forces, and as they were dispersed, they reassembled and the situation went out of control, and they lost control of their men. They were not present when the mobile unit and PIU quarters at Kanifing were burnt.

The Deputy Inspector General of Police, Sankung Badjie, also gave evidence and confirmed similar evidence given by the earlier witnesses (security) He denied that the men had guns. They only had riot gear. He denied telling the Armed Forces Chief of Staff that the situation had changed, and he did not in fact

— speak to him. He did not know who gave the order to shoot, but he had not given such an order. He had tried to engage the students in dialogue in different areas. Later he had heard over the radio that the Mobile Unit and PIU quarters had been burnt. He had gone there and seen it. He had not seen any persons injured or dead. He tendered in evidence the assessment of Police property damaged or looted in the events.

The Station Officer at Serrekunda Police Station, Inspector Mamur Jobe, Inspector Sainey Camara of Bundung and Inspector Demba Sey of Kotu Police and the S/O Insp. Foday Minteh of Brikama Police Station, also testified on the attack by students mainly, and the burning and looting of their station and living quarters. He also tendered in evidence the estimates of lost or damaged property.

FINDINGS

— Having considered all the evidence adduced before the Commission, it is clear that:

At Saint Augustine's Senior Secondary School,

- (A) The Security Officers, led by Inspector Darboe, including Corporal Gorgi Mboob, unlawfully entered the school premises and trespassed there criminally. They also unlawfully assaulted one teacher, Ousman Sabally, by hitting him with their shields, batons and gun butts, causing him to sustain injuries on his face and elsewhere on his body.

The security officers, including Corporal Gorgi Mboob, unlawfully shot at and damaged the door and injured through gunshots some students namely Babucar Jagana, Omar Sosseh and Ebrima Darbo who had to be taken to the RVH and treated or admitted and subsequently discharged.

Although Inspector Darboe and Gorgi Mboob both denied carrying guns and Gorgi Mboob denied being present at the scene, from the totality of the evidence, including the spent live bullet found at the scene and tendered as Exh. 23, as well as the gas canister tendered and admitted as Exh. 22, found at the scene, and identified by Inspector Darboe as similar to the stock of gas canisters they had, we have no doubt that the group as a whole should be punished for their action.

There was no need for the security officers to enter the school premises, no riot was taking place on the school compound, and the students were generally confined to the school premises. Later some of them were busy writing their examinations, and in our view there was no justification for that group of security officers to invade the school. We hold them responsible for the injuries sustained by the students and damage done to school property. They are equally answerable for the assault on Mr. Ousman Sabally.

- (B) At GTTI, PIU and the surrounding area, it is clear from the totality of the evidence that the security force from the IGP, DIGP, Commissioner of Operations and others operating in the area on the date in question, except Colonel Babucar Jatta, were ganging up to deny that the security forces were carrying guns or that they fired guns or live bullets which injured or killed those who died of gunshots according to the pathologist reports tendered in evidence and admitted as Exh. 26A – G. We cannot believe this aspect of their evidence. Both the evidence of onlookers as well as the autopsy reports show that the security forces were armed. The store at the Police Headquarters had supplies of these weapons and live ammunition and the store at the PIU also had similar supplies.

From the preponderance of the evidence, it is more than probable that the PIU officers of the two platoons, commanded by ASP Momodou Ceesay,

were armed with guns mostly AK 47 and Chinese Mark 4. They shot live ammunition at the students when the situation got out of control because of the large number of students at the scene; and in particular, after the Mobile Unit and PIU quarters had been burnt. Apparently the shootings were the result of the persistent stone throwing by the students at the security forces, and their refusal to disperse despite repeated efforts to disperse them. One of the security forces stated that they did not see anyone except the security forces mostly PIU and general duty Police carrying guns. Although there was evidence of the presence of the National Guard who normally are armed with guns, there is overwhelming evidence that the shootings were done by PIU personnel. In fact from the Pathologist's reports on the death, most of the shots came from various distances.

The evidence on the participation or otherwise of the National Guard is scanty and unreliable. What is clear is that the PIU platoons under their commander ASP Momodou Ceesay were the security officers mostly involved with the students up to the time the death and injuries occurred between 9:00 a.m and 1:00 p.m. They should be held responsible for the death and injuries. Most of the casualties were around Jimpex and PIU area and there is evidence from the Chief of Staff of the Armed Forces and Commanding Officer of the Guard Battalion, Major Cherno Jallow, that they returned to barracks at some stage before the situation ran out of control or did not get to GTTI.

We also find that the Chief of Armed Forces exhibited outstanding gallantry befitting his position and deserves commendation. We believe him when he said he went to the PIU with some students to help get their leaders released. We found no compromising act on his part which implicates him in the course of the disturbances. In the scheme of things the preponderance of evidence was that he could not have given any

command to PIU or Police to shoot, as these units are not under his command. He legitimately sought cover when he heard gunshots near PIU on arrival there with the students. He was alone. He tried to diffuse the tension wherever he went despite the fact that the crowd he met were mostly hostile initially. He even sustained injuries from the stones thrown at him by the crowd but remained undaunted.

