



**The Commission of Inquiry**

**COMMISSION OF INQUIRY INTO THE FINANCIAL ACTIVITES OF PUBLIC BODIES,  
ENTERPRISES AND OFFICES AS REGARDS THEIR DEALINGS WITH FORMER  
PRESIDENT YAHYA A.J.J. JAMMEH AND CONNECTED MATTERS**

**REPORT**

**VOLUMES 1 & 2**

**GENERAL INTRODUCTION & EX-PRESIDENT JAMMEH'S FINANCIAL  
DEALINGS & CORRUPTION (BANK ACCOUNTS)**

**10<sup>th</sup> AUGUST 2017 - 29<sup>th</sup> MARCH 2019**



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### ACKNOWLEDGEMENTS

A few of us are ever given the opportunity or occasion to serve our country in some unique way during our lifetime. This Commission of Inquiry has been unique in many ways. Of these, we believe the most important is its potential to help shape the future direction of our country by avoiding some of the exposed pitfalls and follies of the past 22 years. We recognize the honour of having been given the opportunity to serve, and in this regard, would like to express our gratitude to the President of the Republic of The Gambia, His Excellency, Adama Barrow, for the great honor we have been accorded in our appointment to this national assignment.

Many Commissions of Inquiry preceded this Commission. However, no other Gambian Commission is yet to be confronted by a task of such magnitude and complexity, as is apparent from this Report. That we were able to present our Report in such a relatively short period (18 months) given the scope of our assignment, is due to the sacrifices that have been made and the substantial contributions of many whom we would like to acknowledge and appreciate.

Our thanks go to the Hon. Attorney General and Minister of Justice, **Abubacarr M. Tambadou** for appointing an independent counsel to the Commission and for the important support and input of his office, led by the Solicitor General & Legal Secretary **Cherno Marenah**, in the administrative aspect of the Commission, in terms of both human and logistical support.

The indefatigable and learned Lead Counsel, **Amie N. D. Bensouda**, who, among others and with the substantial inputs of the Commission, did the difficult job of questioning witnesses expertly without fear. The contributions of her legal team have been very valuable to the work of the Commission. There were changes to the team during this period but we would like to recognize the contributions of: Counsel **Anna Njie**, **Saffie Nyang**, **Mohamed Sowe**, **Momodou Jallow**, **Aji Mariam Drammeh (JD)**, and **Fatoumatta Sanyang**; State Counsel **Olimatou Danso**, **Mansour Jobe**, **Abdou Aziz Saho**, **Isatou Camara**, **Saihou Ceesay** and **Sarjo Sama**; the legal support team of interns **Ebrima Colley**, **Mariama Dumbuya**, **Kumba Mboge**, **Khadim Joof**, **Aji Ceesay**, **Sally Sanyang**, and **Aji Fatou Drammeh**.

Sincere appreciation to Counsel Batchilly for his support to the Commission.

We thank the Inspector General of Police for providing a team of dedicated investigators. Their contribution to the process was immense. They were headed by **ASP Dello Baldeh** and included **SI Lamin Sanneh**, **CPL Modou Gaye**, **CPL Abdourahman Jobe** and **1<sup>st</sup> CC Yankuba S. Kinteh**.

The Secretariat was headed by **Alhaji Mamadi Kurang** and later by **Ramatoulie Sarr DPS**. Our gratitude goes to them and their colleagues: **Fatou Drammeh**, **Kumba Joof**,



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**Mama Dibba, Maimuna Bojang, Kebba Bojang, Modou Lamin Jallow, Ebrima Jobe, Famara Bojang, Alhaji Babou Joof, Andy Secka, Sheikh Omar Jallow, Abibatou Jallow, Binta Camara.** We would like to specially recognize the team of transcribers who worked hard to make sure that the record was available. They are: **Haruna Manneh, Haddy Jagne, Adama Cabality and Maimuna Touray.** We thank the Judicial Secretary for making their services available. We also thank the legal team who supported them: State Counsel **Tunde Riley, Magigain Gorre Ndiaye, Kissima Bittaye and Awa Jobarteh** as well as the team of drivers who worked with the Secretariat.

To the Surveyor **Bunja Janneh**, the Technician **Dawda Gaye**, the Auditors **Ebrima Drammeh and Pa Ma Jagne**, the Consultants **Sankung Phillot and Bakary Sanyang**, we say “Thank you” for their contributions to the process.

Security was provided wherever necessary and was generally satisfactory. The Officers were commanded by **DSP Alhajie M. Jallow**. We would like to extend through him to all the security officers our appreciation for the work they provided throughout the length and breadth of this country and for making sure that the process was incident free, while preserving order.

Gambia Radio & Television Services, the new QTV, Eye Africa TV and the various print media houses we thank for the nationwide coverage we were able to achieve plus coming to our aid with technological services during hearings and for Skype testimonies as well. Also acknowledged are YouTube and the many social media outlets that assisted in covering our hearings and making them viewable for our audiences around the globe.

We also express our gratitude to the United States Government for assisting us in digitizing and making it so much easier to locate and deliberate on the huge number of exhibits.

The Hon. Chairman personally appreciates the brilliant inputs of Hon. Commissioner **Abiosseh George** and Hon. Commissioner **Bai Mass Saine**. Hon. George – smart, industrious and honest – a sharp Accountant who can hold her own even against the “gnomes” of Zurich. Hon. **Saine** – incisive, forthright and professional – a thorough Banker who can beat some junior advocates at cross - examination. The Commission owes them gratitude.

We, Commissioners **George** and **Saine**, say of our Hon. Chairman **Sourahata Baboucarr Semega Janneh** that he is a true leader who steered the Commission in the right direction with firmness. Chairman Janneh is a man of strong principles with a high sense of fair play and justice for all. We have learned so much from him and consider ourselves lucky to have been led by him with full trust and confidence. As the Doyen of the Gambia Bar, he is a sage who has demonstrated an apolitical stance throughout the period of the Commission. To him we say: many thanks.



## The Commission of Inquiry



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### VOLUME 1 - GENERAL INTRODUCTION

#### **(1) POLITICAL BACKGROUND**

Due to its lengthy title, the above mentioned Commission of Inquiry has been popularly dubbed “the Janneh Commission,” utilizing the surname of its Chairman. For convenience we shall henceforth refer to it as “the Commission” and its adjudicative members as “the Commissioners”.

We must remark from the start that this Commission was set up primarily to lay bare, through evidence publicly adduced, the activities of the former President and his close associates and family members and ascertain to what extent they were involved in corruption, dishonesty or abuse of office for private benefit and or leading to the financial loss of the Government, the Central Bank of The Gambia or other Public Enterprises or State Owned Enterprises (SOE's). The Commission has, therefore, decided to write this Report in a style and diction devoid, as much as possible, of pomposity, obfuscation or overloaded euphemisms or unnecessary technicality so that it may be readable by most Gambians with some education.

On 22<sup>nd</sup> July, 1994, the democratic government of President **Sir Dawda Kairaba Jawara**, Head of the Peoples Progressive Party, was toppled in a military coup d'état staged by a small group of young lieutenants led by **Yahya Abdul Aziz Jamus Junkung Jammeh**. The coup makers quickly established the Armed Forces Provisional Ruling Council (AFPRC) consisting at first of Chairman Jammeh, **Sanna Sabally**, **Edward Singhateh** and **Sadibou Hydara**, who were soon after joined by Lt **Yankuba Touray** and Captain **Lamin Kaba Bajo**.

Thus, until the introduction of the 1997 Constitution of the Republic, the affairs of the Gambia were in the hands of a military junta, which manifestly operated as a dictatorship. After the Constitution came into effect, the AFPRC was converted to the APRC (Alliance for Patriotic Re-orientation and Construction) a political party which, by a series of presidential and parliamentary elections every five years, controlled the nation with **Yahya Jammeh** as President for twenty two years.



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Ex-President **Yahya Jammeh** for the APRC was defeated by the current President, **Mr. Adama Barrow** for the Coalition of most of the political parties, in the historic election held on 1<sup>st</sup> December, 2016. Despite (or rather because of) a tense and a very dangerous political impasse engendered by **Yahya Jammeh's** reluctance to quit power, Jammeh had to leave the Country on 21<sup>st</sup> January, 2017 when Ecomig Forces made it very clear that his presence in the Gambia as unlawful Ruler was no longer to be tolerated.

**Adama Barrow** was sworn in before the then interim President of the Gambia Bar Association **Mr. Sheriff M. Tambadou**, on 21<sup>st</sup> January, 2017 at Dakar, Senegal, where he resided for his safety, as the lawfully elected President of the Gambia. To satisfy popular demand, he was re-sworn before the Hon. Chief Justice in The Gambia on 18<sup>th</sup> February, 2017.

On 12<sup>th</sup> July, 2017, His Excellency, Adama Barrow, President of the Republic of The Gambia, appointed the Commission consisting of:

- (a) Sourahata B. Semega Janneh **CHAIRMAN**
- (b) Abiosseh George, **MEMBER**
- (c) Bai Mass Saine, **MEMBER**

The Commissioners, who are all Gambians, are respectively Lawyer, Accountant and Banker selected, it is believed, for their professionalism, independence and non-partisanship.

The said appointment was conveyed to the Commissioners by letter written by the Solicitor General and Legal Secretary Ref: **AG/C/364/01/PART 1(4)** dated 12<sup>th</sup> July, 2017.

Not long after, the President also appointed **Alhaji Mamadi Kurang** as Secretary to the Commission, whilst the Hon. Attorney General, acting under powers granted by the President, appointed **Amie N. Bensouda** as Counsel assisting the Commission. This was followed by the Inspector General of Police providing investigating and other required officers pursuant to the commission of Inquiry Act.

(See Legal Notice 15 of 2017; ISSN 0796 – D271).



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At a swearing ceremony in the temporary State House in Fajara, The Commissioners and Secretary took the oaths of allegiance and of office before His Excellency Adama Barrow in the presence of high ranking officials. Brief speeches were delivered by; inter alia, the President of the Republic and the Chairman of the Commission of Inquiry, the emphasis being on the independence of the Commissioners and their expected devotion to the work ahead.

It is the said Legal Notice of the Gambia Gazette that spells out the terms of reference (TOR) of the Commission. However, it is very important to take into consideration the two Acts which together with the TOR constitute the mandate of the Commission, namely, the 1997 Constitutional provisions (section 200-205) and the Commission of Inquiry Act 1903 Cap 30:01 Laws of The Gambia.

We shall soon dwell on our mandate and powers both statutory and presidential. However, even at this stage it is not premature to make clear some of the matters that are outside our mandate, in order to avoid misconceptions and judgmental errors on the part of concerned citizens and foreigners.

Firstly, a cursory reading of the Preamble of the TOR will confirm that the Commission has overwhelmingly civil rather than criminal attributes. It is far more concerned with investigating the loss of assets by the Government of the Gambia through the actions and or omissions of the Ex-President, his Close Associates, family members and others and suggesting ways and means of recovery. The Commission is much less concerned with criminal investigation, although it does not lose sight of paragraph 3(1)(e) of the TOR under which it is enjoined “to identify whether any persons or group of persons committed any offence in relation to any matter inquired into by the Commission hereunder”. Thus, any misconception that the Commission is mandated to conduct crime like trials and mete out punishment must be dispelled at once.

Secondly, the Commissioners were made aware from the outset, that Government was contemplating setting up another Commission of Inquiry to deal with the landed properties of private persons allegedly seized or dubiously acquired by the ex-President. The Commission has, therefore, generally refrained from considering third party claims to landed properties in order to avoid adjudicating between Ex-President Jammeh, the Government and ordinary claimants. However, the Commission has not shied away from identifying some claims that it considers lacking in merit and making definite findings on them.



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Thirdly, there can be no doubt that the Commission has no power to investigate or give decisions on allegations of tortious or criminal wrong doing against anyone, such as murder, torture, rape, detentions and disappearances leveled against the previous regime. It would appear that those affected by the atrocities of Ex-President Jammeh's regime may have to resort to the Law Courts or perhaps the Truth, Reconciliation and Reparation Commission for redress.

### **(2) THE TERMS OF REFERENCE**

Clearly the Presidential terms of reference need to be properly understood in order to dispel misperceptions. We believe that almost everyone knows that the Commission is mandated, among other things, to investigate the financial dealings of Ex-President Jammeh and certain **public** officers. However, a few persons hold the erroneous view that **private** individuals are out of the purview of the Commission's mandate.

Therefore, a brief examination of the TOR is necessary to show that our mandate extends to "close associates," who may be either public or private individuals. Citizens ought to be grateful that private persons (whether corporate or corporeal) are not excluded, since we found out that a private corrupt person tends to create greater havoc to the nation resulting from their corrupt and criminal practices, which are impediments to both national development and poverty alleviation. Every effort must be made by all citizens of this country so that our mentality can be shaped to accommodate the plain truth that in corruption, the giver is as bad as the taker. The person who offers a bribe is as reprehensible as the one who accepts it and neither should escape legal responsibility even where the other initiated the corrupt act.

Under clause 2(3)(b) of the TOR for instance, the Commission is authorized to investigate "the companies, businesses and bank accounts, operated directly or indirectly by the former President and **close associates** or in which he had an interest". It will be noticed here that the companies, businesses or bank accounts do not have to be "public". Again "close associates" do not have to be public officers but can be private individuals. The same goes for clause 2(3)(c) and (d). Under clause 2(4)(b) the Commission is enjoined to recommend "ways and means of recovering or restoring any assets , monies or other assets that may have been illegally taken, misappropriated, were applied or lost". A copy of the Terms of Reference is attached to this Report as Appendix 2.



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### **(3) METHOD OF WORK**

Prior to the commencement of their public hearings, the Hon. Commissioners had several meetings to determine the method of work of the Commission.

We continue our deliberations on our methodology in the following segments:-

(A) Soon after their appointments to office the Commissioners, the Secretary to the Commission and the Lead Counsel met to map out the onerous task for which we were given an initial period of three months to finish. In fact some observers predicted that it would take more than two years to complete the work due to the enormity of its scope and complexity. Together we sat and went through all the legislation and other documents relevant to the Commission of Inquiry. The lawyers amongst us explained pertinent provisions in the Constitution, the Commission of Inquiry Act 1903 Cap 30:01 of the Laws of the Gambia and the terms of reference issued to us by His Excellency the President.

(B) Very early in the performance of its preliminary work, the Commission decided that, apart from the Office of the President, it would rarely permit direct communication by the Hon. Commissioners or other Commission Officers with the public. All communications were to be addressed to the Secretary of the Commission. More importantly, all connected with the Commission were made to understand that they were not to grant or have public or private interviews with anyone. This policy was considered the best way to protect the Commission from misinterpretation and distortion from hostile elements, especially through the social media with its reputation of disseminating excessive inaccurate news. Our Commission is a quasi-judicial institution incapable of joining controversies on either the conventional or online media, which controversies would be a sure way of diminishing the integrity and authority of this type of Commission of Inquiry, whose findings are subject to appeal to the Gambia Court of Appeal. The prohibition of interviews was modeled on the inhibition of judges from discussing pending law suits in the public domain.

(C) Attention was paid to the legal processes of the Commission. The witness summons, summons to produce documents for inspection, warrants and Affidavits were settled, using court processes as templates. Hundreds of summonses were signed by the Hon. Chairman and issued and served according to law. Numerous sworn Affidavits were admitted in evidence and marked as exhibits. Once again Gambians proved to be very law abiding, for we had cause to issue warrants of arrest only a couple of times to compel attendance before the Commission.



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Ex-President Jammeh, the main subject of inquiry, ignored our summons to appear or even testify via Skype. However, as he was and is in self-imposed exile in Equatorial Guinea, we had no means of compelling his attendance.

The nature of the Inquiry made it impractical to insist that a witness be called to testify on all relevant matters once and for all. Therefore, a person could be called on several occasions to testify, and indeed many witnesses were recalled several times to give evidence. The reason was that the Commission was mandated to inquire into many large Government Departments and Ministries, State Owned Enterprises, private companies and individuals with diverse interests and multiple areas of operations. A single entity might have different affiliates or subsidiaries with Directors or Managers operating in different fields of work. It is also important to note that preliminary investigations were underway throughout, and there were certain revelations at later dates that could not be ignored just because a person who could shed light on them had already appeared as witness. This necessitated the recalling of witnesses. Not to be forgotten was the right given to witnesses, especially those declared to be "close associates," to call or recall their own witnesses for examination or cross examination; this was in fact done by all witnesses who hired lawyers to represent them.

(D) In one of our meetings, it was agreed that in order to avoid chaos all letters of complaint or information concerning witnesses or potential subjects of investigation were to be addressed or directed to the Secretary to the Commission at our Djembe Hotel address. The letters would ordinarily be submitted to the Lead Counsel to the Commission. A team of investigators worked with Counsel who would direct the investigation of persons considered useful as witnesses and or potential subjects of investigation. Great care was taken not to point at anyone as a "close associate" without the chance of giving oral evidence before the Commission in a public session or submitting written statements. This assignment to Counsel to the Commission, notwithstanding, the Commissioners reserved to themselves the power at any time to call or recall any witness to testify or swear an Affidavit for the use of the Commission.

### (E) **PRELIMINARY INVESTIGATIONS:**

Pursuant to section 15 of the Commissions of Inquiry Act, five police investigators were assigned to the Commission to assist with investigations and the obtaining of evidence on various subject arrears within our mandate. Their main duties involved gathering of preliminary evidence for review by counsel, interviewing witnesses or people of interest to the Commission, inspecting properties of the Ex-President, family members and close associates, and conducting follow up investigations directed by the Commissioners or Counsel.



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The investigators reported to Counsel and worked under her supervision both as a team and individually. Their findings could prompt further investigation into specific issues or trigger investigation into other areas. They were, in the main, responsible for providing or prompting the production of a major part of the evidence presented to the Commissioners at public hearings.

There was a deliberate level of separation between the investigative process and Commission hearings, which allowed for free and private dialogue between the Commissioners and Counsel, between Counsel and the investigators, and rarely, between the Commissioners and the investigators. This was necessary to avoid any possibility that the Commissioners may be exposed to, and influenced by, very preliminary and untested evidence. The inquiry was organized this way in order to maintain a strict division between functions in order to ensure that the general processes of the Commission were all conducted in a transparent, fair and none prejudiced manner, that averted any possibility of bias on any issue, subject or against any person.

(F) In line with the requirements of the applicable law, almost all the hearings of the Commission were held in public. The audience in the hall was not large, but since the proceedings were televised both by Gambia Radio & Television Service (**GRTS**) and the new **QTV**, there was nation-wide coverage. Social media especially You Tube constantly covered the public hearings and ensured an enthusiastic global group of viewers.

It should be noted, however, that a few hearings were held in camera. These included the hearings involving

- (1) **Ousman Sowe**, Director General of the State Intelligence Service (SIS).
- (2) **Momodou Sabally**, Former SG, (for one of several sessions)
- (3) **Alieu Conteh**, Gambian businessman in Kinshasa, DR Congo
- (4) **Aisha Fatty**, Occupant of General **Saul Badjie's** property who was later heard in a public session.
- (5) **Mambury Njie**, Minister of Finances & Economic Affairs.

The procedure adopted by the Commission was not very different from procedure that prevailed in the High Court prior to the introduction of what is known there as the New Rules. We found that the New Rules of the High Court were impracticable for a Commission of Inquiry due to its nature and the very limited time given for carrying out its tasks.



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Witness Hearing Schedules were designed by the Commission to list the number of witnesses to be examined for the day. Each schedule contained brief entries of the areas and likely subject matters of enquiry pertaining to every named witness summonsed for the day, and the likely areas of enquiry to be touched on during the proceedings. (A sample Hearing Schedule is annexed hereto marked INTRO(1)

When a witness arrived in the hall, he or she was directed to the stand where the oath to tell the truth, the whole truth and nothing but the truth was administered by the Secretary or, in their absence, one of their Assistants. Muslims swore on the Holy Koran, Christians on the Holy Bible and those unwilling to hold those holy books simply made a declaration to tell the truth, the whole truth and nothing but the truth. The witness stand was only very briefly used because everyone in the hall was seated facing the dais section which accommodated the three Hon. Commissioners, with the Chairman in the middle and the Secretary to the Commission and or his or her assistant sitting below.

Upon the invitation of the Chairman, Counsel to the Commission (or her junior) would question the witness and tender documents for admission in evidence. The rules for admitting evidence were not as strict as the Rules of Court, but on some occasions, documents were refused admission when it could cause a travesty of justice or gross unfairness.

Every person affected by the investigations, called as a witness or declared a “close associate” had every opportunity to cross examine witnesses, call witnesses and recall witnesses for examination or cross examination. Legitimate re-examination was also permitted where demanded. A few affected persons even instructed Legal Practitioners to represent them as they had every right to do. They were **Amadou Samba, Mohammed Bazzi, Fadi Mazegi, Toni Ghattas, Feryale Ghanem (Laly Diab)** and **Balla Jassy**. *A list of witnesses notified to be called or recalled by these ‘close associates’ is annexed hereto marked INT (2).*

It should be borne in mind that throughout the sittings, public as well as in camera (behind closed doors) the Hon. Commissioners exercised their right to direct questions at witnesses at any time during the proceedings. The aim of the Commissioner’s questioning was not only to fill gaps in the evidence but to initiate inquiries on relevant matters.



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The Commission used every possible means of questioning witnesses however distant. Contracts were executed for the use of experts to install communications gadgets like Skype for the purpose of examining witnesses, residing abroad. This was done in the cases of

- (1) Sanna Jarjue - Witness no. 187
- (2) Samuel Ameth Sarr (Dakar) – Witness no. 218
- (3) Ebou Jallow former Captain – Witness no. 224
- (4) Muhammed Batata Juwara – Witness no. 59
- (5) Henry Batchi Baldeh – Witness no. 221
- (6) Mustapha Corr – Witness no. 195
- (7) Sarja Camara – Witness no. 175

The Commission examined a total of 7 via Skype. All together, the Commission heard **253** witnesses, the first witness being **Bolaji Ayodele** (MD Guaranty Trust Bank) the last being **Nathalie Gomez**, a law student.

Again, presentation projectors were very useful when dealing with the huge acreage of land allegedly owned by Ex-President Jammeh. Clear images of the said properties with locations, dimensions and buildings and fences, where the latter existed, were presented thanks to our investigators in collaboration with the appropriate Government Departments namely the Department of Lands and Surveys, the Department of Physical Planning and Housing Development and the Gambia Tourism Board, all of whose representatives were jointly heard and examined in the hall open to the public.

(G) From the outset it dawned on the Commission that, due to the nature and scope of our TOR, a huge number of documents were going to be admitted in evidence. This meant that a solution had to be found for identifying the exhibits. It was decided by the Commissioners to use double letters and attach numbers serially as we proceeded. The letters adopted were as follows:-

BB	generally but not strictly concerning Commercial banks
CB -----	Central Bank
LL -----	Lands
SC -----	State Corporations or SOEs
GEO -----	Geological Department
MS -----	Miscellaneous Document
P-----	Presidential



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The letters were doubled only to avoid the errors that might result from the use of single letters.

Hundreds of documents and other things like gold plated pistols found in Jammeh's house in Kanilai were admitted by the Commission as exhibits. Many of the documents were admitted in bundles. On 7<sup>th</sup> August 2018 technical experts, made available gratis by the American Embassy, finished digitizing most of the exhibits within five days of hard work. We are very grateful for that assistance which carries no security risk simply because all the documents are in the public domain and, in fact, anyone ready to pay the fee is able to have copies of any exhibited document.

(H) In order to have a better understanding of certain facts, the Commission visited many sites (*locus in quo*) in all the Regions of The Gambia as well as the Kanifing Municipality and Banjul, the Capital.

The sites we visited are listed below:-

- (1) State House Banjul (vehicles and the special large tent)
- (2) State House Fajara (vehicles used by the current Government)
- (3) Futurelec Building yard (vehicles)
- (4) Maintenance Service Agency (MSA) vehicles
- (5) Tujereng (Sand mining Sites (1) & (2)
- (6) Sanyang (Sand mining site)
- (7) Kartong (Sand mining site)
- (8) Yundum Airport – Free Trade Zone
  - (a) Green Industries Factory, (b) Aircraft (c) Gold Factory
  - (d) Timber Workshop
- (9) Barra – large Garden
- (10) Barra Ginnack Island



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- (11) Kaur – the Hill
- (12) Jangjanbureh – Governor's old residence
- (13) Badari (near Basse) URR – mining Area for precious stones
- (14) Jahali Pacharr CRR – Rice fields
- (15) Soma Jarra LRR – Baba Jobe (large commercial 2 Storey House)
- (16) Bujinga – Foni Mansion said to belong to Ex-President Jammeh's mother, Aja Asombe Bojang (now deceased)
- (17) Kotu Power Station
- (18) Brikama Power Station
- (19) Mandinaring, Kombo North Gambia Petroleum Storage facility
- (20) Denton Bridge (Banjul) Farm
- (21) Farato Kombo South – Farm
- (22) Kanilai Foni Kansala 1<sup>st</sup> and 2<sup>nd</sup> visits

On all these visits the Chairman, the other Commissioners, the Secretary and Lead Counsel were present, so were the security men and women and, of course, the drivers and GRTS crew. Our vehicles (five in number) moved in a convoy and no important untoward events occurred. We thanked the Governors and others concerned for their help and hospitality. The Secretaries presented their 'write ups' on the visits and these are attached to this Report in Appendix 5.

(I) We need to make brief comments on some of the sites we visited. An assortment of vehicles were seen at State House, Banjul, the temporary State House, Fajara (Atlantic Boulevard) Futurelec six floor building (Bertil Harding Highway) and the Maintenance Service Agency (Kotu Old Quarry Area). Inventories of the vehicles have been taken by the appropriate experts and these are attached to this report in Appendix 1.



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Basically the most luxurious vehicles including Bentleys and high priced Mercedes Benz cars were found at the two State Houses. Also, some military vehicles (tanks, anti-aircraft guns mounted on vehicles etc) were located at Banjul State House.

Most of the other less priced cars and buses were parked at the Kotu grounds of the Maintenance Service Agency (MSA). MSA has on site several buildings including useful workshops and stores.

Some earth moving machines and many Mahindra vehicles were rounded up and kept by the authorities at various sites throughout the country where, in our opinion, they had been unlawfully distributed by the Jammeh regime in the hope of winning political gains.

Some of the tractors and bulldozers have been ordered to be fairly distributed among Councils in Banjul and the Regions for the benefit of the villages. The majority of the vehicles were, however publicly auctioned off on the orders of the Commission, after awaiting proper proposals from Cabinet for their distribution, which proposals were not forthcoming. Unfortunately, because of the delay in disposing of them, many were vandalized. A Report on the disposal of vehicles and other movable assets is attached in Appendix 1.

### **MINING – 4<sup>TH</sup> OCTOBER, 2017**

We devote a Section in this Report (Mining Sector) to the mining of HMC that took place in Sanyang, Batokunku, Tujereng and Kartong and need not dwell on those sites at this stage. What is clear though, is that the environmentalists as well as the villagers who lost their lands without compensation were agreed on the serious damage caused by the mining. There was no evidence that mining brought any benefit to the Communities.

We noticed the ugly craters left there by the mining operators without caring about rehabilitating them as promised prior to commencement of operations.

### **AIRPORT 23<sup>RD</sup> NOVEMBER, 2017**



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The visit to Yundum Airport was eye opening. We inspected several aeroplanes which to our laymen's eyes were rather old-one Ilushin 11-62m, Two Air Tractor BT-802A; (firefighters) and two Boeings. We were told by Airport official authorities that there was another airplane in Europe for maintenance. One of the planes was luxuriously refurbished and even had a bedroom! It was understood that most of these planes are in the market for sale.

However, most interesting and surprising to us was the area within the airport grounds which we were told was the Free Trade Zone. We visited the factory that used to be run by the Ex-President's Green Industries which had engaged in the production of toilet rolls, diapers and school uniforms.

We also saw a building housing what appeared to be a gold refining factory. The machines looked fairly new. We were told that the gold dust was intended to be imported from the West African sub region.

The other building was a workshop for the treatment, cutting and shipment of timber, probably to be imported from Casamance, Senegal and maybe some parts of The Gambia.

### **BARRA 12<sup>TH</sup> FEBRUARY, 2018.**

At Barra we saw firstly the huge parcel of land the locals call "the Garden". It is full of trees and since it is adjacent to the sea, it is possible to convert it to a touristic resort.

There is close by Ginnack Island which is quite large and could not be accessed by us at the time. However, we were quickly reminded that Ex-President Jammeh had caused many islands on the River Gambia to be leased to himself or one of his well-known companies, **KFF** or **KGI**.

### **BADARI 13<sup>TH</sup> FEBRUARY, 2018.**

A trip was made to Badari, URR a few kilometers from Basse following persistent rumours that mining had taken place there during Jammeh's regime. We found a number of small excavations at the site and looked at several not so precious looking samples left there by persons who seemed to be still mining using simple manual tools.



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We were directed to an elderly villager, **Fatamba Jinkang**, who claimed to have discovered the site. He told us before several fellow villagers, that he had worked mines in Sierra Leone and was certain that wherever the stones he showed us were found, there was a high probability that precious stones (diamonds etc) would be found.

Jinkang narrated to us that the site was discovered by him during the Jawara regime but none of the officials he contacted took the matter seriously. When Ex-President Jammeh came to power, he was later able to make headway in getting the site investigated. However, according to Jinkang, Jammeh cut off links with him but instead made sure truckloads of mined stones were taken away from the site, which his security personnel turned into a no-go area.

Jinkang appeared to us to be a sane and truthful person. It is for the Government of the Gambia to engage true experts to investigate the site in order to determine if indeed it contains high priced precious stones.

### **SOMA, JARRA LRR 13<sup>TH</sup> FEBRUARY, 2018.**

Our objective was to visit the huge two floor commercial building on the Trans Gambia Highway and situate in the busiest centre of Soma. The first floor of the building was incomplete, but the ground floor was occupied by a bank and many other businesses (Restaurant, shops etc). It was ascertained that the late Baba Jobe, who was at one time one of the closest associates of Ex-President Jammeh, claimed ownership of the said building.

The strongest fact relating to the building is that it occupies almost the entire frontage and, in fact, a large chunk of the land belonging to the LRR Mansakonko Area Council. More will be said about the title to the land in the chapter dealing with the said building.

What must be noted is that the Hon. Commissioners went from business to business within the building and realized that, apart from the bank, the tenants had been occupying the shops without paying any rent. We ordered all the tenants to start paying rent (determined by us) to Augustus Prom (Receiver). The Receiver has since done a good job and the accounts they presented are attached hereto marked in Appendix 1.



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### DENTON BRIDGE FARM 18<sup>TH</sup> OCTOBER, 2017.

**Major Salifu Corr** was, at the time of our visit, in charge of all the farms “belonging” to Ex-President Jammeh. The major informed us that the farm, which is situated next to the defunct Wadner Beach Hotel, comprises **6000** hectares of land stretching almost 2 kilometers along the Banjul Serrekunda Dual Carriageway.

We saw a variety of trees and plants in the Denton Bridge farm – palm Kernel, Cashew, Sugarcane, Baobab etc. There seemed to be two permanent staff who have worked in the farm since it started years ago. Our impression was that it was being well looked after.

**Major Corr** informed us that the Ex-President had imported from Malaysia hundreds of thousands of palm kernel seedlings. There is evidence that many seedlings were planted on the site and some have even fruited. However, the vast majority of the seedlings are still in their bags unplanted. It is obvious that unless steps are taken soon to distribute the seedlings for planting, they would be lost. It is a fact that Malaysia started its oil palm plantations by importing the trees from West Africa, since they are not indigenous to Asia. This fact coupled with the fact that oil Palm Kernels used to be a Gambian exported commodity decades ago, is testament to the belief that the Gambian soil is very suitable for the seedlings, which can greatly benefit the Country’s economy.

### KANILAI, FONI KANSALA WCR 18<sup>TH</sup> OCTOBER, 2018

Ex-President **Yahya Jammeh** said he was born in Kanilai. He acquired a huge acreage of land (possibly twenty four square Kilometers) in that Village and turned it into his 2<sup>nd</sup> residence (after Banjul State House) and main farms.

We visited several houses in the presidential complex, notably the old smallish residence he built for himself, the luxurious set of Four Houses and the unfinished monumental, three floor mansion. There was also a small conference centre.

Two crocodile pools were constructed by the Ex-President and we took a look at both. Both had living large and baby crocodiles.



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We toured part of the land at the back of the complex. We saw cattle assembled in an area as well as hyenas kept in an enclosure. There were orchards and farms spread in the vast space. We were told that a horse or donkey or other animal would accidentally be found here and there but it was obvious to us that the zoo (ostriches, lions camels etc.) that Jammeh loved to show off to visitors was no more.

During our second visit we discovered the big water tank deep in the compound. This tank can hold 1000 cubic meters of water and the sooner it is dismantled and taken to residential areas in a city or town, the better. The tank which has never been used is elegantly but uselessly, standing in a remote area of the complex.

### **(4) BANK ACCOUNTS OPENED BY THE COMMISSION**

In September, 2017, two bank accounts domiciled at (CBG) were opened by the Commission in the names of:

- (a) *Assets Recovery from Janneh's Commission – GMD Account (Dalasi Account)*
- (b) *Assets Recovery from Janneh's Commission – USD Account (Dollar Account)*

The accounts have throughout been controlled and managed by the Accountant General's Department. The Commission did not make any withdrawals from the said accounts and was not empowered to do so.

#### **(a) GMD Account No. 1601000363**

A total of **D100,617,442.46** was collected from various sources was actually deposited into this account. Moneys deposited into this Account were from the following sources:

- 1) Government accounts domiciled at Commercial Banks with credit balances which were transferred to this Account. We believe that without these transfers into this Account Government moneys would not have been noticeable but rather lost in scattered commercial bank Accounts.



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- 2) Sale of copies of Commission documents such as transcripts and exhibits copies.
- 3) Proceeds from Public Auctions of Vehicles e.g. tractors and so on.

A copy of the Bank Statement is attached hereto in Appendix 1.

### (b) **USD Account No. 1603000013**

A total of **USD498,481.25** was collected from different sources. A copy of the Bank Statement is attached in Appendix 1.

## **(5) CHALLENGES TO THE COMMISSION**

### **(A) Interim Orders**

This Commission of Inquiry is unprecedented in the Gambia for several reasons. The involvement of the former Head of State with a twenty-two year history of highly undemocratic traits and acts, some of which, if tried in a law Court may amount to very serious crimes, is one big reason. Other reasons are the number of “close associates” of Ex-President Jammeh, the many high profile public officers involved, and the few private companies that virtually dominated crucial sectors of the economy of the State which they almost captured socio economically.

The huge amounts of money in landed properties, bank accounts, company shareholdings, dividends and other assets that needed to be preserved to compensate for the loss of the Gambia Government by those who might be adjudged to bear responsibility for it, made it inevitable for the Hon. Commission to take steps that ensured that the said assets were not dissipated prior to the presentation of our Report to the President of the Republic and its implementation.

Section 202 subsection 2 of the Constitution of The Republic 1997 in paragraph (d) gives to the Commission, the power to make interim orders. The Commission quickly issued interim orders to preserve the assets of Ex-President Jammeh and others for the purpose of setting them off against losses that might



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be determined to have been caused to the Gambian Government by each individual or company. It was, therefore, inevitable for the Commission to get involved in some litigation.

For a better understanding of the fundamental mode of work of the Janneh Commission, it should be contrasted with the Algali Commission. The Algali Commission was set up by the AFPRC military dictatorship in 1995 and given tremendous powers and privileges and immunities. But more importantly, the decisions of the Algali Commission could not be subjected to any appeal to any court in the Gambia. The Janneh Commission on the other hand was set-up by the democratic Government of President Adama Barrow under the Republican Constitution which provides clearly in section 204(2).

“A person against whom any such adverse finding has been made **may appeal** against such finding to the Court of Appeal **as of right** as if the findings were a judgement of the High Court, and on the hearing of the appeal the report (of the Commission) shall be treated as if it were such a judgement”.

Thus whereas decisions of the Algali Commission were not subject to any appeals, the Janneh Commission’s decisions are appealable. And we say rightly so, since the Barrow Coalition Government was voted in on an agenda and manifesto of democracy, rule of law and good governance which abhors judicial or quasi-judicial determinations without right of recourse to a higher judicial authority.

### **On Tony Ghattas**

It is no surprise, therefore, that the Commission was faced with several challenges. **Tony Ghattas** was heavily involved in the business of Heavy Mineral Concentrates (HMC) i.e illmenite, zircon and rutile and sand mining. He has been identified as a “close associate” of the Ex-President. On 16<sup>th</sup> August, 2017 **Tony Ghattas** was by order of the Commission arrested to be brought before the Commission. Ghattas’ lawyer made a formal application to vary the said Order, which was opposed in part by Counsel to the Commission.

Strong arguments by both lawyers were heard by the Commission in camera with the full agreement of all concerned. The object of the arrest was to prevent Ghattas from absconding as we were made to believe was his intention.



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On the 30<sup>th</sup> day of August, 2017, the Order was varied by the Commission, subject to several conditions including Ghattas giving security including charging his properties and prohibiting sale of his commercial motor vehicles. Ghattas' passport was returned to him. He travelled abroad for a while but returned to the Gambia. The relevant Ruling is annexed to this Report in Appendix 3.

### **On Amadou Samba**

The case of **Amadou Samba**, another declared "close associate," took an interesting course; for the entire forensic drama was played in the public main hall and fully televised and down loaded on social media contemporaneously.

On 13<sup>th</sup> October, 2017, the Commission made an order freezing the assets of Mr. Samba, just as was done in relation to other "close associates" of Ex-President Jammeh who were capable of disposing of their assets before the end of the Commission and thus cause much loss to the Gambian government and nation. Samba was, of course, entitled to apply to the Commission for this Order to be varied so that, for example, he could have access to his bank accounts with or without conditions attached. Instead of asking for a variation he pleaded for the complete cancellation of the Commission's said Order.

**Ms. Mary Samba** Counsel for **Amadou Samba**, argued many points, but her main ground for rescission of the order was that the Commission had no power in law or under the Constitution and so had no jurisdiction to make the order it made. **Ms. Amie Bensouda**, Counsel advising the Commission, responded vigorously to the grounds put forward by Samba. The Commission gave a Ruling on 30<sup>th</sup> October 2017 reaffirming that it had (has) the jurisdiction to make orders freezing the assets of close associates by virtue of section 202 subsection 2 of the Constitution and other laws as well as the Rules of the High Court which permit the issue of interim orders. There is no need to expound on the said ruling a copy of which is attached to this Report in Appendix 3.

It should be noted that at the Commission's last public sitting, at the stage where **Ms. Samba** was delivering her reply on points of law, she made a rather feeble attempt to raise the issue of varying the said order dated 13<sup>th</sup> October, 2017 but was turned down as being too late and too inconsistent with usual procedure.



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### **SSHFC V AUGUSTUS PROM (RECEIVER)**

Augustus Prom, Accountants were appointed Receiver by the Commission of Inquiry over two hotels at Cape Point, namely Ocean Bay Hotel and Resort and Sunbeach Hotel. Social Security and Housing Finance Corporation (SSHFC) were, by purchase, owners of the two State leaseholds on which the Hotels stood respectively. However, both properties were sublet to **BP** Investment Group **FZE** who, until the Augustus Prom receivership, controlled and provided the management of the two Hotels for touristic purposes.

SSHFC became dissatisfied with the irregular payment of the rent by BP Investment Group **FZE (BPI)** and terminated the said leases. **BPI** was as a result so aggrieved that they instituted legal action against SSHFC in the High Court concerning the leases and their termination by **SSHFC**. The High Court stayed the legal action and referred the case to arbitration, which was stipulated in the leases. The arbitration is still pending.

Despite the pendency of the arbitration ordered by the High Court SSHFC applied to this Commission by motion on notice, asking for several orders which, if granted, would have transferred management of the Hotel to SSHFC or compel Augustus Prom (Receiver) “to enter into and or execute a contract with prospective lessees for the Hotels”.

Augustus Prom (Receiver) objected on point of law to the motion filed. Counsel to the Commission recused herself from this matter as she had been the retained solicitor of SSHFC and rightfully wished to avoid a conflict of interest which the law and best practice frowns on Lawyer **Musa Batchilly** temporarily replaced Counsel Bensouda. Lawyer **Abdoulie Sissoho** appeared for SSHFC and Lawyer **Gibril Bah** appeared for Augustus Prom (Receiver). The Commission ruled against SSHFC and dismissed the motion of SSHFC mainly on the ground that as a Commission, we cannot usurp the powers and responsibility of the High Court which still had jurisdiction over the matter despite the arbitration. Our ruling dated 27<sup>th</sup> June, 2018, is attached to our Report in Appendix 3.

### **THE BUZAIANU BROTHERS**

These were **DRAGOS ANDRE BUZAIANU** and **NICOLE BOGDAN BUZAIANU** both of whom are Romanian nationals resident abroad. The first brother had close association with Ex-President Jammeh through their respective



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companies (**BPI** and **KFF**) which equally owned the shareholding in Westwood Gambia Limited, incorporated in the Gambia and given exclusive rights by Jammeh to export timber from The Gambia; from 2014 to 2016.

The second brother, Nicolai, was the sole shareholder in Amira Overseas Free Zone Establishment, a Company based in Dubai. Amira owns fifty per cent of the shares in Mineral Company of The Gambia Ltd whilst A.P.A.M, an unregistered subsidiary of Jammeh's KFF, owns the other fifty per cent.

Neither of the said brothers gave evidence before the Commission which is unfortunate, because useful information was expected from them concerning the lucrative businesses they shared with the Ex-President.

### **MGI (Switzerland)**

This company made enormous profits in The Gambia through the International Gateway. We hold that **Balla Jassy** contrived to form the **Multimedia Gateway Incorporation Ltd** so that it would have the same acronym as MGI (Switzerland) and thus facilitate the collaborative exploitation of the Gambian aspect of the Gateway without accounting for any income flowing to MGI. We have no doubt that the Gambia lost millions of dollars as a result.

**Ilija Reymond** was one of those who played a part in the Gambia operations of MGI (Switzerland). Efforts were made to get **Reymond** and his people to come to Gambia and testify before the Commission but to no avail. Instead, the Commission received highly defiant and offensive letters from them indicating explicitly their wish to have nothing to do with the Commission. They have in effect contemptuously boycotted this Hon. Commission.

### **ON THE COURT CASES**

Two sets of close associates instituted actions in the Court of Appeal and Supreme Court, respectively challenging the authority of the Commission to make Orders against them. Both were unsuccessful.

### **Mr. Mohamed Bazzi and Mr. Fadi George Mazegi**

On the 13<sup>th</sup> October, 2017 the Commission issued interim Orders identifying **Mohamed Bazzi** and **Fadi Mazegi** Close associates of the Ex-President, which



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also made interim injunctions restraining them, among other things, from disposing of their assets pending the Report of the Commission. They had the option of appearing before the Commission but instead, immediately resorted to the Courts. They individually filed Appeals against the interim Order in the Gambia Court of appeal on the 20<sup>th</sup> October, 2017. The Attorney General and Commission were made Respondents to these appeals. These were followed by Motions on Notice respectively filed on the 23<sup>rd</sup> October, 2017 praying for stay of execution of the Commission's interim Orders and an interlocutory injunction to restrain the Respondents from acting on the said Interim Orders respectively dated 13<sup>th</sup> October, 2017.

The Commission challenged the motion seeking stay of execution of its orders on the ground that such an application should have been to the Commission first. Secondly, a Notice of Preliminary Objection was filed to challenge the competence of making the Commission (a quasi-judicial body) party to the appeal. On the 18<sup>th</sup> January, 2018, the Gambia Court of Appeal unanimously held that the Commission should not have been added as a party and struck out the Commission's name from the Appeal with costs awarded against the Appellants. Appeal Court also subsequently held that applications for stay of Interim Orders mad by the Commission must first be made to the Commission before a repeat application may be made to the Court of Appeal. The Appellants appealed the Court of Appeal decisions to the Supreme Court. These appeals are pending.