With regard to the Commissioner of Operations, we find that his handling of the operations generally was most unsatisfactory in that it lacked effectiveness. It may well be that it was due to inexperience of the scale and circumstances of the incident. The event was unique and clearly unforeseen. However, there is a need to ensure effective command. He was also not forthcoming when he denied that the security forces were armed on that day. Further, he failed to convince the Commission that satisfactory investigations were mounted to find out who gave the orders to shoot and where the ammunition and weapons came from. Similar comments apply to the IGP. He showed negligence or lack of control or the want of effective control machinery in the operations of the Police. The lack of riot gear and other equipment in the Police Stations also showed lack of preparedness to ensure effective response by their men to face the incident of 10th April 2000.

(C) **STUDENTS**

We find from the totality of the evidence that the Gamsu leaders negligently or recklessly failed to seek and obtain a permit or licence to conduct the march or demonstration scheduled to take place on 10th April 2000. Although some alleged that there was no plan to conduct a march, it is clear from the evidence that they intended and decided to assemble in various places including GTTI and this is evidenced by the fact that various groups marched from various locations in the course of the day

and also assembled without the required permit. They came from various schools and institutions. The Gamsu leaders were also negligent in failing to inform their members of change of plans as some of their members alleged, even though from their own testimony they knew by 9th April 2000, that they intended to meet the Vice President. From their evidence they were reckless in failing to take adequate measures to prevent their students from assembling at GTTI and other places; they marched and obstructed traffic and threw stones. We find that the students damaged, burnt and destroyed private property and looted shops. They also caused extensive damage to public and private property and obstructed the peaceful pursuit of people's legitimate business.

They ought to be held responsible for this.

We find a great deal of indiscipline mainly among the students, and some security personnel who were involved in the above acts which threatened the peace, stability and security of the Republic of The Gambia.

Although there is no evidence showing that the Secretary of State for Interior gave the order for the security forces to shoot at students, we find in his testimony that he did not hear any firing, could not be true. From the evidence before the Commission he must have heard firing as he was around the PIU area and Westfield and testified that he met up with the Chief of Armed Forces. He met the Armed Forces Chief of Staff who confirmed meeting him at the PIU when he came there from Dippakunda, and that was when he heard the firing from PIU. He, the Armed Forces Chief of Staff met both the DIGP and the Secretary of State for the Interior and later joined him to Banjul, with an escort who was a PIU officer armed with an AK 47 rifle. The Secretary of State for the Interior confirmed joining the Chief of Armed Forces to Banjul as well. Why then did Secretary of State for Interior deny hearing firing or seeing any armed security officer?

Events at Brikamaba, Janjangbureh and elsewhere in the Gambia on 10th and 11th April 2000.

Various witnesses testified on the events at Brikamaba on 10th and 11th April, 2000. Lamin Njie a teacher at Brikamaba Junior Secondary School, Alhagi Buyaki Saburu, Bunja Makalo, Lt. Samba Baldeh, Lt. Wassa Camara, ASP Adama Saine, Insp. Madinding Fatty, Detective First Class Constable Fakebba Darboe, Malang Fatty, Ebrima Saidy, Jimbang Sawaneh, Ebrima Bah, Fye Sanneh, Capt. Baboucar Keita, Corporal Lamin Camara and First Class Constable Lamin Drammeh all testified on those events.

The thread through the evidence of the civilians was that in the night of 10th April 2000 a group of five soldiers arrived in the village of Brikamaba and positioned themselves in and around the primary school and ordered the people they met there to go home. The following day in the early morning, around 7:00 to 7:30 as the pupils were going to school, they were ordered by the soldiers who were armed with rifles, to return home. Soon after, gunshots were heard. It was later confirmed that students were shot and killed and several injured. Two groups later arrived as reinforcement from Kudang and Basse respectively. On their arrival a lot of people mostly male were arrested, ordered to be on the hot tarmac road and beaten; some soldiers trampled on them. They were later taken to Brikamaba Police Station where they were detained and subsequently transferred to Janjangbureh prison in the night. They were subsequently released on bail after several days.

According to one teacher, Lamin Kebba Njie, of the Brikamaba Junior Secondary School, he went to the primary school where he found a soldier armed with an AK 47 rifle. He saw soldiers in various parts of the school compound and students standing at the school gate. He went to the Headmaster's office to sign the register and met a CID Officer, 99 Darboe. He asked the Headmaster why the soldiers were in the school and was told that they arrived the previous night.

The Headmaster also informed him that the Head Boy, Hamat Sowe, and Malick Jallow, the Assistant Head Boy, had been arrested. He then went home because there were no classes. He later went to the main junction and learnt that a primary school pupil, one Sainey Nyabally, had been shot dead by a soldier. On his way towards Brikamanding he saw students blocking the road with tyres, stones and setting fire to tyres and grass. He appealed to them to stop what they were doing and was informed by one Modou Bah that he had been shot in the right shoulder. The witness saw the wound. On his way to the primary school, he saw soldiers chasing students. He then saw a soldier standing near the primary school fence and a group of students coming towards him. The soldier then ran away and as he was doing so one of the magazines of bullet from his rifle fell.

The witness asked one of the students to pick up the magazine for him, which was done. The witness was shown the magazine filled with bullets. He identified it as the magazine he referred to. It was tendered in evidence and admitted as Exh. 38.

The magazine contained bullets made of copper and appeared to be live rounds. As he was going towards the market the witness heard the late Ousman Sabally shouting and calling the witness's name saying that he had been shot. Ousman Sabally walked up to the staff quarters and fell. Witness was following him and saw him fall. Ousman was assisted by one Abdoulie Barrow, a teacher. He stopped an Agric. Officer who had a bike and asked him to take Ousman Sabally to the Jahally Health Centre. He later went to Jahally Health Centre to arrange for an ambulance because they had more victims. He found one old man, Bun Mbye, at he Jahally Health Centre, who said he had been shot in the back. The witness accompanied him to the Brikamaba Health Centre with a nursing officer. Witness saw Ousman Sabally lying on his back on a bed at the Brikamaba Health Centre being attended to by a Cuban doctor. He also saw Modou Boye

and the dead body of Sainey Nyabally. The injured were later referred to Bansang hospital.

The witness later went to the junction of the main road and the market looking for transport and was told by a soldier that where he was standing was a border area and anyone who crossed it would be shot. The witness told him that he was shooting at his brothers and sisters whereupon the soldier said he had "signed" to kill. He later returned home and whilst he was in the quarters soldiers came from Basse led by Lt. Samba Baldeh. He said students were arrested and tortured in his presence and forced to crawl and were then beaten by the soldiers. He was hit with the butt of a gun by Corporal Ceesay. These soldiers returned to the Police Station and another set of three soldiers later came with Police Officer, Lamin Drammeh, and an Immigration Officer, Tamsir Jobe. All except the Immigration Officer were armed with a gun. He later left Brikamaba and went home to the Kombos. Asked where the soldiers came from, he said from Farafenni, Kudang and Basse. Ousman Sabally was shot. The soldiers on the ground were from Kudang and Farafenni. The soldiers from Basse arrived around 1:00 pm. The first gunshot was heard around 7:30 a.m. according to the witness, and Sainey Nyabally was the first to be shot, and it was around 8:00 to 8:30 a.m. The witness also saw, 99 Darboe, known as Detective Fakebba Darboe, and Station Officer Madinding Fatty, were each carrying a pistol. The soldiers from Kudang and Basse according to the witness, took part in arresting and torturing people.

The evidence of this witness with regard to the arrest and torture of people at Brikamaba was confirmed by the other witnesses mentioned earlier from Brikamaba, some of whom were also arrested and detained. These included Fye Sanneh, Bunja Makalo, Buyaki Saburu, Ebrima Bah and others. They also confirmed seeing Police Officers at Brikamaba namely Station Officer Madinding Fatty, Detective 1st Class Constable Fakebba Darboe and 1st Class Constable Lamin Drammeh all holding rifles or pistols.

The security officers from Basse, Kudang and Farafenni barracks also testified as well as the Station Officer of Brikamaba, Madinding Fatty, Detective Constable Fakebba Darboe, 1st Class Constable Lamin Drammeh and ASP Adama Saine O/C CRD.

According to Lt. Samba Baldeh, he was the Commanding Officer of the Alpha Company of the 2nd Infantry Battalion of the Gambia National Army stationed in Basse. Having learnt of the disturbances in the Greater Banjul Area, he placed his troops on full alert whilst monitoring developments in the Greater Banjul Area. He then deployed his troops to key installations and made contingency plans and intensified the patrols in his area of responsibility in the U.R.D. He later learnt that Bansang was under attack at about 10:00 a.m on the 11th April 2000. He led about 8 to 10 men to Bansang to check the situation. He discovered that demonstration had already taken place and the situation was relatively calm. They helped remove some obstacles from the highway. The witness met Lt. Wassa Camara at the Bansang Police Station. The witness said that whilst at Bansang there was a message that Brikamaba was under more intense attack. Lt. Camara immediately left for Brikamaba with his troops. The witness also left for Brikamaba after an interval of about 20 minutes to reinforce Brikamaba. He passed by Sapu and found the key installation all right and proceeded to Brikamaba by the backway. When he arrived, he found the Gamtel "massively destroyed". Rubbish, stones and boulders had been placed on the highway. According to the witness the town was virtually empty. He confirmed seeing one Lamin Njie around his compound gate. He went to the Police Station and there found a large crowd of young and old people. The Police Station had not been spared by the stone throwing. He met the Station Officer, Inspector Fatty, and Lt. Camara, and spoke to them and left for Basse with his troops after half an hour. In Basse, he found the situation tense but there was no disturbance.