**Mr. Mohamed Bazzi** and **Mr. Fadi George Mazegi** filed a second action, this time in the Supreme, with respect to the service of Asset Declaration forms on them. They filed separate writs to invoke the original jurisdiction of the Supreme Court for an interpretation of Section 202, 204 and 205 of the Constitution. They contended that by these sections the Commission had no power to ask them to declare their assets. They also filed a motion dated 15<sup>th</sup> November, 2018 praying for a restraining order against the Commission. Both applications were to abide the decision in the case of **Feryale Diab Ghanem** discussed next.

**FERYALE DIAB GHANEM** was identified as a close associate of the Ex-President by an Interim Order dated 5<sup>th</sup> June 2018 **Ms. Ghanem** filed a writ on the 2<sup>nd</sup> August 2018 invoking the original jurisdiction of the Supreme Court and sought declarations to the effect that the Commission's Interim Orders were made without jurisdiction or power. She also challenged the power of this Commission to serve, and require her, to file an Asset Declaration Form. Again, the Commission succeeded in obtaining an Order to have its name struck out of the suit on the grounds it was not appropriate for it to be sued in respect of its own decisions.



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### (B) CLOSE ASSOCIATES

Our mandate included the investigation of “close associates” of Ex-President **Yahya Jammeh**. However, the TOR made no attempt to define or describe a close associate or even an associate. We believe it was very wise of H.E the President not to give a definition of “close associate,” as this could have caused technical problems of law ending in tampering with the progress of the Commission’s proceedings. Nonetheless the Hon. Commissioners shunned any technical connotations of “associate” and were guided by its ordinary meaning offered by respected dictionaries. The Oxford Advanced Learner’s Dictionary, 8<sup>th</sup> Edition states that an associate is “a person that you work with, do business with or spend time with”.

How close an associate was, is determined by evidence before the Commission, but it is important to note that being declared a close associate was never taken to mean that such a person was adjudged by the Commission to be responsible for any civil and or criminal wrong. Any finding of civil and/or criminal wrong is founded only on the totality of the testimony and documentary evidence adduced at the Commission.

### (C) HOME SECURITY

The provision of armed police guards for the respective homes of the Hon. Commissioners was highly appreciated. Nevertheless the security of our homes had its own challenges. Each of us had to provide accommodation for each of the three PIU officers attached to our homes to provide security. We provided them with three meals a day, looked after their health (clinic fees and medicines) gave money for ‘ataya’ and traditional ceremonies. We can truly confirm that each of us spent on average **D7,500.00** per month on security.

Most of the security officers did a good job. But a few, as expected, left much to be desired and some changes in personnel were made. We have no complaints, but we believe and hope that our revelations will encourage the next Commissioners to be given adequate allowances to meet the cost of home security.

### (D) MANAGEMENT OF FINANCES

The Commission should have been responsible for the management of its finances to ensure the smooth and efficient operation of work. Also the Commission should have been self-accounting for the finances allocated to it i.e.



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keeping proper books of accounts, had it been given power and authority to manage its own finances.

However, this was not the case. The Ministry of Justice (MOJ) insisted on managing and controlling the finances and this caused tremendous bottlenecks for the Commission. The Commission was neither in control of its budget nor did the Commissioners have any knowledge of the budget contents. How funds were spent was also unknown as the Commission was not involved in the approval process for expenditures.

This resulted in significant delays experienced from MOJ in processing payments which led to hindrances to the Commission's work. Honoraria were paid roughly about three months in arrears since the Commission started which resulted in a degree of general discontentment. Telephone Top-up Credit/allowance for the Commissioners and Secretariat has been outstanding since the Commission started work until payment was effected about two weeks before the end of its work. The Accountant General's office took responsibility for the delays.

### **(E) THE SECRETARIAT**

Our Secretary was appointed at the same time as the Commissioners by H.E the President. Thus, the Commission played no part in the selection or appointment of their Secretary.

At the time the Commissioners started work – mapping out policy, familiarising themselves with the TOR and relevant legislation, building up its procedure and processes, setting up the hall for public hearings, etc the Secretariat was only half equipped for their enormous task. Computers, photocopiers, filing cabinets, paper shredders and even small things like folders and staplers were in short supply. The Commission was fortunate in that the Judiciary provided four transcribers to serve the Commission. However, because of the almost daily sessions (4 days a week) the manpower for transcribing the recorded oral proceedings was inadequate so that right up to the end, the transcripts were hardly prepared timeously. Inadequate facilities and personnel notwithstanding, the Secretariat performed fairly well.

We are, however, constrained to touch on the not so good relationship that developed between our Secretary, **Alhaji Mamadi Kurang** and Lead Counsel, **Ms. Amie Bensouda**. A few months after commencement of public hearings a clash in chambers between the two resulting from inappropriate language directed by the Secretary at Lead Counsel was averted by the intervention of the Chairman and other Commissioners, and reconciliation was effected.

Unfortunately on 5<sup>th</sup> July 2018, the Secretary Kurang, without the advance knowledge of the Chairman or the Commissioners, addressed directly to the



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President of the Republic an accusatory letter directed at the Lead Counsel, Bensouda, who sent a vigorous written response, robustly refuting Kurang's allegations.

Both the mainstream and social media widely published the conflict between Secretary and Lead Counsel and the Commissioners awaited the decision of the President of the Republic on the issue.

Within a few days, the Office of The President reacted by removing Kurang as Secretary to the Commission. As already revealed, it was H.E. the President who appointed both the Secretary and the Commissioners and he, being the addressee of the Secretary's letter, was the only person with authority to solve the problem. The Deputy Permanent Secretary Ministry of Justice, **Ms. Ramatoulie Sarr** took over the duties of **Mr. Kurang** until the completion of the Commission's work. No bona fide critic, with any sense of justice, can in any way blame the Hon. Commissioners for the eruption or the authoritative and unimpeachable solution of the issue of the Secretary/Counsel conflict by His Excellency the President.

## **(6) RECOMMENDATIONS**

### **(A) General**

Hereunder we set out a summary of our recommendations as they relate to this General Introduction:

- A Commission which is expected to last for at least three months should put forward its own budget, subject of course to the usual scrutiny and limitations. The Commission would then be self-accounting, but expenditure would be swifter whenever needed thus avoiding grievances which result from slow payments of what is due.
- An efficient Secretariat is key to a fast moving Commission. We believe that a Commission itself should select and appoint its Secretariat. The Commission would then be empowered to discipline or even dismiss an incompetent or insubordinate Secretary. This would go a long way to avoid conflict between different players in the affairs of a Commission and possibly shorten its existence.
- We have no doubt that a Commission of inquiry has the jurisdiction to make interim orders under section 202 of the Constitution. However, in order to avoid time consuming legal challenges in the courts, it is thought to be wise to revamp section 202 in the next Constitution, to make it very clear that a Commission can make not only interim but



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interlocutory orders in the same way as a judge of the High Court can make same.

- We do not doubt that a Commission of Inquiry has power to punish for contempt in the same way as a High Court Judge. The Commission has an inherent jurisdiction to punish for contempt in the face of the Commission. For instance, a Commission has the power to commit a person to prison if he or she insults with vulgar language the Commissioners during proceedings. Where a person refuses to carry out the orders of the Commission, this may amount to civil contempt which is also punishable.

The present legislation for contempt in relation to Commissions of inquiry is weak and scanty and ought to be amended and strengthened in order to encourage swift responses to their orders and discourage patent disrespect.

Commissions of Inquiry unlike courts of law generally have a limited existence. Therefore, everything possible must be done to avoid legal tactics aimed at delaying the proceedings of a Commission. Appeals against Commission decisions may be lodged in the Court of Appeal and even a law suit may be filed in the Supreme Court concerning a Commission of Inquiry. We believe legislation ought to be put in place exempting a Commission of Inquiry from the general rule that it should stop proceedings on a matter which is a subject of contention in the Court of Appeal or the Supreme Court, except where these courts actually order a stay of proceedings.

## **(B) POST COMMISSION MATTERS**

Since this Commission's mandate ends upon the submission of our Report to His Excellency the President of the Republic, we have thought it expedient to make the following post Commission recommendations:-

### **(1) Ocean Bay Hotel & Resort and Sun Beach Hotel**

These two hotels are treated here together because both of them are located in Cape Point. The leaseholds of both are owned by SSHFC, both leaseholds are subleased to BP Investment Group FZE and both are under the Receivership of Augustus Prom Accountants now replaced by Bakary Sanyang of Foresight Chartered Certified and Management Accountants, whose receivership ends when this Commission folds up.

Since there is a pending Court case and Arbitration issues between SSHFC and BPI, we recommend, pending the resolution of the legal tussle, that a



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Trustee Manager be caused to be appointed by the Hon. Attorney General and Ministry of Justice to oversee the two said hotels which are currently on-going and seemingly profitable.

We also recommend that all due rental liabilities as agreed with NAWEC be settled out of any net profits accruing to the Hotel. Thereafter the liabilities (over D250 Million) owing to Gambia Revenue Authority (GRA) by Westwood Gambia Limited (see Volume 4 Chapter 9 para. dealing with Westwood investments, shares and taxes) or by any other subsidiary or associate of BPI or its shareholders shall be paid to beneficiaries as already determined by this Commission.

### **(2) Huge Unused Water Tank in Ex-President Jammeh's Kanilai Compound**

This water tank was visited by us. It was installed as brand new and we observed that it has never been used. No sensible person can allow such a big investment to stand useless when NAWEC is clearly in need of anything that promises to contribute to the solution of the current water problem of the nation. We recommend that this tank be transferred by Government and its value be reckoned as part liquidation of Government's debt to NAWEC, if any. Government should then negotiate the compensation to SSHFC for the tank since as already held, SSHFC has a lien on the Tank. See Vol. 6 Chapter 2.

### **(3) BUJINGA MANSION, FONI**

The Mansion in Bujinga stands idle in a poor Village of Foni. We recommend its conversion into a school under the Education Department.

### **(4) PERSONA NON GRATA**

The evidence shows clearly that the persons mentioned below, are all non-citizens and virtually nonresidents of the Gambia. They were painfully exploitative and contributed nothing or very little to the economy or welfare of The Gambia. Most have no respect for Gambians or Gambian institutions. In their quest for wealth, they focused only on profits mostly unlawfully obtained through bribes and other illegitimate means including collusion with Ex-President Jammeh. They greatly contributed to the near ruin of The Gambia.

We, therefore, recommend that the following persons be immediately declared persona non grata and be specifically banned from The Gambia:



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- (a) Mohammed Bazzi
- (b) Fadi Mazegi
- (c) Manhal Oueidat
- (d) Bilal Bazzi
- (e) Tony Ghattas
- (f) Buzainou Dragos
- (g) Nicolai Dragos
- (h) Gabriel Acaram Naklaeh
- (i) Iliya Reymond
- (j) Ali Charara
- (k) Martin Keller
- (l) Ahmed Hodroj

The leading example of contempt of the Commission was demonstrated deliberately by the said **Ilija Reymond** of MG1 (in Switzerland) who not only failed to comply with the Commission's summons to appear, but insolently (a) instructed their own lawyer in The Gambia not to receive our written response to their correspondence communicated to us by that Lawyer Malick Mbai (b) demanded that the Commission pay travelling and other expenses in advance for him to appear before the Commission, who required elucidation of the mysterious huge income derived by MGI from the International Gateway, without any accountability or transparency, to the great loss of GAMTEL/ GAMCEL and the nation.

The Government should also be wary of the above named persons coming back through dark and devious devices such as penetrating Gambia through surrogate companies or unpatriotic citizens.

### **(5) SSHFC Kanilai Housing Layout**

This layout already has a few substantial buildings which are exclusively occupied by ECOMIG troops. We recommend that at the end of the ECOMIG mission, the entire layout be returned to SSHFC.

### **(6a) Kanilai Institute of Technology**

This contains many substantial buildings some of which are completed. We recommend its transfer to the Ministry of Higher Education.



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### (6b) Technical & Vocational Education Training (TVET) at Ndemban, Foni

We recommend that **TVET** be transferred to the Ministry of Education.

### (7) Dunes Hotel

This hotel, which is behind Palma Rima Hotel, was discovered by Commission investigators, abandoned. It is now being used by the TRRC. We recommend it be sold by public auction with a reserve price. Government has not yet paid any rent under the rental agreement to be signed by the Receiver Augustus Prom and Ministry of Justice (MOJ).

### (8) Gambia Food & Feed Industry (GFFI)

The factory has been substantially constructed but seems unfinished. We recommend that the Company be liquidated and the assets privatized. Net proceeds of sale of the property are to be apportioned to the public enterprises that invested in the venture.

### (9) Gam Petroleum (Mandinaring)

This is a large and important investment by declared Close Associates of Ex-President Jammeh. The shares of any of the close associates found liable to pay any sum by this Commission are to be sold and the proceeds of sale applied in part or entire liquidation thereof, whichever is practicable.

### (10) Sindola Hotel

This hotel is situate at Kanilai and is currently operating under a sublease. We recommend it be valued and sold with a reserve price.

### (11) Aljamdu and Kansala Ferry Boats

These have never been useable and are considered totally wasteful investments for The Gambia. We recommend their sale by public auction. The proceeds of sale are to be apportioned to Gambia Ports Authority (GPA) and Social Security and Housing Finance Corporation (SSHFC).



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### (12) Ivory at Kanilai

There is a good quantity of both worked and plain elephant tusks stored in the personal residence of Ex-President Jammeh in Kanilai. These should be sold by public auction with reserve prices.

### (13) Personal Effects of Ex-President Jammeh

We saw a number of hats, clothes, shoes, swords etc in the Ex-President personal house in Kanilai. These should be used as exhibits at the Government Museum.

### (14) Luxury Vehicles at State House

An inventory ordered by the Commission exists. We recommend that Government selects those vehicles it needs and then cause the rest to be sold by public auction with reserve prices

### (15) Aircraft

We noted a few aircraft parked at Yundum Airport grounds. We were informed by Gambia Civil Aviation Authority officials that one Boeing aero plane was in Germany for maintenance. We recommend that all the planes be sold in a manner that is feasible as decided by senior officials of **GCAA** and Ministry of Finance selected by the Secretary General, Office of the President.

### (16) Ex-President's Kanilai Compound

There is no need to expand on the summary appearing in our General Introduction and concerning the vast residential and farm complex the Ex-President developed in his home village of Kanilai.

Suffice it to say that the complex has many buildings (four of them sizeable and luxurious) other structures, pools and gardens and also hectares of surrounding land. The question is, what is to be done with all this.

We recommend that a plan be built up by the Ministry of Tourism to turn the whole place into a high end touristic resort with space for guests, a zoo, orchards, gardens, golf course etc.



## The Commission of Inquiry

Touristic Consultants should be hired to come up with feasible plans for a Kanilai resort. If nothing is done, we fear the whole place will be overgrown and rapidly turned to ruins. Meanwhile, the Government should provide security and maintenance (including feeding the fauna) of the luxury buildings which have commenced attracting destructive termites and other pests and suffering from the elements.

Ex-President Yahya Jammeh, according to determinations in this Report, owes a heavy financial liability to Government. It should be noted that any confiscated legal property of the Ex-President should be valued and credited as against his liability.

### **(17) Interlocking Directorships**

There has been a long practice of appointing a single person as director or chairman of multiple Government institutions or organizations – public enterprises, state owned enterprises, parastatals etc. In the past this might have been justifiable by the dearth of expertise in various fields.

We believe that interlocking directorships today can do more harm than good. A person holding contemporaneously the position of Chairman or Director in three or more organisations is empowered to collect excessive insider information which they can use for selfish purposes to the detriment or loss of the nation.

Again extensive and multifarious Governmental power in one person gives rise to patronage, graft and corruption which cause great harm to the State. Not to be forgotten is the unfairness inherent in favouring the minimal few over the vast number of able public servants.

Interlocking directorships can no longer be justified and we recommend that no one person, whether a public servant or not, should be appointed in more than two Government institutions, if only for the sake of efficiency that emanates from a division of labour and power.

### **(18) Remaining Tractors**

Many tractors rounded up by the Commission have been sold by public auction on the Commission's orders. We recommend that the remaining tractors



## The Commission of Inquiry

be either valued and sold by a Government appointed trustee or be fairly distributed to communities who have no tractors for the benefit of local farmers.

### **(19) Assets Management & Recoveries Corporation (AMRC)**

Of all the Public Enterprises the Commission was mandated to investigate, only the AMRC escaped our scrutiny. This must not be interpreted as a clean bill of health stamped by us in favour of AMRC. We simply did not have sufficient time to conduct a thorough investigation of Assets Management and Recoveries Corporation.

We, therefore, recommend as follows:-

- (a) that a small Committee of public servants be set up to conduct investigations into the past affairs of AMRC concerning land and commodity transactions.
- (b) That the Committee shall determine whether AMRC's existence is still justified and, if so, whether the AMRC Act is ripe for major amendments with a view to enhancing the efficiency and accountability of the Corporation.

### **(20) Royal Atlantic Residence**

This large parcel of land is likely to be within the Tourism Development Area (TDA). It is situated next to Bakadaji Hotel along the Bertil Harding Highway and is surrounded by a cement block fence, apart from which it does not appear to have been developed.

The Commission received a letter addressed to the Chairman, Ref **26/22397** (with attachments) dated 28<sup>th</sup> October, 2018 from Islamic Corporation for the Development of the Private Sector (ICD) See Exhibit BB136

The main facts presented by the said letter are:

- (1) That ICD, which is Saudi registered company, is a member of the Islamic Development Bank (IDB) Group.
- (2) That the Royal Atlantic Residence Limited (RARL) was incorporated in the Gambia under Certificate of Incorporation No. **4/2008** dated 4<sup>th</sup> January, 2008.



## The Commission of Inquiry

(3) That the nominal share capital of RARL as stated in the Amended Memorandum of Association is **USD5,000,000** divided into **50, 000** shares of **USD100** each.

(4) That the subscribers to RARL are

Amadou Samba	-	17, 250 shares
Mohammed Bazzi	-	17, 250 shares
ICD	-	<u>11, 500</u> shares
Total		<u>46, 000</u> shares

This means that **4000** shares, which at issue would have fetched **USD400,000**, remain unissued.

(5) That the entire **46,000** issued shares have been paid up. However, although the share certificate of ICD for **11, 500** shares subscribed and a bank transfer to pay for it have been provided, no such documents or any receipts for payments have been seen in respect of the subscriptions of **Amadou Samba or Mohammed Bazzi**.

It is stated in the said letter from ICD that “due to the financial crisis and global recession in 2008-2010, the tourism and real estate sector in Gambia were negatively affected. As a consequence, the project (i.e the development of the Royal Residence Hotel) did not materialize and the Company’s (RARL) only asset is a 7 hectare plot” i.e the plot mentioned above.

Apparently, the ICD has had discussions with the other shareholders over the last few years on the request of ICD to “exit” from its investment. The other two shareholders “have agreed to buy ICD’s shares in the Company but have failed to fulfill all their obligations”.

The ICD in its said letter now “requests this Commission to consider its interest in the Company and its assets before any potential action that might be taken against the company (RARL) and/or its asset -----”

We are mandated to look into matters arising from the said letter of ICD by virtue of clause 2(3)(a)(c)(i) & (iii) and 4(b) of our TOR juxtaposed with the fact that **Amadou Samba** and **Mohammed Bazzi** have been declared close associates of Ex-President Jammeh.

Unfortunately, the said letter reached us at the tail end of the Commission’s work and time does not allow for a proper investigation.



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It would appear that the The Gambia has benefited a lot from its links with IDB. It, therefore, behoves the Government to look to the future and, if possible legally, to mitigate the loss ICD may suffer from its dilemma.

The Commission, therefore, would recommend as follows:

- (1) That investigations be carried out to find out the lease number of the Royal Atlantic Residence.
- (2) To find out whether the terms of the lease have been complied with (e.g payment of rent and compliance with the development clause)
- (3) If the lease has not been adhered to, Government to give usual notice to reenter it.
- (4) To sell the property to set off against the liabilities of **Samba** and **Bazzi**.
- (5) To negotiate with ICD a ***portion*** of their investment that could be refunded on equitable grounds and in the interest of continued relations with IDB and ICD for the nation's future benefit.

Nevertheless, in the alternative and ideally, the Commission recommends that the Government finds means of retaining the property for a very worthy purpose. In many modern cities, the norm is to have at least one park where people can go to rest, exercise or enjoy the fresh air, bushes and gardens.

The Kanifing Municipality is developing and its population is increasing; yet there is no park. In fact we believe that there is now no suitable place, other than the Royal Atlantic Residence plus the surrounding empty land for the development of the contemplated public park.

### **21. “Sheraton Hotel” Brufut Lands**

It must be clarified that the title above is used here only to facilitate swift identification of the landed properties we wish to touch upon. Sheraton Hotel is an international chain which manages hotels globally and lends its prestigious name to them. The lands under consideration were never owned by Sheraton. There is reason to believe that the land covering the Hotel belonged (belongs) to Kharafi & Sons Ltd.

The Hotel land faces the ocean and is situated along the Brusubi Tanji Highway opposite Taff's Housing Estate. Coming from Brusubi and moving towards Tanji, there is a huge plot of land with wire fencing next to the Hotel (we hereinafter call this the “right plot”). Just after the Hotel there is a huge plot of



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land with wire fencing (we hereinafter called this the “left plot”). After the left plot there is a much smaller plot covering the well-known traditional “Sanneh mentereng” which name we herein maintain. After Sannehmentereng is located the Brufut Bird Reserve.

From Exhibit **LL4A(24)** it is clear the Ex-President of Ivory Coast, Laurent Gbagbo, applied for a lease over Sannehmentereng which was approved. However, for reasons not appearing in the file, the land was leased to Madame Nadiary Bamba. According to her diplomatic passport No. **PD-AE/061FP04**, Madam Bamba is an Ivorian born in Abidjan in charge of communication in the office of the President of Ivory Coast.

The lease to **Madame Bamba** is dated 22<sup>nd</sup> August, 2008, but the copy in file is neither stamped for duty nor registered. It was granted for residential purposes but is neither fenced nor developed.

In Exhibit **LL4A(24)** a copy of a lease over Sannehmentereng Serial Registration No. **K216/2013** dated 19<sup>th</sup> June, 2013 granted to Kanilai Family Farms Ltd by Government is found. It is stated in the lease that the sole purpose of the lease is “Religious Facility”.

An approved survey plan in the file (Exhibit **LL4A24**) shows an intention to lease the northern part of the Bird Reserve (**11.57** hectares) to Kanilai Family Farms Ltd, if indeed it has not already been leased.

All the lands we refer to here constitute vast prime sea front property in a state of legal confusion and we, therefore, recommend that the Office of the President should set-up a committee consisting of officials from Department of Lands, Department of Wildlife, Department of Tourism and other relevant Departments to investigate the area concerned with a view to resolving all pertinent issues.

In particular we recommend:

- (1) That the leases over Sannehmentereng be cancelled and the land be maintained as a public traditional sacred sanctuary.
- (2) That the Kanilai Family Farms lease or intended lease be cancelled and the Bird Reserve be maintained
- (3) That enquires be made as to who, if any, owns the left and right plots of land. Since these lands are large and very valuable, it is a complete waste to leave them in an undeveloped and overgrown state for so many years. All leases have terms and conditions. Therefore, if it is found that the essential terms e.g. rent, development are not complied with, proper action can and should



## The Commission of Inquiry

be taken to re-enter the leases. The re-entered leases should then be put to touristic or other uses preferred by the suggested committee.

### (7) CONTENTS

This Report begins with the list of volumes and chapters making up its contents. Following this General Introduction are the many chapters dealt with by the Commission. In each chapter we consider an area of investigation concerning lands, banks etc in so far as they involved Ex-President **Yahya Jammeh**, his close associates and Family members. Then follows a summary of findings as well as, our recommendations relating to the subject matter of each chapter or group of chapters. At the end of the Main Report are the Appendices consisting of

- (1) the Attachments referred to in the Report
- (2) The Terms of Reference
- (3) Rulings and Orders
- (4) Audios and Videos
- (5) Transcripts and Minutes Relating to site visits
- (6) List of Witnesses
- (7) Depositions
- (8) Exhibits and Pictures of Real Evidence (i.e things like guns admitted in evidence)
- (9) Summons
- (10) List of Personnel attached to the Commission



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# VOLUME 2 - FUNDS INCLUDING CASH WITHDRAWALS BY EX - PRESIDENT JAMMEH FROM PUBLIC FUNDS

## INTRODUCTION

This Volume covers bank accounts held at Central Bank of the Gambia and Commercial Banks, with particular focus on funds taken from public resources by Ex-President Jammeh personally through the banking system.

## CHAPTER 1: CENTRAL BANK OF THE GAMBIA (CBG)

The Office of the President (OP) under the Ex-President's Government opened, took over and was engaged in the operation of bank accounts at the Central Bank of the Gambia (CBG). These accounts were operated by officials of the Office of the President (OP) who were signatories, including the Secretary Generals and Heads of Civil Service, Secretaries to Cabinet, Permanent Secretaries and Protocol Officers.

Ex- President Jammeh himself, personally, was signatory to 12 known accounts opened from OP. This excludes accounts opened with regard to his commercial activities. Four of these were Central Bank Accounts and held public funds:-

- State Aircraft Account;
- Special Project Fund Account (Vision 2016);
- State Special Security Account;
- Construction of the Kanilai Recording Studio and Conference Centre Account.

All these accounts held public funds. He was also permitted to access funds in bank accounts to which he was not a signatory.

This chapter covers 20 accounts to which he was either a signatory or given personal access or otherwise paid from. It is believed that this list is far from exhaustive because of the length of the period covered by the Commission's mandate - 22 years. Complete records, particularly from commercial banking records, were unavailable. The earliest records made available from the Commercial Banks are 2006, about 11 years.

In investigating the CBG accounts in this Chapter, the Commission, in accordance with its TOR, sought to determine whether, policies were followed in their creation or the withdrawal of funds therefrom; whether withdrawn sums were applied to budgeted and lawful purposes; who was involved; and whether offences were committed.



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### 1. STATE AIRCRAFT ACCOUNT – a/c no. 09201200525

The then Secretary General Mr. Ousman Jammeh (OP) requested the Director of National Treasury to open a Euro denominated account with the Ex-President as sole signatory. The account was to be used for the operation and maintenance of the State Aircraft. On the same date another letter was written adding the then Minister of Finance - 'Mr. Mambury Njie' (Witness no. 55) as signatory to the account.<sup>1</sup> The account no. 09201200525 was opened. Between 12<sup>th</sup> - 19<sup>th</sup> October 2011, a total of Euros 3,999,893.00 was transferred from Kingdom of Qatar for the purchase of an aircraft<sup>2</sup>.

Funds totaling Euros 1,000,000 were transferred to Global Trading Group NV (GTG) through KBC Bank, Brussels, Belgium for the purchase of an aircraft and Euros 995,000 for the purchase of vehicles for Kanilai Family Farms Ltd.<sup>3</sup> The said purchases were however not made. By a letter dated 12<sup>th</sup> January 2012, Secretary General 'Njogou L Bah' (Witness no. 20) instructed Global Trading Group NV<sup>4</sup> to apply Euros 1,000,000 of the funds to the "running account of Kanilai Family Farms with GTG". The rest of the funds were applied to the acquisition of vehicles previously invoiced to Kanilai Family Farms<sup>5</sup> (including motor cycles and containers of food (vegetable cooking oil, frozen turkey, and Evian water) previously invoiced and supplied to Kanilai Family Farms (KFF)<sup>6</sup>.

The balance of the funds in the account totaling Euros 2,000,3190.97 was withdrawn in cash by Ex-President Jammeh based on written instructions issued to the Governor of the Central Bank and collected by Protocol Officer 'Ms. Fatou Njie' (Witness No. 71) in three transactions in November 2011<sup>7</sup>. Ms. Fatou Njie stated that the money was handed over to the Ex-President. There is no reason to disbelieve the Witness when she said she handed the money to ex-President Jammeh because it is inconceivable that he would authorize the withdrawal of the said sum and not make sure that he received it.

Mr. Mambury Njie said he did advise the Ex-President that he could not be signatory to an account<sup>8</sup> but the testimony of Mr. Ousman Jammeh indicates otherwise<sup>9</sup>.

<sup>1</sup> Exhibits CB23A, CB23B & CB23C

<sup>2</sup> Exhibit CB24 (Bank Statement)

<sup>3</sup> Exhibit CB32 - Kanilai Family Farms is a private limited liability company owned by Ex-President's family.

<sup>4</sup> A Belgian Company owned by Messrs. Mohammed Bazzi and Fadi Mazegi

<sup>5</sup> Exhibit CB24A - Invoices

<sup>6</sup> Exhibit MS53 – Statement of Account from GTG to KFF

<sup>7</sup> Exhibit CB32 (bundle)

<sup>8</sup> Transcript of Mr. Mambury Njie dated 21<sup>st</sup> September, 2017

<sup>9</sup> Transcript of Mr. Ousman Jammeh dated 12<sup>th</sup> October 2017



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### **Findings:-**

- (a) The opening of this account for the purpose of holding grant funds from Qatar was illegal as all grants are required to be paid into the Consolidated Revenue fund by section 8 of the Government Budget Management and Accountability Act 2004.
- (b) The President cannot be a signatory to a Government account not being an accounting officer/vote controller. There is no credible evidence that SG Ousman Jammeh who requested for the opening of the account, the Director of National treasury, Mr. Lamin Singhateh for Director who opened the account, or Mr. Mambury Njie the Minister of Finance who was added as signatory, advised the Ex-President that he could not be signatory to an account intended to hold public funds.
- (c) This account held public funds as funds should have been paid into the Consolidated Revenue Fund (CRF). The withdrawal of cash from this account is not authorized by, nor is it in accordance with any law in The Gambia. It is contrary to section 151 of the Constitution which provides for withdrawals from the Consolidated Revenue Fund and other Funds. The section makes it clear that no money shall be withdrawn from a public fund unless the issue of that money has been authorized by law.
- (d) The Commission finds that all the funds in this account intended for the purchase of an aircraft were applied to unlawful purposes.
- (e) The Commission finds that Ex-President Jammeh when he authorized the withdrawal of Euros 2,000,319.97 from the State Aircraft account intended to misappropriate the said sum and did in fact steal the said sum within the definition of stealing under section 245(e) of the Criminal Code.
- (f) The Commission finds that there is probable cause for holding that the diverting of the sum of Euros 1,000,000 by GTG and EAGL and the appropriation of the sum of Euros 995,000, to pay for KFF invoices was a theft of public funds for which the directors of those companies and the Ex-President aided and abetted by Mr Njogou Bah to the extent of Euros 1,000,000, when he wrote the letter of 12<sup>th</sup> January, 2012 within the definition of stealing under section 245(e) of the Criminal Code.

### **Persons Involved:-**

- (1) In the wrongful opening of the account are Ex-President Yahya Jammeh, Mr. Ousman Jammeh, Mr. Mambury Njie, and the Accountant General at the time Mr. Gabriel Mendy.



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- (2) In the illegal withdrawal of Euros 2,000,319.97 are Ex-President Yahya Jammeh, Governor of the CBG Amadou Colley, and Ms. Fatou Njie Protocol Officer.
- (3) In the illegal diversion of Euros 1,000,000.00 Ex-President Yahya Jammeh, Dr. Njogou Bah, Directors of GTG – Messrs. Mohamed Bazzi and Fadi Mazegi.
- (4) In the illegal diversion of Euros 995,000 is Ex-President Yahya Jammeh, Directors of GTG –Messrs. Mohamed Bazzi and Fadi Mazegi.



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### 2. SPECIAL PROJECT ACCOUNT (VISION 2016) – a/c no. 1103002074

In April 2014 or thereabout, ex-President Jammeh directed that the contract between TELL International and GAMTEL be terminated and a new contract signed with MGI Telecoms AG – a Swiss company. Secretary Generals ‘Messrs. Njogou Bah’ (Witness no. 20) and ‘Momodou Sabally’ (Witness no. 13) have both confirmed that the Ex-President met with the partners of MGI on two separate occasions at Kanilai. One of these meetings was before the award of the contract. When MGI took over the management of the International Gateway, the Ex-President directed that a new account be opened as a continuation of the International Gateway account. The new account was called Special Project Fund (Vision 2016) Account.

Although the request for the opening of the account was sent by the Directorate of Treasury to the 2<sup>nd</sup> Deputy Governor on 25<sup>th</sup> July 2014<sup>10</sup>, the Bank Statement of the Account<sup>11</sup> shows that the account became operational on 16<sup>th</sup> July 2014 with an initial credit transfer of USD2,905,040.00 from **MGI TELECOM AG**. The sole signatory of this account was Ex-President Jammeh.

Mr. Karamo Jawara, Principal Banking Officer at CBG testified that the account was in fact opened on the 4<sup>th</sup> July 2014. Minutes signed by Mr. Ousainou Corr, Director of Finance of the Central Bank, on the 4<sup>th</sup> July 2014 indicates that approval to open the account was given following discussion between Deputy Governor 1 and Mr. Corr. The Minute conveyed approval for the Director of Banking to proceed with the account opening despite the absence of a formal request from the Accountant General<sup>12</sup>.

Between the period 15<sup>th</sup> July 2014 and 7<sup>th</sup> July 2015, Ex - President Jammeh personally authorized cash withdrawals from the said account for the total sum of USD18,016,434.80<sup>13</sup>. The funds were collected by Chiefs of Protocol Mr. Sanna Jarjue and Mr. Alagie O. Ceesay (Witness no. 62) as instructed by the Ex-President except for one transaction collected by Mr. Noah Touray on his instructions.

Subsequent withdrawals amounting to USD9,249,827 were made by General Sulayman Badjie, and other Protocol and Military Officers on the purported instructions of the Ex-President. These withdrawals have been dealt with elsewhere in this Report.

Evidence exists where SMS text messages from August 2015 to January 2017 were sent to the cell phone of the CBG Governor Mr. Amadou Colley (Witness no. 43) to facilitate withdrawals for General Sulayman Badjie who has been identified as a Close Associate of Ex- President Jammeh. In one of the SMS messages dated 10<sup>th</sup> August

<sup>10</sup> Exhibit CB19A

<sup>11</sup> Exhibit CB19B

<sup>12</sup> Exhibit CB19A and Transcript of Mr. Karamo Jawara dated 6<sup>th</sup> September 2017

<sup>13</sup> Exhibit CB20



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2015, it was communicated to the Governor that "boss" had given him D200,000. Based on Mr. Amadou Colley's Witness Statement, he explained that he was to change the GMD200,000 into smaller denominations of fresh notes and coins.<sup>14</sup>

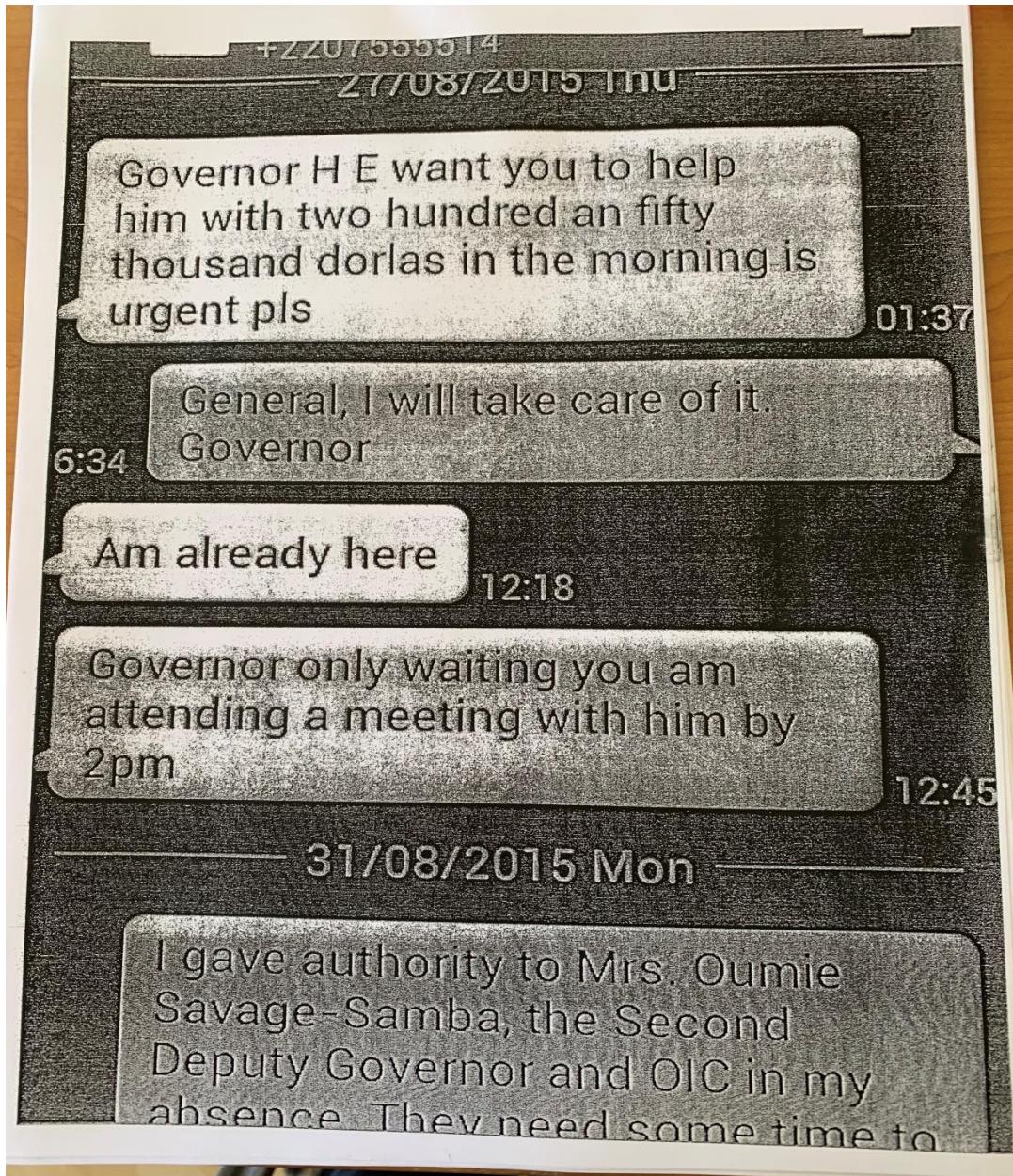
See snapshots below of SMS text messages between CBG Governor Mr. Amadou Colley and General Sulayman Badgie.



<sup>14</sup> Exhibit CB18A

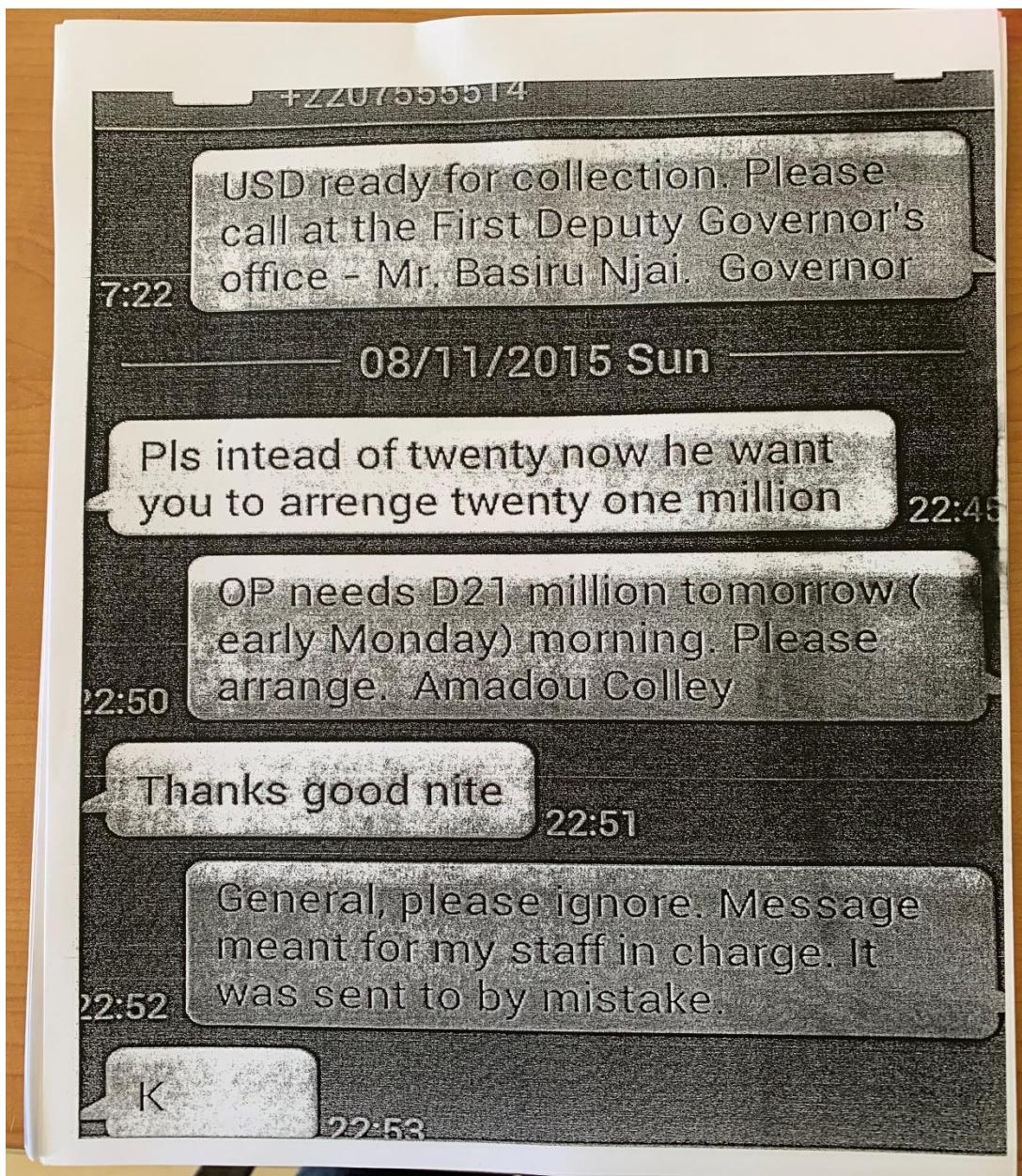


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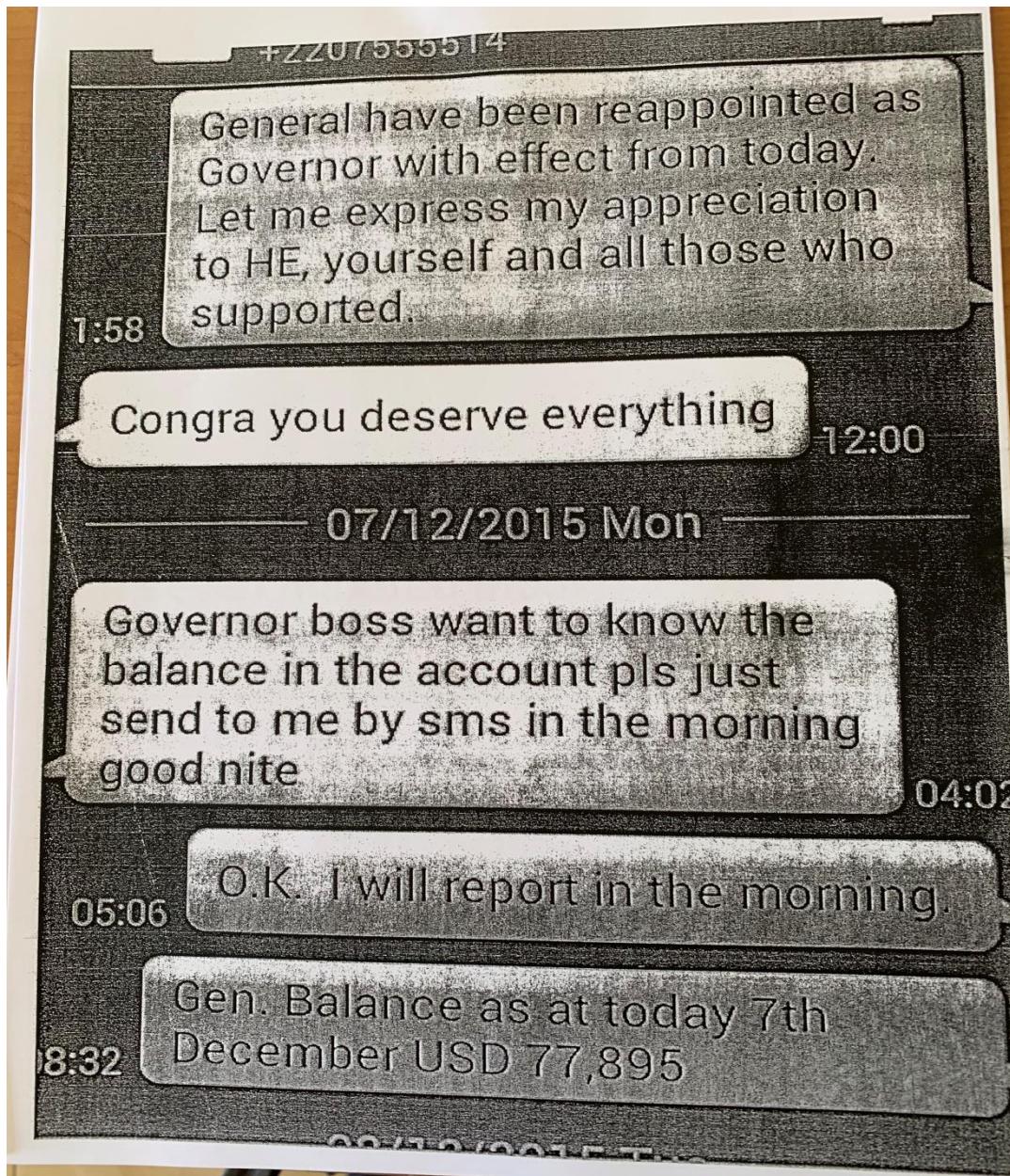


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There is no a single text message which showed that Mr. Amadou Colley had even once protested to a text message request coming from General Badjie and other Officers. His replies to these texts were always "*noted, I will take care of it, I will arrange it, it will be arranged*". The tone of the text messages also does not show that he was under any form of duress. In one instance, General Badjie sent a message that the President wanted the money latest 9:30 am the next morning, and Amadou Colley replied by saying the money would be ready at 9:00 am.<sup>15</sup>

<sup>15</sup> Exhibit CB18A



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In the Governor's absence, the 1<sup>st</sup> and 2<sup>nd</sup> Deputy Governors also approved the withdrawal of cash from the account.