In Basse, the disturbance took place in the evening of 12th April 2000 when the GPTC bus service was destroyed as well as part of the Income Tax Office. The

demonstrators set fire to the grass close to the radio station but that was controlled. Some ringleaders were arrested and taken to the Police Station. He found the army and others including Police, Customs and Immigration Officers there. Only the army was armed and he did not see any school children with arms. He went to Brikamaba at his discretion. He also said he fired at the radio station area and the ammunition was live.

Lt. Wassa Camara, the Commanding Officer of the Kudang Army Camp near Brikamaba, was informed that students at Armitage Senior Secondary School were demonstrating, and had vandalised the Gamtel office, Police Station, government buildings and offices. He called Captain Babucar Keita, Commanding Officer of the 2nd Infantry Battalion at Farafenni, and informed him of this development and was ordered to go to Janjangbureh. He went with 11 men and gave their names. They found the Police Station burnt, Gamtel burnt and the Education Department Office stoned and glasses all broken. At the Boraba Camp where government officials reside, their houses were stoned and some glasses broken. Nawec office was also stoned. He and his men spent the night at Janjangbureh and left for Bansang on 11th April upon the orders of his Commanding Officer. They left for Bansang and found that students had placed roadblocks on the road. They secured the Gamtel antenna up the hill. After two hours he and his men left for Brikamaba and found the students there demonstrating. When he and his men arrived at Brikamaba, the place was calm. He saw a tree trunk lying across the highway and stones all over. They spent the night at Brikamaba conducting patrol. They then proceeded to Kuntaur when they received a telephone call that students were also out on a demonstration. They guarded key installations and proceeded back to base after three days. He denied that a curfew was imposed. When asked as to who restored order at Brikamaba, the witness said he did not know because he was not on the ground. He denied that he and his men tortured people. He found people who had been arrested at the Police Station. Asked whether it was a legitimate duty of any military personnel to shoot and kill students even if they were on a violent

demonstration, the witness said no. He also confirmed that he found troops from Farafenni when he and his men arrived at Brikamaba. He confirmed that his team made few arrests in the street. According to him on his return to Kudang Camp, he and his men checked their ammunition and all was intact.

Inspector Madinding Fatty also testified on the events at Brikamaba on 11th April 2000 and confirmed the attack on the station and Gamtel by students and others. He denied holding a pistol. He confirmed that he was told by O/C CRD, ASP Saine, that the army would arrive at Brikamaba for reinforcement and C/O 2nd Infantry Battalion arrived that night with his men and dropped 5 men. That team was headed by Corporal Lamin Camara. Whilst he and his men were at the Station in the morning of 11th April 2000 they saw students running to the station and some with gallons of petrol saying they were going to burn the Station. One of the Police personnel at the Station, Lamin Drammeh, was stoned. As he and his men were taking cover, he heard firing and saw the military struggling with students and pushing them. After a while the students did not return to the station. He later heard the siren of the ambulance and rushed to the road. The ambulance driver, Momodou Bayo, stopped and told him that the person in the ambulance had been seriously injured by soldiers. He looked into the ambulance and saw the injured boy lying down and blood stain on his uniform. The victim was Ousman Sabally who was rushed to Bansang hospital and later died. He rang to inform his O/C but was told O/C had gone to the hospital at Bansang to see the victim. He later saw soldiers and elders coming to the station. He also saw a patrol team and Lt. Camara go past the station to the soldiers. They started arresting students and non-students and brought them to the Station. Some of those arrested were later released and others were taken to Janjangbureh prison. He filled a post mortem report the following day and assigned Sgt. Darboe to go to Bansang hospital to witness the post mortem. On 20th April 2000 he received a message that the body of Ousman Sabally would be exhumed and post mortem done by Dr. Omar Sam as the first one had not been done properly. On 22nd April 2000, Dr. Sam came and he led him to the

cemetery at Kerewan Samba Sirreh where the post mortem was carried out on Ousman Sabally. On 23rd April 2000 he learnt that one Sainey Nyabally also died in the events of 11th April 2000 and on 24th April 2000 he was told that Dr. Sam would come and conduct a post mortem examination on the body of Sainey Nyabally. That was done on 27th April 2000.

Detective 1st CC Fakebba Darboe of Brikamaba Police Station also testified on how he saw the students holding a meeting in the cemetery at Darsilami in the night of 10th April 2000. He confirmed the subsequent arrival of soldiers from Farafenni, five in number and led by Capt. Baboucar Keita. He saw students running towards the station with stones and saying they were going to burn the Police Station to ashes. He recognised Mbemba Bah, Alieu Mendy, Ansumana Kanagi, Lamin Danso, Granya Baldeh, Hamadi Sowe, Malick Jallow, Nanding Jadama, Modou Camara, Binta Tunkara and others among them. They threw stones at the Police Station and at First Class Constable Lamin Drammeh, one of the Police Officers at the station. The Police Officers were asked by the S/O to fall back and take cover since they had no riot gear to protect themselves. The soldiers chased them and pushed them away from the station. Later, after a long struggle, Corporal Lamin Camara went into the station and said he had to talk to his Captain at Janjangbureh but the telephone lines were not working as the Gamtel had been destroyed. The witness, Fakebba Darboe was detailed to go to Bansang and Janjangbureh to report that their men were having difficulties. He found Lt. Wassa Camara and his men who were later relieved by Lt. Samba Baldeh and his men from Basse. Lt. Camara and his men returned to Brikamaba with Detective First Class Constable Fakebba Darboe. Lt. Camara made some arrests to prevent trouble. According to him, and a number of elderly parents and students were arrested. They were brought to the station and later paraded outside by the military for identification as some said they were innocent. Some elders and students were identified and detained. They were twenty-three elders and about fifteen students. He denied holding a gun at the time.

The three Police Officers Fatty, Darboe and Drammeh were later identified by some of the witnesses like Fye Sanneh, Bunja Makalo, Jimbang Sawaneh and others as the officers they said were carrying guns on the 11th April 2000 but the policemen denied it when they were also given the opportunity to react to the allegations of these witnesses. The S/O also denied that the five soldiers brought in from Farafenni were under his command.

Corporal Lamin Camara from 2nd Infantry Battalion at Farafenni Camp testified and confirmed that he and his men were dropped on Brikamaba on the night of 10th April 2000. They conducted their patrols and spoke to the Imam and Alkalo of the town to discourage the students from demonstrating.

He gave the names of the soldiers he led and they were Lance Corporal Njie, Private Paul Mendy, Private Alieu Kambi and Private Lamin Camara. The following day they went to the school to talk to the Headmaster to dissuade the students from going on strike. The students asked why they were in their school. The students then ran in the direction of the Police Station and the soldiers chased them to the station. Some students had come from Kerewan Samba Sirreh. According to him, Inspector Fatty took out his pistol to scare them away. The soldiers then surrounded the place and tried to disperse the students, but they were not successful in doing so from 7:00 a.m to mid-day. He asked S/O Fatty to contact the other unit at Janjangbureh to provide reinforcement and C.I.D. Darboe went to Bansang and returned with ten men led by Lt. Wassa Camara. They were then able to disperse the students and arrested some. His Commanding Officer came there in the evening and asked what had happened; gave him a report of the events of the day. Witness denied that his men used live bullets, and said he only learnt that people had died, over the radio. He said he could not confirm what killed the students. He said he merely carried his gun and did not do anything with it.

He said his men were armed with blank bullets and they fired blank shots to disperse the students. He said he was not sure if some student's sustained injuries. Earlier S/O Fatty had said that when he saw the casualties he was later told by Corporal Camara not to worry and that they had only used blank bullets, but he did not believe him. According to him he could tell the difference between live and blank bullets. He was shown the magazine of live bullets and the empty cartridge case tendered by Fye Sanneh and he said he identified them as live bullets and live bullet cartridge case. He also believed live bullets had been used.

Corporal Camara said he could not speak English but understood it. His orders were given in English. He said he did not see any student with guns and the soldiers and Police were armed with guns. He said the soldiers he went with all had their ammunition intact and identified Ex 38 the magazine of live bullets as live. He said it might be that the deaths and injuries occurred before the soldiers from Kudang and Basse arrived. He said he returned four blank shots out of sixteen. He confirmed seeing the people arrested being laid on the hot tar road but could not say who ordered that. He said he regretted what happened at Brikamaba and what happened there should not have happened. The witness said he left Brikamaba on 12th April 2000 and learnt of the deaths at Brikamaba, at Kudang. Kudang and Basse soldiers he said came to Brikamaba around 1:00 p.m. He said he was under the command of the S/O. He denied that it was his group which did the shooting which caused the deaths and injuries.

ASP Saine, O/C CRD, and based at Janjangbureh also confirmed the burning of the Police Station, from a report he received from S/O Sowe, and of the damage to Gamtel, Regional Education Offices and elsewhere, and of his visit to Bansang and Brikamaba. The Principal Education Officer of Region Five, that is Janjangbureh, also testified and said shortly after the news broadcast at 8:00 p.m on 10th April 2000, students from Armitage Senior Secondary School stoned the Regional Education Office at Janjangbureh. It was a rampage resulting in the

destruction of equipment and other facilities. He was in the office at the time students started throwing stones. The lights then went off. He left the office and went home. The following morning when he returned, he found all the windows and doors smashed. Three typewriters were also smashed. A fax machine was also damaged as well as a number of furniture items. Four air-conditioners were hit by stones and damaged. Two refrigerators were damaged and a good number of documents were and are still missing. Outside the offices, five of the vehicles had their windscreen, mirrors and lights broken. He sent a report on 11th April 2000. He went to the Police Station and found it burnt, as also the Gamtel office opposite. There was some damage at the Janjangbureh Area Council, and the Post Office had been destroyed. Some of the premises of his regional officers had their glasses broken. He went to the ferry crossing where he learnt that the cable on the ferry was damaged but found it replaced. The witness said he could not identify those throwing stones and causing the damage to property as he was relatively new there.