### **Payments authorized by Mr. Basiru Njai as First Deputy Governor in the absence of the Governor or the second Deputy Governor**

Mr. Basiru Njai admitted that he was aware of the Special Project Vision 2016 Account. Mr. Njie confirmed that he authorized quite a number of payments from these accounts where Officers like General Sulayman Badjie, Momodou Lamin Mendy, Lieutenant Buba Jammeh, Lieutenant Nuha Williams Jammeh claimed to have been directed by the Office of the President to receive monies.<sup>16</sup> In most of these claims, Mr. Basiru Njie as the First Deputy Governor always says "*please effect payment signed Basiru Njie*".

According to him he authorized payments without written authority from the President who was the sole signatory because General and Co. would not have come to the Bank if they were not sent by the President to receive the money. He further mentioned that they were operating in an abnormal environment. Mr. Njie claimed the President had absolute control of the Accounts and the Bank sent statements to him. The Bank usually sent printout of the statement of accounts operated by the Office of the President to the Office of the President.<sup>17</sup>

He said these payments must have been authorized at the time the Governor and Second Deputy Governor travelled; they were responsible for handling request from the Office of the President.<sup>18</sup>

Cash withdrawals authorized by Mr. Basiru Njai:

Transaction Date	Amount	Payment Request
13/08/2014	USD1,000,000 equivalent of D42,460,000	Ex-President Jammeh
3/09/2014	USD1.5 Million equivalent of D63,890,000	Ex-President Jammeh
8/10/2014	USD300,000 equivalent of D12,831,000	Ex-President Jammeh
9/11/2015	D21,000,000	Signed by General Saul Badjie

<sup>16</sup> Exhibit CB20

<sup>17</sup> Transcript of Mr. Basiru Njie dated 19<sup>th</sup> September 2017 (B)V

<sup>18</sup> Transcript of Mr. Basiru Njie dated 19<sup>th</sup> September 2017 (B)V



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10/11/2015	USD100,000	Modou Lamin Mendy
10/11/2015	USD529,500.76 Dalasi equivalent of D21,000,000	General Saul Badjie
16/11/2015	D21,000,000	General Saul Badjie
18/11/2015	USD532,319.39 Dalasi equivalent D21,000,000	General Saul Badjie
1/12/2015	USD100,000	Lieutenant Buba Jammeh
3/12/2015	USD529,901.59	General Saul Badjie
22/12/2015	USD700,000	General Saul Badjie

### **Payments authorized by Mrs. Oumie Savage- Samba as Second Deputy Governor in the absence of the Governor or the second Deputy Governor**

Mrs. Oumie Savage - Samba confirmed that she had authorized payments from the Vision 2016 Account and the International Gateway Account etc.<sup>19</sup> in the absence of the Governor, without authority from the signatory to the Accounts. She said she worked for CBG since 1984 and knew what was supposed to be done, but they lived in trying times, and had no choice. She said the request for payment should have come with the signature of the Ex - President. They took comfort in the fact they could get the documentation later, they could get their ID photocopied and from time to time they would send statements to the President for him to see that these monies were taken without his signature. She concluded in her testimony that it was sad that they could not operate according to law.

According to Mr. Karamo Jawara, the Second Deputy Governor is in charge of operations in the Bank, normally all letters relating to banking operations are addressed to the Second Deputy Governor. However, if letter is addressed to the Governor, it is still minuted down to the Second Deputy Governor.<sup>20</sup> This suggests that all payment requests from Office of the President passed through Mrs. Oumie Savage - Samba as the Second Deputy Governor.

<sup>19</sup> Exhibits CB18 and CB20

<sup>20</sup> Transcript of Mr. Karamo Jawara dated 7<sup>th</sup> September 2017 (A)Y



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Cash withdrawals authorized by Mrs. Oumie Savage Samba:

Transaction Date	Amount	Payment Request
15/07/2014	USD300,000 equivalent of D12,579,000	Ex-President Jammeh
14/07/2014	USD700,000 equivalent of D29,477,000	Ex-President Jammeh
	USD600,000 equivalent of D25,266,000	Ex-President Jammeh
31/07/2014	USD700,000 equivalent of D29,036,000 & USD300,000 equivalent of D12,444,000	Ex-President Jammeh
17/09/2014	USD700,000 equivalent of D29,813,000	Ex-President Jammeh
30/9/2014	USD700,000 equivalent of D29,757,000	Ex-President Jammeh
13/01/2016	USD300,000 equivalent of D29,757,000	General Sulayman Badjie
01/09/2016	USD200,000 equivalent of D9,146,000	Ex-President Jammeh
27/09/2016	USD500,000	Ex-President Jammeh

### Findings:-

- (a) The existence and operation of this account is illegal. The Commission finds that the sole reason why the Ex-President made himself the sole signatory to the account was so that he could control and use the funds as he wished without accountability.
- (b) The Commission finds that Ex-President Jammeh, when he authorized the withdrawal of USD18,016,434.80 from the Special Project (Vision 2016) account, intended to steal the said sum and did in fact steal the said sum within the definition of stealing under section 245(e) of the Criminal Code.



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(c) Breaches in the Control Environment at CBG - There were instructions sent to CBG written on plain paper requesting for cash payment to be made purportedly on the order of ex-President Jammeh. Headings stating 'Request for Payment' and 'Payment Certificate' were indicated on the Plain paper, signed by the Recipient of the physical cash and a Bank official. Instruction on Government letterhead signed by the signatory to the account was never received and CBG proceeded to authorize transactions. Individuals monies were paid to, using this practice of writing issues on plain paper were Gen. Sulayman Badjie, Nuha Williams Jammeh, Brigadier Ansumana Tamba, Lt. Col. Modou Lamin Mendy, Edward Mendy and Borrie L. S. Kolley.

<b>Date</b>	<b><u>Bridgadier Ansumana Tamba</u></b>		<b>Amount</b>
6-Jun-16	Cash Withdrawal details	6-Jun-16	USD348,999.53
	BEING CASH PAYMENT TO BRIGADIER GENERAL ANSUMANA TAMBA, OFFICE OF PRESIDENT		
	FT1617330775		

<b>Date</b>	<b><u>Borries L.S. Kolley</u></b>		<b>Amount</b>
30-Oct-15	TT1530391507	30-Oct-15	USD108,952.19
	Cash Withdr Foreign Currency		
	CASH PAYMENT B/O OFFICE OF THE PRESIDENT RECEIVED BY BORRIE LSB KOLLEY Euros 100,000,STATE HOUSE,OFFICE OF THE PRESIDENT LETT DTD 28/10/2015		

<b>Date</b>	<b><u>Lt. Col. Modou Lamin Mendy</u></b>		<b>Amount</b>
10-Nov-15	TT1531486990	10-Nov-15	USD100,000.00
	Cash Withdr Foreign Currency		
	CASH PAID TO LT COL. MODOU LAMIN MENDY B/O OFFICE OF THE PRESIDENT REF:LETTER DTD 10/11/15		

<b>Date</b>	<b><u>Edward Mendy</u></b>		<b>Amount</b>
19-Jan-16	TT1601949047	19-Jan-16	USD300,000.00
	Cash Withdr Foreign Currency		



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	CASH PYT B/O OP RECEIVED BY GENERAL SULAYMAN BADJIE DTD 13/01/2016		
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Date	<u>Nuha Wiliams Jammeh</u>		Amount USD
4-Mar-16	FT1606492928	4-Mar-16	500,000.00
	Transfer Txn		
	PART RECOVERY OF USD600K WITHDRAWN		
21-Mar-16	FT1608108063	21-Mar-16	240,000.00
	Transfer Txn		
	PART RECOVERY AGAINST (USD500K)		
1-Apr-16	FT1609227756	1-Apr-16	260,000.00
	Transfer Txn		
	FINAL RECOVERY AGAINST USD500K CASH		
5-May-16	TT1612673051	5-May-16	226,556.60
	Cash Withdr Foreign Currency		
	CASH PYT B/O OP RECEIVED BY NUHA WILLIAMS M.S. JAMMEH REF; LETTER DTD 29/04/2016		
5-May-16	TT1612628165	5-May-16	300,884.43
	Cash Withdrawal		
	BEING CASH PAYMENT TO GENERAL SULAYMAN BADJIE, OP		
23-Jun-16	TT1617574149	23-Jun-16	491,228.07
	Cash Withdrawal		
	BEING ENTRY IN RESPECT OF CASH PYT TO MR NUHA WILLIAMS JAMMEH DD 13 JUNE 2016 AS PER REQ OF THE OFFICE OF THE PRESIDENT		



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18-Jul-16	FT1620042364	18-Jul-16	482,869.63
	Transfer Txn		
	BEING CASH RECEIVED FROM OP (VISION		
4-Aug-16	FT1621717067	4-Aug-16	515,794.00
	Transfer Txn		
	PART RECOVERY AGAINST (USD1M) CASH		
22-Aug-16	FT1623521660	22-Aug-16	484,206.00
	Transfer Txn		
	FINAL RECOVERY OF( USD 1M) CASH		
6-Sep-16	FT1625066824	6-Sep-16	500,000.00
	Transfer Txn		
	RECOVERY OF CASH WITHDRAWN BY B/O		
21-Sep-16	FT1626582247	21-Sep-16	500,000.00
	Transfer Txn		
	RECOVERY OF CASH WITHDRAWN BY B/O		
30-Sep-16	TT1627491037	30-Sep-16	100,000.00
	Cash Withdr Foreign Currency		
	CASH PYT B/O OFFICE OF THE PRESIDENT RECEIVED BY NUHA WILLIAM M.S JAMMEH ON THE 27/09/16 LETTER DTD 29/09/16		
5-Oct-16	FT1627968551	5-Oct-16	400,000.00
	Transfer Txn		
	RECOVERY OF CASH WITHDRAWN BY ON		
18-Oct-16	TT1629203794	18-Oct-16	250,000.00
	Cash Withdr Foreign Currency		
	CASH PYMT B/O OFFICE OF THE PRESIDENT RECEIVED BY WILLIANS M.S. JAMMEH REF:LETTER 17/10/16		
26-Oct-16	TT1630073852	26-Oct-16	200,000.00
	Cash Withdrawal		



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	BEING CSH PAYMENT TO NUHA WILLIAMS M.S.JAMMEH, OP EQUIVALENT TO D9342000 ORDERED BY OFFICE OF THE PRESIDENT		
27-Oct-16	TT1630134091	27-Oct-16	100,000.00
	Cash Withdr Foreign Currency		
	CASH WITHDRAWAL BY NUHA WILLIAMS MS JAMMEH B/O O.P. LETTER DATED 26/10/2016		
2-Nov-16	TT1630744200	2-Nov-16	200,000.00
	Cash Withdrawal		
	BEING CSH PAYMENT TO NUHA WILLIAMS M.S. JAMMEH, OFFICE OF THE PRESIDE EQUIVALENT TO D9,366,000 ORDERED BY OFFICE OF THE PRESIDENT		
14-Nov-16	TT1631908919	14-Nov-16	704,721.63
	Cash Withdrawal		
	BEING CSH PAYMENT TO NUHA WILLIAMS M.S. JAMMEH, OFFICE OF THE PRESIDENT EQUIVALENT TO D30000000 ORDERED BY OFFICE OF THE PRESIDENT		
23-Jan-17	TT1702393205	23-Jan-17	99,122.81
	Cash Withdrawal		
	BEING CASH PYT TO NUHA WILLIAMS MS JAMMEH OP USD100,000 ORDERED BY THE OFFICE OF THE PRESIDENT		
	<b>Totals</b>		<b>6,555,383.17</b>

Furthermore, there were Instructions received signed by the Secretary General (SG) who is not a signatory to the account and payments were approved and effected by CBG. A particular case in point is the 'Payment to Reimburse IFTC Collection Account' on the 1/12/2015 of USD2,541,297.27 when account was unfunded, which instruction was authorised by the SG.

Furthermore, another Instruction sent to CBG was signed on behalf of SG by 'Mr. Louis Moses Mendy' instructing that funds be transferred to Jammeh Foundation



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for Peace (JFP) monthly from June to Sept 2015. Again payments were effected by CBG.

The findings as per the date of Instruction, when payment was made out to date entry was posted is depicted below. There were notable delays in when transactions were posted in T24 Banking platform. A particular transaction was posted in T24, 220 days after payment had been made based on the approval of senior officials. In simpler terms, Money was paid out of the Vault without the necessary entries being passed in T24 system (*i.e. the banking and accounting platform*). This is a clear indication that daily balancing was an issue until entries had been passed and the Vault replenished. Based on the evidence received, the 'Accrued Interest & Receivables Account' was debited with amounts paid out. This is creative accounting being carried out.

- (d) There is evidence to show that the Governor (Mr. Amadou Colley) was in constant touch with Gen. Saul Badgie over withdrawals of monies and text messages indicate that they had a close relationship. In one of the messages, Governor Colley was expressing appreciation to General Sulayman Badgie for his support on his reappointment as Governor. From reading the SMS messages, messages were sent to facilitate withdrawal of funds from this account which was acted upon by Governor Amadou Colley either by himself or delegating one of his staff usually 1<sup>st</sup> or 2<sup>nd</sup> Deputy Governor (Mr. Basiru Njie or Mrs. Oumie Savage-Samba) or Director of Finance (Mr. Ousainou Corr).
- (e) **Unauthorized** credit facilities were given to Office of the President without the knowledge of Ministry of Finance and Economic Affairs (MOFEA). Evidence clearly shows differences in the dates Instructions are received to the date of posting in T24. Payments were made out even when funds were too low in account, and then when account had been replenished, debit entries passed of payments made. These transactions were all approved by senior officials of CBG. At times, payments were made based on telephone calls to the Governor. Evidence seen in the Exhibits tendered, as Minute is usually prepared by the Governor to the Second Deputy Governor giving instructions of how amounts should be treated in the system.

Money was paid out of the Vault without the necessary entries being passed in T24 system, which is a clear indication that daily balancing was an issue until entries had been passed and Vault replenished.

CBG gave OP a loan of USD2 Million equivalent of D88 Million for the Acquisition of tents for Office of the President. Instruction Ref. GC-141&267A dated 1<sup>st</sup> April 2015. There was no signed credit facility agreement. In order to recover the funds, treasury bills were issued to raise funds and monthly repayments made by CBG to recover the amount.



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- (f) Cash withdrawals totaling USD2,669,593.80 were made by (Chief of Protocol Officers) Messrs. Alhagi Ousman Ceesay and Sanna Jarju purportedly on behalf of Ex-President Jammeh. Breakdown is below.

Date	<u>Alhagie Ousman Ceesay</u>		Amount
			USD
3-Sep-14	TT1424652744	3-Sep-14	500,000.00
	Cash Withdrawal		
	BEING CASH PAYMENT TO MR. ALHAGIE OUSMAN CEESAY, CHIEF OF PROTOCOL OFFICE OF THE PRESIDENT THE SUM OF USD500, 000.00 EQUIVALENT AMOUNT IN GMD ORDERED BY THE OFFICE OF THE PRESIDENT		
10-Sep-14	TT1425358576	10-Sep-14	1,000,000.00
	<b>Cash Withdr</b> Foreign Currency by Alhagie Ousman Ceesay		
	CASH PYT B/O OP REF:LETTER DD 03/09/2014		
15-Sep-14	TT1425856189	15-Sep-14	469,593.80
	Cash Withdrawal		
	BEING CASH PAYMENT TO MR. ALHAGIE OUSMAN CEESAY, CHIEF OF PROTOCOL OFFICE OF THE PRESIDENT, ORDERED		
30-Sep-14	TT1427347018	30-Sep-14	700,000.00
	Cash Withdr Foreign Currency		
	CASH WITHDRAWAL BY ALHAGI O CEESAY B/O OFFICE OF THE PRESIDENT LETTER DATED 30.09.2014		
			<b>2,669,593.80</b>

	<u>Sanna Jarjue</u>		USD
			USD
15-Jul-14	TT1419605997	15-Jul-14	300,000.00
	Cash Withdrawal		



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	BEING CASH PAYMENT TO MR. SANNA JARJU, CHIEF OF PROTOCOL OFFICE OF THE PRESIDENT,THE SUM OF USD300000 EQUIVALENT IN GMD ORDERED BY THE OFFICE OF THE PRESIDENT WITH REQ. REF: PR/C/602A/VOL.1(3)		
23-Jul-14	TT1420462347	23-Jul-14	700,000.00
	Cash Withdr Foreign Currency		
	CASH PYT B/O O.P. REC'D BY MR SAN NA JARJU CHIEF OF PROTOCOL O.P. REF: PR/C/602A/VOL.1(1)		
23-Jul-14	TT1420431611	23-Jul-14	600,000.00
	Cash Withdr Foreign Currency		
	CASH PYT B/O O.P. REC'D BY MR SANA JARJU, CHIEF OF PROTOCOL, O.P. REF PR/C/602A/VOL.1/(4)		
31-Jul-14	TT1421245202	31-Jul-14	700,000.00
	Cash Withdr Foreign Currency		
	CASH PAYMENT B/O OFFICE OF THE PRESIDENT FROM SPECIAL PRJ FUND (VISION 2016)		
27-Oct-14	TT1430059962	27-Oct-14	200,000.00
	Cash Withdr Foreign Currency		
	CASH PAYMENT B/O OFFICE OF THE PRE SIDENT RECEIVED BY CHIEF OF PROTOC OL SANNA JARJUE LETT.DD28/10/14		
6-Nov-14	TT1431015202	6-Nov-14	700,000.00
	Cash Withdr Foreign Currency		
	CASH PAYMENT B/O OFFICE OF THE PRE SIDENT RECEIVED BY CHIEF OF PROTOC OL SANNA JARJUE LETT.DD06/11/14		
9-Dec-14	TT1434397388	9-Dec-14	700,000.00
	Cash Withdr Foreign Currency		
	CASH PYMT TO CHIEF PROTOCAL SANNEH JARJUE IFO OFFICE OF THE PRESIDENT LETTER DD 09/12/2014		
8-Jan-15	TT1500846344	8-Jan-15	1,000,000.00
	Cash Withdr Foreign Currency		
	CASH PYMT RECEIV.BY CHIEF PROTOCAL SANNA IFO OFFICE OF THE PRESIDENT REF:PR/C/602A/VOL.1(1)		



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29-Jan-15	TT1502991774	29-Jan-15	500,000.00
	Cash Withdr Foreign Currency		
	CASH PYMT TO CHIEF PROTOCOL SANNA JARJUE IFO OFFICE OF THE PRESIDENT REF: LETTER DD 26/01/2015		
23-Feb-15	TT1505474881	23-Feb-15	500,000.00
	Cash Withdr Foreign Currency		
	CASH PYMT TO CHIEF PROTOCOL SANNA JARJUE IFO OFFICE OF THE PRESIDENT REF: LETTER DD 23/02/2015		
25-Mar-15	TT1508454867	25-Mar-15	750,000.00
	Cash Withdr Foreign Currency		
	CASH PYT B/O OFFICE OF THE PRESIDE NT RECEIVED BY CHIF OF PROTOCOL SANNA JARJUE DTD 24/03/2015		
26-Mar-15	TT1508507296	26-Mar-15	300,000.00
	Cash Withdr Foreign Currency		
	CASH PYMT B/O OFFICE OF THE PRESID ENT RECVD BY SANNA JARJU CHIEF OF PROTOCOL LETTER REF: DD 26/03/15		
4-May-15	TT1512410049	4-May-15	100,000.00
	Cash Withdrawal		
	BEING CASH WDL BY SANNA JARJU COP, OFFICE OF THE PRESIDENT		
7-May-15	FT1512727050	7-May-15	250,000.00
	Transfer Txn		
	BEING CSH PAYT TO SANNA JARJU, COP		
7-May-15	TT1512794758	7-May-15	100,000.00
	Cash Withdrawal		
	BEING CASH WDL BY SANNA JARJU COP, THE SUM OF USD100000 IN GMD EQUIVALENT		
19-May-15	TT1513945787	19-May-15	500,000.00
	Cash Withdrawal		
8-Jun-15	TT1515969925	8-Jun-15	200,000.00
	Cash Withdrawal		



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	BEING CASH WDL BY SANNA JARJU COP, OFFICE OF THE PRESIDENT WITH REQ THE SUM OF USD200, 000 EQUIVALENT AMOUNT IN GMD		
10-Jun-15	TT1516128089	10-Jun-15	5,821.31
	Cash Withdrawal		
	BEING CSH PAYMENT TO MR. SANNA JARJU BY ORDER OF THE OFFICE OF THE PRESIDENT		
18-Jun-15	FT1516925686	18-Jun-15	400,000.00
	Transfer Txn		
	CASH PYMT TO SANNA JARJUE IFO OFFIC		
27-Aug-15	TT1523906854	27-Aug-15	250,000.00
	Cash Withdr Foreign Currency		
	CASH PYT B/O OP RECEIVED BY CHIEF OF PROTOCOL SANNA JARJU DTD 03/08/2015		
27-Aug-15	TT1523906065	27-Aug-15	400,000.00
	Cash Withdr Foreign Currency		
	CASH PYT B/O OP RECEIVED BY SANNA JARJU CHIEF OF PROTOCOL DTD 17/08/ 2015		
30-Oct-15	TT1530331946	30-Oct-15	500,000.00
	Cash Withdr Foreign Currency received by Sanna Jarju		
	<b>Total</b>		<b>USD9,655,821.31</b>



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Cash withdrawals were also made by Noah Touray PS at OP purportedly on behalf of Ex-President Jammeh.

Date	Noah Touray		Amount
31-Jul-14	TT1421291690	31-Jul-14	USD300,000.00
	Cash Withdrawal		
	BEING CASH PAYMENT TO MR. NOAH TOURAY, PERMANENT SECT. OFFICE OF THE PRESIDENT, THE SUM OF USD300000 EQUIVALENT IN GMD ORDERED BY THE OFFICE OF THE PRESIDENT WITH REQ. REF: PR/C/602A/VOL.1(4)		
31-Jul-14	TT1421245202	31-Jul-14	USD700,000
	Cash Withdrawal		
	BEING CASH PAYMENT TO MR. NOAH TOURAY, PERMANENT SECT. OFFICE OF THE PRESIDENT, THE SUM OF USD700000 ORDERED BY THE OFFICE OF THE PRESIDENT WITH REQ. REF: PR/C/602A/VOL.1(4)		
	<b>Total</b>		<b>USD1,000,000</b>

- (g) The Special Project fund (Vision 2016) account was overdrawn by USD21,803.27 as at 23<sup>rd</sup> June 2016. This is non-compliance with Section 220 of the Financial Instruction 2004 which states that 'Government accounts must not be overdrawn and no temporary advance can be obtained'.
- (h) Payments were made to the Jammeh Foundation for Peace (JFP) and PEGEP ranging from USD75,528.70 to USD100,000 each for the months of June, October and December 2015.
- (i) There is no evidence i.e. reports from the Internal Audit Unit at CBG that these issues had been detected, communicated to the Board Audit Committee and/ or were being monitored.
- (j) Likewise, external audit reports also did not report any such anomalies.



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### 3. INTERNATIONAL GATEWAY ACCOUNT – a/c no. 11033001840

The then Secretary to Cabinet ‘Mr. Noah Touray’ (Witness no. 33)<sup>21</sup> acting on behalf of Secretary General Mr. Momodou Sabally (Witness no. 13) in September 2013 wrote to the Permanent Secretary Ministry of Finance and Economic Affairs conveying an executive directive for the opening of the International Gateway Account at CBG. Two days later<sup>22</sup> the Directorate of National Treasury wrote to CBG and requested for the opening of a US Dollar denominated Bank Account for the Office of the President (OP).

CBG opened the account the same day but stated in its letter conveying the opening of the account that “*it will only be operational, if the responsible Government agency was communicated, full address of the account holders and specimen cards provided.*”<sup>23</sup> On the 8<sup>th</sup> October 2013, CBG was informed by OP that the two signatories to the account were Messrs. Momodou Sabally and Noah Touray. There is no record that the information requested by CBG as a pre-condition for opening the account was provided.

Monies were paid into the account by TELL INTERNATIONAL Inc. a company registered in Geneva, Switzerland that had been awarded an exclusive contract on the directive of the ex- President to manage the International Telecommunication Gateway into the country. Before this international gateway account was opened by the Ex-President, all fees realized from the international gateway was paid to GAMTEL as part of its revenue.

The account was thereafter operated from and controlled by the Ex-President. Cash withdrawals from the account were made by Secretary General Mr. Momodou Sabally except for two transactions, one dated 8<sup>th</sup> October 2013 which he co-signed with Mr. Noah Touray for the sum of USD610,000. Two other transactions for the sums of USD1 Million and GBP33,103.44 which he co-signed with ex-President Jammeh on 15<sup>th</sup> April 2014<sup>24</sup> & <sup>25</sup>. It is to be noted that Ex-President Jammeh was not a signatory to this account.

#### WITHDRAWALS

The following withdrawals from the account were not applied to any government purpose and are not considered lawful:

<sup>21</sup> Exhibit CB16 (Bundle)- Letter dated 24th September 2013 (OP 120/142/04(44)

<sup>22</sup> Exhibit CB16 (Bundle) – Letter dated 26<sup>th</sup> September 2016(DE21/101/P(132)

<sup>23</sup> Exhibit CB16 (Bundle) - Letter reference PR/C/503/Vol.6(140-NT)

<sup>24</sup> Exhibit CB18 - Letter reference PR/C/503/Vol.6(141-NT)

<sup>25</sup> Exhibit MS45 – Minute Sheet from Secretary General Mr. Momodou Sabally to Ex-President Jammeh



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### Payments authorized by Momodou Sabally and Noah Touray

- **Euros 610,000** – The purpose of the withdrawal was not indicated on the letter. However, a Minute written by SG Momodou Sabally to the Ex-President indicates that he proposed that funds from the Gateway account should be used to purchase rams for Tobaski. The Minute stated that “*the amount will be reimbursed to the account once the ram sale is over*”<sup>26</sup>. Mr. Sabally testified that that at the time he left Office, the funds had not been repaid<sup>27</sup>.

The **USD610,000** was received by Mohamadou Batata S. Juwara split into USD310,000 and Euros 220,000 and he signed for it. Mr. Juwara informed the Commission that he handed over the money to Mr. Sabally. He said that Mr. Sabally asked him to take some of the money and change it to CFA for Ex-President Jammeh which was subsequently deposited with the Orderlies stationed at the residence of the President at State House. Mr. Juwara was asked what happened to the Euros and the balance, his response was that he left that with Mr. Sabally<sup>28</sup>. Mr. Sabally has not accounted for this Euros 220,000. However the Commission is of the view that since from the minute the Ex-President was aware of the amount then the evidence that it was paid to him is credible. He should be liable for it.

- **D1.4 Million to Sindola Safari Lodge’s account** - Momodou Sabally and Noah Touray authorized the transfer of D1.4 Million to Sindola Safari Lodge’s account. The payments were made on behalf of the Ministry of Tourism and Culture as part of expenses incurred during the Roots Festival in May 2014<sup>29</sup>. Sindola Lodge belongs to Ex-president Jammeh and his family members.
- **USD100,000** cash was received by Noah Touray on the 24<sup>th</sup> June 2014<sup>30</sup>. The sum of GBP80,000 was transferred to PD IC Publications in June 2014.

### Payments authorized by Ex-President Jammeh and Momodou Sabally

Ex-President Jammeh was not a signatory to the International Gateway Account but CBG officials acquiesced to his requests.

- **USD305,661.18** was transferred from the account to Gambia International Airlines’ Account with Zenith Bank (Gambia) based on the instructions of Ex-president Jammeh and Momodou Sabally.<sup>31</sup>.

<sup>26</sup> CB18 - Letter dated 8<sup>th</sup> October 2013 ref: PR/C/503/Vol.6 (141-NT)

<sup>27</sup> Transcript of Mr. Momodou Sabally dated 26<sup>th</sup> September 2017

<sup>28</sup> Transcript of Mr. Mohamadou Batata S Jawara dated 26<sup>th</sup> September 2017

<sup>29</sup> CB18 - Payment dated 14/05/14

<sup>30</sup> CB18- Letter dated 24<sup>th</sup> June 2014 ref. PR/C/102/Vol.5 (32)

<sup>31</sup> CB18- Letter dated 13<sup>th</sup> March 2014 ref. PR/C/675A/TEMP/(6)



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- **USD1 Million cash** - Ex-President Jammeh and Momodou Sabally authorized the withdrawal of USD1million cash, the funds were to be handed to Momodou Sabally but he delegated the responsibility to Sana Jarju, former Chief of Protocol.
- **USD33,103.04** - Sum was transferred to PD IC Publications Ltd for the purchase of 350 copies of the New African Magazine featuring Ex-president Jammeh<sup>32</sup>.

### **Payments authorized by Momodou Sabally alone**

Mr. Momodou Sabally, the Secretary General at the time authorized withdrawals from the International Gateway Account. The instructions were not on Office of the President letter head nor were they co-signed by the co-signatory. According to Mr. Sabally, these withdrawals were made at the instance of Ex-President Jammeh during a period when the second signatory to the account was indisposed. Mr. Sabally said he would normally regularize the transactions when the second signatory is available. He insisted that the transactions were made as a matter of urgency.

- **D1 Million to Makam Bah** - The D1million was received by Makam Bah on the same date. Makam Bah also received USD70,000 based on similar instructions.
- **D10 Million** was paid to Alagie Ndow on the instructions of Momodou Sabally on the 11<sup>th</sup> of April 2014. The instruction, as with the previous one was not on OP letter head.
- **D20 Million** - Sanna Jarju, former Chief of Protocol received the sum of D20million from CBG based on **instructions** given to the Governor by Mr. Momodou Sabally. D10 Million was received on the 20<sup>th</sup> April 2014 and subsequently another D10 Million was received on the 24<sup>th</sup> April 2014. The Minute dated 24<sup>th</sup> April 2014 from the Governor, Amadou Colley, authorizing CBG staff to effect payment indicates that Mr. Momodou Sabally gave the authorization over a phone call<sup>33</sup>.
- **USD250,000** - Momodou Sabally authorized payment to Sanna Jarju on the 3<sup>rd</sup> of June 2014.
- **USD750,000** - Buba I. Demba received USD750,000 on behalf of Momodou Sabally on the 20<sup>th</sup> May 2014. Mr. Demba testified that after he received the money from CBG, he handed it over to Mr. Sabally in his office<sup>34</sup>.

<sup>32</sup> CB18 (Bundle) transaction documents dated 16<sup>th</sup> April 2014

<sup>33</sup> CB18 (Bundle)

<sup>34</sup> Transcript of Mr. Buba I. Demba dated 26<sup>th</sup> September 2017



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The total cash withdrawn was D31 Million.

Account to be Debited	Payment Date	Description	Amount(GMD)
1103001840	06-04-14	PAYMENT TO OFFICE OF THE PRESIDENT	GMD 1,000,000.00
1103001840	11-04-14	PAYMENT TO OFFICE OF THE PRESIDENT	GMD 10,000,000.00
1103001840	20-04-14	PAYMENT TO OFFICE OF THE PRESIDENT	GMD 10,000,000.00
1103001840	24-04-14	PAYMENT TO OFFICE OF THE PRESIDENT	GMD 10,000,000.00
			<b>GMD 31,000,000.00</b>

This account has been dealt with extensively in Volume 6 – Chapter 4. For the purpose of this Chapter the Commission makes the following findings:

### Findings:-

- (a) The Commission finds that the International Gateway Account was illegally opened. The funds realized from the management of the international gateway are public funds that should have been lodged in the Consolidated Revenue Fund. The Ex-President opened this account to enable him access and misappropriate the International Gateway funds with impunity.
- (b) The withdrawal of funds by the Ex-President from this account was illegal as he has not been shown to be a signatory to the account. CBG ought not to have allowed the Ex-President to withdraw money from this account without first adding him as signatory. By so doing they facilitated and aided him in illegally taking money from the account.
- (c) None of the payments from this account was applied to budgeted purposes.

### Mr. Momodou Sabally

- (d) CBG permitted Momodou Sabally to authorize the withdrawal of funds as a single signatory without presenting the request on an official letterhead from OP. While it is probable that the sums received by Sanna Jarju was for the Ex-President, the Commission finds that the sums of USD750,000 received by Buba I. Demba of D1million and USD70,000 received by Makam Bah based on similar instructions cash on the sole authority of Momodou Sabally, in his capacity as Secretary General has not been accounted for.

The Commission finds that the testimony of Momodou Sabally of 26<sup>th</sup> September 2017 is to the effect that Mr. Sabally accepts that he received these sums but testified that he handed over the funds to Ex-president Jammeh. However, the Commission found no Minutes or any other document or evidence indicating that



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the funds were indeed handed over to Ex-President Jammeh or connecting the funds to him. In the absence of any evidence connecting these monies to the Ex-President, the Commission is unable to hold him liable for it. Mr. Momodou Sabally is liable for these sums.

### **Ex-President**

- (e) The Commission finds that the sum of USD1Million withdrawn by Ex-President through Mr. Momodu Sabally, Cash handed over to Sanna Jarju of D20 million, and USD250,000 for the Ex-President was stolen within the meaning of section 245(e).
- (f) The Commission finds that the Ex-President ought to be liable for all withdrawals listed above (other than those for which Mr. Momodou Sabally has not accounted for) totaling, Euros 610,000, USD1,960,000 and D32.4 Million. The said sums shall be recovered from his assets.
- (g) The Governor of CBG, Messrs. Sana Sabally and Noah Touray aided and abetted the Ex-President in the said cash withdrawals.



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### 4. 3M CITY BANK ACCOUNT – a/c no.

One year after the 1994 coup d'état and the coming into power of the Armed Forces Provisional Ruling Council (AFPRC) led by ex-President Yahya Jammeh, CBG was approached by AFPRC to open a development account. It was to hold funds from the Exim Bank of Taiwan amounting to thirty five million dollars (USD35, 000,000.00).<sup>35</sup>

CBG cognizant of the fact that the required procedures were not being followed in the acquisition and treatment of the expected funds decided that as ‘Bankers to government’ same must be accepted but isolated.<sup>36</sup> A special foreign bank account classified as ‘Nostro Accounts<sup>37</sup>, was opened at City Bank New York with account no. 36116427 with a corresponding special deposit account no.....(3M account) kept in dual currency (dollar and dalasi) maintained at CBG. Based on the Witness Statement of Mr. Momodou Bamba Saho<sup>38</sup>, he explained that the domestic account called Special Development Account was classified under ‘Sundry Deposits’ rather than ‘Government Deposits’. It was treated as an off-balance sheet account.

Initially, the signatories to the account were Captain Edward Singhateh (Vice Chairman of APRC) and Captain Ebou Jallow (Spokesman). Later, Captain Singhateh’s signature was withdrawn and Captain Jallow became the sole signatory.

The funds were a loan facility to be paid over twenty years with a five-year grace period. The interest rate on the loan was 4% and to mature in 2015. After the opening of the account, CBG received USD30 Million equivalent of GMD286.5 Million wired from Exim Bank of Taiwan. Mr. Momodou Lamin Kabba Bajo (Witness No. 120), a member of the then AFPRC testified that USD5 million cash was brought to the Council by Captain Ebou Jallow around the same time by special flight from Taiwan. The cash of USD5 Million was also confirmed by Mr. Ebou Jallow (Witness no. 224).<sup>39</sup> Mr. Abdoulie B. Cham (Witness no. 94) testified that only USD2,220,000 cash was deposited by Captains Singhateh and Jallow a few days after the first deposit<sup>40</sup>. The source of this money was not indicated.

The total amount allegedly received by CBG was USD32,020,000 but the sum entered in the Books of Government i.e. the Debt Management Information System in 1997 as the loan amount owing for repayment is USD35,000,000.00 (thirty five million United States Dollars).<sup>41</sup> The Secretary of State for Finance - Mr. Balla Garba Jahumpa

<sup>35</sup> Exhibit MS148

<sup>36</sup> Evidence of Mr. Abdoulie Cham - Witness No. 94

<sup>37</sup> Nostro Accounts refers to accounts held by banks in a foreign currency in another bank

<sup>38</sup> Exhibit MS114(H) - Witness Statement of Mr. Momodou Bamba Saho

<sup>39</sup> Evidence of Mr. Ebou Jallow – Witness no. 224 dated xxxxx September 2018

<sup>40</sup> Mr. Edward Singhateh- Witness No...denies this. Mr. Abdoulie B. Cham's evidence remains uncorroborated up to the time of writing this Report.

<sup>41</sup> Testimony of Permanent Secretary, Ministry of Finance - Mr. Abdoulie Jallow.



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(Witness no. 142) has confirmed that he signed for a loan of USD35 Million from the Exim Bank of Taiwan and that was the amount he reported to his Ministry. He testified that the Loan was booked by his Ministry based on the notes he made of its contents and only captured in their books after it was ratified in 1997<sup>42</sup>.

This loan of USD35 Million plus interest booked and paid for from public funds has never been accounted for. From the testimony of members of the AFPRC<sup>43</sup> and the personal notes of Mr. Abdoulie B. Cham part of the money was used to finance some infrastructure projects such as Yundum International Airport, Arch 22 in Banjul and import three consignments of rice,<sup>44</sup> the acquisition of Daily Observer Newspaper for USD268, 000.00, the purchase of property in Morocco<sup>45</sup> for USD500, 000, and the illegal transfer of USD3 Million to a foreign account in Switzerland by Captain Jallow. Captain Ebou Jallow fled the jurisdiction and was accused of theft of these funds by the AFPRC. According to the Attorney General at the time, Mr. Musa Ngary Bittaye (Witness no. 101)<sup>46</sup> the sum of USD1.7 Million was recovered and paid to CBG. The records of this account are yet to be found. A telefax is in evidence dated 3<sup>rd</sup> February 1997<sup>47</sup> and addressed to Mr. Alieu B. M. Conteh Re. Ebou Jallow (Republic of Gambia) from his lawyers 'PESTALOZZI GMUER & PATRY' in Geneva, where it was mentioned that efforts were made to suspend the recovery proceedings initiated by Republic of Gambia to validate the attachment of his assets. Another case was filed that he was not a debtor to Republic of Gambia.

Mr. Cham further testified that Mr. Amadou Samba<sup>48</sup> took the invoice details to CBG and payments were effected upon receipt of approval of the Governor (Mr. Momodou Clark Bajo) now deceased.

When Captain Jallow left there was no signatory to the account. Mr. Baba Jobe deceased - a Senior Assistant Secretary at the Office of the President, was permitted by the Governor of Central Bank to withdraw funds from the account on the purported instruction of Ex-President Jammeh.<sup>49</sup>

The loan funds from ROC on Taiwan were exhausted. The Central Bank permitted the account to be overdrawn on the assurance from the President that another USD30 Million would be received from Colonel Ghadafi of Libya. No such funds were received by the Central Bank.

<sup>42</sup> Transcript of Mr. Bala Jahumpa dated 6<sup>th</sup> February 2018

<sup>43</sup> Edward Singhateh (Witness No.128), Yankuba Touray (Witness No.118)

<sup>44</sup> Exhibit MS114(G), Witness Statement of Abdoulie B. Cham (Witness No. 94)

<sup>45</sup> Payment to SA DINIA AMEUBLEMENT, according to the Witness another USD300,00 and 35,000 were paid to the same company from different sources

<sup>46</sup> Witness No. 92

<sup>47</sup> Exhibit MS320

<sup>48</sup> Exhibit MS114(G) - Witness Statement of Mr. Abdoulie B. Cham dated 6<sup>th</sup> September 2018

<sup>49</sup> Exhibit MS114(G) – Witness Statement of Mr. Abdoulie B. Cham - The rice was sold by the AFPRC MILITANTS and proceeds of the sale deposited with ASSETS MANAGEMENT and RECOVERY CORPORATION (AMRC)



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The account became overdrawn by USD28.5 Million (equivalent of D428, 505,000) and because of this, CBG could not close its books for the years 2001 to 2003.<sup>50</sup> IMF had received information from the US Regulatory authorities that a certificate of deposit in the sum of USD28 Million was included in CBG's foreign exchange reserve as a usable asset. In reality, this asset was encumbered as it was a swap arrangement that had matured but was still included in the external reserves figures provided to IMF. The effect was to artificially bolster the external reserves of CBG. In 2003, the Government of the Gambia accepted this overdraft and converted it to a government loan.

The evidence is conclusive that only USD30 Million was deposited at CBG. The evidence that cash amounting to USD2.220Million was subsequently paid in was also corroborated by Mr. Junkung Bayo (Witness no. 237) former General Manager of CBG<sup>51</sup>. Public funds were used to make repayments (principal and interest) to EXIM Bank of China which should not have been the case. Payments were made from the Treasury Main Account (TMA) Expenditure Account. The loan matured in 2015 and a total of USD41,691,940 was repaid including interest of USD11,691,940 as per evidence of Abdoulie Jallow (Witness no. 11) PS 1 of MOFEA<sup>52</sup>.

**Overdrawn Account & Unauthorized credit facilities** - When the loan was exhausted, expenses were authorised by the Governor from the Special Account leading to the account being overdrawn by USD28.5 Million. The USD28.5 Million was not captured in CBG's books until 2003, the explanation provided for not recording transactions was that Gambia Government had to take ownership of debt. Clearly this action resulted in substantial payments being omitted/ not recorded in Government accounts. This led to misreporting by CBG to International Monetary Fund (IMF) which resulted to the Fund taking drastic actions against The Gambia<sup>53</sup>.

*'IMF wrote letters to the then Secretary of State for Finance and Economic Affairs (Famara Jatta) and Ex-President Jammeh in August and September 2003 respectively highlighting issues. The Ex- President in his response of 28 Oct. 2003 acknowledged that unprogrammed public expenditure in 2001 had not been recorded and that the oath of foreign exchange reserves and lending by CBG to Central Government had been misstated to the Fund.'*

There was no signed credit facility agreement. In order to recover funds, the Office of the President (OP) and MOFEA authorised a loan facility to settle liability with CBG. A loan was taken from an overseas commercial bank namely First Fidelity International Bank New York USA to cover the amount. The funds were directly paid into the account of CBG to settle Government liability. This

<sup>50</sup> Exhibit MS127 - IMF REPORT

<sup>51</sup> Transcript of Mr. Junkung Bayo dated 18<sup>th</sup> September 2018. Also see Witness statements Exhibit MS288 & MS289

<sup>52</sup> Evidence given by Witness no. 11 Mr. Abdoulie Jallow on Wednesday 31<sup>st</sup> January 2018

<sup>53</sup> Exhibit MS127



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loan of USD28 Million given by First Fidelity International Bank was repaid using taxpayer funds.