BRIKAMABA FINDINGS

From the evidence as a whole of both security officers and civilians, we believe that some students unlawfully went on a rampage destroying and damaging public and private property and engaging in unlawful assembly. They held secret meetings at the Darsilami cemetery on the night of 10th April 2000 and assembled in various parts of the town in the morning of the 11th April 2000 without permit as required by law. They also did criminal damage to Gamtel facilities and unlawfully stoned the Police Station and caused damage to the Police quarters.

At Brikamaba the five soldiers who arrived in the town in the night of 10th April 2000 led by Corporal Lamin Camara and his men should be held responsible for the deaths of the two students, Sainey Nyabally and Ousman Sabally, as the evidence shows that the deaths occurred before the soldiers from Kudang and

Basse arrived at Brikamaba. This is corroborated by the evidence of various witnesses including Lamin Njie, Inspector Fatty S/O, Faye Sanneh, Buyaki Saburu, Malang Fatty and others. Although Corporal Camara denied that he and his men were carrying live ammunition and only admitted that they were armed with guns and blank bullets, the magazine of live ammunition picked up by students and tendered as Exh 38 by Lamin Njie, which was dropped by one of the soldiers posted at the school, testifies to that fact. Furthermore, the gunshot wound sustained by Ebrima Saidu as well as the empty cartridge case tendered by Faye Sanneh corroborate the evidence. The post mortem reports conducted by Dr. Omar Sam on Sainey Nyabally and Ousman Sabally and tendered as Ex 28 show beyond reasonable doubt that those fatalities were caused by gunshot of Corporal Camara, and his other four colleagues. There is also the evidence that the soldiers were armed with AK 47 guns and the three police officers carried pistols. The magazine was unlikely to have come from a pistol. It is more likely that the bullets were discharged from the AK 47 rifles type which carry the similar magazines and bullets.

Although the evidence is that the S/O and the other two police officers carried pistols, there is very little evidential nexus as to the time and place where the deaths occurred and where they were in the morning as the five soldiers struggled with the students and civilians. The evidence shows that the S/O and his two officers were in their station. The first casualty was seen by the S/O when he was called by the driver after the sound of the siren of the ambulance. As the students stoned the station, his men were asked to take cover and it was later that the soldiers came chasing the students away from the station. The casualties were nowhere near the police station where the police officers were, but in various parts of the town where the soldiers were confronting the students near the main road. We believe the evidence of S/O Fatty and his men in their testimony in this respect. When Lt. Wassa Camara, Lt. Samba Baldeh and Corporal Lamin Camara came at various times they found the policemen at the police station and it was subsequently in the course of the day when the shooting

had already occurred that they accompanied the soldiers round the town assisting in the search and arrest of people. We do not believe that the policemen shot or injured anyone with the guns they were holding.

Corporal Lamin Camara and his men should be held responsible for the deaths and injuries through gunshots at Brikamaba. Lts. Samba Baldeh and Wassa Camara also arrived after the main melee and confusion. It is our belief that those two Army Officers and their groups were responsible for torturing and ordering civilians to lie on the hot tarmac. It was alleged that they walked on the civilians. We hold them responsible for this inhuman and degrading treatment which is unlawful and should not be tolerated from security forces who should ensure that law and order prevail. These acts were instead likely to fuel revulsion, anger, hatred and lack of confidence in the security forces to whom the security of the nation has been entrusted.

AT JANJANGBUREH

From the evidence, the students from Armitage Senior Secondary School should be held responsible for the gross acts of lawlessness, damage and destruction of both public and private property including Gamtel, the police station, the Post Office, the Regional Education Office and property therein, as well as of vehicles, after destroying property at the Boraba Camp. They are also responsible for organising an unlawful assembly when they assembled in a group to cause damage and destruction in town. Those identified or suspected of involvement should be charged with the appropriate offences and dealt with according to law in the Criminal Courts. Alternatively, the student body of Armitage Senior Secondary School should be surcharged with the total value of property owned by the various institutions named in this paragraph.

ELSEWHERE IN THE GAMBIA

Relatively minor incidents were reported at Bansang, Kuntaur, Essau and Barra arising from student demonstration. Those identified or suspected of involvement ought to be dealt with according to law to discourage the reoccurrence of similar acts in the future.

Quantification of the Extent of Damage arising from the Events of 10th and 11th April 2000

From the evidence adduced there is no doubt that substantial damage and destruction was done to both public and private property by groups of individuals on 10th and 11th April 2000. The extent can be quantified as follows:

PUBLIC PROPERTY

Various witnesses gave testimony and tendered in evidence estimates of damage done to public and private property. They include the Deputy Inspector General of Police, Sankung Badgie, the Chief Fire Officer, the Finance Director of Gamtel, the Assistant Director of Posts and the Acting Judicial Secretary.

The assessment of estimated damage to Police property and to property belonging to Police Officers and their families was tendered and admitted as Exh. 45. Another assessment relating to Police property looted was tendered and admitted as Exh. 46.

The witness also tendered a list of Police vehicles damaged. This list was admitted and marked Exh. 47.

Inspector Sainey Camara, S/O of Bundung Police Station, has tendered a report on estimate of the extent of damage done at Bundung Police Station and at the Police quarters there. The estimate was admitted and marked Exh. 39.