The evidence before the Commission is that out of the USD28.5 million overdraft, USD3 million was paid to Side-Gambia Invest Limited for the acquisition of Kairaba Beach Hotel, (this hotel was later sold by the Ex-President for USD10 Million).<sup>54</sup> USD335,000<sup>55</sup> was paid to SA Dinia Emeublement in Morocco for unascertained purposes. USD2 Million was paid to West Coast Property Holding Ltd in Switzerland.<sup>56</sup> Three cheques drawn in the name of Ex-President Jammeh all dated 20<sup>th</sup>/09/00- USD172,800, USD827,200, and USD1,000,000 by ROC were credited to a Central Bank Account No. 021083970.<sup>57</sup> The purposes of these payments are not stated.

As at this date, a Protocol of Corporation existed between ROC on Taiwan and Gambia signed in 1998 for aid to Gambia.

Cash Withdrawals – Baba Jobe was permitted by the Governor to make cash withdrawals from the account as shown in the Table below. For all cash withdrawals, the purpose for the withdrawal or use of funds was never explained. Withdrawals were mainly made by Baba Jobe ‘Assistant Secretary at Office of the President (OP). Baba Jobe was only added as a signatory to the account on the 7<sup>th</sup> December 2001, but the evidence shows that he had been signing on Instructions for cash payments to be made to him since June 2000.

<b><u>CASH WITHDRAWALS</u></b>					
<b>DATE</b>	<b>AMOUNT</b>		<b>AMOUNT</b>	<b>Signatory</b>	<b>Instruction on Gov't Letterhead</b>
	<b>USD</b>		<b>GMD</b>		
23/06/2000	200,000.00			Baba Jobe	X
27/06/2000	85,000.00			Baba Jobe	X
29/06/2000	596,000.00			Baba Jobe	X
2/8/2000	230,000.00			Baba Jobe	X
19/08/2000	50,000.00			Baba Jobe	X
23/08/2000	150,000.00			Baba Jobe	X
28/08/2000	150,000.00			Baba Jobe	X
4/9/2000	200,000.00			Baba Jobe	X

<sup>54</sup> Evidence of Witness No. 87 Mr. Lang Conteh

<sup>55</sup> Exhibit MS114(G), MS114(G), Witness Statement of Mr. Abdoulie Cham

<sup>56</sup> Exhibit MS114(G), Supporting Documents

<sup>57</sup> Exhibit MS114(G), Supporting Documents



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18/09/2000	100,000.00		Baba Jobe	X
1/11/2000	99,573.00		Baba Jobe	X
7/11/2000	50,000.00		Baba Jobe	X
9/11/2000	300,000.00		Baba Jobe	X
9/11/2000	300,000.00		Baba Jobe	X
10/11/2000	212,464.58		Baba Jobe	X
10/11/2000	125,000.00		Baba Jobe	X
17/11/2000	25,000.00		Baba Jobe	X
24/11/2000	500,000.00		Baba Jobe	X
13/12/2000	25,000.00		Baba Jobe	X
21/12/2000	250,000.00		Baba Jobe	X
4/1/2001	200,000.00		Baba Jobe	X
26/01/2001		1,091,485.50	Baba Jobe	X
30/01/2001	300,000.00		Baba Jobe	X
30/01/2001		4,050,000.00	Baba Jobe	X
5/3/2001	300,000.00		Baba Jobe	X
15/03/2001		2,000,000.00	Baba Jobe	X
16/03/2001		5,000,000.00	Baba Jobe	X
17/02/2001	49,920.00		Baba Jobe	X
4/4/2001	120,000.00		Baba Jobe	X
11/4/2001	1,000,000.00		Baba Jobe	X
12/4/2001	250,000.00		Baba Jobe	X
19/04/2001	140,000.00		Baba Jobe	X
20/04/2001	50,000.00		Baba Jobe	X
30/04/2001		1,500,000.00	Baba Jobe	X
10/5/2001		3,000,000.00	Baba Jobe	X
11/5/2001		3,000,000.00	Baba Jobe	X
18/05/2001	40,000.00		Baba Jobe	X
25/05/2001		4,000,000.00	Baba Jobe	X
7/6/2001	250,000.00		Baba Jobe	X
18/06/2001		2,000,000.00	Baba Jobe	X
20/07/2001	150,000.00		Baba Jobe	X
26/06/2001		2,500,000.00	Baba Jobe	X
5/7/2001		3,000,000.00	Baba Jobe	X
6/7/2001	200,000.00		Baba Jobe	X
1/8/2001	52,000.00		Baba Jobe	X



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10/8/2001		2,500,000.00	Baba Jobe	X
21/08/2001		1,200,000.00	Baba Jobe	X
29/08/2001		1,500,000.00	Baba Jobe	X
4/9/2001		1,500,000.00	Baba Jobe	X
7/9/2001		1,500,000.00	Baba Jobe	X
14/09/2001		1,500,000.00	Baba Jobe	X
20/9/2001		1,500,000.00	Baba Jobe	X
21/09/2001		2,500,000.00	Baba Jobe	X
25/9/2001	100,000.00		Baba Jobe	X
1/10/2001		1,500,000.00	Baba Jobe	X
10/10/2001		2,000,000.00	Baba Jobe	X
10/10/2001		1,000,000.00	Baba Jobe	X
17/10/2001		7,800,000.00	Baba Jobe	X
2/11/2001		1,500,000.00	Baba Jobe	X
12/11/2001		4,000,000.00	Baba Jobe	X
19/11/2001		4,000,000.00	Baba Jobe	X
26/11/2001		800,000.00	Baba Jobe	X
27/11/2001		2,000,000.00	Baba Jobe	X
5/12/2001	400,000.00		Baba Jobe	X
19/12/2001	500,000.00		Baba Jobe	X
	75,000.00		Baba Jobe	X
<b>TOTAL</b>	<b>7,824,957.58</b>	<b>69,441,485.50</b>		

Breaches in the Control Environment at CBG - There were instructions sent to CBG written on plain paper requesting for cash payment to be made purportedly on the order of Ex-President Jammeh. Instruction on Government letterhead signed by the signatory to the account was never received and CBG proceeded to authorize transactions. Monies were paid to Baba Jobe using this practice of writing on plain paper.

Furthermore, there were Instructions received signed by the Minister of Finance and Economic Affairs who is not a signatory to the account and payments were approved and effected by CBG.

The Commission makes the following findings for the purpose of this Chapter. These monies have not been accounted for.



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### Findings:-

- (a) The manner in which CBG allowed the proceeds of the loan of USD35 million to be dealt with lead to a major breakdown of the Government accounting system and permitted AFPRC to deal with these funds without accountability. None of the funds paid into the 3M Account or the overdraft permitted thereafter was applied to budgeted purposes.
- (b) While there is evidence of projects having been executed, clearly without accounting records the Commission cannot determine how much of the loan was applied to lawful purposes. The evidence is that Ex-President Jammeh was in control of the USD30 million and determined how it was spent.

The only evidence for which we have is the purchase of Observer Newspaper for the sum of USD268,000<sup>58</sup>. Although Mr. Abdoulie Cham has said that the USD2.220 million was paid to Mr. Baba Jobe. We have no reason to doubt this having regard to the copious evidence he produced of Baba Jobe withdrawing these sums. The Ex-President should be answerable for the rest of the USD27,732,000.00 plus the interest on this sum paid from public funds. There is probable cause for holding that these funds were stolen.

- (c) As a foreign government, Taiwan could not have given the President money for his personal use. The Commission finds that the cheques issued to the President in the total sum of USD2 Million were intended for, and received for the benefit of the country. The Ex-President remains accountable for and should account for the sum of USD2 Million received.
- (d) We have found no record of the accounting for this money. Unless accounting records for these funds can be produced the said sum should be regarded as having been converted by the Ex-President to his personal use and therefore stolen.
- (e) The amount of cash withdrawals authorized by Baba Jobe (deceased) totaled USD7,824,957.58 and D69,441,485.50. These monies were illegally withdrawn. They were not accounted for. They are recoverable from the Estate of Baba Jobe. There is probable cause for holding that these funds were stolen.
- (f) Former Governor Momodou Clark Bajo and the then Minister of Finance Famara Jatta both deceased were responsible for ushering in a period of unaccountability and plundering of public funds through the Central Bank of the Gambia.

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<sup>58</sup> See Vol. 4 Chapter 7 for more details



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### 5. CARNEGIE MINING ACCOUNT – a/c no. 1101002647

The Carnegie Mining account was opened on the directives of OP by letter dated 23<sup>rd</sup> November 2006 signed by Mr. Fansu Nyassi for SG addressed to the PS Department of State for Finance (DOSF) “where receipts emanating from the Carnegie mining operations can be lodged”<sup>59</sup>. DOSF wrote to Acting Treasury Director on the 4<sup>th</sup> December 2006 for action to be taken.

The account was opened on 23<sup>rd</sup> January 2007 as a GMD denominated account. The request from the Acting Treasury Director was not found by CBG, but it is assumed that it was sent. The first account no. was 01201200366 being the number allocated under the old CBG Banking System (Bank Master) and the second 1101002647 is the number allocated under the new CBG Banking System called the T24 as a continuation account and the credit balance of USD25,112,915.20 transferred from the old account on the 24<sup>th</sup> of January 2012 as a take on balance<sup>60</sup>.

On the 5<sup>th</sup> of November 2013, a letter Ref: DE21/01/P.35/(177) from the Directorate of National Treasury forwarded the specimen signatures of the account to the Second Deputy Governor, CBG. This communication also stated that the account has an indefinite lifespan and that it is going to be managed by the Office of the President. The account was controlled and operated by the Office of the President and communications relating to changes in signatories to the account were originated from the Office of President. During its operating the under-listed who all worked at the Office of the President at different times were made signatories to the account:

- a) Lamin Nyabally
- b) Sulayman Samba
- c) Isatou Auber
- d) Ismaila Sanyang
- e) Noah Touray
- f) Momodou Sabally
- g) Yam Bamba Nje Keita
- h) Abdoulie M. Sallah
- i) Kalilou Bayo

The account was funded from the deposits made by Carnegie Minerals in the form of royalty payments to the Government of the Gambia. Carnegie Minerals was issued a mining license by the Government of the Gambia. The license was subsequently revoked and had to cease its operations. The time frame given to Carnegie Minerals to

<sup>59</sup> See MS1 - The letter indicated that payments were being lodged in the Mining Operations Account where sand and gravel mining receipts were being lodged which created a monitoring bottleneck; so, it was desirable that a separate account be opened for Carnegie.

<sup>60</sup> Transcript of Mr. Karamo Jawara dated 16<sup>th</sup> August 2017



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leave the country was very short and as a result their Equipment and Stock Pile were left behind. The company subsequently sued the government of the Gambia.

Based on feedback from the legal firm ‘Mayer Brown Solicitors’ representing Gambia Government<sup>61</sup> in the Arbitration Tribunal with Carnegie Minerals, it was mentioned that Mr. Mohamed Bazzi through Euro African Group Limited (EAGL) made several payments to settle legal fees. Reasons for making payments to legal firm could not be explained by Witness.

### Withdrawals

Two cash withdrawals totaling D14,401,000 were made from the account of which D14,400,000 was cash withdrawal of USD500,000 (Payment Request Ref: PR/C/501/Temp. A(1)<sup>62</sup> paid in the name of Secretary General, Dr. Njogu L. Bah. The said payment request was not on government letterhead and was signed by only one signatory, the payee. Exhibit MS57 shows that the request was channeled through the Director of National Treasury by the SG. Dr. Njogou Bah testified that he received the funds and handed them over to the Ex-President. According to Mr. Bah he was instructed by the Ex-president to write to the Directorate of Treasury to provide the funds and the reason that was given to them was that the funds was meant resolve an urgent State matter. There is no evidence that either the Treasury Department replied. He said he gave the money to the Ex-President in the presence of the orderly. Given the fact that this request was made through formal channels the Commission has no reason to disbelieve Dr. Bah when he said he gave the funds to Ex-President.

The second was a cash withdrawal of D1,000 for which the transaction documents were not available to establish the details of the payee.

Payments by activity - Though a number of transaction documents were not provided as exhibits, we fully analyze all the payments by activity. However the payments for which such details are available are analyzed in the table below. The exceptions are totaled under “Unidentified Payments”.

No	Payment Type	Amount - GMD
1	Air fares	(94,520.88)
2	Conference	(105,030.00)
3	Donation - Ebola	(21,635,000.00) <sup>63</sup>
4	Tuition Fees	(2,442,888.72)
5	Fishing Boats	(600,000.00)

<sup>61</sup> Exhibit MS33

<sup>62</sup> Exhibit MS57

<sup>63</sup> Exhibit CB3



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6	Living Expenses	(2,123,806.16)
7	Lodging	(205,950.00)
8	Purchase of Bulls - Governors <sup>64</sup>	(3,000,000.00)
9	Salaries - Air Crew	(60,218.40)
10	Stipend	(4,545,999.50)
11	Training - IT System and Networking	(429,842.70)
12	Tuition Fees	(9,876,641.47)
13	Uniforms	(103,500.00)
14	Vehicles	(3,600,000.00)
15	VISA Fees	(24,110.00)
16	Unidentified Payments	(101,476,378.29)
<b>Total Payments – Accounts Nos: 01201200366 and 1101002647</b>		<b>(150,323,886.12)</b>

SG Momodou Sabally told the Commission that funds withdrawn from the account did not go through the OP Accountants. They were made at the request of the Ex-President from cheque books or by letter to the bank<sup>65</sup>.

Significant payments were made with regards to the award of scholarship to various students without going through the right scholarship awarding procedures and by extension that the government of the Gambia is not likely going to get any value for money with regards to some of the related payments. SG Momodou Sabally told the Commission that these student payments were made on the direct instructions of the Ex-President. There was no system in place.

The Commission notes the payment of D32,182,950.00 equivalent to Euros607,000 to EAGL for the purchase of 32 vehicles on the 5/11/2013<sup>66</sup> without compliance with any procurement rules. SG Momodou Sabally said the vehicles were intended for Gambia was to host the organization of the **Islamic Conference Tourism Minister Summit**<sup>67</sup>. He bought these among other cars and when the cars came, some were eventually donated “to government departments” and some were given to the team of **Syrian**

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<sup>64</sup> D600,000 was given to each Governor to purchase bulls for sale of meat during Ramadan. However, D500,000 was later re-deposited by each Governor back into the account as witnessed from witness statements and bank statements. The remaining D100,000, the Governors explained could not be accounted for as they realized nothing.

<sup>65</sup> Transcript of 28<sup>th</sup> August 2017

<sup>66</sup> Exhibit MS17

<sup>67</sup> Transcript of Mr. Momodou Sabally dated 28<sup>th</sup> August 2017



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**Doctors** who came here to provide services at the main hospital. Exhibit MS45 shows a minute to the Ex-President from Mr. Noah Touray confirming that the (amount of Euros 607,000 was paid to EAGL's Trust Bank Account". Same was approved by the Ex-President. D600,000 was spent on the purchase of fishing boats. On the 9<sup>th</sup> July 2018 the Commission ordered that all the fishing boats be handed to the Department of Fisheries for use as part of a joint venture by the Department and Ministry of Youth and Sports to educate youths on artisanal fishing.

Based on the evidence of the Governors of the Regions 'Mr. Omar A. Khan' – Witness no.38, Mr. Omar Sompé Ceesay – Witness no. 39, Mrs. Aminata Siffai Hydara – Witness no. 40, on Monday 18<sup>th</sup> September 2017, Mr. Salieu Puye – Witness no. 54 on Thursday 21<sup>st</sup> September 2017 and Mr. Lamin S. I. Jammeh Witness no. 53 they explained that they knew that this project would be a loss making one but felt that they had to comply with directives so they returned D500,000 and retained the balance

The Commission does not consider the following payments eligible.

DATE	AMOUNT	EXHIBIT	COMMENT
09/03/2011	D14,400,000 or USD500,000  (Cash withdrawal)	MS57, CB2	Cash withdrawn by SG Njogou Bah SG Office of the President, said to have been handed to the Ex-President.
3/04/2014	D12,931,791	BB45A & BB45B	Paid to Serign Touba Ndure, ECO Bank Account 0010034902844901. According to Momodou Sabally Mr. Ndure was a contractor doing works for the President at Kanilai. <sup>68</sup> .
31/12/2013	D5,000,000  (Cash withdrawal)	CB3	Received by Makam Bah the orderly of the SG Momodou Sabally <sup>69</sup>
25/06/14 5/3/2014	D4,819,000 & D840,000	CB3	Paid to GPPC for the printing of the books "Shadow in the dark", "Million reasons to leave the commonwealth" & tragic consequence of British colony". See

<sup>68</sup> Transcript of Mr. Momodou Sabally dated 28<sup>th</sup> August 2017

<sup>69</sup> Transcript of Mr. Momodou Sabally dated 28<sup>th</sup> August 2017



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			the testimony of Momodou Sabally
4/11/2014	D21,635,000.00	CB3	Paid to Chief Treasury Department, Republic of Guinea Conakry without authority from the National Assembly. CB 3 Donation/Support by Gambia Government
3/04/2014	D500,000.00	CB 3	Paid to Saihou Suntunku Sanyang of JappiCom brothers- GTB Account No. 204-251879-3-1590. According to the testimony of Noah Touray dated 12/09/2017, Saihou was from the Fonis and he requested the Ex-President to help him with his Agricultural Project.
10/01/2014	D1,923,500.00  Cash withdrawal of USD50,000	CB 3	Received by Noah Touray (authorised by Momodou Sabally & Noah Touray) OP (see the testimony of Momodou Sabally). He said he handed it over to the Ex-President.
16/12/2013	USD100,000 or D3, 930,000.00	MS45	Payment authorised by Noah Touray and Momodou Sabally to be paid to SG Momodou Sabally, said to have been handed over to the Ex-President
July 2014	D600,000.00 (each)	CB 3	D600,000 paid to 5 Governors- Aminata Siffai Hydara, Omar Sompo Ceesay, Omar A. Khan, Salieu Puye, and Lamin S.I. Jammeh
18/11/2013	D3,833,00.00	MS 45	Cash withdrawal request from Office of the President for Kuwait Mission for unknown purposes. Exhibit MS45 shows a minute to the Ex-President from Noah Touray



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			confirming that the sum of USD100,000 was withdrawn for the Kuwait mission. Same was approved by the Ex-President.
	D60,218.40		Gambia International Airlines
	17,348,936.04		Unidentified Payments
5/2/2015 & 1/4/2015	USD6,000 +USD6,000=  USD12,000		Payments to Genevieve Cardos Bank of America 711 Lee Street SW Atlanta Georgia 30310

### **Findings:-**

- (a) None of the funds withdrawn from the Carnegie Mining Account were applied to budgeted purposes.
- (b) All revenues including royalties should have been paid into the Consolidated Fund (section 7 (1) and 21 (2) of the 2014 Act which includes all revenues or other public monies raised or received on behalf of Government. In this case this was not done. Instead the signatories to the account were changed to OP by the Accountant General and Ministry of Finance on the instructions of OP who then controlled the funds paid into the Account and expended them under the directives of the Ex-President.
- (c) The Commission finds that the total sum D51,273,741 were applied to payments that were not for any Government purpose or public benefit. The Ex-President should be accountable for all such payments.
- (d) The Commission finds that there is probable cause for holding that the Ex-President misappropriated the total cash payments of D29,086,500.
- (e) The Governors should have accounted for the amounts received.  
Same should be treated as an imprest and accounted for to the Accountant General within one month of the publication of this Report.
- (f) Significant payments were made with regards to the award of scholarship to various students without going through the right scholarship awarding procedures and by extension that the government of the Gambia is not likely going to get any value for money with regards to some of the related payments. SG Momodou



## The Commission of Inquiry

Sabally told the Commission that these student payments were made on the direct instructions of the Ex-President. There was no system in place.

### **Persons Involved**

Cash withdrawals:

The Ex-President was not a signatory to this account. Cash withdrawn allegedly, at his request was made with the full knowledge that he intended to misappropriate same. The Signatories to the account who withdrew the cash and handed it over to the Ex-President were equally culpable.

- (1) In cash withdrawal of USD500,000 equivalent to D14,400,000 at the time, Dr. Njogou Bah should be held liable.
- (2) Messrs. Momdou Sabally and Noah Touray authorized the total cash withdrawals of D14,686,500.



## The Commission of Inquiry

### 6. GAMICO TRAINING ACCOUNT – a/c no. 1103001163

The opening of the account was triggered by an account opening request letter from the Directorate of National Treasury dated 20<sup>th</sup> January 2009 and referenced DE21/01/P.22/(219). The said request letter indicated that it was written under directive as it was initiated through a letter sent to the Directorate of National Treasury dated 23<sup>rd</sup> December 2008 with ref: EMC 120/250/01 PART 7 (74) from Department of State for Finance and Economic Affairs instructing them to open a Below the Line USD account named 'GAMICO Training Account. However, the request from the Ministry of Finance and Economic Affairs was based on the correspondence from Office of the President (OP) dated 17<sup>th</sup> December 2008. The account was controlled by the Office of the President and did not form part of the Consolidated Revenue Fund account<sup>70</sup>.

The account was funded from deposits made by Gambia African Mining International Company Limited (GAMICO), who were granted a mining license following the revocation of Carnegie Minerals license based on a directive from OP.

The GAMICO Training Account was meant for institutional capacity building. Therefore, the fund was meant to strengthen the capacity building of the Geology department<sup>71</sup>. However, the Geological Department has testifies that very few members of the department benefitted from training. Commission reveals that out of all the people that were trained from this account, very few were from the Geological department. (see the evidence of.

#### Signatories to the Account

The account opening request letter from the Directorate of National Treasury addressed to the Second Deputy Governor CBG and dated 20<sup>th</sup> January 2009 did state that the signatories to the account will be communicated to CBG later. The signatories to the account during its operation were:

- Ebrima O. Camara
- Fansu Nyassi
- Momodou Sabally (Secretary General)
- Noah Touray (Permanent Secretary 1)
- Lamin Nyabally (Secretary General)

The total credit into the account from inception is USD697,742.20 as at 9<sup>th</sup> July 2015. The total debit transaction that went through the account during its operation commencing from its initial opening on 21<sup>st</sup> January 2009 to 9<sup>th</sup> July, 2015 is USD691,566.67.

<sup>70</sup> Exhibit MS4

<sup>71</sup> Transcript of Mr. Abdoulie Jallow PS Ministry of Finance dated 21<sup>st</sup> August 2017



## The Commission of Inquiry

The total amount spent on tuition fees and living expenses for students is in the sum of USD87,900.5. However, evidence shows that 8 out of the 9 staff from the Geological Department who benefited from the training account went to China for one-month training.<sup>72</sup>

USD180,565.74 was spent on the purchase of Fishing Materials to equip boats purchased by funds from the CBG Carnegie Mining Account<sup>73</sup>. 3 of the boats were allocated to the Gambia Navy to create a fishing unit. The others were given to one Ousman Jatta<sup>74</sup>. USD249,436.80 was spent on Medal of Honors from Toye Kenning and Spencer Ltd. It is assumed that this is for the annual Investiture ceremony. USD29,266.55 was applied to the purchase of a Dental Chair for Fajara Barracks Clinic.

The Commission concludes that although the above payments were not budgeted for, the purposes for which they were spent cannot be said to be unlawful.

GAMICO started operations in June 2008 and is owned by Mr. Mohammed Bazzi who has been identified to be a Close Associate of Ex- President Jammeh. One of the licensing conditions was that GAMICO was required to provide funding for institutional support and was charged to make the following payments:

- Annual Surface rental of USD5,000
- Training & Institutional Support Budget USD100,000
- Royalty of USD20 per tonne

Based on evidence of Mr. Abdoulie M. Cham (Witness No. 29) i.e. Head of the Geology department, GAMICO owes Government outstanding payments totaling D13,285,813. This is for Resource calculation which indicates that 531,433M3 was removed by GAMICO from the site unrecorded<sup>75</sup>.

### **Findings: -**

- (a) The operation of the account was by the Office of the President instead of the Accountant General was contrary to the Budget Management and Act and therefore unlawful.

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<sup>72</sup> Transcript of Mr. Abdoulie M. Cham dated 5<sup>th</sup> September 2017

<sup>73</sup> Also see Chapter on procurement.

<sup>74</sup> These have since been recovered by the Commission and handed to the Gambia Navy by Order dated 9<sup>th</sup> July 2018

<sup>75</sup> Exhibit MS46



## The Commission of Inquiry

- (b) Breaches in the Control Environment at CBG - There were instructions sent to CBG written on Plain Paper requesting for transfer payment to be made signed by the signatories to the account. Headings stating 'Request for Payment' was indicated on the Plain paper. Instruction on Government letterhead signed by the signatory to the account was never received and CBG proceeded to authorize transaction.

*Request for Payment Instruction from OP to CBG dated 11th June 2015 was on Plain Paper (not Government Letterhead) and transaction was effected by CBG. The instruction was for a purchase of a Dental Chair for Fajara Barracks Clinic to be supplied by Baltic Investment Group Sp. worth USD29,266.55 equivalent of Euros 27,000.*



## The Commission of Inquiry

### 7. SAND MINING ROYALTIES ACCOUNT – a/c no. 1101004139

This account was opened on the 17<sup>th</sup> June 2013 for the lodgment of royalties paid by businesses in the mining industry for mining activities, surface fees and so on.

These funds did not form part of the Consolidated Revenue Fund (CRF) as confirmed by Mr. Karamba Touray (Witness No. 18), the Auditor General of National Audit Office (NAO). However, evidence from the Accountant General and the PS Ministry of Finance and Economic Affairs confirmed that the funds should form part of Public funds.

A written request dated 17<sup>th</sup> June 2013 was made by the Office of the President to open a Bank Account, Ref: PR/C/503/TEMP: A (5-M.L.I) to the Governor of Central Bank of the Gambia (CBG), denoting that an “*Executive Directive*” had been issued to open a Special Bank Account to be called Sand Mining Royalties Account<sup>76</sup>. The request also said that Messrs. Momodou Sabally SG, Noah Touray Secretary to Cabinet and PS Ministry of Regional Government would be the signatories. The evidence however shows that the PS never became signatory.

CBG responded in a letter dated 17<sup>th</sup> July 2013 addressed to the SG at Office of the President that the said account had been opened.

The Directorate of National Treasury (DNT) did not carry out any role in the opening of this account (did not authorise opening) contrary to Paragraph 94 (1b) of the Financial Instructions for the Implementation of the Government Budget Management and Accountability Act of 2004.

The total deposits in the Sand Mining Royalties Account was D36,593,641. Proceeds in this account one can deduce is from Royalties. However, deposits were made by individuals but information on the businesses with mining licenses were not provided to confirm if correct amounts were deposited.

The total of payments/withdrawals/debits from the account was D27,043,839.60. Substantial sums from this account were spent on scholarships. The scholarship programme was not structured and the evidence is that students were sponsored at the discretion of the Ex-President. There is no record of what happened to these students after they were trained.

The **following Cash withdrawals** were not authenticated by supporting documents and, therefore, not considered eligible.

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<sup>76</sup> Exhibit MS3



## The Commission of Inquiry

Date	Particulars	Beneficiary	Amount	Comments
			D	
20-Aug-14	TT1423204042	MRS. JANET JARRA	135,000.00	SPONSORED TO PERFORM THE ANNUAL CHRISTIAN PILGRIMAGE IN ISRAEL
	Cash Withdrawal			
20-Aug-14	TT1423265018	MS. NDELLA NJIE	135,000.00	SPONSORED TO PERFORM THE ANNUAL CHRISTIAN PILGRIMAGE IN ISRAEL
	Cash Withdrawal			
9-Sep-14	TT1425291509	MRS PHEBIAN KING GEORGE	135,000.00	SPONSOR TO PERFORM THE ANNUAL CHRISTIAN PILGRIMAGE IN ISRAEL
	Cash Withdrawal			
	<b>Total Cash Withdrawal</b>		<b>405,000.00</b>	

Payment in the sum of D2,847,000 was made to Gambia Printing and Publishing Corporation (GPPC), for the printing of “Raw Truth 1994-2014” Volume 1-7 (1000 copies each) and “350 Patriotic and Inspiring Quotes from His Excellency Sheikh Professor Alhajie Dr. Yahya A.J.J Jammeh, President of the Republic of the Gambia” (2000 copies) is also ineligible.

Construction Contracts were awarded to various Contractors and fund transfers made totaling D18,000,000. Some of the contracts awarded have been considered to be eligible expenses in line with Government activities such as the payments to Competence Company Limited and Copri Limited for the renovation works at Ministry of Justice and the construction of access roads. Based on the evidence of Witness No. 72 (Mr. Sheriff Sawaneh) the owner of Competence Company Limited, he has never submitted a tender for any contract awarded to him company. This is contrary to the GPPA Rules which states that *“Procurement of goods and service shall be guided by the procurement rules and guidelines issued in the Gambia Public Procurement Authority (GPPA) instructions”*<sup>77</sup>.

### **Findings:-**

- (a) The opening of this account is illegal. All Revenue from sand mining are public funds and should have been paid into the Consolidated Revenue Fund. The Directorate of National Treasury (DNT) did not carry out any role in the opening of this account (did not authorise opening) contrary to Paragraph 94 (1b) of the

<sup>77</sup> Further dealt with under Procurement – Volume 7



## The Commission of Inquiry

Financial Instructions for the Implementation of the Government Budget Management and Accountability Act of 2004.

- (b) Contracts were awarded to businesses without going through the tender process.  
This is contrary to the GPPA Act 2001 in force at the time.
- (c) None of the funds withdrawn from this account was applied to budgeted purposes.
- (d)** The following payments are found to be ineligible and the Ex-President ought to be held liable to refund the funds: D405,000 to sponsor pilgrims to Israel & D2,847,000 for the printing of books authored by the Ex-President **totaling D3,252,000.**



## The Commission of Inquiry

### 8. HEAVY MINERALS OPERATION ACCOUNT – a/c no. 1101003022/0120120041

The Heavy Minerals Operation Account was opened on 7<sup>th</sup> August, 2008. A letter was sent to the Directorate of National Treasury dated 7<sup>th</sup> August 2008 with ref: EMC 120/258/01/Pt.7/(36) from Department of State for Finance and Economic Affairs instructing them to open a Special account named 'Heavy Minerals Operation Account' in local currency<sup>78</sup>. The account was for Geological Department Office of the President. The request for opening a Special account was from the Office of the President dates 4<sup>th</sup> August 2008<sup>79</sup>.

CBG wrote to the Directorate of National Treasury notifying them of the account opening status<sup>80</sup>.

These funds did not form part of the Consolidated Revenue Fund (CRF) as confirmed by Karamba Touray (Witness No. 18), the Auditor General of National Audit Office (NAO). However, evidence from the Accountant General and the PS Ministry of Finance and Economic Affairs confirmed that the funds should form part of Public funds.

Total Deposits in the account was D46,101,872.68 however, details of the businesses making deposits are unknown. Proceeds in this account, one can deduce, are from Royalties.

In two separate letters written by the Geological Department dated 30<sup>th</sup> June 2008 and 30<sup>th</sup> July 2008 referenced GD/143/06 (FN) and GD/143/06/ (72) to the PS Ministry of Finance and Economic Affairs, it is stated that the Stockpile left behind by Carnegie Minerals following the revocation of their license was exported and the Royalties from the transaction had to be paid into this account. A letter was received from OP to Ministry of Finance stating that this letter supersedes letters from Geological Department that proceeds from the closure of Carnegie Minerals Ltd should be lodged into this account.

Total Withdrawals was D24,101,117.75 and the following Transfers (local and international) were effected. Several international transfers were made to:

- International Centre for Settlement of Investment Disputes (ICSID) Tribunal of USD100,000. The payment was for direct costs of the ANNULMENT Proceedings levied by the Tribunal incurred by the Gambia Government in the case against Carnegie Minerals Gambia Limited.

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<sup>78</sup> Exhibit MS2

<sup>79</sup> Exhibit CB9 – Signatories to account

<sup>80</sup> Exhibit CB8



## The Commission of Inquiry

- Dany Khayat was the lawyer representing The Gambia in Mayer Brown firm and payment to Dany Khayat of USD25,000 was for Legal costs incurred by the Republic of the Gambia in the case against Carnegie Minerals Gambia Limited.
- Studiotech Audiovisual Engineering of Belgium for purchase of television broadcast equipment costing for Euros 100,000
- Construction Contracts were awarded to various Contractors and fund transfers made. Some of the contracts awarded have been considered to be eligible expenses in line with Government activities such as the payments to EXCEL<sup>81</sup> Limited for State House wall and Guard room.

### **Findings:**

- (a) All revenues including royalties should have been paid into the Consolidated Fund (section 7 (1) and 21 (2) of the 2014 Act which includes all revenues or other public monies raised or received on behalf of Government. In this case this did not happen.
- (b) Evidence was not provided to show if contracts were tendered or not. This is contrary to the GPPA Rules which states that "*Procurement of goods and service shall be guided by the procurement rules and guidelines issued in the Gambia Public Procurement Authority (GPPA) instructions*"<sup>82</sup>.

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<sup>81</sup> Exhibit MS115 – A person identified as a Close Associate of Ex-President Jammeh by the name of ‘Amadou Samba’ owns 40% of the shares in Excel Construction Limited

<sup>82</sup> See Vol.7 Chapter 3 on Procurement



## The Commission of Inquiry

### 9. CONSTRUCTION OF THE KANILAI RECORDING STUDIO AND CONFERENCE CENTRE<sup>83</sup> - a/c no. 01201200407/ 1101002939

The Construction of the Kanilai Recording Studio and Conference Centre Account was opened on 18<sup>th</sup> April, 2008. [Ref: B01/407: Signed letter by 'W. M. Eunson' for Second Deputy Governor of The Central Bank of The Gambia dated 18<sup>th</sup> April 2008 informing the Director; Directorate of National Treasury; Department of State for Finance & Economic Affairs of the "*Opening of Special Bank Account-Construction of the Kanilai Recording Studio and Conference Centre*" in the Bank's books.

Ex-President Jammeh and Mrs. Teneng Mba Jaiteh (Witness no. 126) then Secretary General were signatories to the account.

The Permanent Secretary 1 (Mr. Alieu Bah) wrote a letter to the Secretary General Office of The President dated 21st April, 2008 REF: EC 120/258/01/(186) in which the concluding paragraph states: "*I now kindly and humbly wish to request you to provide the Treasury Director and the Central Bank of The Gambia the names and specimen signatures of the signatories to the account*"<sup>84</sup>.

Furthermore, a letter from the Office of the President [Directorate of National Treasury was copied] signed by Mr. Njogou L. Bah dated 21th April, 2008 REF:PR/C/822/TEMP./ (2) to the Governor Central Bank of The Gambia in the subject of Opening of a Special Bank Account for the Construction of the Kanilai Recording Studio and Conference Centre states at the end of the paragraph: "*Specimen signatures of the signatories to the account will be provided in due course and on the appropriate Signature Card.*" The Central Bank responded to the above letter dated April 21, 2008 signed by Amadou Colley for Governor to the Secretary General Office of the President in the subject of "*Specimen Signatories: Construction of Kanilai Recording Studio and Conference Centre Account*" in which the last paragraph states: "*In a bid to facilitate the process of lodging the specimen signatures of the authorised signatories we forward the relevant signature form for completion.*

There were seven withdrawals/Payments totaling **D30,015,775** and out of these, there were transactions honored by CBG for which Instructions sent were not on Government letterhead and payments totaling D19,726,300 were made to beneficiaries.

Furthermore, the Withdrawals/Items Purchased by the Beneficiaries below are ineligible expenses in line with Government activities and the Amounts were not budgeted for using the Approved Estimates for that particular year.

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<sup>83</sup> Exhibit CB36

<sup>84</sup> Exhibit MS168



## The Commission of Inquiry

**Cash Payments** - Cash Withdrawals by these beneficiaries below **WERE NOT** Authenticated by supporting documents.

The payment of D2,057,400 to Njogou Bah was meant for the purchase of materials when the cheque was initially drawn without a payee awaiting instructions from the Ex-President; and the D2,500,000 paid to the Secretary General Office of the President was based upon an approval in which the Ex-President directed a cheque to be drawn for the Office of the President in pursuit of cheap sourcing for materials directly from the importers<sup>85</sup>.

No evidence was submitted to vouch that these expenses were incurred as indicated in the minutes sheet and are therefore non legitimate withdrawals of Public Funds.

Date	Beneficiary	Amount(GMD)
13 May 2008	DR NJOGOU BAH	2,057,400
19 July 2008	SECRETARY GENERAL OFFICE OF THE PRESIDENT	2,500,000
		<b>4,557,400</b>

Cash Withdrawals by the beneficiaries below **WERE** authenticated by supporting documents.

Date	Beneficiary	Amount(GMD)
11 July 2008	EBRIMA CHAM	2,603,500
19 July 2008	EBRIMA CHAM	6,500,000
16 March 2009	EBRIMA CHAM	4,800,000
13 May 2008	MACODOU NDOUR[ANDE LIGUEY AFRICA(A-L-A) COMPANY LIMITED	1,265,400
		<b>15,168,900</b>

Mr. Ebrima Cham (Witness no. 151) the Director General of GAMWORKS was the Project Manager for the Construction of Kanilai Recording Studio and Conference Centre. His involvement with the Project was initiated at a dinner table with Amadou Samba (Witness no. 82) of GACEM where he was told by Mr. Amadou Samba

<sup>85</sup> Exhibit MS169 – Minute Sheet



## The Commission of Inquiry

(GACEM) that the Ex-President wants him to assist in providing Technical Assistance with a Project work in Kanilai.

There was no document submitted to prove that Ebrima Cham had a contract either as an individual under the title of a Project Manager or that GAMWORKS was offered the Contract or he was acting as a Project Manager for the project. Out of the total deposits in account of D30,015,775, payments of **D13,903,500** was made to Mr. Ebrima Cham. There is no indication that remuneration were paid to him or fees to GAMWORKS for the services rendered and thus this is an ambiguity and unclear as to the extent of his involvement, expectation or realised benefit with regards to the Project<sup>86</sup>.

Mr. Ebrima Cham further testified that monies to him where paid into his personal account no. **0010034900452301** at Eco Bank (Gambia) Limited<sup>87</sup> and payments made out when necessary. Interest was earned on the account balance and Mr. Cham claims that monies were also used to make payments. This was very irregular.

The Cash Withdrawal dated 11<sup>th</sup> July, 2008 for cumulative total of D2,603,500 [Payments of D103,500 and D2,500,000 respectively] was traced to the letter dated 21<sup>st</sup> August 2008 signed by Mr. Ebrima Cham and addressed to the Secretary General Office of the President [Replenishment of Funds for the Procurement of Materials & Services]. The letter depicts an acknowledgement of the receipt of D103, 500 for the services of Technical assistances (Civil/Structural Engineer, Civil/Water Engineer and Electrical Engineer) for the Kanilai Project. A review of the exhibited documents has vouched that the appointment of the Technical assistances was approved [Ref: PR/C/139E/ (17) dated 9<sup>th</sup> June 2008 signed by Mr. Njogou L. Bah for Secretary General] and a further review reveals that a contract agreement exists for these Technical Assistances(Signed by the Project Manager and the Technical Assistances as opposed to the Government Ministerial department for works or witness to the signed contract by a representative from the Office of the President):

The D2,500,000 was withdrawn for the payment of materials and this was traceable to the breakdown of expenditure sheet attached to the letter dated 21<sup>st</sup> August, 2008 [Replenishment of Funds for the Procurement of Materials & Services]. The D6,500,000 withdrawal dated 19<sup>th</sup> July 2008 for services payment and procurement of materials can also be traceable to the letter dated 21<sup>st</sup> August, 2008 [Replenishment of Funds for the Procurement of Materials & Services, signed by Mr. Ebrima Cham; addressed to the Secretary General] and the D4,800,000 was also issued to him by the Office of The President for Payment of services and goods procurement [Receipt of New Cheque and

<sup>86</sup> Transcript of Mr. Ebrima Cham dated 26<sup>th</sup> February 2018

<sup>87</sup> Exhibit MS170



## The Commission of Inquiry

Return of Unpaid Cheque, signed by Mr. Ebrima Cham; addressed to the Office of the President dated 16<sup>th</sup> March 2009].

The withdrawal of D1,265,400 dated 13<sup>th</sup> May 2008 by MACODOU NDOUR [ANDE LIGUEY AFRICA(A-L-A) Company Limited was for an advance payments for contracts signed by the Kanilai Farms responsible officer("OWNER") as stated in the two different contracts dated 20<sup>th</sup> April 2008 for works on the Recording Studio and the Conference Hall Extension respectively. It was corroborated that the Kanilai project was for Kanilai Farms<sup>88</sup> and the justification of shifting the signing of the contract agreement to the farm official as opposed to a government department or ministry on behalf of the government needs further explanations. The details are highlighted below:

CONTRACTOR	SERVICES	CONTRACT DATE	CONTRACT AMOUNT- GMD	30% AMOUNT RECEIVED - GMD & DATE	CONTRACT VERIFIED
MACODOU NDOUR	RECORDING STUDIO WORKS	20 APRIL, 2018	2,400,000	720,000.00 12 <sup>th</sup> MAY, 2008 RECEIPT LETTER	YES
MACODOU NDOUR	CONFERENCE HALL EXTENSION	20 APRIL, 2018	1,818,000	545,400.00 12 <sup>th</sup> MAY, 2008 RECEIPT LETTER	YES

Thus, a reasonable test can vouch that services were rendered. However, no evidence was submitted to vouch that contracts were awarded to these beneficiaries either as an individual or an agent (director) of a company after a successful bid, in contravention of Paragraph 309 of the Financial Instruction of the Government budget Management and Accountability Act, 2004.

### Findings:

- (a) Public funds were paid into this account, the USD1 Million cheque was from ROC on Taiwan to build Kanilia Recording Studio and conference hall which property is in the name of Kanilai Family Farms. The money having been traced to the property, the State has a lien over the property to the extent of the sum spent on it.

<sup>88</sup> Exhibit MS168 – Contracts between KFF represented by Mr. Amadou Samba and the contractors



## The Commission of Inquiry

**(b)** The Payments effected to the Beneficiaries below were not on a government Letterhead and NO Specimen Signature form was tendered to vouch that the signatories on the instruction agreed to the mandate form.

Date	Beneficiary	Amount(GMD)
13 May 2008	DR NJOGOU BAH	2,057,400.00
11 July 2008	EBRIMA CHAM	2,603,500.00
19 July 2008	EBRIMA CHAM	6,500,000.00
16 March 2009	EBRIMA CHAM	4,800,000.00
13 May 2008	MACODOU NDOUR[ANDE LIGUEY AFRICA(A-L-A) COMPANY LIMITED]	1,265,400.00
19 July 2008	SECRETARY GENERAL OFFICE OF THE PRESIDENT	2,500,000.00
		<b>19,726,300.00</b>

The above payments were effected via cheque and instructions were not made on Government letterhead requesting CBG to credit the account of the beneficiaries.

(C) The total cash sums of D4,557,400 withdrawn by Secretary General Njogou Bah were not accounted for. Secretary General Njogou Bah remains accountable for these sums jointly and severally with the Ex-President and ought to be recovered from them.

(D) Mr. Ebrima Cham as Director General of Gamworks ought to have accepted a personal appointment from the Ex-President which was within the mandate of his institution to carry out. The Commission notes he may have felt compelled to accept it, but it was irregular for him to then use his personal account at Eco Bank to effect payments.



## The Commission of Inquiry

### 10. STATE SPECIAL SECURITY ACCOUNT – a/c no. 01101003565

#### Overview

Account opening notification letter ref: B01/499 dated 3<sup>rd</sup> September 2010 showed that account was opened on 3<sup>rd</sup> September 2010. This was in response to Directorate of National Treasury's letter account opening request letter ref: De21/01/P.26/(202) dated 2<sup>nd</sup> September for Opening of a Special Security Account<sup>89</sup>. On the said letter, CBG was requested to transfer an amount of D5,000,000 from the Consolidated Revenue Fund Account number 01201600003 to the Special Security Account which was carried out.

During the period 3<sup>rd</sup> September 2010 to 17<sup>th</sup> January 2017, credits amounted to D644,153,995.39 and debits of D639,966,191.62 went through the account. However, a reversal in respect of imprest paid from the Treasury Main account was mistakenly credited in the account on 4<sup>th</sup> June 2013 but subsequently reversed (Reversal request letter from the Office of the President Ref: OP 120/142/04/(43-EMJ) thus leaving the net Debit and Credit transactions at D639,100,123.62 and D643,287,927.39 respectively.

Ex-President Jammeh, Secretary Generals, Secretary to Cabinet, Chief of Protocol including Messrs. Njogu Bah, Abdoulie Sallah, Kalilou Bayo, Sulayman Samba, Alhagie Ousman Ceesay, Noah Touray PS1, Lamin Nyabally, Ismaila Sanyang, Ms. Isatou Auber, Mrs. Yam Bamba Njie Kieta were signatories to the account.

#### Institutional Arrangement of the Operation of the Account

The account opening request letter from the Directorate of National Treasury did not specify the purpose of account neither did it state the operating modalities of the account. However, from witness testimonies, the account was mainly intended to cover expenditures relating to the travels of the former President.

Except in few instances where transfers were made directly from the Consolidated Revenue Fund (CRF) Account<sup>90</sup>, the account was mainly funded through the Treasury Main Account (TMA). Transfers from the TMA to the Special Security Account were processed through the normal cash allocation and normal payment process by charging the transfers as expenditure directly against the budget account code 222109 'General Service Expenses'. In effect, funds transferred through this mechanism cannot be deemed as imprest payments since they were directly expensed in the Integrated Financial Management Information System (IFMIS) and thus were reported as expenditure under the respective financial years during which the transfers were made. Transactions from the account were manually processed and paid. Witness testimonies also revealed that the Account was never subjected to any audit during its operation.

<sup>89</sup> Exhibit CB28

<sup>90</sup> Exhibit CB29



## The Commission of Inquiry

Though the funds transferred from the account were at onset expensed as General Services Expenses, its subsequent utilisation should conform with the rules governing expenditure relating to public funds as prescribed in the Financial Instruction. Section 182 of the FI (for the Implementation of Government Budget Management and Accountability Act 2004) requires that Officers holding larger imprest may hold them in bank accounts opened for the purpose having obtained the approval of the Treasury Directorate in accordance with Section 180.

Going by this Section, funds paid from this account except for direct payments to suppliers for good/service delivered are required to be treated as imprest and in effect required to conform to all the requirement of imprest issued and retirement.

From the review of documentations and witness testimonies, it became apparent that the system of issuing and retirement of imprest was not in conformity with the requirements of Sections 180 (2), 184 and 185 dealing with application, retirement and repayment of imprest where no longer required.

The examples provided in the table below show yearly unspent balances not repaid back into the TMA at the end of the respective years as required by the relevant Sections of the FI referred to above.

<b>Year</b>	<b>Transaction Type</b>	<b>Debits - GMD</b>	<b>Credits - GMD</b>	<b>Unspent Year-End Bal</b>
<b>Year 2010</b>	(Debits)/Credits	(8,203,553.80)	9,419,100.00	1,215,546.20
<b>Year 2011</b>	(Debits)/Credits	(2,720,718.00)	2,863,560.00	1,358,388.20
<b>Year 2012</b>	(Debits)/Credits	(17,830,076.20)	25,207,022.30	8,735,334.30
<b>Year 2013</b>	(Debits)/Credits	(70,499,847.40)	65,810,052.35	4,045,539.25
<b>Year 2014</b>	(Debits)/Credits	(162,769,168.06)	168,234,902.35	9,511,273.54
<b>Year 2015</b>	(Debits)/Credits	(105,724,025.65)	103,173,998.05	6,961,245.94
<b>Year 2016</b>	(Debits)/Credits	(269,972,310.51)	269,445,360.34	6,434,295.77
<b>Year 2017</b>	(Debits)/Credits	(2,246,492.00)	0.00	4,187,803.77



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### Findings:

**(a) Single Signatory Payments** - Some of the signatories in a number of instances authorised payments based on single signature. Summary of single signatory payments that were accepted by CBG and paid are summarised below. Detailed listing of transactions and related comments noted from the review of Exhibits and other documents is also provided in the Appendix.

Name of Signatory who single signed	No. of Single Signed Transactions accepted by CBG for Payment	Value of Transactions paid based on single Signature GMD
Isatou Auber	4	14,932,026.18
Njogu L. Bah	1	1,248,949.80
Noah Touray	4	7,829,238.17
Sulayman Samba	1	7,052,150.00
<b>Grand Total</b>	<b>10</b>	<b>31,062,364.15</b>

**(a) Direct Transfers from the Consolidated Revenue Fund (CRF) to Special Security Account** - Based on the Government Bank Account Structure, the CRF is supposed to serve as a central depository account for revenues collected by the respective revenue collection Ministries and Agencies such as Gambia Revenue Authority (GRA) whilst the Treasury Main Account is set to serve as the Expenditure account in respect of voted expenditure. In view of this structure; expenditures are not required to be made directly from this account but from the Treasury Main Account.

Making payments directly from this account could circumvent the budgetary allocation process and by extension increasing the risk of budget credibility being undermined. Summary of the transfers that were made directly from the CRF to the Special Security Account is detailed out in the table below.



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<b>Post Date</b>	<b>Value date</b>	<b>Transaction Type</b>	<b>Source of Funds</b>	<b>Amount Transferred - GMD</b>
29/12/10	29/12/10	TRF from Consolidated Revenue Fund	Directorate of National Treasury	419,100.00
03/12/10	03/12/10	TRF from Consolidated Revenue Fund	Directorate of National Treasury	5,000,000.00
11/01/11	11/01/11	TRF from Consolidated Revenue Fund	Directorate of National Treasury	2,013,560.00
30/12/11	30/12/11	TRF from Consolidated Revenue Fund	Directorate of National Treasury	850,000.00
31/03/14	31/03/14	TRF from Consolidated Revenue Fund	Directorate of National Treasury	10,000,000.00
<b>Transfers made directly from the CRF to Special Security Account</b>				<b>18,282,660.00</b>

(b) *Impact on Government Financial Statements* - The peculiar operating nature of the Special Security Account did have an impact on the Government financial statements over the years.

*Expenditure Classification* – It had allowed the lumping of known expenditures under “General Service Expenses” since transfer to the account from DNT are charged against the General Service Expenses line whilst the actual expenditure was done using different expense line item as per examples in the table below:

<b>No</b>	<b>Description</b>	<b>Expense Account charged by DNT</b>	<b>Actual Expense account</b>	<b>Amount - GMD</b>
1	Payments to Travel Agents for tickets	General Service Expenses	Travelling Expenses	139,389,089.94
2	Payment to Fuel Companies for	General Service Expenses	Fuel and Lubricants	62,082,720.00



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	supply of Fuel			
3	Payment to Gambia International Airline (GIA)	General Service Expenses	Travelling Expenses - mainly	49,600,462.43
4	Imprest paid to the various Account Officers at the Office of the President for payment of Per Diems	General Service Expenses	Travelling Expenses – except for couple of transactions for payment of Syrian Doctors salary	313,513,024.97

*Overstatement/(Understatement) of actual Expenditure* - Since the unspent fund balance in the account is not repaid back to DNT so that it reversed against the original expensed account but rather has been retained to defray expenditure relating to ensuing years, this has led to overstatement and understatement of expenditure reported in the annual financial statements of the Government as shown in the table below.

Financial Year-Ended	Amount Expesed by OP - GMD	Amount Expensed by DNT - GMD	Overstatement/(Under statement) of EXP. In Govt Financial Statements - GMD
31st December 2010	(8,203,553.80)	9,419,100.00	1,215,546.20
31st December 2011	(2,720,718.00)	2,863,560.00	142,842.00
31st December 2012	(17,830,076.20)	25,207,022.30	7,376,946.10
31st December 2013	(70,499,847.40)	65,810,052.35	(4,689,795.05)
31st December 2014	(162,769,168.06)	168,234,902.35	5,465,734.29
31st December 2015	(105,724,025.65)	103,173,998.05	(2,550,027.60)
31st December 2016	(269,972,310.51)	269,445,360.34	(526,950.17)
31st December 2017	(2,246,492.00)	0	(2,246,492.00)

As explained earlier, the account was operated in a usual manner without any formal agreed framework governing the transfer of funds from Accounts maintained by the Directorate of National Treasury (DNT)/Accountant General's Department, monitoring and reporting on the expenditure made from the account. Transfers from DNT into account were not treated as imprest since they were



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expensed from onset against the expenditure code for “General Service Expenses” which is accounted for as expensed in the government financial statements whether the funds are fully utilised by the Office of the President or otherwise. This has led to overstatement of expenditure and understatement of the cash balances reported in the annual financial statements of government.

- (c) Cash Balances** - Since the transfers to the Special Security Account are funded through the Consolidated Revenue Fund (CRF) any resulting unspent fund balance should be repaid back into the CRF account at the end of each financial year. However, this was not the case with this account and thus eventually the related cash balances were also not reported as part of the cash balances reported in the annual financial statements.

Cash balances for the respective financial years as per bank statements are tabulated in the schedule below.

<b>Financial Year-Ended</b>	<b>Cash Balance as per Bank Statement as at 31st December - GMD</b>
31st December 2010	1,215,546.20
31st December 2011	1,358,388.20
31st December 2012	8,735,334.30
31st December 2013	4,045,539.25
31st December 2014	9,511,273.54
31st December 2015	6,961,245.94
31st December 2016	6,434,295.77
31st December 2016	4,187,803.77

The operating nature of this account did not only affect the financial reporting in terms of the expenditure and reporting on government cash balances, it further affected the credibility of the government budgeting system by allowing different known expenditures to be lumped under “General Service Expenses” over the years.

- (d) Management Override of Cash Payment Threshold** - The CBG’s new payment system came into effect in January 2012 and requires that payments beyond the threshold of D100,000 be made through bank transfers especially those in respect of payments to businesses. However, significant cash payments were made to businesses in cash above this threshold as summarised in the table below.



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Cash Transaction Threshold	No of Transaction within the Threshold - Count	Amount - GMD
Above D100K to D2m	44	35,991,416.96
Above D2m to D4m	12	32,756,402.52
Above D4m to D6m	6	29,680,898.67
Above D6m to D8m	2	14,116,759.50
Above D8m to D10m	2	17,152,622.42
Above D10m	1	10,007,778.00
<b>Grand Total</b>	<b>67</b>	<b>139,705,878.07</b>



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### 11. NATIONAL YOUTH DEVELOPMENT FUND – a/c no. 1101004122 & 1103001826

Account Opening request dated 13<sup>th</sup> June 2013<sup>91</sup> was sent directly from the Office of the President signed by Mr. Noah Touray for SG - Ref: PR/C/503.16(NT) to the Central Bank of the Gambia requesting for the opening of the account as a GMD denominated account. The opening request was authorised by the Secretary General Office of the President. The account was operated and controlled by the Office of the President and did not form part of the Consolidated Revenue Fund Account.

Secretary Generals, Secretary to Cabinet, Permanent Secretaries including Messrs. Momodou Sabally, Kalilou Bayo, Sulayman Samba, Noah Touray, Lamin Nyabally, Ismaila Sanyang, Ms. Isatou Auber were signatories to the account<sup>92</sup>.

The initial transaction was a deposit of D38,390,000 from Republic of China on Taiwan. During its operation a total of D158,149,225.36 was credited by the Republic of China on Taiwan. Total debit transactions in the form of cash withdrawal by the Office of the President was D44,814,071.25 leaving a balance of D113,335,154.11 which was subsequently transferred into corresponding dollar account at an exchange rate of D34.59 to a dollar at the request of the Office of the President on 29<sup>th</sup> August 2013.

The extract in the table below provides a summary of the credits in the GMD account from its inception to its subsequent redenomination into a USD account.

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<sup>91</sup> Exhibit CB21

<sup>92</sup> Exhibits CB22A, MS1 and MS3 – Notification of change of signatories from OP



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<b>Transaction Date</b>	<b>Source of Deposit/Credit</b>	<b>Amount Deposited/Credit ed</b>	<b>Cumulative Credits/Deposits</b>
20 June 2013	Recpt B/O Embassy of ROC- FT1317187123	38,390,000.00	38,390,000.00
3 July 2013	RECT. FO National Youth Development Fund - FT1318466200	2,028,520.00	40,418,520.00
3 July 2013	RECT. FO National Youth Development Fund - FT1318496541	1,142,835.79	41,561,355.79
4 July 2013	Recpt B/O Embassy of ROC- FT1318565093	5,317,609.14	46,878,964.93
8 July 2013	Recpt B/O Embassy of ROC- FT1318994699	2,949,999.97	49,828,964.90
11 July 2013	Recpt B/O Embassy of ROC- FT1319269093	4,141,242.72	53,970,207.62
7 August 2013	Recpt B/O Embassy of ROC- FT1321936905	11,106,000.00	65,076,207.62
7 August 2013	Recpt B/O Embassy of ROC- FT1321973087	650,654.27	65,726,861.89
14 August 2013	Recpt B/O Embassy of ROC- FT1322626697	18,100,000.00	83,826,861.89
14 August 2013	Recpt B/O Embassy of ROC- FT1322643244	5,682,896.82	89,509,758.71
19 August 2013	Recpt B/O Embassy of ROC- FT1323148476	7,278,000.00	96,787,758.71
27 August 2013	Recpt B/O Embassy of ROC- FT1323938832	23,970,299.27	120,758,057.98
28 August 2013	Recpt B/O Gambia ROC. Taiwan FT1324048840	21,275,963.10	142,034,021.08
28 August 2013	Recpt B/O Gambia ROC. Taiwan FT1324080533	16,115,204.28	<b>158,149,225.36</b>

During its operation the following withdrawals/payments were made from the account by the Office of the President at various times as can be seen from the Table below.

<b>Date of Transaction</b>	<b>Description of the withdrawal/Debit</b>	<b>Amount Debited/Withdrawn</b>	<b>Cumulative Debits/Withdrawal</b>
8-Jul-13	Cash withdrawal foreign currency - Office of the President. Ent: Ref: PR/C/503/TEMP A/(10)	(33,820,620.00)	(33,820,620.00)
11 July 2013	Cash withdrawal foreign currency - Office of the President. Letter dated 11/07/13	(7,373,451.25)	(41,194,071.25)
14 August 2013	Cash withdrawal foreign currency- Office of the President instruction dated 14/07/2013	(3,620,000.00)	(44,814,071.25)
<b>Total Payments/Debits</b>		<b>(44,814,071.25)</b>	
<b>Total Receipts/Credits</b>		<b>158,149,225.36</b>	
<b>GMD Equivalent Balance of Fund Transferred to the</b>		<b>113,335,154.11</b>	
		<b>34.59</b>	
<b>USD Equivalent Credited to the USD Bank A/C</b>		<b>3,276,529.46</b>	



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The USD account was opened based on the request of OP Ref: PR/C/822/Vol.12(65-NT) which requested for the redenomination of the corresponding GMD account number 1101004122 into the USD Account. The letter also requested for the transfer of the balance in the GMD account of D113,335,154.11 equivalent of USD3,276,529.46 on the 29<sup>th</sup> August 2013.

There were additional inflows made into the Account from 29<sup>th</sup> August 2013 to 27<sup>th</sup> November 2014.

<b>Transaction Date</b>	<b>Source of Deposit/Credit</b>	<b>Amount Deposited/Credited</b>	<b>Cumulative Credits/Deposits</b>
29 August 2013	Amount was transferred from the Dalasi A/c No. 1101004122 based on the request from the Office of the President through letter Ref: PR/C/822/Vol.12(65-NT)	3,276,529.46	3,276,529.46
09 September 2013	Embassy of the ROC China Taiwan	42,841.54	3,319,371.00
11 September 2013	Rec. B/O Embassy of the ROC Taiwan	112,681.84	3,432,052.84
04 November 2013	Recpt. B/O Embassy of the ROC Taiwan	728,153.92	4,160,206.76
<b>Total Net Credits</b>		<b>4,160,206.76</b>	

During its operation the following withdrawals/payments were made from the account by the Office of the President at various times as can be seen from the Table below.

<b>Unclassified Payments</b>	<b>Scholarship related payments</b>	<b>Other Payments</b>	<b>Total</b>
(2,067,126.61)	(779,637.41)	(1,313,442.74)	<b>(4,160,206.76)</b>

The unclassified payments are in respect of payments/debits made from the account that cannot be analysed into their respective payment types because of lack of information relating to the nature of the payments.



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Date	Transaction Description	Payment Type	Beneficiary/Payee	Purpose	Debit - USD	Comment
29 August 2013		Funds Transfer			(321,075.46)	Bank statements did not specify the details of the Payee and the exhibits on file did not indicate so too.
29 August 2013		Funds Transfer			(119,723.70)	Bank statements did not specify the details of the Payee and the exhibits on file did not indicate so too.
16 September 2013	Transfer of Funds	Funds Transfer	Constrcut Ltd		(692,983.00)	As per above comment
	Transfer of Funds	Swift	Duncan Aviation		(238,090.00)	Purpose of the payment not provided in the documentations on file. OP.
30 September 2013	Cash withdrawal by Secretary General Office of the President	Cash WDL - Fore	Momodou Sabally - S.GOP		(43,254.45)	Purpose of the payment not provided in the documentations on file. OP.
03 December 2013	Transfer of funds to A/C 110	Funds Transfer	Ministry of Interior	Equipment and other logistics for Police Human Rights Unit - based on request Letter.	(52,000.00)	Dakasi equivalent of the amount was transferred to A/C 1101004218(Bilateral Aid) maintained at CBG and operated by Ministry of Interior: Action to be taken: No further details of the purpose of the payment available
13 February 2014	Cash WDL - S.G Office of the President	Cash WDL - Fore	Momodou Sabally - SG		(100,000.00)	Purpose of the payment not provided in the documentations on file.
06 August 2014	Transfer iro FIB (G) Limited for SSHFC	Funds Transfer	Social Security and Housing Finance Corporation		(500,000.00)	As per Comment above
<b>Total</b>					<b>(2,067,126.61)</b>	

Furthermore, based on the evidence of Witnesses, Ex-President Jammeh awarded scholarships to students outside the Scholarship Board at his discretion based on applications forwarded to OP. Payments totaling USD779,637.41 was paid for numerous students studying abroad at different universities namely University of



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Huddersfiled, University of East Anglia, Spartan College of Aeronautics, University of Glasgow, University of Westminster, Holborn College, University of Wales, Universita Ca' Foscari Venezia and so on.

### Findings:

- (a) **Operation and Management of the Account** - The account was opened and operated outside the control of the Treasury Directorate (now Accountant General's Department) without any evidence that it was subjected to any prior approval by the Treasury Directorate to be operated as either a Self-Accounting Project or Below-The-Line Account.
- (b) **Bilateral Agreement governing the utilisation of funds** - Lack of documentary evidence with regards to the bilateral agreement between the Governments of the Gambia and Republic of China – Taiwan(ROC) in respect of the purpose of the fund and the procedures and guidelines governing the utilisation of the funds deposited into the Account by ROC
- (c) **Scholarship Related Payments** – A total of USD779,637.41 was spent on scholarship related activities including tuition and allowances/living expenses. The said scholarships were awarded by and managed through the Office of the President in contravention of government's policy of awarding and management of scholarships. Personnel Management Office is the dedicated office responsible for the award and management of scholarships funded through public funds.
- (d) **Breach of Payment Procedures** - A cash payment request of USD100,000 was approved only by a single signatory, Mr. Momodou Sabally<sup>93</sup> (Witness no. 13) with himself being the payee. The request was not made on government letterhead but only an A4 paper. It mentioned that official correspondence would be duly sent the week following but no subsequent official letter was sent. Request was addressed to the Finance Director CBG as opposed to Governor CBG. The request did not also state the account to be debited but it only mentioned that one of the account operated by OP should be debited. In view of this, the following non-compliance with payment procedures is related to this transaction as follows:
  - Instruction incomplete as only one signatory signed document and plain paper used rather than official government letterhead.
  - The USD100,000 should be recovered from Momodou Sabally.

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<sup>93</sup> Exhibit CB26



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### 12. HIPC/ MDRI ACCOUNT – a/c no. 01201200318

#### Introduction

The Heavily Indebted Poor Countries (**HIPC**) Initiative and Multilateral Debt Relief Initiative (**MDRI**) account was opened at the Central Bank of the Gambia (CBG) on 9<sup>th</sup> July 2007 as a GMD denominated account. The account was opened based on an account opening request from Directorate of National Treasury letter dated 3<sup>rd</sup> July 2007 ref: DE21/01/P.20/(315)<sup>94</sup>. Total credits into the account amounted to D305,657,341.14 whilst the total amount debited was D295,105,594.45 leaving a balance of D10,551,746.69.

The account was opened for the purpose of tracking HIPC relief, in terms of inflows and outflows as agreed under Poverty Reduction (PRGF).

Funds were provided as Debt Relief from Multilateral countries that are part of the International Monetary Fund (IMF). The total deposits credited into the account during the period amounted to D305,657,341.14 from transfers made by International Development Association (IDA), DFID and so on.

#### Breakdown of Credits

POSTING DATE	DETAILS	AMOUNT - GMD	Comments
22-AUG-07	RECEIPT B/O BANK EUROPEE	932,569.74	From Bank European D'Investment of Euros 27,996.69
25-JUN-08	RECT IRO HIPC RELIEF FROM	410,730.03	Receipt from International Development Association (IDA) of GBP10,149
25-JUN-08	RECT IRO HIPC RELIEF FROM	225,944.01	Receipt from IDA of GBP5,583
25-JUN-08	RECT B/O IDA IRO HIPC	18,429,697.24	Receipt from IDA of GBP453,391.58
15-JUL-08	TRF'D FRM.TMA B/O DNT AS	3,243,290.75	Funds refunded by IDA HIPIC Debt Relief on the 11/6/2008
18-DEC-08	RECT. B/O DFID UK FIN AID	2,034,621.68	Refund payment from DFID for Debt Service of GBO49,276.5
24-DEC-10	TRF.FROM TMA IRO BAL.OF	131,708,741.00	Transfer from Treasury Main Account
27-DEC-10	FUNDS TRF FROM TMA A/C	131,000,000.00	Transfer from Treasury Main Account
21-JAN-11	TRF OF REFUND IRO PYT IRO	7,120,000.00	
30-DEC-11	REV.OF ENTRY DD 20/12/11	10,551,746.69	
	<b>Total Deposits</b>	<b>305,657,341.14</b>	

<sup>94</sup> Exhibit CB33



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### HIPC

Debt relief under the Initiative has alleviated debt burdens substantially in recipient countries and has enabled them to increase their poverty-reducing expenditure by over one and a half percentage points of GDP.

The Gambia's HIPC Initiative Completion Point Triggers are measured under 5 criteria namely:

- (a) Poverty Reduction,
- (b) Macroeconomic Stability,
- (c) Governance,
- (d) Social Sector Reforms (*i.e. Education, Health Care*); and
- (e) Structural Reforms.

The Accountant General Mr. Momodou Lamin Bah (Witness No. 6) confirmed when giving evidence on Wednesday 10<sup>th</sup> January 2018 that funds were not used for its intended purpose as Expenditures made were unbudgeted.

### **Payments**

Payments from the HIPC/ MDRI account were authorised by the Ministry of Finance having the Controlling Authority and instructing Directorate of National Treasury on the actions to take. Key highlights are:

- Payments of D2,100,000 were made to send 21 Pilgrims to Jerusalem;
- Payment of USD700,000 the equivalent of D19,300,000 was made towards the purchase price of USD2.7 Million for GAMVEG Oil Limited<sup>95</sup>. GAMVEG is owned by persons identified to be Close Associates of Ex- President Jammeh namely Mr. Mohammed Bazzi (50%) and Mr. Amadou Samba (50%). In a letter dated 24<sup>th</sup> December 2010 signed by the Secretary General with Ref: OP238/444/03/(260), mentioned that the Gambian Government had purchased the company and that a company had been incorporated to inherit and run the operations of oil refining using the assets of GAMVEG. In October 2011, there was a change of plan as Gamveg Oil Limited entered into a new sales agreement with Kanilai Group Investment International Ltd (KGI) for the purchase of the company under the same terms and conditions as were agreed with the government of the Gambia. It was therefore requested that the term loan that was approved from GTB for the government of the Gambia be availed in the name of KGI. A letter dated 4<sup>th</sup> January 2016 written by Mr. Noah Touray for Secretary General conveyed the rescission of the contract between Gamveg and

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<sup>95</sup> Exhibit BB75A



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KGI. The letter further stated that the USD750,000<sup>96</sup> already advanced as part payment for the purchase of Gam Veg must be refunded to the HIPC Account. It was not refunded<sup>97</sup>.

- Payment of USD200,000 equivalent of D5,738,000 to Doozi Gulf General Trading LLC. Details of transaction are not provided.
- Payment to Gambia International Airways (GIA) of USD719,960 equivalent of D20,511,660.40 for the cost of maintenance of the State Aircraft;
- Payment to BSIC of Euros 1 Million which represents Government's subscription to BSIC.

The expenditures made do not conform to the purpose/ use of the HIPC/ MDRI funds.

### **Findings:**

- (a) Payment Request - The payment requests were authorised by the Ministry of Finance as The Controlling Authority and DNT carried out Instructions. In addition, the payment requests did not always state the purpose for which the payment was being made.
- (b) Supporting Documents - Section 139 of the Financial Instructions (FI) for the Implementation of the Government Budget Management and Accountability Act 2004 requires that for all expenditure of public monies, a payment voucher must be completed. Section 140 of the FI further requires that payment vouchers must be accompanied by the appropriate supporting documents which may include original invoices, purchase orders.
- c) Eligibility of Payments - The eligibility of the payments made from the accounts can be determined based on conformity of the expenditure to the purpose of the fund, the completeness and adequacy of supporting documents, the compliance with the approval and authorisation of payments requirements as stipulated in the Financial Instructions, approval as per national budget etc. The eligibility of the payment listed below was bench marked against these criteria and the findings are below.

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<sup>96</sup> It was actually USD700,000

<sup>97</sup> See Vol.4 Chapter 4 on GAMVEG



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<b>No.</b>	<b>Amount GMD</b>	<b>Eligibility Test Criteria</b>				<b>Remarks</b>
		<b>Approved in the national Budget?</b>	<b>Payment request signed by two signatories as required by FI?</b>	<b>Expenditure conforms with the purpose of the funds?</b>	<b>Supporting documents are complete and adequate?</b>	
1	9,810,500	No	Yes	No	No	Not eligible
2	8,000,000	No	Yes	No	No	Not eligible
3	2,100,000	No	Yes	No	No	Not eligible
4	1,000,000	No	Yes	No	No	Not eligible
5	7,120,000	No	Yes	No	No	Not eligible
6	1,382,533.91	No	Yes	No	No	Not eligible
7	8,000,000	No	Yes	No	No	Not eligible
8	569,800	No	Yes	No	No	Not eligible
9	19,943,000	No	Yes	No	No	Not eligible
10	20,511,660.40	No	Yes	No	No	Not eligible
11	37,360,000	No	Yes	No	No	Not eligible
12	7,741,500	No	Yes	No	No	Not eligible

Section 139 of the Financial Instructions (FI) for the Implementation of the Government Budget Management and Accountability Act 2004 requires that for all expenditure of public monies, a payment voucher must be completed. Section 140 of the FI further requires that payment vouchers must be accompanied by the appropriate supporting documents which may include original invoices, purchase orders



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Supporting documents are not complete for all transactions. A Payment voucher is required to be raised for payment of monies from public funds and such payment vouchers are required to be supported with adequate supporting documents

- (c) Temporary Credit facilities were given by Central Bank of The Gambia (CBG) and certain payments made on transactions (No.1, 2, 3, 5, 8) as per Instruction from Ministry of Finance and Economic Affairs (MOFEA) dated 21<sup>st</sup> December 2010 and referenced EMC252/116/01/(302) and 11<sup>th</sup> Jan 2011 and referenced EMC252/116/01/(5)<sup>98</sup>. MOFEA had knowledge of this as Instructions were sent at a later date that CBG should be refunded.

There was no signed credit facility agreement.

- (d) The USD700,000 paid for the purchase of Gam Veg must be recovered<sup>99</sup>.
- (e) A few of the requests from Directorate of National Treasury to CBG were prepared on Plain Paper requesting 'Transfer of Funds'. CBG carried out requests despite request from DNT not being on Government letterhead.
- (f) On some of the Credit Transaction Voucher prior to posting in the system has to be checked by another staff 'Daily Transaction List then verified by the Internal Audit Dept. However, on a number of Vouchers, checking and verification was not done. Anomalies could have been detected if Transaction Vouchers had been checked and verification by the responsible persons.
- (g) Payments of D2,100,000 were made to send 21 Pilgrims to Jerusalem is not an eligible payment and should be recovered from the Ex-President.

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<sup>98</sup> Exhibit MS141

<sup>99</sup> See Vol.4 Chapter 4



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### Detailed Breakdown of withdrawals/Payments

<b>POSTING DATE</b>	<b>DETAILS</b>	<b>AMOUNT - GMD</b>	<b>COMMENTS</b>
30-SEP-09	TRF TO TMA A/C LETT REF:	-25,276,853.45	
24-DEC-10	CASH PYT.IFO H.E U.P'S	-9,810,500.00	Refund to CBG as US\$305,000 was paid by CBG for H.E. the Vice President's trip to Nigeria on the demise of President Yaraduwa Re. DE21/01/P.27/(122). As per Instruction dated 23rd December 2010
24-DEC-10	PD GRITS USER FEES VIA	-8,000,000.00	GRITS User fees
24-DEC-10	TRF.TO A/C 01210210005	-2,100,000.00	Refund to CBG for the sponsorship of 21 Christian Pilgrims to the holy land of Jerusalem Ref. DE21/01/P.27/(122). Instruction dated 23/12/2010.
24-DEC-10	REFUND IRO PYT.IFO GIA	-7,120,000.00	Refund to GIA dated 20/12/2010 Ref. DE21/01/P.27/(122)
24-DEC-10	PYT.IRO GOVT.SHARE OF	-1,382,533.91	Governement share on the hosting of the WAMI/WAMA mid year meeting in Banjul
24-DEC-10	PD UN WORLD TOURISM ORG.	-8,000,000.00	Paid to United Nations World Tourism Organisation Euros 214,304.85
31-DEC-10	REV.OF ENTRY BEING FUNDS	-131,000,000.00	
18-JAN-11	PD SEEDY KINTEH ON BEHALF	-569,800.00	Refund to CBG for amount of US\$20,000 paid to GFA. Received by Seedy Kinteh
18-JAN-11	PD GAMVEG OIL LTD VIA GTB	-19,943,000.00	Payment of US\$700,000 made for the purchase of GAMVEG Oil Ltd based on Instruction dated 11 January 2011 from Ministry of Finance
19-JAN-11	PD G.INT'L AIRLINE LTD IR	-20,511,660.40	Payment to GIA of US\$719,960 for the cost of maintenance of the State Aircraft
20-JAN-11	PD BSIC(G)LTD ICW GAM.GOV	-37,360,000.00	Payment to BSIC of Euros 1 Million which represents Government's subscription to BSIC
25-JAN-11	TRF TO ECOBANK IFO GIA	-7,741,500.00	Payment made to GIA
02-FEB-11	PD DOOZI GULF GENERAL	-5,738,000.00	Paid US\$200,000 to Doozi Gulf General Trading LLC
20-DEC-11	REPRESENTING PART PYT OF	-10,551,746.69	
	<b>Total Withdrawals</b>	<b>-295,105,594.45</b>	



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### 13. 2<sup>nd</sup> DIVESTITURE ACCOUNT also known as (GAMTEL/ GAMCEL SHARES SALE ACCOUNT) – a/c no. 03201200386

The 2<sup>nd</sup> Divestiture account also known as ‘GAMTEL/ GAMCEL Shares Sale Account’ was opened at the Central Bank of the Gambia (CBG) on 28<sup>th</sup> August 2007 as a foreign currency denominated account. The account was opened based on an account opening request from Directorate of National Treasury letter dated 8<sup>th</sup> August 2007 ref: DE21/01/P.21/(36)<sup>100</sup>. Total credits into the account amounted to USD32,437,008 but 3 transactions were reversals making the actual credits USD28,500,000. Total debits amounted to USD32,364,983.83 but again 3 transactions were reversals making the actual debits to be USD28,427,975.83. There is a remaining balance of USD72,024.17.

The account was opened to capture the sales proceeds of 50% of GAMTEL shares received from SPECTRUM International<sup>101</sup>.

Based on Exhibits and transcripts of witness testimonies, the signatories to the account were those of the Ministry of Finance notably Secretary of State for Finance and Economic Affairs at the time Mousa Bala Gaye and Permanent Secretaries of the same Ministry issued instructions to Central Bank for all payments from the account notably Messrs. Serign Cham and Modou A.K. Secka.. However, the account was being operated by Office of the President (OP and all instructions originated from the Secretary Generals, OP Mr. Ousman Jammeh and Mrs. Teneng Mba Jaiteh were SG for most of the period.

Total credits into the account amounted to USD32,437,008. However, 3 transactions were reversals made making the actual credits USD28,500,000. Proceeds from the sale of 50% of GAMTEL shares paid by SPECTRUM International were deposited in this account.

#### **Findings:**

- (a) The signatories to the account were not communicated to CBG but CBG allowed the Minister of Finance to withdraw funds from the account based on instructions emanating from Ex-President Jammeh and conveyed by letters signed by the Minister of Finance.

A Secretary of State (Minister) signing on an account is in contravention of Section 210(2) of the Financial Instructions for the Implementation of the Government Budget Management and Accountability Act 2004. Section 210(2) stipulates that “*cheques must be signed by two authorised signatories*”, and it

<sup>100</sup> Exhibit CB34 – Account opening request from DNT

<sup>101</sup> Exhibit CB33



## The Commission of Inquiry

was observed that that didn't happen in all the withdrawals and best practices. Based on the Instructions reviewed, there was only one signatory, usually a Minister.

(b) Transfer **to Consolidated Revenue Fund (CRF)** - USD28,500,000 was paid by SPECTRUM, however only USD19,383,697.81 equivalent of D390 Million was transferred to the CRF based on Instructions from the Office of the President in a letter ref PR/C/501/Temp (15). The letter further stated that the utilization of the funds is to finance Government Investments through the 2008 budget. Based on evidence of Witness Nos. 126 and 129, the entire proceeds received should have been transferred to the CRF.

The funds we understand were seen as an Exceptional item and treated as Below the line item.

(c) Transfer to Embassy in Washington - USD5,845,072.85 was transferred to the Gambia Embassy Procurement account held at Citi Bank in Washington for onward purchases to be made.

- USD875,000 was for the purchase of the Ambassador's Residence. Mr. Dodou Bammy Jagne was Ambassador at the time and confirmed handling the sale<sup>102</sup>.
- USD2,737,117.50 was said to be to pay for school buses and other vehicles already contracted in USA.
- Another USD1,450,357.35<sup>103</sup> was spent on 31 new buses, shipment for 12 school buses, computers and tower lights. However, the commercial invoice dated 14<sup>th</sup> December 2007 from the Embassy accounts indicate that 31 Blue Bird buses were purchased for **USD2,344,065<sup>104</sup>**. Ms. Feryale Diab Ghanem testified that 31 new Blue Bird buses were received by her from the Ex-President at State House for UTSCO bus company that the Ex-President set up after he purchased MSG in 2008. The Commission finds that there is probable cause to find that the Ex-President stole this sum. The Commission concludes that the sum of **USD2,344,065 was misappropriated by the Ex-President to purchase buses for use by his private company USCO**.

(d) The Commission finds that the total sum illegally spent by the Ex-President from this account is USD7,948,025.73. See Summary below:

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<sup>102</sup> Exhibit MS155 - See Deed for Embassy dated 31<sup>st</sup> January 2008

<sup>103</sup> Exhibit CB34

<sup>104</sup> Exhibit MS155



## The Commission of Inquiry

POSTING DATE	DETAILS	AMOUNT	Comments	Instruction from MOFEA to CBG on Gov't letterhead or Plain Paper	Approved in the national Budget	Are Supporting documents complete and adequate	Expenditure conforms with the Purpose of the funds	Remarks
		US\$						
10/09/2007	PD G EMBASSY WASHINGTON	- 2,737,117.50	Funds transferred to Gambia Embassy in Washington to pay for School buses and other vehicles	Instruction on Plain Paper signed by Secretary of State for Finance	No	No	No	Ineligible
18/10/2007	PD G/E WASHING B/O GOV	-455,590.00	Payment made to Dr Huja Gass Jaiteh Njiein South Africa to purchase laboratory equipment HIV Kits from Semen and it was address to SOS Department of Health authorized by SG Ousman Jammeh for Ex-President Aids programme confirmed by Dr. Njogou Bah .	Instruction received after payment effected	No	No	No	Ineligible



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18/10/2007	PD REDCOAT EXPRESS USA	-615,000.00	Payment was for 2008 Nissan Titan in (Black, Gray, Green & Blue) 20 Crew Cab XE 4*4 "US\$25,500 each and Ocean Freight charges. CBG had made payment in October 2007 without receipt of Instruction as Instruction was sent on the 9th November 2007 and contents of letter. However, entry was posted in Oct. 2007	Instruction received after payment effected	No	No	No	Ineligible
14/11/2007	PD DR HUJA GASS J NJIE	-159,599.64	Payment was for the Siemens Medical 440 Versant HIV-1 Viral Load Testing. Payment should have been made to Siemens Medical Solutions DIAGNOSTICS Ltd but Bank details could not be found so paid to receipt		No	No	No	Ineligible
19/11/2007	TRF TO PEGEP A/C AT TRUST	-509,531.77			No	No	No	Ineligible but Expenditure is in the interest of the Nation



### The Commission of Inquiry

19/12/2007	GE, WASHINGTON- NEW & 2ND	- 1,440,357.35	Funds transferred to Gambia Embassy in Washington to pay for remaining balance for School buses and old school buses purchased in Sept. 2007, Sea Freight charges and airfreight and purchase of 100 Computers		No	No	No	Ineligible
22/02/2008	PD AMS CORPORATE RISK LTD	-46,325.00	Payment to AMS Corporate Risks Limited for Maintenance fees on Aircraft including Hull and Liability Insurance	Instruction sent on the 15th Feb. 2008	No	No	No	Ineligible
29/02/2008	CHGS IRO BROMMADJUR REF:	-50.00			No	No	No	Ineligible
29/02/2008	PD BROMMADJURKLI NIK REF	- 1,000,000.00	Payment made to Dr. Buba Badjie in Sweden to purchase equipment to set up a new Poultry business in Kanila for the Ex- President	Instruction sent on the 15th Feb. 2008	No	No	No	Ineligible
09/07/2008	PD INT'L ARMORING CO- OPE	-50,409.00	Payment to International Armoring Corporation in the USA is in respect to vehicles procured		No	No	No	Ineligible
17/10/2008	PD GE WASHINGTON B/O DOS	-87,008.00	Transfer made to Embassy Procurement Account held at CitiBank in Washington as prior transaction could not go through		No	No	No	Ineligible



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24/10/2008	PD EMBASSY OF THE GAMBIA	-250,000.00	Transfer made to Embassy Account held at CitiBank in Washington 'Procurement Account'. Payment was for tuition fees to sponsor American female students at various institutions in the USA. The letter of instruction dated 15th October 2008 was signed by Dr Njogou Bah for SG. Mrs Jaiteh Mba said she was not aware of it as the Ex-President could give instructions to any officer without the knowledge of the SG. Njogou testified that Ex-President hosted the Miss Black USA Pageant in the Gambia and promised the participants scholarships .The money was used for the payment of their tuition fees. Lamin S.Sanyang the Finance Attaché at the Embassy dealt directly with the students that were sponsored..Out of this sum, USD5,000 was for Abdou Jammeh referred to the Ex-President's brother.		No	No	No	Ineligible
29/10/2008	PD CASH IRO CHARTER IRO	-300,000.00	Cash Withdrawal purportedly for the Charter cost of a transport aircraft due in Banjul		No	No	No	Ineligible



### The Commission of Inquiry

14/11/2008	CONTR. TO LEGISLATIVE ELE	-159,385.41	Gambia Government's contribution to the Legislative Elections in Guinea Bissau on the 16th Nov. 2008		No	No	No	Ineligible
17/12/2008	PD KEY GROUP LLC B/O	-112,652.06	Payment made for purchase of Security related Equipment and supplies for Government		No	No	No	Ineligible
27/03/2009	PD CASH TO CHIEF OF PROTOCOL AT Office of the President	-25,000.00	Cash Payment was to charter Elysian Airlines to airlift the Chief of Staff of Guinea Bissau on the 26th March 2009 Banjul/ Bissau return		No	No	No	Ineligible
	<b>Total Withdrawals</b>	<b>7,948,025.73</b>						



## The Commission of Inquiry

### (e) Breaches in the Control Environment at CBG

- On the 18<sup>th</sup> October 2007, a transfer of USD455,590 was sent to the account of the Gambia Embassy in Washington without receipt of an Instruction. The Instruction was subsequently received on the 9<sup>th</sup> November 2007. CBG honored and effected transfer without receipt of the Instruction which is a breach in the control environment.
- There were instructions sent to CBG written on plain paper requesting for transfers or payments to be made signed by the Secretary of State for Finance and Economic Affairs that were honored by the Bank. Instruction on Government letterhead signed by the signatory to the account was never received and CBG proceeded to authorize transactions.
- Furthermore, requests were forwarded for the attention of the Secretary of State from the Office of the President to effect certain payments. The requests were prepared again on Plain Paper notably letter dated 13<sup>th</sup> Dec. 2007 with ref. PR/C102/Vol 2/(57) signed by SG (Ousman Jammeh)<sup>105</sup>. The request was carried out by the Secretary of State.

**(f) Supporting documents** - The payment requests were authorised by the Ministry of Finance as The Controlling Authority. In addition, the payment requests did not always state the purpose of why the payment was being made. Furthermore, Section 139 of the Financial Instructions (FI) for the Implementation of the Government Budget Management and Accountability Act 2004 requires that for all expenditure of public monies, a payment voucher must be completed. Section 140 of the FI further requires that payment vouchers must be accompanied by the appropriate supporting documents which may include original invoices, purchase orders.

(g) There was a cash withdrawal of USD25,000 made by the Chief of Protocol at Office of the President on the 27<sup>th</sup> March 2009.

### **PERSONS INVOLVED in payments considered a theft of public funds by Ex-President Jammeh:**

Mr. Mousa Bala Gaye – **USD2,344,065 for Blue Bird buses**

Mrs. Teneng Mba Jaiteh & PS Mod Secka – USD 1million for a Poultry (There is no evidence that the PS knew the purpose of the payment).

USD25,000 cash to Chief of Protocol

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<sup>105</sup> Exhibit SC62



## The Commission of Inquiry

### 14. DIVESTITURE FUND ACCOUNT – a/c no. 01201200334/ 1101002393

The Divestiture Fund Account was opened at CBG in 2005 as a local currency denominated account (Dalasis). The account opening documents we were informed could not be found by CBG.

The initial transaction made was a credit of D64,836,210.68 on 18/11/2005 whilst the last transaction was a transfer from the account of D16,006,113 on 7/10/2010. Total credits into the account amounted to D117,382,177.17 and total debits amounted to D117,382,177.17. There is NIL balance.

The account was opened to capture the sales proceeds from divesting of Gambia Government shares. Proceeds from the sale of Government shares in Senegambia Beach Hotel, Maintenance Service Agency (MSA) were deposited into this account. However, from reviewing the bank statement, information on the other credits made could not be provided for review.