Inspector Mamur Jobe, S/O of Serrekunda Police Station, also compiled a report on the properties destroyed at the station. This was tendered and admitted as Exh. 40. In order to avoid duplication, Exh. 45 was tendered by the Deputy Inspector General of Police which lists the value and extent of property damaged at Police Stations and quarters during the events of 10th and 11th April 2000. The estimated value of the damage is D850,148.00. The stations covered by the report are the Police Intervention Unit at Kanifing, Serrekunda Station, Bundung Station, Mobile Traffic Station, Kotu Station, Brikama Station and Janjangbureh Station.

The Principal Education Officer Region Five also tendered a report of the estimated cost of repairs and replacement of property damaged and destroyed at the Regional Education Office at Janjangbureh. It was admitted and marked Exh. 50 and quantified at D172,544.00.

The cost of damage to property belonging to Gamtel was Exh. 42 which puts the figure at D6,300,000.00.

The cost of damage or destruction to property at the various General Post Offices was tendered, admitted and marked Exh. 43 which states the figure to be D35,763.50 and D22,746.00, making a total of D58,509.50.

The Chief Fire Officer also tendered an assessment of damage to Fire Service property which was admitted as Exh. 25 value D7,025,000.00.

The Acting Judicial Secretary also submitted the estimated cost of repairs and replacement of property destroyed at Bundung Magistrate's Court, and that was quantified to be D29,250.00

The estimated value of damage to public property according to the evidence before the Commission is therefore D14,435,452.50 (Fourteen million four hundred and thirty-five thousand, four hundred and fifty-two dalasis and fifty bututs).

The private individuals who and institutions which appeared before the Commission of Inquiry and testified on loss or damage to their properties as a result of the events of 10th and 11th April 2000 were one Mr. Nabil Ghamloush, Emmanuel Shallop and Alhagi Omaru Ceesay of Shell Filling Station at Kairaba Avenue.

Mr. Nabil Ghamloush said that he is the owner of A-Z Supermarket and Tasty Fast Food along Kairaba Avenue in the KSMD. He was informed of the events and made his way to the premises where he saw the doors opened and the shop totally damaged. When he arrived people were still looting the kitchen. Some of the glass outside the Supermarket was damaged. He tendered a list of his property looted or damaged. This was admitted and marked Exh. 48. The total value of what the witness lost according to Exh. 48 was D757,685.00

Emmanuel Shallop of Stop Step Shop also tendered an invoice for estimate of repairs of a Neon sign outside the shop which was damaged. It was admitted and marked Exh. 51. The invoice dated 20th April 2000 put the cost of replacing the damaged sign at D14,000.00.

Alhagi Omaru Ceesay of Shell Filling Station, on Kairaba Avenue also testified on the way students in uniforms arrived at his filling station saying they wanted to buy petrol. He pleaded with them to leave. As the first group left a second group

arrived and despite his plea, they refused to leave. They threatened to burn his station and subsequently broke the glass of the supermarket. Later two paramilitary officers arrived and the students ran away. According to him, the students would have burnt his station had the two paramilitary officers not arrived. He tendered a purchase order and a payment voucher both admitted and marked Exh.49 and Exh. 49A showing the cost of replacing the glass vandalised in the supermarket. The cost of replacement was D10,800 (Ten thousand eight hundred dalasis).

The final witness who testified on the loss he sustained at his gift shop at Westfield junction near Paul Maroun Supermarket was Yahya Abdulhassan Elkhatib. He narrated the events of 10th April 2000 as they affected his shop and how he got a call around 11:00 am that his shop had been broken into. He rushed to the shop and saw over 10,000 people at the Westfield junction area. He learnt that his shop was totally empty and destroyed. When he reached the shop he was so shocked that he fell down and was taken to MRC. When he had recovered after two days he visited the shop and saw what happened on close circuit video. He promised to provide the close circuit video; unfortunately his shop was not insured just like Nabil Chamloush's shop. He estimated his loss between D700,000 – D800,000.00. A lot of students he said were in the area but he could not identify them. He promised to provide a written list of the items and value of property he lost during the events of 10th April 2000.

It is likely that other people or institutions suffered loss or damage to their property as a result of the events of 10th and 11th April 2000 but they did not come forward to testify before the Commission. The grand total of quantification of damage or destruction of property which occurred as a result of the disturbances of 10th and 11th April 2000 was therefore D16,017,137.50 (Sixteen million, seventeen thousand, one hundred and thirty-seven dalasis and fifty bututs).

Recommendation on how to ensure the similar events do not happen again in the Gambia

The events of 10th and 11th April 2000 were clearly a turning point in the history of the Gambian nation. The events have shown that peace must be deliberately nurtured. If it is not, anarchy and civil strife may be the consequences, as events in some neighbouring countries have shown.