The account was opened by CBG however, the account opening documents could not be found by CBG based on evidence from Witness No. 7 ‘Mr. Karamo Jawara’. From reviewing the documents also submitted, nothing was found.<sup>106</sup>

#### **Findings:**

**(a) Signatory to Account** - Section 210(2) of the Financial Instructions for the Implementation of the Government Budget Management and Accountability Act 2004 stipulates that “*cheques must be signed by two authorised signatories*”, and it was observed that that didn’t happen in all the withdrawals and best practises. Based on the Instructions reviewed, there was only one signatory usually the Permanent Secretary.

**(b) Breaches in the Control Environment at CBG – Prior to posting a transaction in the banking system**, the Debit Transaction Vouchers raised have to be checked by another staff ‘Daily Transaction List then verified by the Internal Audit Dept. However, on a number of Vouchers, checking and verification were not done. Anomalies could have been detected if Transaction Vouchers had been checked and verified by the responsible persons.

**(c) Supporting documents**

The payment requests and Instructions were not provided for review.

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<sup>106</sup> Exhibit CB37



## The Commission of Inquiry

### (d) Eligibility of Payments

The eligibility of the payments made from the accounts cannot be determined based on the limited information available. Therefore, tests have to be carried out to check conformity of the expenditure to the purpose of the fund, the completeness and adequacy of supporting documents, the compliance with the approval and authorisation of payments requirements as stipulated in the Financial Instructions, approval as per national budget and so on.

The following highlights are however shown below:

- Transfer of D4,200,000 was made to A/C 110-13472-05 In Favor of GIA STAFF REVOLVING LOAN;
- Transfers were also made to Trust Bank Ltd (TBL) A/C 110106442-01 IFO TOURISM PROMOTION & MARKETING;
- A transfer of D16,006,113 was made to Special Project Dalasi Account 01201600001 based on Instruction from Ministry of Finance



## The Commission of Inquiry

### 15. GREEN INDUSTRIES AND DENOMINATION ACCOUNT a/c no. 01200499

The opening of the account was requested by the Directorate of National Treasury (DNT) through an account opening request letter dated 19<sup>th</sup> January 2009 referenced DE21/01/P.22/(218). The account was requested to be opened in local currency. Central Bank letter ref: B01/438 dated 20<sup>th</sup> January 2009 confirmed the opening of the account in the books of the Central Bank of the Gambia (CBG) with account number 01201200438

The initial transaction into the account was a deposit of D6,430,000 on 5<sup>th</sup> February 2009. With the introduction of the T24 (CBG's new banking system), the remaining credit balance in the account of D300,000 was transferred to the corresponding T24 account number 1101003149 on 24<sup>th</sup> January 2012.

Total credits into the account during its operation was D19,905,000 whilst the total debit transactions into the account was D19,605,000 of which D14,206,185.75 were cheque payments made to Gambia Investment Promotion and Free Zone Agency (GIPFZA) and D5,398,814.25 in the form of bank transfer to account number 0110011636401 held at Trust Bank Limited. The said transfer was authorised through a letter (Ref: OP120/142/04/(26) dated 15<sup>th</sup> December 2009) from the Office of the President written by Ebrima O. Camara and signed by the respective signatories to the account, Teneng Mba Jaiteh (Deputy Minister of Petroleum) and Dr. Njogu L. Bah (Secretary to the Cabinet).

The said letter requested the closure of the account which was never effected as the remaining credit balance of D300,000 continued to stay in the account until 24<sup>th</sup> January 2012 when it was subsequently transferred to the corresponding account in T24 banking system.

The initial account was opened under Bank Master but in 2012, a new banking system was introduced called T24 where a new account was created as a continuation of the old account number. Apart from this initial transfer there was no other transaction into/out of the account with the current account balance being D300,000.

The authorised signatories to the account were not provided as part of the exhibits. From the review of the transactions documents, all the cheque withdrawals totalling D14,206,185.75 and bank transfer of D5,398,814.25<sup>107</sup> were all signed by Dr. Njogou L. Bah and Mrs. Teneng Mba Jaiteh. In effect all the debit transactions made from the account were all authorised by the two respective signatories.

Mrs. Teneng Mba Jaiteh testified on Monday 22nd January 2018, that Green Industries was set up by ex- President Jammeh. The company she said operated from the free zone

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<sup>107</sup> Exhibit CB31A



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area at the airport which belong to GIPFZA? Green Industries manufactured uniforms, toilet papers, a lot of items, clothing, baby diapers and so on<sup>108</sup>.

### Payments by Payee

Breakdown of payments to GIPFZA is provided in the table below:

Posting Date	A/C Number	Reference	Amount	Payee
19-MAR-09	01201200438	00099251	(1,569,493.01)	GIPFZA
22-MAY-09	01201200438	00099253	(1,000,000.00)	GIPFZA
16-JUL-09	01201200438	00099254	(1,500,000.00)	GIPFZA
06-OCT-09	01201200438	00099256	(9,152,990.74)	GIPFZA
07-OCT-09	01201200438	00099257	(983,702.00)	GIPFZA
			<b>(14,206,185.75)</b>	

**See Volume 4 chapter 3 for full write up on Green Industries**

### Findings:

- (a) Operations and Management of the Account - Though the opening of the account was through a request letter from DNT, the account was maintained and managed by the Office of the President outside the Government of the Gambia accounting system and thus not forming part of the Consolidated Revenue Fund Account.
- (b) Green Industries was a business owned by Ex-President Jammeh. Due to an abuse of power, the affairs of the business were managed from OP by senior staff including SGs<sup>109</sup>.

<sup>108</sup> Another company associated with Ex – President Jammeh. The company was involved in the manufacturing of uniforms, toilet paper, diaper and clothes based on the evidence of Fatou Sinyan Mergan (Witness no. 154). See transcript dated 27<sup>th</sup> February 2018. Appointments were again done from the Office of the President.

<sup>109</sup> See Vol. 4 Chapter 3 for further details



## The Commission of Inquiry

### 16. FISH LANDING ACCOUNT 1 – a/c no. 1101004892<sup>110</sup>

OP wrote to PS MOFEA a letter referenced OP 248/181/01 TEMP: (8 IS) giving directive for opening of the Account. The Governor Central Bank of The Gambia (CBG) minuted on the account opening request from Office of the President that the account be opened in consideration of the urgency of the request whilst keeping in view and awaiting request from the Accountant General's Department. CBG proceeded with the opening of the account based on this approval of the Governor. No account opening request from the Accountant General was provided as part of the exhibits. In effect the opening of the account was approved by the Governor of the CBG.

Though there was no official account opening notification letter from CBG, the first transaction into the account was a deposit of D1,886,000.00 on the 25<sup>th</sup> June 2015. Last Transaction into the account was also a deposit of D14,000.00 on the 28<sup>th</sup> December 2012. Total Deposits into account during the intervening period was D4,608,266.25. There was no payment made from the account during its operation that is from 25<sup>th</sup> June 2015 to 28<sup>th</sup> December 2016.

The account opening request from the Office of the President indicated the signatories to the account. In that regard, the signatories to the account mentioned in the account opening request were the Secretary General 'Mr. Lamin Nyabally' and Permanent Secretary 2 'Mr. Ismaila Sanyang'.

Mainly cash deposits were made into the account. The summary of deposits made into the account during its operation is also provided in the table below.

No.	Name of Depositor	Amount - GMD
1	Fatoumatta Singateh	2,018,597.75
2	Ismaila Sanyang	1,886,900.00
3	Kaddijatou Jatta	96,795.00
4	Ma Awa Camara	14,000.00
5	Not Specified <sup>111</sup>	69,643.50
<b>Total</b>		<b>4,085,936.25</b>

<sup>110</sup> Exhibit CB27

<sup>111</sup> Bank statements did not indicate the details of the depositor and there was no paying-in-slip relating to these transactions



## The Commission of Inquiry

### 17. CITIZENSHIP INVESTOR ACCOUNT

#### Overview

The Citizenship Investor Account held at Central Bank of The Gambia (CBG) had no Exhibited Supporting Documents to establish the Account Opening Date. There were no submitted exhibits to determine the signatories to the Account.

An Investment Immigration Program and Aliens Card Program were in operation since 1999. Under the Foreign Investment Program; a Government partnership through the Department of Immigration/Ministry of Interior (Government Custodian for the contract) and Mirabeau Limited (Contractor) of Hong Kong was signed. Mirabeau Limited was the exclusive agent for this program in Hong Kong, Macau and China. As per the agreement, they had to supply the materials and equipment for the aliens card.

Thousands of mainland Chinese have permanent residency in the Gambia, a place they most likely have never visited and never will. However, one of the fastest and cheapest ways for a Chinese citizen to gain right of residency in Honk Kong under the Capital Investment Entrant Scheme (CIES) was to first gain permanent residency in the Gambia.

For a Chinese citizen to be eligible to the scheme, the person needs to be a permanent resident in another foreign country and this is where Gambia came in as Gambia did not have diplomatic ties with Beijing then and was part of the commonwealth.

Mirabeau Limited had a representative in the Gambia by the name of Casey Chen who had the responsibility to process the Alien Card Program.

An individual permanent residency in the Gambia costs 80,000 yuan (HK\$101,240) and a family application costs 100,000 yuan (equivalent of USD16,500) based on information obtained from the South China Morning Post Honk Kong published on the 19<sup>th</sup> June 2013<sup>112</sup>. However, in a letter dated 23<sup>rd</sup> August 2004 Ref: ID/02/FIP/2004 from the Gambia Immigration department to, the following were communicated:

- Bank alien cards to be supplied to Mr. Chen by Immigration department at D100 per card;
- Mirabeau will pay Gambia Government USD100 per family unit;
- Funds are to be deposited at CBG Account and only to be accessible by the Secretary General's office.

A GMD denominated account was opened at CBG.

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<sup>112</sup> Exhibit MS159



## The Commission of Inquiry

The amounts deposited in the CBG account was significantly lower than what was paid to Mirabeau Limited in Honk Kong. USD cash is usually paid to the Immigration department and this is then deposited at CBG.

A key observation is, from reviewing the bank statements and transaction documents submitted,<sup>113</sup> that deposits were very delayed for alien cards processed. Instances of these are numerous but particular examples are in letters dated 23<sup>rd</sup> July 2014 and 16<sup>th</sup> Sept. 2014, which show deposits made were for alien cards processed for the month of Sept 2013. This seems to be the trend as there were significant delays in when deposits were made.

Total **deposits/credits** in the Citizenship Investor Account held at CBG was D43,281,338.00. The last Credit transaction was on December 21<sup>st</sup>, 2016. The Summary sheet from CBG 'Account Summary for the period covering up to 21st January, 2017' stated in bullet numbers 8 and 9 that the Total Credits and Closing Balance were D48,322,079.32 and D39,838,107.59 respectively.

In contrast to the review conducted, the Total Credits and Closing Balance are D 43,281,338.00 and 39,828,107.59 respectively and this agrees with the Total Credits and the actual Bank Closing Balances in the exhibited Bank Statement.

The 'Balance Take over - CreditCBG.ACCT.BAL' of D6,489,529.00 dated January, 24<sup>th</sup> 2012 was traceable to the Bank Statement Closing Balance.

Total **debits/withdrawals/Payments** in Citizenship Investor Account held at CBG was **D3,453,211.41**. The last debit transaction was on March 26<sup>th</sup>, 2013. The total D3,442,630.41 debit Transactions below were made with No Instructions received to effect Payment and was not on Government Letterhead.

Date	Beneficiary	Amount - GMD
26/03/2013	BCC SPECIAL DEVELOPMENT ACCOUNT: 2101000176	1,139,777.30
26/03/2013	GOVERNMENT OF THE GAMBIA ACCOUNT : 2101000073	2,153,972.32
26/03/2013	SECURITY DEPOSIT ACCOUNT: 2101000183	148,880.79
		<b>3,442,630.41</b>

<sup>113</sup> Exhibit CB35



## The Commission of Inquiry

Transfers made above are Not Eligible Expenses in line with Government activities and that the Amounts are not budgeted for using the Approved Estimates for that particular period.

1. The D1,139,777.30 debit was a Contra Credit Entry (credit) in BCC Special Development Account (No-2101000176) to nil off the Overdrawn Balance in the account.
2. The D2,153,972.32 debit was also a set off in The Government of the Gambia Account (No.-2101000073) to clear off the Overdrawn Balance in the account and this is equally true for the D148,880.79 set off to the Security Deposit Account (No-2101000183) to net off the Overdrawn Balance in the account.

These were audit adjustments passed on the 18<sup>th</sup> March 2012 by CBG into the Citizen account. A letter was written to the SG Office of the President Ref. AC – 070 for approval. Response from OP was not provided. The reason why debit entries were passed was that Government accounts should not be overdrawn.

The legitimacy of these debits cannot be ascertained and thus no evidence was exhibited with regards to these accounts to deduce if these debits are consummated for the benefit of the Public.

**See Volume 8 Chapter 4 for further details on Ministry of Interior (Citizenship) for full Report**

### **Findings:**

- (a) The total D3,442,630.41 debit transactions below were made with No Instructions received to effect Payment and was not on Government Letterhead.
- (b) The withdrawals contravene Paragraph 220 of the Implementation of The Government Budget Management and Accountability Act, 2004 that “*Government bank accounts must not be overdrawn and no temporary advance can be obtained from the bank.*”



## The Commission of Inquiry

### 18. OFFICE OF THE FIRST LADY ACCOUNT – a/c no.110100418

#### Overview

Two account opening requests came from the Accountant General (Directorate of National Treasury - DNT) dated 17<sup>th</sup> and 24<sup>th</sup> July 2013 were provided as part of the exhibits. The opening of the account was approved by the Second Deputy Governor of the Central Bank of Gambia (CBG).<sup>114</sup>

CBG's response dated 18<sup>th</sup> July 2013 Ref. Bo1/4184 and 1761 highlighted that two conditions had to be met for the accounts to be operational. However, evidence that conditions were met was not provided.

The letter from DNT explained that the accounts would be used to effect financial transactions related to the activities undertaken by Office of the First Lady on HIV/AIDS. This account did not form part of the Consolidated Revenue Fund for any of the years concerned.

The first transaction into the USD account was a deposit of USD9,220.44 on the 27<sup>th</sup> August 2013. Last Transaction into the account was a withdrawal of USD23,768.27 on the 4<sup>th</sup> March 2014. Total Deposit into account during the period was USD32,988.71. Total debit transactions totaled USD32,988.71 leaving a NIL balance.

Note: There were no transactions in the Dalasis account since the account was opened.

The signatories to the account were the Secretary General & Minister of Presidential Affairs (Mr. Momodou Sabally), Secretary to Cabinet (Mr. Noah Touray), and Permanent Secretary, Office of the President (Mrs. Halimatou M. Tambadou). These accounts were operated by Office of the President (OP).

Funds paid into account were from Fondation Guri Vie Meillie - Niger (Advocacy for the 1<sup>st</sup> Lady for elimination of transmission of AIDS Virus from mother to child and Organisation of First Ladies – Ethiopia (for funding a PMTCT PROJECT) and transfers were made from Federal Reserve Bank of New York and Banque De France.

#### Summary of Debits

The Instruction to effect transfer of USD9,220 to National AIDS Secretariat (NAS) was sent on Government letterhead dated 15<sup>th</sup> January 2014. The payment is considered to be an eligible expenditure as funds were used in line with activities of account.

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<sup>114</sup> Exhibit CB30



## The Commission of Inquiry

Regarding the 2<sup>nd</sup> transfer of USD23,768.27 to HIV/ AIDS RAPID RESPONSE PROJECT, there was no instruction provided in the Exhibits showing who authorised transaction. Only fax message was provided.

### **Findings:**

- (a) This account did not form part of the Consolidated Revenue Fund for any of the years concerned.
- (b) CBG opened the account despite the fact that 2 conditions were not met as explained in their letter dated 18<sup>th</sup> July 2013.



## The Commission of Inquiry

19. SPECIAL ACCOUNT OFFICE OF THE PRESIDENT ACCOUNT – a/c no.1101003998<sup>115</sup>

### Overview

An account opening request came from the Office of the President dated 9<sup>th</sup> July 2012. This was provided as part of the exhibits. The opening of the account was approved by Central Bank of Gambia (CBG).

CBG's response dated 11<sup>th</sup> July 2012 Ref. Bo1/998 highlighted that three conditions had to be met for the account to be operational. However, evidence that conditions were met was not provided.

The letter from OP did not state the use of this account but letter was copied to the Geology Department.

The signatories to the account are also unclear from the documents submitted.

There were only two credit transactions into this account totaling D2,330,553.05. There were no debit transactions in this account. The funds paid into account were from a cash deposit of D1,087,350 and D1,243,203.05 from Pan African Gambian Limited.

By Order of the Commission dated 10<sup>th</sup> January 2018, the balance of D2,330,553.05 was transferred to the Commission's bank account held at CBG.

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<sup>115</sup> Exhibit CB38



## The Commission of Inquiry

20. RECOVERY OF MONIES OWED TO PUBLIC ENTERPRISE ACCOUNT – a/c no. 1101004012<sup>116</sup>

### Overview

An account opening requests came from the Accountant General (Directorate of National Treasury - DNT) dated 3<sup>rd</sup> August 2012 was provided as part of the exhibits. The opening of the account was approved by Central Bank of Gambia (CBG).

CBG's response dated 6<sup>th</sup> August 2012 Ref. Bo1/4012 highlighted that two conditions had to be met for the accounts to be operational. However, evidence that conditions were met was not provided.

The letter from DNT did not state the use of this account.

Note: There were no transactions (neither credit nor debit) in the account since the account was opened.

The signatories to the account are also unclear from the documents submitted.

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<sup>116</sup> Exhibit CB39



## The Commission of Inquiry

### CHAPTER 2: COMMERCIAL BANKS

There were numerous bank accounts at Commercial banks operated and controlled by Office of the President (OP). However, this section of Volume 2 focuses on particular bank accounts that Ex - President Jammeh was a signatory to and where monies i.e. case or transfer were made on his behalf.

There were accounts also operated by officials of the Office of the President (OP) who were signatories, including the Secretary Generals and Heads of Civil Services, Secretaries to Cabinet, Permanent Secretaries and Protocol Officers.

Ex- President Jammeh himself, personally, was signatory to 5 known accounts.

- Ministry of Petroleum Account;
- Tax Revenue Recovery Account;
- National Security Projects Account;
- President's HIV, AID & Asthma Treatment Trust Fund Account;
- Kanilai International Festival Tribute to Michael Jackson.

#### 2A - GUARANTY TRUST BANK (GAMBIA) LIMITED (GTB)

##### 1. MINISTRY OF PETROLEUM ACCOUNT – a/no. 201-117286-5-110

The Ex-President between the periods 3rd February 2012 to 16<sup>th</sup> February 2015 and from May 2016 up to December elections 2016, was the Minister of Petroleum. Mrs. Sira Wally Ndow-Njai was Deputy Minister up to May 2016. On the 14<sup>th</sup> April 2015, an account-Ministry of Petroleum – Special Services Account No 201/117286-5/2/1/0 was opened at Guaranty Trust Bank by the Ministry of Petroleum<sup>117</sup>. According to Mrs. Sira Wally Ndow-Njai (Witness no. 42), this was pursuant to a directive from the Ex-President to open a training and resources Account and MOP Special Account<sup>118</sup>. The fact that the President was a signatory to the account supports the evidence of Mrs. Sira Wally Ndow-Njai that he authorized the opening of the account.

Mrs. Sira Ndow – Njai testified that she told the Ex- President that she could not be signatories to these accounts, because the Permanent Secretary is the accounting officer and the Ex - President's reply was "*I am the Minister and you are the Deputy Minister and I take full responsibility of that Ministry, and I say that you definitely have to be the signatory*

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<sup>117</sup> Exhibit BB46

<sup>118</sup> See proceedings of 18<sup>th</sup> September 2017



## The Commission of Inquiry

*and myself. So there would be two signatories to this Account and these Accounts are for Government Project."*

Mrs. Sira Wally Ndow - Njai said she was well aware that Ministers could not be signatories to Government Accounts but was forced by the Ex - President into becoming a signatory to the Accounts<sup>119</sup>. She said she advised the Ex-President to transfer the Accounts to the CBG but the President still insisted on her being the co signatory.

**The account was to hold the yearly contributions paid by petroleum exploration licensees for capacity building and training in the sector in accordance with the terms of their licenses.**

The Signatories to the Account were Mrs. Sira Wally Ndow - Njai and ex-President Jammeh.<sup>120</sup> On the 21<sup>st</sup> and 22<sup>nd</sup> April 2015 the Ex-President co-signed the withdrawal of the sum of USD428,684 cash.<sup>121</sup> There is no reason to disbelief Mrs. Sira Wally Ndow – Njai when she said she handed the money to the Ex-President because it is inconceivable that he would authorize the withdrawal of the said sum and not make sure that he received it. Cash withdrawals totaling USD2,142,800 were made by Mrs. Sira Wally Ndow - Njai. She said the money was paid over to Ex-President Jammeh. Protocol Officer Mr. Sanna Jarju (Witness No. 187)<sup>122</sup> testified that he used to liaise with Mrs. Ndow Njai on behalf of Ex-President Jammeh regarding collection of monies. Mr. Jarju further explained that at time Mrs. Ndow- Njai facilitated withdrawal of funds from the account when she was out of town and sorted out paperwork on her return.

The total deposits into the account was USD3,884,655.19 and total withdrawal was USD3,856,484. The balance in the Account is USD817.00.

There were withdrawals made without proper documentation and procedure. Mr. Sanna Jarju confirmed that the transactions involving USD500,000, USD348,000, and USD152,000 were done when Mrs. Sira Waly Ndow – Njai was out of the country. He said he remembered a time when Mrs. Sira Ndow - Njai was out of the Country in China and he called her to tell her the Ex- President needed money, she told him she would contact the MD of Guaranty Trust Bank Mr. Bolagi to make the necessary arrangements. Mr. Jarue confirmed that Mrs.Sira Wally Ndow made several attempts for the President to sign the forms for these sums on her return but to no avail.

According to Sira Wally Ndow, the mandate of the Account was that both signatories needed to sign to effect a transaction. However, the Bank had in many occasions allowed the withdrawal of funds without the signatures of both signatories, and sometimes none.

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<sup>119</sup> See Transcript of Mrs. Sira Wally Ndow Njai

<sup>120</sup> Exhibit BB47

<sup>121</sup> Exhibit BB47

<sup>122</sup> Transcript of Mr. Sanna Jarju dated 26<sup>th</sup> April 2018



## The Commission of Inquiry

The table below sets out the withdrawal transactions from this Account.

DATE	AMOUNT USD	BENEFICIARY	PURPOSE
20/04/2015	300,000	Cash withdrawal for Office of the President	Pay some contractor for work done for the government of the Gambia.
21/04/2015	128,684	Cash Withdrawal for Office of the President	Contractor for work done for the government of the Gambia.
11/05/2015	152,000	Transfer in favour of Endeavor Global Acquisition Group	For Chartered Flight.
11/05/2015	500,000	FX Purchase for the Ex - President	
11/05/2015	348,000	Cash Withdrawal for the President	
19/05/2015	500,000	Cash Withdrawal for the Ex-President	
29/05/2015	518,000	Transfer in favor of KWEN, Bank of KBC in Belgium .	For Caterpillar Machines.
25/06/2015	500,000	Cash Withdrawal	
10/07/2017	115,000	transfer to Permanent Mission UN New York, Bank of America for State Flats	
24/08/2015	297,000	Cash Withdrawal	President indicated he had to make payments for the upcoming Pilgrimage.
23/12/2015	100,000	Cash Withdrawal	
4/02/2016	200,800	Transfer to Gambia International Airlines	In respect of payment for the Crew Staff for the State Aircraft.
17/06/2016	197,000	Cash Withdrawal	Amount was paid to Phillip Sambou who handed it over to the Ex - President.



## The Commission of Inquiry

### **Findings:-**

- (a) The accounting officer for the Ministry of Petroleum is the Permanent Secretary. There was no legal provision in 2015 which empowered a Minister of State or Deputy Minister to open a bank account for the purpose of holding public funds. The account was not opened in accordance with the Public Finance Act 2014 which is the statute under which government accounts were opened.
- (b) The Commission finds that the opening and operation of the account was illegal. The Commission believes that it was opened for the purpose of enabling ex-President Jammeh to use the resources which it held as he wished without accountability.
- (c) The Commission finds that the total sum of USD428,684 jointly withdrawn by the President and Mrs. Sira Wally Ndow-Njai and received by him was money stolen by the Ex-President within the definition of stealing under section 245(e) of the Criminal Code.
- (d) An amount in the sum of USD1,000,000 was withdrawn by Sanna Jarju in the absence of Sira Wally Ndow, this amount ought to be recovered from the assets of the President. These funds were withdrawn from the account without any of the signatories until later when Sira Wally Ndow – Njai regularize the documents without the signature of the former President.
- (e) The USD197,000 paid to Mr. Phillip Sambou who claimed to have handed it over to the Ex-President ought to be recovered from the assets of the Ex-President. According to Phillip Sambou the amount was withdrawn by Mrs. Sira Wally Ndow - Njai herself and handed over to him for onward transmission to the President.
- (f) As to the sum of USD2,142,800 that was withdrawn by Mrs. Sira Wally Ndow-Njai on her own, she should also be responsible for her actions and measures taken against her.
- (g) Guaranty Trust Bank should be sanctioned for allowing withdrawals from government account without proper documentation and signatory.



## The Commission of Inquiry

### Offences Committed

Mrs. Sira Wally Ndow Njai was a signatory to the account even though she said she knew that it was wrong for her to be a signatory to the account. She said she was forced to become a signatory to the account. Mrs. Ndow Njai withdrew cash from the account which she said she handed over to the Ex-President knowing that these were public funds not intended for the discretionary or personal use of the Ex-President. She continued to withdraw and give money to the Ex-President even though the Ex-President had shown an unwillingness to sign for and account for the cash that he received from her, and in fact refused to sign for the total sum of USD2,142,800 which she said he received.

She travelled out of the country during this period. The evidence shows that even when she was out of the country she arranged with the bank for the Ex-President to withdraw cash from the account.

The Commission finds that there is probable cause for finding that Mrs. Sira Wally Ndow Njai enabled the Ex-President or otherwise aided and abetted him to steal all the cash withdrawn from the Ministry of Petroleum Account No. a/no. 201- 117286-5-110 within the meaning of section 245 (2)(e) and section 25 of the criminal code.



## The Commission of Inquiry

### 2. TAX REVENUE RECOVERY ACCOUNT – a/c no. 202154961110

In April 2011, the Ex-President set up a Commission of Inquiry to investigate alleged tax evasion. The Tax Recovery Commission submitted its Report in April 2012 to the Ex-President making findings against a broad range of tax payers with recommendations for recovery of outstanding tax revenue from them. By section 150 of the Constitution of The Gambia tax revenue forms part of the Consolidated Revenue Fund and should be paid into the Consolidated Revenue Fund Account at the Central Bank of The Gambia.

On the 8<sup>th</sup> June 2012<sup>123</sup>, Secretary General Njogou L. Bah wrote to the Guaranty Trust bank to open the Gambia Revenue Recovery Account indicating that the Ex-President and Secretary General Bah were to be the signatories to the Account. The Gambia Revenue Recovery Account at Guaranty Trust Bank (Gambia) Ltd ACCOUNT NUMBER: 202154961110; BBAN: 005101154961711024 was opened on 11<sup>th</sup> June 2012. Another letter was sent on 12<sup>th</sup> September 2012 from the Secretary General Njogu Bah to the Managing Director of Guaranty Trust Bank conveying the authorization that henceforth, any one of the two signatories could sign to effect a transaction on the Account.

Mr. Bah was subsequently replaced by Mr. Momodou Sabally as signatory. The Commissioner General of Gambia Revenue Authority Mr. Yankuba Darboe (Witness No. 3) and Accountant General Mr. Momodou Lamin Bah (Witness No. 6) have confirmed that they were not aware, or consulted in the opening, of the accounts.<sup>124</sup>&<sup>125</sup>

A total of D54,358,650.41 was directed to be paid into this account by tax payers against whom findings were made by the Tax Commission. From 11<sup>th</sup> September, 2012 to 20<sup>th</sup> September 2013, total withdrawals made of D47,418,835.33 was withdrawn by cheques or written instructions from the Office of the President signed by the Ex-President with either Secretary Generals Messrs. Njogou L. Bah or Momodou Sabally.<sup>126</sup>

Total cash withdrawals by Secretary Generals Messrs. Njogou L. Bah or Momodou Sabally totaled **D20,381,887**. The Cash Withdrawals were not authenticated by supported documents.

Transaction Date	Beneficiary[Supplier]	Amount
12/09/2012	NJOGOU L. BAH	GMD 201,000.00
12/09/2012	NJOGOU L. BAH	GMD 46,194
20/09/2012	NJOGOU L. BAH	GMD 8,625,000.00 <sup>127</sup>
28/09/2012	NJOGOU L. BAH	GMD 1,931,277.00

<sup>123</sup> Exhibit BB33

<sup>124</sup> Transcript of Mr. Yankuba Darboe dated 10<sup>th</sup> August 2017

<sup>125</sup> Transcript of Mr. Momodou Lamin Bah dated 14<sup>th</sup> August 2017

<sup>126</sup> Exhibit BB36 (Bundle)

<sup>127</sup> Transcript of Mr. Njogou Bah dated 26<sup>th</sup> September 2017. He said money was withdrawn for the First Lady's travels



## The Commission of Inquiry

30/11/2012	NJOGOU L. BAH	GMD 4,733,138.00
19/09/2013	MOMODOU SABALLY	GMD 897,932.00
28/06/2013	MOMODOU SABALLY	GMD 2,000,000.00
30/08/2013	MOMODOU SABALLY	GMD 1,947,346.00
<b>GMD 20,381,887.00</b>		

They both stated that the money was handed over to the President. There is no reason to disbelieve them when they said they handed the money to the Ex-President, because it is inconceivable that he would co-sign the withdrawal of the said sums and not make sure that he received them.

No evidence exists to show that the following payments were Eligible Expenses in line with Government Activities and ought to be refunded to the account<sup>128</sup>

Transaction Date	Beneficiary	Amount	Comment
12/09/2012	Tonnellerie Allary Sarl	D946,834.92	The amount was transferred to Paris for final payment for goods. Authorised by N. Bah and Ex-President
10/09/2013	NAWEC	D5,398,693.00	The purpose for which this amount was meant for is not stated. Authorised by M. Sabally and Ex-President
10/09/2013	Salif Bojang (Gambia Armed Forces)	D229,390.00	The purpose is not explained. Authorised by M. Sabally and Ex-President
10/09/2013	John C Njie & Mariama Colley	D300,000.00	The purpose is not stated. Authorised by M. Sabally and Ex-President Jammeh
18/09/2013	Gambia International Airlines	D13,383,600	This amount was transferred to GIA for the purpose of paying for Hajj. Authorised by M. Sabally and Ex-President Jammeh
		<b>D20,258,517.92</b>	

<sup>128</sup> Exhibit BB36 (Bundle)



## The Commission of Inquiry

The Commission notes that D4,401,547.20 was paid to COMPETENCE COMPANY LTD/MR SHERIFF SAWANEH dated 26<sup>th</sup> February 2014. There was no evidence to show that this contract was tendered for bidding and that the company was awarded this contract after a successful bid, in contravention of Gambia Public Procurement Authority (GPPA) Rules.

The Commission also notes that D2,370,287.01 was spent on Scholarship related transfers.

### Findings:-

- (a) Tax revenue should form part of the Consolidated Revenue Fund but these funds did not form part of the fund account balances in the years concerned contrary to the section 7(1) and 21(2) of the Public Finance Act 2014. Although the Financial Instructions for the Implementation of the Government Budget Management and Accountability (FI) Act 2004 was in place when this account was opened, section 99 of the FI Act 2004 is also consistent with the current 2014 Act.
- (b) The Commission finds that the opening and operation of these accounts were illegal. The Commission believes that they were opened for the purpose of enabling the Ex-President to use the resources which he or OP held as he wished without accountability.
- (c) Section 13 of the Public Finance Act, 2014 allows the opening of Official Account in a Commercial Bank provided its approved by the Minister on the recommendation of the Accountant General. There is no evidence before the commission suggesting that such procedure was followed.
- (d) Funds from this Account should have been lodged into the GRA Tax Recovery Account at the Central Bank
- (e) The Commission finds that the total sum of D40,640,404.92 withdrawn in cash and payments by the President and with either Secretary General Njogou L. Bah or Momdou Sabally and received by him was money stolen by the Ex-President within the definition of section 245(e) of the Criminal Code.
  - Ex – President Jammeh and Njogou L. Bah are jointly liable for **D15,536,609.00 cash withdrawal and D946,834.92 for payments deemed to be ineligible.**
  - Ex – President Jammeh and Momodou Sabally are jointly liable for **D4,845,278.00 cash withdrawal and D19,311,683 for payments deemed to be ineligible.**



## The Commission of Inquiry

### **3. MOBILISATION ACCOUNT – a/c no. 202154675/110**

A GMD account was opened on the 10<sup>th</sup> January 2012. Only an Account Opening Document was completed. Although the Minister of Finance signed the account opening document, an official letter was not issued by Ministry of Finance and Economic Affairs (MOFEA) or Accountant General's office.

This account we understand was to be used to facilitate State functions i.e. Celebration of National Events. The Ex - President made the decision of opening this account in a cabinet meeting.

The signatories to this account were Secretary Generals(Mr. Njogou L. Bah, Minister of Finance Mambureh Njie and Minister of Tourism Fatou Mass Jobe. Later Secretary General Momodou Sabally, Minister of Basic and Secondary Education, of Trade, Industry, Regional Integration and Employment (Ms. Fatou Lamin Faye, Mr. Abdoulie Jobe) were added. The Ministry of Finance was to provide the seed money.

### **Deposits**

Evidence before this Commission showed that the total credits into the Account was D57,415,000, and the total withdrawal was D56,526,000. The Commission noted that 90% of the funds deposited was from the CBG in the sum of D42, 000,000. The two major deposits in the account totaling D17,446,797.27 was used to finance the Presidential Inauguration in 2012.

A deposit of D8,139,222.00 was made in the account by the then Minister of Tourism and Culture Hon. Fatou Mass Jobe Njie dated 10<sup>th</sup> April 2012. According to her it was meant to finance the State visit by the Taiwanese President, His Excellency President Ma and she presented receipts claimed to be retirements of impress given to her for the said event.

The third event financed from the Account was the State visit of Dr. Goodluck Ebele Jonathan in the Gambia in November 2013 in which an amount GMD3,084,360.00 was transferred from the National Treasury to the Mobilization Account at Guaranty Trust Bank. A total sum of D22,200,000.00 was transferred from the National Treasury Main Account on the 20<sup>th</sup>, July 2017 to the mobilization Account at GTB to finance the July 22nd Anniversary in 2016.

Credits into account were mainly from various sources:



## The Commission of Inquiry

### (2A) ROC on Taiwan

A cheque dated 9<sup>th</sup> January 2012 made payable to Secretary General Office of the President of USD575,801.89 was deposited into the Mobilisation account. D17,446,797.30 was credited into account on the 11<sup>th</sup> January 2012.

### (2B) Treasury Main Account under Directorate of National Treasury as follows:

Date	Reference No.	Amount GMD
27-Feb-2012	10002510	5,776,511
7-Nov-2013	0	3,084,360
20-Jul-2016	1600519129	22,200,000
<b>TOTAL</b>		<b>31,060,871</b>

### 2C) Donations were received from Companies, Individuals and so on namely:

GTB,  
APRC Fundraising,  
Members of Cabinet  
Gambian Community in Addis  
Gambia Embassy in Spain  
Ebrima Jawara  
Muhammed Mboob

### Payments: RETIREMENT OF IMPREST RELATED TO THE STATE VISIT OF PRESIDENT GOODLUCK JONATHAN OF NIGERIA TO THE GAMBIA FROM 8-9 NOVEMBER 2013

A sum of D3,084,360.00 was transferred to the Mobilisation Account to cater for logistics during the State Visit of President Goodluck Jonathan of Nigeria to the Gambia. The following were noted. This amount was an imprest subject to retirement in the name of Mr. Momodou Sabally. Mr. Momodou Sabally could not account for this amount and there is no evidence before the Commission that the amount was retired by Mr. Sabally or anybody else<sup>129</sup>.

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## The Commission of Inquiry

### A: Payment to cover cost of feeding GNG personnel at Coco Ocean Resort

We reviewed acknowledgement letter confirming receipt of D200,000 by General Ansumana Tamba, State Guards Commander to cover the cost of feeding of military personnel deployed at Coco Ocean to provide security to President Goodluck Jonathan and team. However, no documentation including receipts was provided to show how this fund was being used.

### B: Bank transfer in respect of refunds of funds borrowed from Cabinet members account

We also noted a withdrawal of D156,835.50 from the bank statement. This was claimed to have been used to transport school children in the welcoming and farewell of the Nigerian President. In the imprest retirement statement, Ms. Fatou Lamin Faye indicated that this fund was initially in the cabinet members contribution account even though we could not confirm this as the account statement of the said account was not provided to show the amount being withdrawn or moved from this account.

In addition, there was no documentation to support the expenditures made out of the fund including hiring of transport facilities.

### C: Payment to Mayor Yankuba Colley

A sum of D385,000 was paid to Mayor Yankuba Colley to cover the cost of support to the KMC mobilisation team and to cover the participation of cultural troupes. There was an outstanding retirement of D15,000 to be made.

### D: Payment to Sahara Trading Enterprises totaling D37,200 for the sewing of Nigerian flags. There was no receipt provided to support this payment even though an invoice from Sahara Trading was provided.

### RETIREMENT OF IMPREST FOR THE 22<sup>nd</sup> ANNIVERSARY CELEBRATION OF THE JULY 22 REVOLUTION 2016

A sum of D22,200,000 was transferred to the Mobilisation account to cater for logistics for the 22 anniversary of July 22 revolution in 2016. Supporting documents were reviewed and noted the following:

Payment to Governors of D2,235,000 for the 22<sup>nd</sup> July celebrations in 2016. There was no evidence provided to show how the funds were spent and therefore remained outstanding.



## The Commission of Inquiry

Details are provided below:

<b>Date</b>	<b>Description</b>	<b>Imprest Holder</b>	<b>Amount GMD</b>	<b>Remarks</b>
21/7/16	Feeding of LRR delegates	Governor Salieu Puye	225,000.00	No receipt or documents provided to show how funds were spent.
20/7/16	Transportation of LRR delegates		120,000.00	No receipt or documents provided to show how funds were spent.
06/08/16	Support to LRR		100,000.00	No receipt or documents provided to show how funds were spent.
<b>Total</b>			<b>445,000.00</b>	
22/7/16	Feeding of CRR delegates	Governor Omar A. Khan	225,000.00	No receipt or documents provided to show how funds were spent.
20/7/16	Transportation of CRR delegates		120,000.00	No receipt or documents provided to show how funds were spent.
05/8/16	Support to CRR		50,000.00	No receipt or documents provided to show how funds were spent.
<b>Total</b>			<b>395,000.00</b>	
23/7/16	Feeding of URR delegates	Governor Omar Sompo Ceesay	225,000.00	No receipt or documents provided to show how funds were spent.
20/7/16	Transportation of URR delegates		195,000.00	No receipt or documents provided to show how funds were spent.
05/8/16	Support to URR		100,000.00	No receipt or documents provided to show how funds were spent.
<b>Total</b>			<b>520,000.00</b>	
24/7/16	Feeding of NBR delegates	Governor Lamin S.I. Jammeh	225,000.00	No receipt or documents provided to show how funds were spent.
20/7/16	Transportation of NBR delegates		120,000.00	No receipt or documents provided to show how funds were spent.
04/8/16	Support to NBR		100,000.00	No receipt or documents provided to show how funds were spent.
<b>Total</b>			<b>445,000.00</b>	
25/7/16	Feeding of WCR	Governor	225,000.00	No receipt or documents



### The Commission of Inquiry

Date	Description	Imprest Holder	Amount GMD	Remarks
	delegates	Siffau Hydara		provided to show how funds were spent.
20/7/16	Transportation of WCR delegates		105,000.00	No receipt or documents provided to show how funds were spent.
04/8/16	Support to WCR		50,000.00	No receipt or documents provided to show how funds were spent.
<b>Total</b>			<b>380,000.00</b>	
03/8/16	Support to BCC	Mayor Abdoulie Bah	25,000.00	No receipt or documents provided to show how funds were spent.
06/8/16	Support to KMC	Mayor Yankuba Colley	25,000.00	No receipt or documents provided to show how funds were spent.
<b>Grand total</b>			<b>2,235,000.00</b>	

Other outstanding imprest to individuals totaled D632,700.00 made to various individuals engaged in different activities during the 22 July celebrations. There were no supporting receipts or documents provided to show how expenditures were incurred.

As a result, the amounts remained outstanding. Details are shown below:

Date	Description	Imprest Holder	Amount GMD	Remarks
21/7/16	Purchase of condiments	Isatou Gifanga Jarju	25,000.00	No documents provided to show how funds were spent.
21/7/16	Payment of cooks	Isatou Gifanga Jarju	40,000.00	No payment list to show who were paid spent.
21/7/16	Honorarium to drivers, helpers & regional mobilisers	Isatou Gifanga Jarju	45,000.00	No payment list to show who were paid spent.
21/7/16	Feeding for GAF,GPF,GID,GFR S,NIA,DLEA,JOC	ADO Masaneh Fofana	177,000.00	No receipt or documents provided to show how funds were spent.
21/7/16	Honorarium for social media	Hon. Abdou Jobe & Pa O. Jarju	10,000.00	No payment list to show who were paid spent.
21/7/16	Purchase of condiments & others	Fatou Bah	21,500.00	No receipt or documents provided to show how



## The Commission of Inquiry

Date	Description	Imprest Holder	Amount GMD	Remarks
				funds were spent.
21/7/16	Payment for musical sound system	Sulayman Tunkara	28,000.00	No PV seen or payment list of members paid.
21/7/16	Food items	Mberry Sowe	18,200.00	No receipt or documents provided to show how funds were spent.
21/7/16	Condiments & other items	Tombong Sanyang	17,000.00	No receipt or documents provided to show how funds were spent.
21/7/16	Bread, plates & Cups, firewood, hire of utensils & condiments	Babou Gaye Sonko	160,000.00	No receipt or documents provided to show how funds were spent.
21/7/16	Lunch for delegates returning & cooks for 7 regions	Babou Gaye Sonko	76,000.00	No receipt or documents provided to show how funds were spent.
21/7/16	Purchase of buckets, cups for mobile toilet	Buba I. Demba	5,000.00	No receipt or documents provided to show how funds were spent.
21/7/16	purchase of condiments	Essa Jallow	10,000.00	No receipt or documents provided to show how funds were spent.
<b>Total</b>			<b>632,700.00</b>	

### Cash Withdrawals

Significant bulk cash withdrawals were made from the account and details are below:

Date	Amount GMD	Cash Withdrawn by Whom??
20/07/2016	15,000,000	Landing Jatta
21/07/2016	4,500,000	Landing Jatta
3/08/2016	500,000	Landing Jatta
4/08/2016	580,000	Bubacarr Fofana
31/08/2016	296,725	Landing Jatta
<b>TOTAL</b>	<b>20,876,725</b>	



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**Other Lapses** - The Account was overdrawn at various periods 20/01/2012 to 14/02/2102 and from 26/03/2012 to 4/04/2012. Documentary evidence that a facility had been agreed upon was not forwarded by MOFEA on behalf of Gambia Government was not provided. GT Bank debited the account with Arrangement fees for the temporary Excess.

On the 11<sup>th</sup> January 2012, Euros 140,000 equivalent of D5,600,000 was purchased from GT Bank. However, Instruction on who authorised transaction was not provided. On GT Bank's Foreign Exchange Deal Slip the recipient of the cash was not indicated on the document.

## FINDINGS

- (a) Section 13 of the Public Finance Act, 2014 allows the opening of Official Account in a Commercial Bank provided it is approved by the Minister on the recommendation of the Accountant General. There is no evidence before the Commission suggesting that such procedure was followed.
- (b) The D3,084,360 paid to Mr. Momodou Sabally from the CBG for the visit of the former President of Nigeria Goodluck Jonathan ought to be accounted for, recovered and paid back into the Treasury Main Account.
- (c) All payments or withdrawals from the Account without documents to show how the funds were spent are outstanding and ought to be recovered.
- (d) Overdrawing of the Account was not proper as there was no evidence to show that a facility was agreed upon.
- (e) The cash withdrawals in the sum of D20,876,725 paid to Messrs. Landing Jatta and Bubacarr Fofana must be accounted for or recovered due to the fact that there is no evidence explaining the purpose of the withdrawals.
- (f) An amount in the sum of D2,235,000 being an imprest in the name of Governors and other individuals are still outstanding and ought to be accounted for or recovered.



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### 4. OPERATION SAVE THE CHILDREN FOUNDATION (OSCF) Account - a/c nos. 216-852479-110 & 216-852479-210

#### Introduction

The Foundation was set up in November 2014 as an NGO as per its Constitution and Bye Laws. However, the Board constituted of Public Servants including the former Vice President apart from the former First Lady. GT Board allocated land to the Foundation based on a Directive and the Foundation had plans to apply for a Grant from IDB<sup>130</sup>.

A letter dated 27<sup>th</sup> January 2016 was written to GTB from the Office of the President on Government letterhead to open a foreign denominated account and a GMD account.<sup>131</sup>

The Signatories to the Account were as follows:

Name of Signatory	Designation
Zineb Yahya Jammeh	Ex – First Lady & Chairperson of Operation Save The Children Foundation
Isatou Njie- Saidy	Former Vice President and Vice Chairperson of Operation Save the Children Foundation

*Mandate is for any one signatory to sign.*

The accounts were funded from the deposits/ donations made by Public Enterprises (PEs)/ State Owned Enterprises, Companies, Individuals and Countries namely:-

- GNPC, Comium Gambia Limited, NAWEC, Africell, GPA, PURA, GRA, GPPC, Jah Oil, GICEC, MHF Group, Euro African Group Limited (EAGL), Gam Petroleum, Amadou Samba, F. Jahumpa Ceesay, Namaste India Foundation, Senegambia Beach Hotel, Lerr Group Limited, Guaranty Trust Bank (Gambia) Limited, ECOWAS National Office, Mobicell, Multimedia

Deposits into the accounts totaled USD506,865.60 and D21,237,877.60.

Based on the transaction documents provided, the payments made from the account were further analysed and summarised by payment type and payee.

<sup>130</sup> Exhibit MS156B

<sup>131</sup> Exhibit BB83A



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### USD Payments/ Transfers

Date	Beneficiary	Destination	Amount	Authorised By	Comments
			<b>USD</b>		
24/03/2016	Online Video Suburban Video Inc.	US	3,895.5	Ex First Lady & Former Vice President	Additional Voice over recording and 16 hours editing of 2 OSCF Videos of the Ex First lady's Activities
25/04/2016	Online Video Suburban Video Inc.	US	2,226	Ex First Lady & Former Vice President	DVD Creation and duplication of 100 discs of Ex First lady's activities including shipment to Banjul
23/5/2016	TK Xport LLC	Dubai	5,050	Ex First Lady	Payment for 1 olive green leather box and framing of 1 painting
17/08/2016	TK Xport LLC	Dubai	7,020	Ex First Lady	Printing of Office Stationary for Office of the First Lady and Operation Save the Children Foundation and Shipment by air
3/10/2016	Online Video Suburban Video Inc.	US	2,157	Ex First Lady	Production of a 7 minutes documentary on Ex First



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					lady's activities
17/10/2016	SL Events Creation et Logistique	Rabat Morocco	130,000	Ex First Lady	Part payment for leasing of equipment, dinner ware, event planning and management in relation to OSCF; dinner
20/10/2016	Modern Travel Agency	Morocco	48,903.97	Ex First Lady	50% payment for air tickets for invited guests relative to OSCF fundraising activities
20/10/2016	TK Xport LLC	Dubai	4,190	Ex First Lady	Payment for 2000 hand held flags (Gambia and UAE)
1/11/2016	Online Video Suburban Video Inc.	US	1,478	Ex First Lady	Balance of payment for editing and voicing of documentary on OSCF's activities
9/11/2016	SL Events Creation et Logistique	Rabat Morocco	60,000	Ex First Lady	Part payment for leasing of equipment, dinner ware, event planning and management in relation to OSCF; dinner
5/12/2016	Online Video Suburban Video Inc.	US	3,847.80	Former Vice President	Editing and voice over recording of a 7 minutes



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					documentary on Ex-President Jammeh's nomination
13/01/2017	SL Events Creation et Logistique	Rabbat Morocco	50,000	Ex First Lady	
<b>TOTAL</b>					

**GMD Payments**

Date	Beneficiary	Amount GMD	Authorised By	Comments
19/01/2016	Miranda Nehme	242,500	Ex First Lady & Former Vice President	Payment for flower arrangements for 17 tables, 12 side wall arrangements, 1 centre piece, 1 podium flora art and 2 bouquets of flowers
27/09/2016	Miranda Nehme	1,260,000	Ex First Lady	
5/10/2016	Brussels Airlines	400,993.06	Ex First Lady	Return air tickets for Sona Jobarteh, band members and Fatoumatta Ndure- Jobe
17/10/2016	R & R	491,750	Ex First Lady	Supply of 133 red aluminum banquette chairs and 350 brown steel frame banquette chairs
17/10/2016	Coco Ocean Resort and Spa	2,000,000	Ex First Lady	Part payment for silver service catering for 800 people for the OSCF Fundraising gala



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				dinner
18/10/2016	EPM	120,375	Ex First Lady	Leasing of 250 banquette chairs for 15 days for the OSCF Fundraising dinner scheduled for 26 <sup>th</sup> Oct. 2016
24/10/2016	Kombo Beach Hotel	477,000	Ex First Lady	Accommodation for SL Events team on full board
25/10/2016	Coco Ocean Resort and Spa	2,028,000	Ex First Lady	Balance of payment for silver service catering for 80 people for the OSCF Gala dinner
25/10/2016	MFH Group	407,100	Ex First Lady	Purchase of 6 floor standing 30,000 BTU Air Conditioners
26/10/2016	Miranda Nehme	295,000	Ex First Lady	Balance of payment for floral arrangements for the OSCF Fundraising gala dinner
1/11/2016	Coco Ocean Resort and Spa	2,099,065.50	Ex First Lady	

Based on the Witness evidence of Mrs. Fatou Mas - Jobe, USD400,000 was paid for Tables, Chairs, Musical Equipment, A Moroccan Musician USD80,000 through a travel Agency.

The former Vice President 'Mrs. Isatou Njie - Saidy when asked did not have any idea of why all these payments were made,

***See Volume 4 PART 3 – Chapter 5 for full details on this Foundation***



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### **Findings:**

(a) Ex First Lady Jammeh - Majority of payments USD308,798.97 were authorised by only the Ex first lady. Out of the total funds received from Donors, only USD25,000 was used for treatment of five (5) Children with Congenital heart conditions at a Hospital in Israel, allowances for 2 nurses accompanying children totaling GMD68,250. These payments were made on the 27<sup>th</sup> February 2017 after the political impasse.

There were also a lot of Cash Withdrawals made and the purpose of these withdrawals was not explained.

### **(b) Breaches in the Control Environment**

Letterheads of the Republic of the Gambia were used for the activities of OSCF which should not have been the case.



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### 5. Office of the First Lady Account (USD, GBP, EUR) – a/c no. 216-853510-110

#### Introduction

A letter dated 12<sup>th</sup> October 2016 was written to GTB from the Office of the First Lady to open an account<sup>132</sup>.

Cash Deposits into the three accounts maintained were made by Mr. Alhagi Ousman Ceesay (Witness no. 62)<sup>133</sup>. *The sources of the funds deposited in the three accounts are not known.* It is our understanding that these accounts were classified as Government Accounts. But rather the accounts were used for personal purposes.

The Signatories to the Account were as follows:-

Name of Signatory	Designation
Zineb Yayha Jammeh	Ex – First Lady
Alhagi Ousman Ceesay	Deputy Permanent Secretary/ Protocol Affairs Office of the First Lady

*Alhagi Ousman Ceesay whilst giving evidence could not explain why he was made a signatory to the accounts when asked.*

Analysis of Payments - Based on the transaction documents provided, the payments made from the account were further analysed and summarised by payment type and payee.

Date	Beneficiary	Purpose	Amount USD	Comments
5/01/2016	Ivymount Outreach Program INC	Payment for Consultancy	12,800	Beneficiary is paid for services in providing teachers to home school Mohammeb Jammeh
10/10/2016	At Risk International LLC	Official	15,000	
10/10/2016	Lalla Meryem Al Idrissi	Official	3,000	
10/10/2016	MYJ Family Revoc.	Salaries	17,000	

<sup>132</sup> Exhibit BB82A

<sup>133</sup> Exhibit BB82B



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	Trust			
12/10/2016	Lindsey Morgan Beatse	Official	5,500	Beneficiary was a Teacher to son Monhammed Jammeh who was being home schooled
12/10/2016	Kamala Rebecca Parker	Official	5,500	Beneficiary was a Teacher to son Monhammed Jammeh who was being home schooled
12/10/2016	Katherine Suzanne Leslie	Official	5,900	Beneficiary was a Teacher to son Monhammed Jammeh who was being home schooled
25/10/2016	MYJ Family Revoc. Trust	Official	20,000	
28/10/2016	Yvonne Alleyne	Official	15,000	Beneficiary was a Teacher to son Monhammed Jammeh who was being home schooled
28/10/2016	Ivymount Outreach Program INC	Official	13,000	
8/11/2016	Lalla Meryem Al Idrissi	Official	3,000	
8/11/2016	MYJ Family Revoc. Trust	Official	17,000	
9/11/2016	Katherine Suzanne Leslie	Official	5,900	Beneficiary was a Teacher to son Mohammed Jammeh who was being home schooled
9/11/2016	Lindsey Morgan Beatse	Official	5,500	Beneficiary was a Teacher to son Mohammed Jammeh who was being home



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				schooled
9/11/2016	Kamala Parker	Rebecca	Official	5,900 Beneficiary was a Teacher to son Mohammed Jammeh who was being home schooled
11/11/2016	The Walker Merchant Group		Official	20,000
25/11/2016	MYJ Family Revoc. Trust		Salaries	30,000
5/12/2016	Lalla Meryem Al Idrissi		Salary	3,000
6/12/2016	Lina Ilgaz		Consultancy	20,000
6/01/2017	MYJ Family Revoc. Trust		Salaries	15,700
12/01/2017	Moulay Ali Al Idrissi		Consultancy Service	8,624 The beneficiary is the brother of the Personal Assistant of the Ex- First lady
13/01/2017	MYJ Family Revoc. Trust		Settlement of Invoice	10,000

### Findings:

- (a) Approval of MOFEA - There was no approval from Ministry of Finance and Economic Affairs (MOFEA) authorising opening of a bank account at GT Bank.
- (b) The funds in the various bank accounts did not form part of the Consolidated Revenue Fund (CRF) for the years concerned.
- (c) This account was classified as a Government account by the Bank, however why ex- First Lady Zineb Jammeh was made a signatory to this account is a cause for concern likewise "Mr. Alhajie Ceesay" who was then a deputy PS.



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### CHAPTER 3 - TRUST BANK LIMITED (TBL)

#### 1. DR. ALHAJI YAHYA JAMMEH FOUNDATION<sup>134</sup> - a/c no. 10701930502

On the 11<sup>th</sup> May 1999, Trust Bank Limited opened the Dr. Alhaji Yahya Jammeh Foundation accounts in dalasis. No statutory documents were submitted to the Commission confirming the legal status of this Foundation. The original signatories to the account were individuals both within and outside the public service described in the file as directors. In a letter written by the Ex-President to the Bank dated 16<sup>th</sup> December 2002, he instructed that the Vice President Mrs. Isatou Njie-Saidy (Witness no. 144) be added as signatory to the account. He signed the letter as "the chief Patron of the Foundation." The monies paid into these accounts were mainly from grants from the Government of Taiwan. Some donations were also made by State Owned Enterprises, and some private entities operating in The Gambia<sup>135</sup>.

A US dollar account No.10701930502 was also opened with the same signatories and out of the total amount that went into this account, USD 4 Million was from ROC on Taiwan grants to The Gambia. Strangely, from 14<sup>th</sup> February, 2012 to 3<sup>rd</sup> October, 2013, the Ex-President, signing alone, issued written instructions and withdrew, or gave instructions for payment, from the USD account of the Foundation the total sum of **USD3,013,615.47**. The cash was received on his behalf by the Chiefs of Protocol Messrs. Sanna Jarju or Alhaji Ousman Ceesay. TBL allowed the Ex-President to withdraw the said sums even though they have produced no documents to show that he was a signatory to the account.

Credit transfers of **USD2,550,000** were also made by **Euro African Group Limited (EAGL)<sup>136</sup>** into this account 'Dr. Alha. Yahya Jammeh Foundation'. (see *Extract of deposits made into Ex-President Jammeh's Foundation account by EAGL*)

Trx Date	Details	Ref No	Chq No	Val Date	Credit
					<b>US\$</b>
06 Mar 2013	P/O B/O EAGL	001ao50130650014		06 Mar 2013	1,000,000.00
28 Mar 2013	P/O B/O E.A.G.L	001ae80130870025		28 Mar 2013	500,000.00
08 May 2013	FUNDS TRF BO EURO AFRICAN	001ao51131280007		08 May 2013	500,000.00
31 Jul 2013	FUNDS TRF IFO EAGL	001ao51132120027		31 Jul 2013	250,000.00
19 Nov 2013	P/O B/O EAGL	001ae93133230013		19 Nov 2013	300,000.00
		<b>TOTAL</b>			<b>2,550,000.00</b>

<sup>134</sup> Exhibit BB72F(bundle)

<sup>135</sup> The circumstances of these donations are being investigated.

<sup>136</sup> Mr. Mohamed Bazzi is a Shareholder of EAGL (who has been identified as a Close Associate of Ex-President Jammeh. Mr. Amadou Abdoulie Samba another Close Associate is also a Shareholder at EAGL



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### Findings:-

- (a) The withdrawal of funds by the Ex-President from these accounts was illegal as he has not been shown to be a signatory to the account. Trust Bank Limited ought not to have allowed the Ex-President to withdraw money from this account without first adding him as signatory. By so doing they facilitated and aided him in illegally taking money from the Foundation. (This matter has been treated elsewhere in this Report)
- (b) The Commission finds that the sum of USD3,013,615.47 withdrawn by Ex-President through Protocol Sanna Jarju or Alhaji Ousman Ceesay (Witness nos 187 & 62) was stolen from the Foundation within the meaning of section 245(e).
- (c) The Ex-President was the patron of the Foundation which bore his name. He exercised authority over the Foundation. The Commission finds that he acted as and ought to be regarded as a Trustee of the funds of the Foundation. His actions also amount to a felony under section 300 of the Criminal Code.
- (d) EAGL is a private limited liability company with a Board of directors. Making monthly payments to the Ex – President is incomprehensible. Although attempts were made by Mr. Mohamed Bazzi<sup>137</sup> (Witness No 63) to explain why such payments were made, these payments are considered to be bribery for favors. EAGL has had exclusive monopoly over importation of fuel into the Gambia for a number of years since 2004.

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<sup>137</sup> Transcripts of Mr. Mohamed Bazzi dated 2<sup>nd</sup> & 5<sup>th</sup> October 2017



## The Commission of Inquiry

### 2. PROF. Dr. YAHYA A.J.J. JAMMEH ACCOUNT – a/c. no. 11002037701

A personal account ‘an *Individual Current Account*’ was opened for Ex-President Jammeh in 2005<sup>138</sup>. Credits made into account are from the:

- Monthly salary of the Ex- President of D47,000 from 2006, increased to D77,000 in Jan. 2007 to Jan. 2008, then further increased to D170,000 from Feb 2008 to date) and yearly Gratuity.
- Furthermore, in a letter dated 23<sup>rd</sup> June 2011 addressed to TBL from Euro African Group Limited (EAGL), the Bank was instructed to credit USD500,000 into the Ex-President’s account from June 2011. This letter was signed by Mohamed Bazzi (*who has been identified as a Close Associate of Ex-President Jammeh*). Monthly deposits were made until Jan. 2013. A total of over D240,000,000 was credited into Ex- President Jammeh’s account by EAGL (see *Extract below*).

Based on the evidence of Mohamed Bazzi (Witness No. 63), he explained that payments were on behalf of Mr. Ali Sharara to Ex- President Jammeh who demanded USD500,000 a month (on behalf of TELL Inc. who were the managers of the International Gateway). Mr. Sharara is the owner of TELL Inc. and SPECTRUM that had purchased 50% shares of GAMTEL/ GAMCEL in 2008 but Agreement was later terminated. He further mentioned that Ex-President Jammeh told Mr. Sharara to deal with Witness. He also explained that credits where then made into his account in Lebanon Beirut by Mr. Sharara.

### **Extract of Deposits paid into Ex-President Jammeh’s personal account no. 11002037701 by EAGL**

<sup>138</sup> Exhibit BB72g



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<b>Trx Date</b>	<b>Details</b>	<b>Ref No</b>	<b>Chq No</b>	<b>Val Date</b>	<b>Credit GMD</b>
30 Jun 2011	AMT TFR FRM 11010298101	001ba02111810002		30 Jun 2011	14,750,000.00
29 Jul 2011	FUNDS TRF FROM EURO AFRICAN GROUP LTD	001cq50112100007		29 Jul 2011	14,750,000.00
29 Aug 2011	FUNDS TRF FR 11010298101 B/O EURO AFRICAN G.LTD	001db11112410004		29 Aug 2011	14,750,000.00
29 Sep 2011	FUNDS TRF FROM EURO AFRICAN GROUP LTD	001cq53112720057		29 Sep 2011	15,000,000.00
31 Oct 2011	FUNDS TRF FRM EURO AFRICAN GROUP LTD	001cq53113040012		31 Oct 2011	15,000,000.00
30 Nov 2011	FUND TRF FROM 110- 102981-01	001bi00113340004		30 Nov 2011	15,000,000.00
30 Dec 2011	FUNDS TRANSFER FROM EURO AFRICAN GROUP LTD	001cq66113640002		30 Dec 2011	15,000,000.00
31 Jan 2012	MONTHLY FUNDS TRF FROM 11010298101(EURO AFRICAN GROUP)	001bu01120310002		31 Jan 2012	15,000,000.00
29 Feb 2012	FUNDS TRF FROM 11010298101	001cj50120600002		29 Feb 2012	15,000,000.00
28 Mar 2012	FUNDS TRF FRM 11010298101	001ae01120880004		28 Mar 2012	15,000,000.00
30 Apr 2012	FUNDS TRF FROM A/C#11010298101	001cu10121210001		30 Apr 2012	15,000,000.00
17 May 2012	CASH DEPOSIT	001CSDP121380254		17 May 2012	15,250,000.00
28 Jun 2012	FUND TRANSFERED FROM EURO AFRICAN GROUP	001dz50121800003		28 Jun 2012	15,000,000.00
30 Jul 2012	FUNDS TRF FROM A/C#11010298101	001af04122120002		30 Jul 2012	16,000,000.00
30 Oct 2012	FUNDS TRF FROM 11010298101	001cj50123040005		30 Oct 2012	16,000,000.00
27 Dec 2012	FUNDS TRANSFER FRM11010298101	001cq60123620005		27 Dec 2012	6,500,000.00
30 Jan 2013	FUND TRANSFER INTERNAL	001cq62130300016		30 Jan 2013	7,030,000.00
					<b>240,030,000.00</b>



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### Findings:-

- (a) EAGL is a private limited liability company with a board of directors. Making monthly payments to the Ex – President is incomprehensible. Although attempts were made by Mr. Mohamed Bazzi (Witness No. 63) to explain why such payments were made by EAGL<sup>139</sup>, these payments are considered to be bribery for favors. EAGL has had exclusive monopoly over importation of fuel into the Gambia for a number of years since 2004.
- (b) TBL should have flagged these bank transfers made to the Ex-President's account as suspicious transactions. An investigation should have been carried and a report submitted to the Regulator being CBG on these transactions. None of these were done.

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<sup>139</sup> Transcripts of Mr. Mohamed Bazzi dated 2<sup>nd</sup> & 5<sup>th</sup> October 2017



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### 3. NATIONAL SECURITY PROJECTS ACCOUNTS – a/c no. 12012532102 & 11212532101

On the 19<sup>th</sup> April, 2012, the Ex-President and the then Secretary General, Njogou L. Bah opened a dalasis savings account at Trust Bank Ltd. No.11212532101 called National Security Projects and on the 19<sup>th</sup> April 2012 deposited D10 million into the account from GNPC's Access Bank account.

The D10 million from Access Bank was traced to a cheque No. 00284314 paid to Secretary General Bah from Gambia National Petroleum Company account<sup>140</sup> on the request of the Office of the President<sup>141</sup> purportedly for Mile 2 Prisons Rehabilitation. No rehabilitation was carried out. By 31<sup>st</sup> December 2016, the account accrued a total interest of D416,706.93. From 20<sup>th</sup> April, 2012 to 20<sup>th</sup> November 2012, the Ex-President and Secretary General Bah withdrew D9,201,140 cash through a cadet Protocol Officer – Mr. Momodou Sowe by written instructions signed by the two of them. Of the amounts withdrawn, only the instructions of 6<sup>th</sup> August 2012 (reference PR/C/822/Vol.10/(NLB-2) for the sum of D700,000 stated the purpose of the withdrawal to be "to cater for the feeding and fuel requirements of "Operation Bulldozer"). No accounting records for this narrative have been found.

By internal memorandum dated 17<sup>th</sup> May 2012, the Bank opened a US dollars account No. 12012532102 and linked it to the savings account. A cheque no. 2728 dated 11<sup>th</sup> May 2012 in the sum of USD2,921,317 issued by Embassy of ROC (TAIWAN) Banjul made out to the Secretary General Office of the President was credited to the USD account. A total of USD1,056,841.77 was withdrawn in cash from this account.

The transactions shown below are authorization from this account made by Mr. Bah and the Ex-President in which he (Mr. Bah) claimed to have acted on the instruction of the Ex-president.

Date	Amount	Remark
5/06/12	USD357,143  D5 Million loan to Green Industries	USD357,143 was paid in respect of fencing Banjul International Airport.  The D5 Million loan to Green Industries was to buy raw materials and pay salaries for the staff of the Green Industries.

<sup>140</sup> Exhibit MS60 (bundle)

<sup>141</sup> SC2 (bundle) (see letter dated 5/4/2012 to Ministry of Petroleum reference OP244/126/02/10/(23) from SG-OP. Letter from Ministry of Petroleum to GNPC dated 10/4/2012 reference APB/105/108/01(104) to MD GNPC. GNPC letter enclosing D10 million cheque dated 12/4/2012 reference GNPC/101/160412/(15)



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	USD218,800	The said sum was paid to Taiwan Fertilizer Company to purchase fertilizers for Kanilai Family Farms.
	USD20,000	Mr. Bah said that the sum was paid to former Ambassador Jackson McDonald through his company New Nexus International Strategies as a monthly retainer fee. Mr. McDonald facilitated the Ex-President's need in the United States <sup>142</sup> .
	D14,592,746 equivalent of USD444,900	The said sum was to purchase 1200 KBA Generator for the Royal Victoria Hospital. Mr. Bah said NAWEC purchase and delivered the Generator to Royal Victoria Hospital. However, there is no evidence to show that the purchase was in line with the Procurement Rules under the Procurement Act.
	USD50,000	With regards to this payment, Mr. Bah said that the Ex-president requested the said sum and he assigned the Protocol Office to receive the money <sup>143</sup> .
	D3.5 Million and D700,000	This is a cash withdrawal from Mr. Momodou Sowe which was paid to Nexus International Strategies, a company owned by Mr. McDonald who facilitated the needs of the Ex-President in the US.

### Findings:-

- (a) The Commission has not found any connection between this account and National security. The account was not created for any public purpose. The creation of the account was irregular. The Commission believes that it was created to enable the diversion of funds from other sources and in particular the Taiwan grants which were paid to the Secretary General.

<sup>142</sup> Transcript of Mr. Njogou Bah dated 5<sup>th</sup> December 2017

<sup>143</sup> Transcript of Mr. Njogou Bah dated 5<sup>th</sup> December 2017



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- (b) The Commission finds that there is probable cause for holding that the total sum of D4,200,000 and USD50,000 withdrawn by Ex - President Jammeh and Secretary General Mr. Njogou L. Bah was money stolen by the Ex-President within the definition of stealing under section 245(e) of the Criminal Code. The said sums are recoverable from them jointly and severally.
- (c) Ineligible Expenditures
  - Loan of D5,000,000 equivalent of USD154,798.77 was transferred to Green Industries Limited a company associated/ belonged with/ to Ex- President Jammeh.
  - Payment via transfer of USD20,000 was made to New Nexus International Strategies LLC. New Nexus LLC is a Security company located in the USA.
  - The said sum of USD218,800 was paid to a Taiwanese Fertilizer Company to purchase fertilizers for Kanilai Family Farms.

The funds in this account are Public funds and should have been used for such. Monies of **D5 Million and USD238,000** should be refunded be refunded by Ex-President Jammeh.

- (d) Section 13 of the Public Finance Act, 2014 allows the opening of Official Account in a Commercial Bank provided its approved by the Minister on the recommendation of the Accountant General. There is no evidence before the Commission suggesting that such procedure was followed.



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### 4. TAX RECOVERY ACCOUNT – a/c no. 10012838501

In April 2011, the Ex-President set up a Commission of Inquiry to investigate alleged tax evasion. The Tax Recovery Commission submitted its Report in April 2012 to the Ex-President making findings against a broad range of tax payers with recommendations for recovery of outstanding tax revenue from them. By section 150 of the Constitution of The Gambia tax revenue forms part of the Consolidated Revenue Fund and should be paid into the Consolidated Revenue Fund Account at the Central Bank of The Gambia.

A Tax Recovery Account was opened at Trust Bank Limited on the 3<sup>rd</sup> September 2013. A letter dated 14<sup>th</sup> August 2013 from the Office of the President was written to the Ministry of Finance and Economic Affairs (MOFEA) seeking approval to open a new bank account at TBL to be called ‘Tax Recovery Account’. MOFEA responded in a letter dated 21<sup>st</sup> August 2013 that approval had been granted for the account to be opened at TBL. The letter from MOFEA was copied to Director of Directorate of National Treasury and Auditor General at NAO<sup>144</sup>.

The Account was opened to recoup taxes due or owed by entities domiciled in the country.

Evidence before the Commission showed that the Gambia Revenue Authority (GRA) was not involved in the opening of the Account or the withdrawal of funds from the Account. GRA already had an Account for tax recovery with the Central Bank, so the opening of the Account was not only improper but unnecessary.

A letter was written by the Minister of Finance dated 16<sup>th</sup> May 2013 requesting that 50% of the funds be transferred to them due to Budget implementation constraints<sup>145</sup>. *Although approval was granted in a letter dated 23rd May 2013, this was not carried out despite the one follow up made by MOFEA on the 29<sup>th</sup> May 2013.*

A. The signatories to the Account were as follows:-

Name of Signatory	Designation	First Date of Signatory	Last Date of Signature
Mr. Momodou Sabally	Secretary General	03-September-2013	31-July-2014
Mr. Noah Touray	Secretary to Cabinet	03-September-2013	31-July-2014
Mr. Kalilou Bayo	Secretary General	31-July-2014	04-September-2014
Mr. Abdoulie Sallah	Secretary to Cabinet	31-July-2014	04-September-2014
Mr. Kalilou Bayo	Secretary General	04-September-2014	11-November-2014

<sup>144</sup> Exhibit MS5

<sup>145</sup> Exhibit MS6



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Mr. Noah Touray	Secretary to Cabinet	04-September-2014	11-November-2014
Mr. Kalilou Bayo	Secretary General	11-November-2014	19-January-2015
Mr. Sulayman Samba	Secretary to Cabinet	11-November-2014	19-January-2015
Mr. Lamin Nyabally	Secretary General	19-January-2015	23-February-2015
Mr. Sulayman Samba	Secretary to Cabinet	19-January-2015	23-February-2015
Mr. Lamin Nyabally	Secretary General	23-February-2015	04-May-2015
Mr. Sulayman Samba	Secretary to Cabinet	23-February-2015	04-May-2015
Ms. Isatou Auber	Permanent Secretary	23-February-2015	04-May-2015
Mr. Ismaila Sanyang	Permanent Secretary	23-February-2015	04-May-2015

The Total Deposits/Credits into the Tax Recovery Account was D33,822,753.88<sup>146</sup> arising from 42 Transactions. On the 25<sup>th</sup> November 2013, RTGS Tax Pymt Ref No-001RG2616775892 with a Deposited Credit Amount of GMD 1,021,180.00; source couldn't be identified in the *transaction documents tendered as exhibits*.

Total Payments/Withdrawals/Debits from the Tax Recovery Account for the period ended 05 April 2017 was D29,225,793.77 arising from 36 Transactions. The last debit transaction was on 14<sup>th</sup> October 2015.

### **Findings:**

- (a) Tax revenue should form part of the Consolidated Revenue fund but these funds did not form part of the fund account balances in the years concerned contrary to the section 7(1) and 21(2) of the Public Finance Act 2014. Although the Financial Instructions for the Implementation of the Government Budget Management and Accountability (FI) Act 2004 was in place when this account was opened, section 99 of the FI Act 2004 is also consistent with the current 2014 Act.
- (b) Section 13 of the Public Finance Act, 2014 allows the opening of Official Account in a Commercial Bank provided it is approved by the Minister on the recommendation of the Accountant General. There is no evidence before the commission suggesting that such procedure was followed.

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<sup>146</sup> Exhibits BB12 & BB24



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(c) Payments to the following beneficiaries were deemed to be **ineligible expenses** and not in line with government activities. The payments were also not budgeted for using the approved government estimates. There was no evidence tendered to show that payments were made in the public interest to be legitimate. However, New African Company provided a service and the tax recovery account (wrong account) was used to pay the company for the services provided exclusively for Ex - President Yahya Jammeh.

<u>Date</u>	<u>Beneficiary[Supplier]</u>	<u>Transaction Amount</u>	<u>Transcation authorized By</u>
28/12/2013	ABDOULIE MOMODOU BAH TEL NO: 9968656	GMD 100,000.00	Momodou Sabally and Noah Touray
25/11/2013	ANSUMANA TAMBA	GMD 1,396,740.00	Momodou Sabally and Noah Touray
17/01/2014	ANSUMANA TAMBA	GMD 75,840.00	Momodou Sabally and Noah Touray
08/05/2014	LAMIN S CAMARA TEL NO:9710686	GMD 162,000.00	Momodou Sabally and Noah Touray
07/08/2014	MUHAMMED M CEESAY TO NOAH TOURAY	GMD 45,150.00	Abdoulie M. Sallah and Kalilou Bayo
28/12/2013	NOAH TOURAY TEL NO: 9973135	GMD 100,000.00	Momodou Sabally and Noah Touray
27/02/2014	NEW AFRICAN COMPANY	GMD 110,725.00	Momodou Sabally and Noah Touray
12/11/2013	SANNA JARJU TEL NO: 9976665	GMD 259,000.00	Momodou Sabally and Noah Touray
<b>GMD 2,249,455.00</b>			

(d) The Cash withdrawals<sup>147</sup> below were authorised by the right signatories to the account, however, there were no supporting documents to vouch that these withdrawals were made to benefit the public and were therefore considered illegitimate withdrawals.

<u>Date</u>	<u>Beneficiary[Supplier]</u>	<u>Transaction Amount</u>	<u>Transaction Authorised By</u>
28/12/2013	ABDOULIE MOMODOU BAH Tel NO: 9968656	GMD 100,000.00	Momodou Sabally and Noah Touray
08/05/2014	LAMIN S. CAMARA Tel NO:9710686	GMD 162,000.00	Momodou Sabally and Noah Touray
07/08/2014	MUHAMMED M CEESAY TO NOAH TOURAY	GMD 45,150.00	Abdoulie M. Sallah and Kalilou Bayo
28/12/2013	NOAH TOURAY TEL NO: 9973135	GMD 100,000.00	Momodou Sabally and Noah Touray
12/11/2013	SANNA JARJU TEL NO: 9976665	GMD 259,000.00	Momodou Sabally and Noah Touray
25/11/2013	ANSUMANA TAMBA	GMD 1,396,740.00	Momodou Sabally and Noah Touray

<sup>147</sup> Exhibit BB30



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17/01/2014	ANSUMANA TAMBA	GMD 75,840.00	Momodou Sabally and Noah Touray
<b>GMD 2,138,730.00</b>			

(e) The vendors below rendered services and it is accepted that there will be a proof of work submitted or goods delivered where applicable requesting for payment [Billing invoices, site inspection etc]. The vendors were also registered with the Registrar of Companies and one can conclude that the services rendered are in the public interest. However, the way in which contracts were awarded to these contractors for the provision of goods or services was questionable. Contracts were awarded to COMPETENCE CO. LIMITED/SHERIFF SAWANEH which should have been tendered for bidding as per the amount in question, in violation of the Gambia Public Procurement Authority rules (GPPA) and this is equally true for MOBICELL BLUE OCEAN WIRELESS CO LIMITED, a company contracted for Telecommunication systems and facilities (Cisco Solutions, Installation of CCTV Cameras) at the National Assembly, office of Ex-President Yahya Jammeh and the first lady. It was also confirmed from reviewing documents that, the company was awarded contracts through GAMTEL, no bidding took place and no evidence were seen in the documents to justify this single-source by GAMTEL. Also for the other contractors below, there was no evidence to show that they were awarded contracts after a successful bidding.

<b>Date</b>	<b>Beneficiary[Supplier]</b>	<b>Transaction Amount</b>
08/01/2014	MOBICELL BLUE OCEAN WIRELESS CO LTD	GMD 680,350.00
08/01/2014	MOBICELL BLUE OCEAN WIRELESS CO LTD	GMD 17,640.00
20/02/2014	MOBICELL BLUE OCEAN WIRELESS CO LTD	GMD 2,339,921.48
14/10/2015	FAYE M.S. T/AS FMS ENT	GMD 500,000.00
19/05/2015	FONI CARPENTRY WORKSHOP	GMD 974,070.00
23/06/2015	FONI CARPENTRY WORKSHOP	GMD 417,175.00
14/10/2015	FONI CARPENTRY WORKSHOP	GMD 974,070.00
08/01/2014	COMPETENCE CO.LTD/SHERIFF SAWANEH	GMD 730,254.00
07/10/2013	COMPETENCE CO.LTD/SHERIFF SAWANEH	GMD 1,947,346.00 <sup>148</sup>
14/04/2014	PROTEIN PRODUCT	GMD 4,485,000.00
17/04/2014	SERIGN TOUBA NDOURE	GMD 7,371,945.00
06/02/2014	ALHAGIE JALLOW TEL NO:7783928	GMD 383,443.83
28/03/2014	ALHAGIE JALLOW TEL NO:7783929	GMD 613,510.04
04/06/2014	ALHAGIE JALLOW TEL NO:7783930	GMD 284,623.77
		<b>GMD 21,719,349.12</b>

<sup>148</sup> Exhibit MS70



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### 5. KANILAI INTERNATIONAL FESTIVAL TRIBUTE TO MICHEAL JACKSON ACCOUNT – a/c no. 11011733601

This account was opened on the 10<sup>th</sup> May 2010 based on the evidence of the TBL MD. A letter requesting to open the account was not provided. A GMD Current account was opened by TBL.<sup>149</sup>

This account was opened where Funds were to be lodged for the operation and smooth functioning of the event i.e. tribute to Michael Jackson. At some point, the former President met with Mr. Jermaine Jackson a brother to Michael Jackson. I believe that it started in the USA (United States) and then he was in Banjul. Jermaine wanted to organize a tribute for his late brother and the former President decided and offered to him that he would host it instead in The Gambia. So, we believe that is how it started and when it was closer the decision was to open up an Account. The initial impression given was that ex- President Jammeh would fund the event only for it to be proven otherwise.

Based on evidence, an Organising Committee comprising of some Cabinet Ministers was formed to organise event, which was headed by Witness No. 41 Mrs. Fatou Mas Jobe – Njie.

Ex- President Jammeh was a signatory to this account together with the then Secretary General “Mr. Njogou L. Bah”.

The account was mainly funded from the Treasury Main Account (TMA) - use of Public Funds i.e. D10,916,250.

#### - Imprest of D3,000,000

Imprest was approved by the MOFEA and paid to Dr. Nogou Bah by cheque dated 9<sup>th</sup> June 2010. Dr. Njogou Bah explained that D2,250,000 was paid for a chartered flight for Mr. Jackson’s team. D650,000 was paid cash to Mr. Baboucarr Bah for foreign exchange for the Ex -President.

#### - Imprest of D7,920,000,000 paid to Njendeh Wadda Permanent Secretary Office of the President

The Ministry of Finance also approved imprest on the 16<sup>th</sup> July 2010. A payment voucher of D7,916,250 was raised at the Office of the President.

The D7,920,000 to Mrs. Njendeh Wadda was an imprest to enable her to meet payments of refund to expenditures already incurred to the following. She submitted a breakdown which indicated that it was spent as follows:

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<sup>149</sup> Exhibit BB72C



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BENEFICIARY	AMOUNT	PURPOSE
Amadou Samba	D3,000,000.00	For purchase of equipment and items like fireworks for the event
Coco Ocean	D1,500,000.00	Hotel Accommodation
Sheraton Hotel	D1,400,000.00	Hotel Accommodation
Ocean Bay	D887,000.00	Hotel Accommodation
Sun Set Beach	D180,000.00	Hotel Accommodation
Sarges Hotel	D460,000.00	Hotel Accommodation
Baobab Resort	D489,250.00	Hotel Accommodation
<b>TOTAL</b>	<b>D7,916,250</b>	

### FINDINGS:-

- (a) D10,916,250 of public funds was spent on this event which funds could have been put to better use. Justification for Gambia to host such an event funded by using Government funds could not be provided. These expenditures are deemed to be ineligible.
- (b) Section 13 of the Public Finance Act, 2014 allows the opening of Official Account in a Commercial Bank provided it is approved by the Minister on the recommendation of the Accountant General. There is no evidence before the Commission suggesting that such procedure was followed.
- (c) The D650,000 cash paid to the Ex-President was a misappropriation of the funds and there is probable cause for holding that the sum was stolen aided and abetted by Dr Njogou Bah.
- (d) The Ex-President is otherwise liable for the sum of D10,916,250 taken from Treasury Main Account and of this sum he is jointly and severally liable with Dr. Njogou Bah and Mrs. Njendeh Wadda who was at all times liable to account for the imprest.



## The Commission of Inquiry

### 6. PRESIDENT's HIV AIDS & ASTHMA TREATMENT TRUST FUND ACCOUNT – a/c nos. 11211185703, 11011185701, 12011185702

The Savings and USD accounts were opened on the 24<sup>th</sup> September 2007. A letter requesting to open account was not provided but signature cards and Corporate Account Opening form were completed. A GMD Current account was opened by TBL<sup>150</sup>.

The Current account was opened on the 27<sup>th</sup> September 2007. A letter requesting to open account was not provided but signature cards and Corporate Account Opening form were completed. A GMD Current account was opened by TBL<sup>151</sup>.

These accounts were opened to fund treatment of HIV/ AIDS, Asthma, Diabetes, High Blood Pressure and so on. *Based on the evidence of Witness No. 176 – Dr. Tamsir Mbowa on the 4<sup>th</sup> April 2018, he explained that treatment was carried out at 4 locations (Kanilai, Ndemban Clinic, Serekunda Hospital and State House Banjul). He further mentioned that there were about 47 – 48 staff and he had no job appointment letter. He further mentioned that he was paid a salary over the counter usually by soldiers at State House.*

Ex – President Jammeh was the sole signatory to the accounts.

Cheques deposits of D2,283,472.06 and D30,000 paid from the ‘Presidential Fund Raising Committee’s TBL account were made.

A cheque dated 19<sup>th</sup> December 2007 in the sum of USD1,000,000 issued by Embassy of ROC (TAIWAN) Banjul made out to the Secretary General Office of the President was credited to the USD account.

#### **Findings:-**

- (a) Cash withdrawals were made by the Chief of Protocol Mr. Alhagie Ousman Ceesay (Witness No. 62) totaling D1,600,000 and USD1,043,430.
- (b) USD transfers were made to the Embassy of the Gambia in Washington. However, the purpose of these transfers was not stated on the documents.
- (c) Legal documents to show that this Trust fund was legally registered could not be provided.

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<sup>150</sup> Exhibits BB96A & BB96C

<sup>151</sup> Exhibit BB96B



## The Commission of Inquiry

### **7. REPUBLIC OF CHINA - TAIWAN – a/c no. 12010765601**

The Gambia established diplomatic relations with Taiwan in 1995 and in 1998, a Protocol on the Cooperation was signed between the two countries. Taiwan was to provide an annual grant for various projects. The Commission has not been able to find the Protocol and also quantify the number or total amount of grants received because financial records were not kept by OP which managed these grants. However, documents retrieved from the OP files<sup>152</sup>, indicate that the aid package from 1996 included an annual medical grant of USD400,000 and a grant of USD7 million for North Bank roads.

From USD9Million dollars 1998/1999, the grant grew up to about USD13 Million a year. On the 1<sup>st</sup> November 2013, the Ex-President initiated the severance of diplomatic relationship with Taiwan. A *comprehensive report of the Republic of China on Taiwan Grants is covered under VOLUME 5 of the Report ‘Government Loans, Grants and Donations’*.

In 2006, Taiwan opened an ROC USD account with Trust Bank No.1201076560<sup>153</sup> into which inflows were received from Taiwan and payments made to government. There is no record of such an account before that. Payments were mainly by cheque in the name of the Secretaries General.

This account shows that between November 2007 to March 2011, Ex-President Jammeh received ROC cheques in his personal name in the total sum of USD3,300,000 which he cashed, USD4 Million which were cashed by Chief of Protocol Mr. Alhaji Ousman Ceesay (Witness no. 62) on his behalf, USD1 Million transferred to his personal account in Trust Bank (No.120-106947), USD1,999,899.79 to the President’s HIV & AIDS Treatment fund which is entirely controlled by ex-President Jammeh.

The total amount received directly from this account was USD8,300,000. He also received indirectly a total of USD2,099,993 through Jammeh Foundation for Peace account.

#### **Findings:-**

- (a) As a foreign government, Taiwan could not have given Ex - President Jammeh money for his personal use. The Commission finds that the cheques issued in the total sum of **USD2 Million** were intended for, and received for the benefit of the country.

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<sup>152</sup> Exhibit MS166

<sup>153</sup> Exhibit BB79



### The Commission of Inquiry

- (b) The Ex-President remains accountable for the sum of USD8.3 Million received directly from Taiwan. We have found no record of the accounting for this money. Unless accounting records for these funds can be produced the said sum should be regarded as having been converted by the Ex-President to his personal use and therefore stolen.



## The Commission of Inquiry

### **8. MYJ FAMILY TRUST ACCOUNT – a/c no. 12011798401**

From reviewing the ‘Corporate Account Opening form’, the opening of the account was triggered by Mr. Ahmad Hodroj.<sup>154</sup> Mr. Ahmed Hodroj we were informed is Mr. Mohammed Bazzi’s (Witness No. 63) in law who has been *identified as a Close Associate* i.e. married to M. Bazzi’s sister.

*A foreign currency denominated account was opened i.e. USD.*

‘MYJ’, the Commission was informed by Witness no. 111 - Mr. Pa Macumba Njie, means ‘Mariam Yahya Jammeh. He further mentioned that as Managing Director (MD)<sup>155</sup>, he approved the opening of the account and that he was the one managing the account. He also mentioned that when account was opened by Mr. Ahmed Hodroj for Ex-President Jammeh’s daughter, enquiries were not made on why this was occurring.

Mr. Ahmad Hodroj, based on evidence of Witnesses, worked at Euro African Group Limited (EAGL) and Gam Petroleum Storage Facility Limited. At some point, he was also working at Kanilai Group International (KGI) said Witness 111 ‘Mr. Pa Macumba Njie’.