RECOMMENDATIONS

Youth and Students

1. Youths in general should be educated to know the process of Justice and to respect law and order. They should also appreciate the fact that sometimes justice requires thorough investigation over a considerable period of time before suspects are brought to stand trial.
2. Students must also desist from activities which may be interpreted as having political undertones, whilst at school.
3. The following students who form part of the Gamsu, leadership may be prosecuted under the Public Orders Act. (Cap. 22). See Exhibit 1^D for the following names:

Omar Joof	-	President
Alhaji S. Darboe	-	Vice President
Alasan Ceesay	-	Treasurer
Daniel Davies	-	Asst. Sec. Gen.
Baboucar Ann	-	Secretary, Advisory Committee
Mamud Njie	-	Asst. Chairman Advisory Committee
Alieu Khan	-	President, Gambia College Sub-Union

Our reason for this recommendation is that they took the decision on 7th April 2000 to organise what they referred to as peaceful march to be held on Monday 10th April 2000.

Security Forces

1. The police should make it a point of duty to speed up all investigations, and to be transparent in all sensitive cases in order to convince the nation that justice is being done.
2. The Police should be well equipped with the appropriate and up to date gears including water canons to deal with all types of civil unrest.
3. All security agencies should be more flexible, courteous and tactful in their dealings with the general public.
4. Top Police Authorities on the ground at Kanifing on the 10th April 2000 should accept responsibility for the tragedy that happened namely:–

Secretary of State for the Interior	- Ousman Badji
Deputy Inspector General of Police	- Sankung Badjie
Commissioner of Operations	- Baboucar Sowe
Assistant Superintendent of Police	- Momodou Ceesay
5. We recommend that the PIU personnel, deployed on 10th April 2000 between GTTI and Westfield junction should assume responsibility for the deaths and injuries, that occurred as a result of gunshots and face prosecution for their acts.
6. Mr. Gorgi Mboob of the Gambia Police Force Licensing Office, Banjul and the PIU officer who carried an AK 47 rifle and fired the guns at the

direction of the students on the St. Augustine's Senior Secondary School compound should face appropriate charges.

7. Disciplinary action be taken against Insp. Omar Darboe of the PIU Banjul Branch and the other men namely: Const. Momodou Lamin Fatty, Const. Abdoulie Bah, 1st Class Constable Adama Saidy, 1st Class Constable Modou Ceesay and 1st Class Constable Modou Gajaga, who forcefully entered into St. Augustine's Senior Secondary School compound on the 10th April, 2000.
8. We recommend that Cpl. Lamin Camara, Lance Corp. Njie, Private Lamin Camara, Private Paul Mendy and Private Alieu Kambi of 2nd Battalion, Farafenni be prosecuted for the deaths and injuries suffered by victims at Brikamaba on the 11th April, 2000.
9. Disciplinary action should be taken against the three police officers namely:- Insp. Madinding Fatty, Station Officer Brikamaba Police Station, First Class Const. Lamin Drammeh and Detective 1st Class Fakebba Darboe for the roles they played during the disturbances at Brikamaba on the 11th April, 2000.
10. The two groups of soldiers from Basse and Kudang under the command of Lt. Samba Baldeh and Lt. Wassa Camara respectively should also face disciplinary action for the inhumane treatment of some citizens of Brikamaba, on the 11th April 2000.

Discipline

1. School authorities must be mandated to enforce discipline in their schools.

2. In the light of the foregoing appointments as school heads and their deputies should be carefully made to ensure that discipline is effectively maintained.

Education

The Department of State for Education as well as all heads of educational institutions, should be more responsive to the needs and concerns of students. The Department of State should be more efficient and be mindful of the training of their staff. Appointments in the department should reflect appropriate qualifications relevant to the positions.

Role of parents and society in General

1. Parents should be charged with the responsibility of monitoring their children's progress and behaviour both at home and in school, and not to rely wholly and solely on teachers and the educational authorities.
2. The general public should be sensitized to be patriotic and to cultivate respect for public and private properties.
3. A formal council of elders should be instituted in all towns and villages throughout the country for the purpose of providing peace and tolerance.
4. Society in general should respect the rule of law.

Finally, we recommend that compensation be considered for the families of the dead and injured.

God bless The Gambia and all the people in it.

DATED 16th DAY OF AUGUST 2000


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Hon. Justice Felix Lartey
Chairman

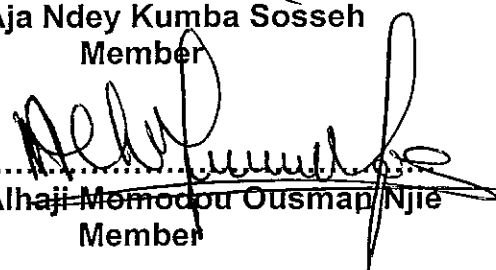

.....
Mr. Joseph Joof
Member


.....
Rev. Titus K.A. Pratt
Member


.....
Mr. J.M.B. Abraham
Member


.....
Mr. Bai Ndongo Faal
Member


.....
Aja Ndey Kumba Sosseh
Member


.....
Alhaji Memoudou Ousman Njie
Member


.....
Alhaji Ousman Jah
Member


.....
Mr. Kebba B. Sarr
Member