Only cash deposits were made into the account totaling USD4.1 Million and a balance of USD386.19 remained. Cash deposits were made by the Signatory to the account ‘Mr. Ahmad Hodroj’ and the Current Account Deposit slip showed ‘Self’ or was left BLANK. The source of funds could not be explained as no questions were asked by TBL Officials. On the 16<sup>th</sup> Sept 2010, the MYJ Account was overdrawn by USD4,000, EAGL made a transfer of USD4,000 to this account on the same day to regularize the account. Mr. Ndambou Touray testified that Mr. Hodroj had worked for EAGL at one time.<sup>156</sup>

***For more details see Volume 4 PART 3 - Chapter 3 of the full Report.***

### **Findings:-**

- (a) Insufficient documentation - TBL did not request for adequate documentation/information when account was opened. As part of the Account Opening documents, Trust documents should have been obtained and filed but this was not the case. It is our understanding that the MYJ Trust is not registered in The Gambia.

The Ex-President Jammeh’s POTOMAC Property in the United Stated of America (USA) was purchased in the name of MYJ Trust.

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<sup>154</sup> Exhibit BB107

<sup>155</sup> Transcript of Mr. Pa MaCoumba Njie dated 9<sup>th</sup> January 2018

<sup>156</sup> Transcript of Mr. Ndambou Touray dated 9<sup>th</sup> January 2018



## The Commission of Inquiry

- (b) Approximately USD3.5 Million was transferred to the account of Paragon Title & ESCRO Company. The reason for making the transfers was not stated on the documents completed.
- (c) On several occasions, the MYJ Family Trust Account was overdrawn. No facility document was provided to show if MYJ had a temporary excess approved on this account. Interest was applied on the account by TBL.
- (d) Why EAGL credited MYJ's account with the USD4,000 to regularize MYJ's account raises red flags and additional questions.



## The Commission of Inquiry

### **9. MINISTRY OF PETROLEUM AND ENERGY PETROLEUM ACCOUNT – a/c no. 12013314302**

Ex-President Jammeh between the periods 3rd February 2012 to 16<sup>th</sup> February 2015 and from May 2016 up to December elections 2016, was the Minister of Petroleum. On the 2<sup>nd</sup> August 2016, an account – Ministry of Petroleum and Energy Petroleum account was opened at TBL by OP<sup>157</sup>.

*A foreign currency denominated account was opened i.e. USD.*

**The account was to hold the yearly contributions paid by petroleum exploration licensees for capacity building and training in the sector in accordance with the terms of their licenses.**

The Signatories to the Account were Mr. Dodou Bammy Jagne (SG), Mrs. Adama Ngum Njie – Secretary to Cabinet, Mr. Baboucarr Njie – PS at OP.<sup>158</sup>

There was only one transfer made of USD258,372.13 on the 13<sup>th</sup> October 2016 by TGS NOPEC Geophysical Company ASA.

There were no withdrawals made in the account.

#### **Findings:-**

- (a) The account was not opened in accordance with the Finance Act which is the statute under which government accounts are opened. MOFEA did not give any approval for the account to be opened.
- (b) Section 13 of the Public Finance Act, 2014 allows the opening of Official Account in a Commercial Bank provided it is approved by the Minister on the recommendation of the Accountant General. There is no evidence before the Commission suggesting that such procedure was followed.

The Commission finds that the opening and operation of the account was illegal.

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<sup>157</sup> Exhibit BB58 – OP letter ref. PR/C/697<sup>A</sup>/Vol.3 (9-M.L.J)

<sup>158</sup> Exhibit BB58



## The Commission of Inquiry

### **10. PAC/ PEC<sup>159</sup> TASK FORCE ACCOUNT – a/c no. 11212627201**

From reviewing the ‘Request to open a Bank Account form’, the opening of GMD Savings account was triggered by the Office of the President (OP) in a letter (ref. OP 151/1/20/01 Part VI (NT) dated 12<sup>th</sup> July 2014 and approved by the MOFEA on the 12<sup>th</sup> August 2014 Ref. EMC 120/258/01 Part 9 (191)<sup>160</sup>.

As part of the requirement for account opening all the necessary documents which includes (Tin Certificate) must be provided before an account can be opened. However, in this case the account was opened in August 2012 while the necessary documents were supplied in January 2013.

The Signatories to the Account were as follows:-

Name of Signatory	Designation
Dr. Kalilou Bayo	Secretary General
Mr. Noah Touray	Permanent Secretary
Mr. Lamin Nyabally	Secretary General (from 23 <sup>rd</sup> February 2015)
Ms. Isatou Auber	Permanent Secretary (from 23 <sup>rd</sup> February 2015)

*The Mandate is for any two of the signatories to sign.*

In a letter dated 24<sup>th</sup> August 2014 ref. EMC 120/258/01 Part 9(191) from MOFEA, the account is to keep funds recovered by a Special Task Force set up by the Executive to implement recommendations of the 2011 PAC/ PEC Report. Mr. Noah Touray (Witness no. 33) testified that a Task Force was set up to look at Recommendations made. The then Attorney General was the Chairman. He further mentioned that the bank account was initially meant to be a deposit account only but was changed.

The Task Force was set up to recover monies owed to Public Enterprises. These monies were recovered and lodged into this Account. According to Mr. Noah Touray, monies recovered were not paid to the entitled Public Enterprises except for AMRC that requested to be paid.

The monies paid into account did not form part of the Consolidated Revenue Fund (CRF) for the years concerned.

<sup>159</sup> PAC ‘Public Accounts Committee’ & PEC ‘Public Enterprise Committee’

<sup>160</sup> Exhibit BB95



## The Commission of Inquiry

From our review of the account mainly credits were deposited. Numerous cash deposits were also made by various individuals but the exhibited transaction documents did not give a lot of information. However, the source of the funds in the account is obviously from recoveries made by PAC/PEC special task force and the account realized total deposits of **D7,234,701.48** and a total withdrawals of **D7,137,824.1**, leaving an outstanding balance of **D96,877.38**.

Transfers were made into account by various Public Enterprises/ Institutions namely:

- GamPost
- Gambia Printing & Publishing Corporation
- Gambia International Airways (GIA) – being repayments of loan from GPA of D1,600,000
- Central Bank of The Gambia

Interest was earned on the account which was credited half yearly by TBL.

Payments were made to:

- Assets Management Recovery Committee (AMRC) of D3,852,885 on the 12<sup>th</sup> August 2012. Description was monies due to AMRC.
- ALFA MEDIA Productions of D2,254,313.10 on the 18<sup>th</sup> January 2016. Payment to ALFAMEDIA was for the construction of State Guard Room at State House;
- ALFA MEDIA Productions of D1,127,156 on the 7<sup>th</sup> April 2016. Payment to ALFAMEDIA was for the construction of State Guard Room at State House.

However, the purpose of why the payments were made is not stated on the documents.

### Findings:

- (a) A Tax Identification Number (TIN) was issued to PAC/ PEC TaskForce which should not have been the case considering that account is managed by OP. The TIN Number was submitted by OP as one of the documents to facilitate account opening process.
- (b) The Commissions finds that the operation of the Account is illegal due to the fact it was operated by the Office of the President instead of the Accountant General.
- (c) The **D3,381,469.1** paid to ALFAMEDIA Productions ought to be recovered from the asset of the Ex - President and paid to the entitled Public Enterprises.



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(d) Evidence before the commission reveals that documents required for the opening of the accounts were supplied long after the opening of the Account. The Bank should be sanctioned for allowing a government account to be opened without proper documentation. It would be an unjust enrichment if the bank was to be allowed to keep income made from an illegal account



## The Commission of Inquiry

### **11. HIGHER EDUCATION SUPPORT ACCOUNT – a/c nos. 11011567401<sup>161</sup> & <sup>162</sup>, 12011567402<sup>163</sup> and 12011567403<sup>164</sup>**

Three accounts were opened in GMD, and two USD accounts. These accounts did not form part of the Consolidated Revenue Fund (CRF) for the years concerned.

The Signatories to the Accounts were as follows:-

Name of Signatory	Designation
Mr. Abdoulie Sallah	Secretary General
Mr. Njogou L. Bah	Secretary to Cabinet/ Secretary General
Mr. Ousman Jammeh	Secretary General
Mr. Saikou Kawsu Gassama	Secretary to Cabinet
Mr. Momodou Sabally	Secretary General
Mr. Noah Touray	Permanent Secretary
Ebrima O. Camara	Secretary to Cabinet
Mrs Ramou Cole Ceesay	Ag. Secretary to Cabinet
Aliue Njie	Permanent Secretary – OP

#### GMD Account

From reviewing the Corporate Account Opening form', the opening of the account was triggered by the Office of the President (OP) on the 16<sup>th</sup> June 2009. A GMD current account was opened and the Mandate is for any two of the signatories to sign.

From our review of the account, only one deposit of D10,000 was made in the account and only one debit entry of D9,475 made in account i.e. to 'Muhammed M. Jallow (student no. A0101313) pursuing Advanced Diploma in Human Resources Development. Instruction was authorized by Messrs. M. Sabally and Noah Touray on the 17<sup>th</sup> December 2013.

There was a credit balance of D425 remaining. However, on the 5<sup>th</sup> April 2017, a debit transaction with description 'RF of FUND to CREDITORS AD' was made. Based on evidence provided, the balance was transferred to a Suspense Account following Court Order.

<sup>161</sup> Exhibit BB94

<sup>162</sup> Exhibit BB109A

<sup>163</sup> Exhibit BB109B

<sup>164</sup> Exhibit BB109C



## The Commission of Inquiry

### USD Account

From reviewing the Corporate Account Opening form', the opening of the account was triggered by the Office of the President (OP) on the 16<sup>th</sup> June 2009. The Mandate is for any two of the signatories to sign.

From our review of the account, total credit into this account was USD3,914,653.04, Evidence was seen of ROC (TAIWAN) cheques nos. 2018, 2061 and 2910 of USD500,000, USD500,000 and USD442,000 in the name of "Secretary General, OP" paid into account on the 15<sup>th</sup> June 2009, 7<sup>th</sup> September 2009 and 14<sup>th</sup> June 2013.

There was a credit balance of USD71,367.08 as at November 2017. However, numerous debit transactions went through account and key transactions highlighted.

- the monthly salaries of Professors Muhammadou and Jainaba Kah were seen of USD10,440 and USD4,665 respectively;
- Transfers of USD200,000 and USD400,000 to PEGEP as budgetary support dated 4<sup>th</sup> August 2009 (authorized by Messrs. Abdoulai Sallah and Njogou Bah) and 12<sup>th</sup> October 2010 authorised by Njogou Bah and Ebrima O. Camara.
- Transfer of USD94,000 for sponsorship of 4<sup>th</sup> Cohort Medical students
- Payment of USD21,000 to Mr. Andreas Ludvig Steigen (former VC of UTG) representing his final balance dated 12<sup>th</sup> February 2010. The instruction to TBL was signed by Ebrima Sama Corr who is not a signatory to the account and it was honored by bank. The letter said that only one signatory was available at that time.
- Cash withdrawal of USD200,000 was paid to Mr. Ebrima O. Camara on the 8<sup>th</sup> October 2010– *Ineligible Expenditure*
- D1,084,906 paid to Gambia Catholic Youths for the World Youth Day in Spain on the 11<sup>th</sup> August 2011. Transaction authorized by Messrs. Saikou Kawsu Gassama and Alieu Njie - *Ineligible Expenditure*

### Amounts spent on Scholarships from this account

Date	Name of School	Amount	Beneficiary	Authorised by
23 <sup>RD</sup> December 2009	NAVARO College	USD12,376	for Isatou Sagnia	
6 <sup>th</sup> January 2010	European School of Economics USA	USD17,700	Ebrima S. Touray	Ebrima O. Camara and Njogou L. Bah
5 <sup>th</sup> August 2010	Staffordshire University UK	GBP9,385	Haddy Secka Ngum	Ebrima O. Camara and Njogou L. Bah
5 <sup>th</sup> August 2010	Bradford Colleg UK	GBP4,900	Jainaba A. K. Lamin	Ebrima O. Camara and



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				Njogou L. Bah
5 <sup>th</sup> August 2010	Kwame Nkrumah University of Science and Technology	USD8,919	Amie Secka	Ebrima O. Camara and Njogou L. Bah
5 <sup>th</sup> August 2010	Kwame Nkrumah University of Science and Technology	USD14,030	Amie Secka	Ebrima O. Camara and Njogou L. Bah
15 <sup>th</sup> September 2010	West London College UK	GBP7,800	Ndey Oley Taal	Ebrima O. Camara and Njogou L. Bah
15 <sup>th</sup> September 2010	Kings College	GBP7,800	Isatou Jaye	Ebrima O. Camara and Njogou L. Bah
15 <sup>th</sup> September 2010	Kwame Nkrumah University of Science and Technology	USD2,400	Aji Oumie Jallow	Ebrima O. Camara and Njogou L. Bah
24 <sup>th</sup> September 2010	RIPA International UK	GBP3,700	Momodou Saidy (Press Officer at OP)	Ebrima O. Camara and Njogou L. Bah
12 <sup>th</sup> October 2010	University of Bradford	GBP12,250	Gimbi Cham	Ebrima O. Camara and Njogou L. Bah
12 <sup>th</sup> October 2010	European School of Economics	USD18,300	Ebrima S. Touray	Ebrima O. Camara and Njogou L. Bah
12 <sup>th</sup> October 2010	University of Sussex	USD16,633	Muctarr M. Y. Darboe	Ebrima O. Camara and Njogou L. Bah
12 <sup>th</sup> October 2010	Bradford College	USD6,669	Jainaba A. K. Lamin	Ebrima O. Camara and Njogou L. Bah
12 <sup>th</sup> October 2010	Navarro College	USD5,221	Isatou Sagnia	Ebrima O. Camara and Njogou L. Bah
12 <sup>th</sup> October 2010	Navarro College	USD6,656	Isatou Sagnia	Ebrima O. Camara and Njogou L. Bah
4 <sup>th</sup> November	Carleton	USD11,762.62	Ahmadou Gitteh	Ebrima O.



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2010	University USA			Camara and Njogou L. Bah
20 <sup>th</sup> December 2010	Leeds Trinity University College	USD12,783.19	Amadou Bah of GRTS	Ebrima O. Camara and Njogou L. Bah
27 <sup>th</sup> December 2010	Leeds Trinity University College	GBP1,712	Amadou Bah of GRTS	Ebrima O. Camara and Njogou L. Bah
7 <sup>th</sup> January 2011	MDI - Gambia	D18,000	James P. Mendy	Ebrima O. Camara and Njogou L. Bah
7 <sup>th</sup> January 2011	Capital Business Services Limited	GBP4,800	Augustine Mendy	Ebrima O. Camara and Njogou L. Bah
16 <sup>th</sup> August 2011	Nkwameh Nkrumah University of Ghana	USD10,175	Aji Oumie Jallow	Saikou Kawsu Gassama and Alieu Njie
18 <sup>th</sup> August 2011	University of Kansas	USD10,691	Fatou Ngoneh Conateh	Saikou Kawsu Gassama and Alieu Njie
24 <sup>th</sup> August 2011	University of Legon	USD8,739	Awa Touray	Saikou Kawsu Gassama and Alieu Njie
6 <sup>th</sup> September 2011	University of Westminster	GBP10,785	Ramatoulie Secka	Saikou Kawsu Gassama and Alieu Njie
6 <sup>th</sup> September 2011	Spelman College USA	USD37,526	Genevieve Cardos	Saikou Kawsu Gassama and Alieu Njie
23 <sup>rd</sup> August 2012	Kwame Nkrumah University of Science & Technology	USD7,915	Isabella Green Harris	Njogou L. Bah and Ramou Cole- Ceesay
2 <sup>nd</sup> October 2012	University of Staffordshire	GBP6,000	Haddy Secka	Njogou L. Bah and Noah Touray
28 <sup>TH</sup> October 2013	University of Coventry	GBP2,550	Abdoulie Badjie	Momodou Sabally and Noah Touray



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### **Findings:**

- (a) Missing Information - There was no approval from MOFEA authorising the opening of a bank account at a Commercial Bank.
- (b) The USD1 Million received from ROC (Taiwan) should be recovered from the assets of Ex- President Jammeh.
- (c) Payment to PEGEP of USD600,000 should be recovered from the assets of Ex- President Jammeh.
- (d) A substantial amount of money was spent on scholarships both local and foreign under the sponsorship of Ex-President Jammeh.
- (e) Cash withdrawal of USD200,000 paid to Mr. Ebrima O. Camara on the 8<sup>th</sup> October 2010 is an ineligible expenditure and should be refunded.
- (f) D1,084,906 paid to Gambia Catholic Youths for the World Youth Day in Spain on the 11<sup>th</sup> August 2011. Is an-Ineligible Expenditure and should be recovered.

### 2<sup>nd</sup> USD Account

From reviewing the Corporate Account Opening form', the opening of the account was triggered by the Office of the President (OP) on the 11<sup>th</sup> August 2011<sup>165</sup>. The Mandate is for any two of the signatories to sign.

From our review of the account, total credit into this account was USD75,525, transaction documents were not provided by TBL to ascertain the source of funds. There was a credit balance of USD4,438.02 as at 27<sup>th</sup> November 2017.

However, monthly debit transactions went through account totaling USD71,093.30. A review of the TBL Bank Statement was carried out and payments for the monthly salaries of Professors Muhammadou and Jainaba Kah for the months August – December 2011 as Vice Chancellor of UTG and Director General of MDI.

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<sup>165</sup> OP letter ref. OP 198/457/02/(SKG) dated 10<sup>th</sup> August 2011 signed by Messrs. Ousman Jammeh and Saikou Kawsu Gassama addressed to TBL



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### **Findings:**

- (a) Missing Information - There was no approval from MOFEA authorising the opening of a bank account at a Commercial Bank.



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### **12. MRI PRESIDENTIAL PROJECT ACCOUNT – a/c no. 11280412101**

The account was opened on the 13<sup>th</sup> April 2011 as Signature Cards were provided. Letters requesting to open account was not provided and there is no evidence before the Commission that the opening of the Account was approved by the Minister on the recommendation of the Accountant General pursuant to section 15 of the Public Finance Act. A GMD Savings account was opened by TBL.<sup>166</sup>

*Note: Details of what MRI means could not be explained by any of the Witnesses including the TBL Official. However, according to Dr. Njogou Bah, he believed the Account was in connection to the sponsoring of MRI Machine for RVTH by the Taiwanese Government.*

**A. The Signatories to the Account were as follows:-**

Name of Signatory	Designation
Ebrima O. Camara	Secretary General
Saikou K. Gassama	Secretary to Cabinet ( <i>Up to 4<sup>th</sup> April 2012</i> )
Mr Yarbo	Permanent Secretary
Dr. Njogou Bah	Secretary General ( <i>from 4<sup>th</sup> April 2012</i> )
Ramou Cole- Ceesay	Ag. Secretary to Cabinet ( <i>Up to 24<sup>th</sup> September 2012</i> )
Noah Touray	Secretary to Cabinet ( <i>from 24<sup>th</sup> September 2012</i> )
Momodou Sabally	Secretary General ( <i>from 27<sup>th</sup> June 2013</i> )
Lamin Nyabally	Secretary General ( <i>from 19<sup>th</sup> January 2015</i> )
Sulayman Samba	Secretary to Cabinet ( <i>from 19<sup>th</sup> January 2015</i> )
Isatou Auber	Permanent Secretary ( <i>from 23<sup>rd</sup> February 2015</i> )
Ismaila Sanyang	Permanent Secretary ( <i>from 23<sup>rd</sup> February 2015</i> )

*Mandate is for the two signatories to sign.*

**Deposits - The account was funded from deposits made by ROC Taiwan, Government Ministries, Public Enterprises (PEs), and Individuals namely:-**

- Ministry of Defense - Ministry of Interior
- Ministry of Justice - Ministry of Local Government & Lands
- Ministry of Fisheries & Water Resources
- Ministry of Works & Infrastructure
- National Assembly

<sup>166</sup> Exhibit BB119A



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- Ministry of Trade & Industry
  - Abdoulie Bah
  - Ministry of Petroleum
  - Ministry of Youth, Sports & Culture
  - Education Department - Health Department
  - Local Government and Lands
  - Agriculture Department
  - Ministry of Foreign Affairs
  - Public Service Commission (PSC)
  - National Drug Enforcement Agency (NDEA)
- 
- An ROC (Taiwan) cheque no. 2403 dated 11<sup>th</sup> April 2011 issued to 'Secretary General Office of the President' of USD37,037 equivalent of D1,055,554.50 was credited into the account.
  - A fund transfer was made to the MRI Presidential Project Account by Social Security and Housing Finance Corporation (SSHFC) of D15 Million on the 27<sup>th</sup> September 2012. The transfer was made based on the contents of a letter from OP ref. PR/C/513/VOL.12(60). The entire sum of D15 Million was withdrawn in cash by Mr. Momodou Sowe a Protocol Officer at OP on the 8<sup>th</sup> October 2012.

*From our review of the account, credits into the account from Government Ministries were in relation to Sale of Tobaski Sheep i.e. employees that took a loan in the form of a RAM. Monthly deductions from the employees' salaries were done and amounts paid into the MRI Presidential account.*

Payments - Based on the transaction documents provided as part of the exhibits, the payments made from the account were further analysed and summarised by payment type and payee.

Date	Beneficiary	Amount	Transaction Type	Comments
		<b>GMD</b>		
27/04/2011	Habib Jeng	1,000,000	Cheque issued	Purpose not Stated
8/10/2012	Momodou Sowe (A Protocol Officer at OP)	15,000,000 <sup>167</sup>	Cash Withdrawal	Authorised by Njogou Bah & Noah Touray.

<sup>167</sup> Exhibit BB119A – OP letter ref. OP 240/309/01/TEMP/(106-LAC) authored by Messrs. Njogou L. Bah SG and Noah Touray Secretary to Cabinet to TBL. OP letter was however unsigned by the respective the SG and Secretary to Cabinet.



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				Purpose not stated. Njogou Bah testified that it could be for purchase of rams  Purpose not Stated
23/07/2013	Sanna Jarju (Chief of Protocol at OP)	3,000,000	Cash Withdrawal	Purpose not Stated
16/07/2015	Ismaila Sanyang	7,000,000 <sup>168</sup>	Cash Withdrawal	Authorised by Isatou Auber & Ismaila Sanyang  Purpose not stated
3/08/2015	Sanna Jarju (Chief of Protocol at OP)	2,000,000 <sup>169</sup>	Cash Withdrawal	Authorised by Isatou Auber & Ismaila Sanyang  Purpose not stated
10/08/2015	Almameh S. Manga	145,480 <sup>170</sup>		Cost of air tickets to Morocco for UTG Student Union Representatives
	<b>Total</b>	<b>28,145,480</b>		

Mr. Momodou Sowe (Witness no. 184) Senior Protocol Officer testified that the D15 Million cash withdrawn was given to Mr. Njogou L. Bah.<sup>171</sup> Mr. Njogou Bah has testified before the

<sup>168</sup> Exhibit MS189 – Minute 84 by Noah Touray dated 15<sup>th</sup> July 2015 to Ex-President Jammeh via Secretary General. Re: Balance of the MRI Presidential Budget Account as at 2<sup>nd</sup> July 2015 and the subsequent directive by the Ex-President to withdraw

<sup>169</sup> Exhibit MS190 – Internal memo from Mr. Noah Touray Secretary to Cabinet instructing PS1 (Ms. Isatou Auber) withdrawal of D2 Million

<sup>170</sup> Exhibit MS191 – Minute 154 showing Ex- President Jammeh' approval for funds to be paid from the MRI Account

<sup>171</sup> Transcript of Mr. Momodou Sowe dated 18<sup>th</sup> April 2018



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Commission, that shortly after the withdrawal of this amount, Soldiers were sent to Mauritania to buy rams. According to him, it appeared the amount was meant for that purpose.

Mr. Ismaila Sanyang (Witness no. 179)<sup>172</sup> testified and confirmed that he withdrew D7 Million and did not know what funds were to be used for. He further said that he was directed by Ex-President Jammeh.

### **Findings:**

- (a) The account was opened without any regard to section 15 of the Public Finance Act which states that before a government account is opened with a Commercial Bank, the approval of the Minister on the recommendation of the Accountant General must be sought
- (b) The cash withdrawals made are deemed to be ineligible. SSHFC funds are public funds that should have been safeguarded to better serve pensioners. Mr. Njogou Bah should be liable together with the SSHFC staff that authorized transaction namely Messrs. Edward Graham (MD), Saibatu Faal (DMD) and Abdoulie Cham (DOF).
- (c) TBL acted on the unsigned instruction from OP for the cash withdrawal of D15 Million. On the exhibit it is seen where bank officials authorized transaction.
- (d) It is reprehensible that a public officer would be a signatory to any Account without having a clear idea of what the account is about.
- (e) With the exception of the D145,480 paid to Almamy Manga for air tickets for UTG Students, the total amount of **D28,000,000** should be recovered from the assets of the Ex- President.
- (f) The following officers well knew that cash withdrawn and handed over to the Ex-President would be misappropriated. There is probable cause for holding that they aided and abetted the Ex-President in the misappropriation of following cash sums:
  - a. Dr Njogou Bah and Noah Touray - D15,000,000.00
  - b. Sanna Jarju – D3,000,000.00
  - c. Isatou Auber and Ismaila Sanyang – D7,000,000.00
  - d. Isatou Auber, Ismaila Sanyang and Sanna Jarju – D2,000,000.00

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<sup>172</sup> Transcript of Mr. Ismaila Sanyang dated 10<sup>th</sup> April 2018



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### **13. BANJUL AFRICAN UNION SUMMIT ACCOUNT – a/c no. 110-106772-01<sup>173</sup>**

A GMD account was opened on the 6<sup>th</sup> September 2005 based on a letter from OP signed by Mrs. Teneng Jaiteh Mba for Secretary General.

The Signatories to the Account were as follows:-

Name of Signatory	Designation
Mr. Ebrima O. Camara	Secretary General
Mr. Bolong L. Sonko	General Coordinator ( <i>from 23<sup>rd</sup> December 2005 – 4<sup>th</sup> August 2006</i> )
Mr. Momodou Alhaji Sosseh	Chief Technical Adviser ( <i>from 23<sup>rd</sup> December 2005 – 4<sup>th</sup> August 2006</i> )
Mrs. Teneng Jaiteh	Permanent Secretary 1 Office of the President ( <i>from 23<sup>rd</sup> December 2005</i> )
Mr. Bai Ibrahim Jobe	Permanent Secretary Office of the President ( <i>from 4<sup>th</sup> August 2006</i> )
Mr. Abdou B. Touray	Permanent Secretary – Department of State for Finance & Economic Affairs ( <i>from 4<sup>th</sup> August 2006</i> )

*Mandate is for the two signatories to sign.*

The account was mainly funded with Subventions from Treasury to meet the Operational Budget of the Banjul AU Summit. A Secretariat was set up where by activities in preparation of the Summit were carried out. Payments to purchase furniture, settle obligations with Air Swiss, payment of medical coverage for Summit, costs for social function and entertainment were made.

A credit balance of D7,600 remained in the account.

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<sup>173</sup> Exhibit BB119B



## The Commission of Inquiry

### **14. AU FIRST LADIES CONFERENCE ACCOUNT - a/c no. 11010820501<sup>174</sup>**

From reviewing the 'Request to open a Special Bank Account', the opening of the account was triggered by the Directorate of National Treasury (DNT) in a letter (ref. DE 21/01/P.19 (22) dated 18<sup>th</sup> April 2006.

*A GMD account was opened at Trust Bank Limited (TBL).*

The banking mandate as for any two to sign and the signatories to the Account were as follows:-

Name of Signatory	Designation
Elizabeth Harding	Secretary to Cabinet
Teneng Jaiteh	Permanent Secretary – Office of the President
Fanta Sisay	Director of Social Welfare

This account did not form part of the Consolidated Revenue Fund (CRF) for the years concerned.

There were only 2 deposits made into account i.e. one transfer from the Treasury Department of D2,523,935 and the other a cash deposit of D35,000.

Payments were mainly made to Suppliers such as Shell Company Gambia Limited, DBC Quality Designs, GAMCEL, Classic Ventures, Sonko Jileng Enterprise, Njogou Touray – Sakura Art Studio, Coconut Residence and The Emporium. Section 139 and 140 of the FI 2004 states that for all expenditure of public monies, a Payment Voucher (PV) must be completed accompanied by appropriate supporting documents. In this case, for all withdrawals made, supporting documents were not provided to justify the expenditure being made or withdrawal.

On Bank Statement a debit transaction of D96,877.38 was made on the 5<sup>th</sup> April 2017 with description 'RF of FUND to CREDITORS AD', Transactions were not provided by TBL.

By Order of the Commission dated 12<sup>th</sup> February 2018, the remaining balance of D2,045,620.87 was transferred to the Commission's account held at CBG.

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<sup>174</sup> Exhibit BB93



## The Commission of Inquiry

### **15. GOVERNMENT OF THE GAMBIA – a/c. no. 11008914601<sup>175</sup>**

A GMD account was opened on the 20<sup>th</sup> May 2004. However, account opening documents and transaction documents were not provided by the Bank.

Deposits were made into the account but the source of funds was unknown. Payments were also made but again source documents were not provided by the Bank.

By Order of the Commission dated 5<sup>th</sup> October 2017, the remaining balance of D262,219.84 was transferred to the Commission's account held at CBG.

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<sup>175</sup> Exhibit BB72I



### The Commission of Inquiry

**16. PERMANENT SEC.R. DEPT OF STATE FINANCE ACCOUNT - a/c no.**  
**11008917601<sup>176</sup>**

A GMD account was opened on the 27<sup>th</sup> May 2004. However, account opening documents and transaction documents were not provided by the Bank.

Deposits were made into the account but the source of funds was unknown. Payments were also made but again source documents were not provided by the Bank.

By Order of the Commission dated 5<sup>th</sup> October 2017, the remaining balance of D274,966.80 was transferred to the Commission's account held at CBG.

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<sup>176</sup> Exhibit BB72J



## The Commission of Inquiry

### CHAPTER 4: ACCOUNTS WITH OTHER BANKS

#### ACCESS BANK (GAMBIA) LIMITED

1. OFFICE OF THE PRESIDENT ACCOUNT – a/c nos. 0010010013974 & 00110060003410<sup>177</sup>

Two accounts in GMD and Euro currencies were opened by OP on the 8<sup>th</sup> September 2014. The signatories to the accounts were the Secretary General Mr. Kalilou Bayo and the Secretary to the Cabinet Mr. Noah Touray. The signatories were later changed on the 3<sup>rd</sup> February 2015 to Mr. Lamin Nyabally and Mr. Ismaila Sanyang. There was no letter from the Directorate of National Treasury authorizing opening of account.

On the 24<sup>th</sup> August 2014, OP applied for a Euro1.5 Million loan for the State House to purchase two tents to be used for multi-function events. A copy of the invoice from HTS Roder HTS Hocker GMBH addressed to Kanilai Family Farms (KFF) for the attention of Mr. Amadou Samba was attached to support application. A letter dated 17<sup>th</sup> September 2014 ref. MF/C/109B/PART 1(P2) was issued by MOFEA to Access Bank supporting the loan application. The letter further highlighted that a sovereign guarantee was being provided by MOFEA towards repayment of the principal plus interest. The terms and conditions of the loan were later rejected by OP in a letter dated 22<sup>nd</sup> September 2014.

From reviewing the bank statements exhibited, the Euro account had no transaction. On the GMD Statement, D8.4 Million was credited to this account from GNPC.

Payments were made to Mediterranean Shipping Company, EXCEL Construction, Delmas Gambia, Gambia Technical Training Institute (GTI) Student Union plus bank charges. A closing credit balance of D193,718 remained in the account.

By Order of the Commission dated 22<sup>nd</sup> October 2017, the remaining balance of D193,718 was transferred to the Commission's account held at CBG.

#### FINDING:

- (a) The purpose of opening such an account was not stated on the 'Account Opening Deferral Attestation form'. Access Bank decided to defer requesting for crucial documents i.e. letter from Accountant General

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<sup>177</sup> Exhibit BB115



## The Commission of Inquiry

### CHAPTER 5: GAMBIAN EMBASSY IN WASHINGTON (PROCUREMENT ACCOUNT)

The Procurement account was opened in March 2008 in addition to the two main accounts used at the embassy:

- Main account; and
- Revenue Account.

The Main account is used for the operations of the embassy. Remittances from GOTG to fund operations are paid into this account such as salaries etc. The Revenue account is used to deposit funds internally generated by the Embassy for example visa fees. The Procurement account was opened due to the frequent queries received from Citi Bank due to non-compliance issues and to separate the monies received from Office of the President (OP) and Directorate of National Treasury (DNT).

Based on evidence, OP started using the Embassy's account for its transactions in 2005. Prior, Mr. Madikay Jallow was used for procurements but in 2005, the individual had issues with the US Government in particular FBI when he attempted to purchase two armored vehicles and hummers costing USD730,000 for OP without obtaining security clearance.

The then Financial Attaché "Mr. Lamin Sanyang" mentioned that usually, the Chief of Protocol at OP would request for a quotation of the item required to be purchased.

The signatories to the account were the Deputy Head of Mission, First Secretary and the Financial Attaché.

In 2005, Mr. Dodou Bammy Jagne was the Ambassador and USD21,080 was wired from OP to his personal account at Bank of America for the payment of school fees and accommodation for a student studying at Virginia Commonwealth University.

From the period 14<sup>th</sup> November 2014 to 28<sup>th</sup> November 2016, USD910,742 was transferred from OP.

Furthermore, monies totaling USD5,845,072.85 were transferred to the Gambia Embassy Procurement account held at Citi Bank in Washington for onward purchases to be made. Some of the purchases made were for the Ambassador's Residence, School Buses and Vehicles and others. At times the purpose of the funds transfer was not stated on the transaction documents. Full details of transfers are below:



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Account Number: 03201200386				
POSTING DATE	DETAILS	AMOUNT US\$	Comments	Monies sent to Gambia Embassy (Washington) for Purchases
10/09/2007	PD G EMBASSY WASHINGTON	-2,737,117.50	Funds transferred to Gambia Embassy in Washinton to pay for School buses and other vehicles	Yes
18/10/2007	PD G/E WASHING B/O GOV	-455,590.00	Details of what payment is for not stated. CBG had made payment in October 2007 without receipt of Instruction as Instruction was sent on the 9th November 2007 and contents of letter. However entry was posted in Oct. 2007	Yes
16/11/2007	PD GAMBIA EMBASSY WASHI	-875,000.00	Purchase of Ambassador's Residence from Landlord in the USA by Gambia Government	Yes
19/12/2007	GE, WASHINGTON-NEW & 2ND	-1,440,357.35	Funds transferred to Gambia Embassy in Washinton to pay for remaining balance for School buses and old school buses purchased in Sept. 2007, Sea Freight charges and airfreight and purchase of 100 Computers	Yes
17/10/2008	PD GE WASHINGTON B/O DOS	-87,008.00	Transfer made to Embassy Account in Washington as prior transaction could not go through	Yes
24/10/2008	PD EMBASSY OF THE GAMBIA	-250,000.00	Transfer made to Embassy Account in Washington 'Procurement Account'. However purpose of transfer of funds not stated	Yes
	<b>Total Withdrawals</b>	<b>-5,845,072.85</b>		

## FINDINGS:

- (a) The National Audit Office (NAO) carried out embassy audits during this period but this anomaly was never raised in the Management letter issued for any of the years concerned.
- (b) The Accountant General's office was also aware of the 'Procurement account' but no red flags were raised on its use and the frequent cash transfers made to and from the account.
- (c) The Ambassadors found this process in place and there is no evidence to show that efforts were made to regularize things.
- (d) Ex-President Jammeh used the Embassy for his own motive.



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### CHAPTER 6: APRC ACCOUNTS

#### Introduction

Five (5) bank accounts have been identified to be linked to APRC namely:

a) Guaranty Trust Bank (Gambia) Limited

- Alliance for Patriotic Re-Orientation and Construction (APRC) Fundraising Committee Account;
- APRC Youth Account; and
- July 22<sup>nd</sup> Anniversary Celebrations Marathon Account

b) Trust Bank Limited

- AFPRC Travel Account; and
- July 22<sup>nd</sup> Book Account Current.

1. ALLIANCE FOR PATRIOTIC RE-ORIENTATION AND CONSTRUCTION (APRC) FUNDRAISING COMMITTEE ACCOUNT – a/c no. 202-150502-110

This GDM denominated account was opened on the 5<sup>th</sup> February 2004 and the mandate was for any two to sign.<sup>178</sup> The account was for the APRC Party's use having its headquarters at 42 Kanifing South KMC.

At some point, certain Ministers including the Secretary General and Minister of Presidential Affairs were signatories to the account.

On the 17<sup>th</sup> February 2014, a letter was written to GTB on the letterhead of Gambia Government in particular 'Ministry of Basic & Secondary Education' signed by the then Minister Fatou L. Faye (Witness no. 61) advising the Bank of additional signatories on the account. Ms. Fatou L. Faye on one of the letters in the account opening documentation indicated that she was the Treasurer of the APRC Party.

On the 17<sup>th</sup> February 2016, another letter on Gambia Government 'Ministry of Basic & Secondary Education' again signed by the then Minister Fatou L. Faye was written to GTB advising them of change in signatories.

From reviewing the account, this account was used to raise funds for the party and contributions or donations were made by State Owned Enterprises (SOEs), Businesses, Individuals and so on. Based on our understanding, gala dinners were organized by the APRC to raise funds and funds were deposited into this account. A

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<sup>178</sup> Exhibit BB87



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key donor to the Party was Euro African Group Limited (EAGL) owned by Messrs. Mohamed Bazzi and Amadou Samba both identified to be close associates of Ex-President Jammeh, contributed an amount of D1,850,000.

SSHFC was another donor of funds to APRC Fund Raising Committee. From reviewing the bank statement it showed that payments totaling D1,260,000 were made from pensioners fund to this account. This is again misuse of pensioners' funds.

Public funds transferred from the Treasury Main Expenditure Account (TMA) totaling D2,041,000 were transferred to this account. Evidence shows that monies were paid from the TMA for various ministries namely Ministry of Youth and Sports, Ministry of Tourism and Culture, Ministry of Defense, Ministry of Basic & Secondary Education, Ministry of Finance & Economic Affairs, Office of the Vice President, Office of the President for tables bought for APRC Gala dinner.<sup>179</sup> Mr. Momodou Lamin Bah (Witness no. 6) – Accountant General when asked explained that this type of expenditure is not budgeted but it was classified under 'Official Entertainment line' in the approved budget under the General allocations of each ministry.<sup>180</sup>

### **Findings:**

- (a) Letters were sent to the bank on Gambia Government letterhead and instructions honored by GTB. In particular changes made in signatories. This is clearly a misuse of THE Government machinery i.e. use of resources.
- (b) Public funds were transferred from the Treasury Main Account (TMA) to the APRC Fundraising account which should not have been done. This is contrary to the financial act 2014.
- (c) Again pensioners funds at SSHFC were contributed to this account which is a clear misuse of funds.

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<sup>179</sup> Exhibit MS318

<sup>180</sup> Transcript of Mr. Momodou Lamin Bah dated 8<sup>th</sup> October 2018 – Accountant General



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### 2. APRC YOUTH ACCOUNT – a/c no. 216-853464-110

This GMD denominated account was opened on the 20<sup>th</sup> September 2016<sup>th</sup> and the mandate was for any two to sign. The account was opened based on a request ref. NYMO/S/APRC/0018 from the Office of the APRC Youth Mobilizer APRC Secretariat with its headquarters at 42 Kanifing South KMC<sup>181</sup>.

At some point, certain Ministers including the Secretary General and Minister of Presidential Affairs were signatories to the account.

The account was mainly funded by donations from SOEs, businesses i.e. Mobicell and individuals. The SOE's that donated were SSHFC, NAWEC, GPPA, PURA, GIEPA, Gam Petroleum Storage Facility, GRA, GNPC with amounts ranging from D100,000 to D5,000. Based on evidence heard, some of SOEs were experiencing financial difficulties such as SSHFC, NAWEC and GNPC and such donations do not demonstrate sound financial management.

### **FINDINGS:**

- (a) Donations from SOEs to a political party are a clear misuse of funds. Funds should have been better utilized to address critical issues affecting the core business operations in these institutions.

### 3. JULY 22<sup>nd</sup> ANNIVERSARY CELEBRATIONS MARATHON ACCOUNT – a/c no. 216-853285-110

This GMD denominated account was opened on the 20<sup>th</sup> July 2016<sup>th</sup> and the mandate was for any two to sign. The account was opened based on a request from the Gambia Armed Forces Defense Headquarters in Banjul<sup>182</sup>.

Signatories to the account were army officials and the account was to be used by the Organising committee for the planning and preparation of the marathon celebrations for 2016 July 22<sup>nd</sup>. In a letter dated 5<sup>th</sup> July 2016 ref. ASB 198/2013/01 PART II(30) from the Ministry of Defense, Office of the President to the Chief of Defense, it was stated that the Deputy CDS should be the Chairman of Committee.

The account was mainly funded by donations from SOEs, businesses i.e. Mobicell Blue Ocean and individuals. The SOE's that donated were GAMTEL and GAMCEL, SSHFC, GPA, Gam Petroleum Storage Facility with amounts ranging from D250,000

<sup>181</sup> Exhibit BB88 'Account Opening Information'

<sup>182</sup> Exhibit BB89 'Account Opening Information'



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to D50,000. Based on evidence heard, some of SOEs were experiencing financial difficulties such as SSHFC, Gamtel ad Gamcel and such donations do not demonstrate sound financial management.

### FINDINGS:

(a) Donations from SOEs of this nature are a clear misuse of funds. Funds should have been better utilized to address critical issues affecting the core business operations in these institutions. Pensioners' funds should not be spent on such activities.

#### 4. AFPRC TRAVEL ACCOUNT – a/c no.- 11201173601<sup>183</sup>

Account opening information was not provided by TBL but only the index card provided showing the signatories to the account.

From reviewing the bank statement, the account is a savings one and the initial deposit into account was on the 1<sup>st</sup> July 2005. This was the only transaction into the account, subsequently interest was applied on the account and credited. Interestingly, the address shown on the bank statement is 'Gambia National Army State House, Banjul.

#### 5. JULY 22<sup>nd</sup> BOOK ACCOUNT CURRENT – a/c no. - 11011418001

Limited account opening information was provided by TBL i.e. only the index card provided showing the signatories to the account namely Mrs. Fatoumata Jahumpa Ceesay and Mr. Abdoulie M. Sallah and the Corporate account opening form.

From reviewing the bank statement, the initial deposit into account was on the 28<sup>th</sup> September 2008. This was the only transaction, and subsequently interest was applied on the account and credited.

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<sup>183</sup> Exhibit BB98



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APPENDIX 1 - Key Persons liable for public funds illegally taken														
No.	Account Name	Ex-President Jammeh	Ex-President Jammeh	Ex-President Jammeh	General Sulayman Badjie	Njogou L. Bah	Momodou Sabally	Alhagie O. Ceesay	Mohamed Bazzi	Mohamed Bazzi	Amadou Samba	Fadi Mazegi	Baba Jobe	Baba Jobe
		GMD	USD	EUR	USD	GMD	USD	USD	USD	USD	USD	EUR	USD	GMD
<b><i>Central Bank of The Gambia Accounts</i></b>														
1	State Aircraft Account - Cash withdrawals			2,000,319.97										
	State Aircraft Account - EUR1,000,000 diverted for KFF use										500,000.00		500,000.00	
	State Aircraft Account - EUR995,000 diverted for KFF invoices for supply of vehicles, containers of food			995,000.00										
2	Special Project Account (Vision 2016) - Cash Withdrawals		18,016,434.80		9,249,827.00			2,669,593.80						
	Special Project Account (Vision 2016) - Payments to JFP and PEGEP		275,528.70											
3	International Gateway Account - Cash Withdrawals	31,000,000.00	1,960,000	610,000.00			820,000.00							
	International Gateway Account - Ineligible expenditure	1,400,000.00	33,103.04											
4	3M Citibank Account		7,335,000.00											
	3M Citibank Account - Cash Withdrawals from the 28.5 million overdraft		20,675,042.42									7,824,957.58	69,441,485.50	
	3M Citibank Account - Balance remaining USD27,732.00 divided by the 5 members		5,546,400.00											
	3M Citibank Account - ROC Funds		2,000,000.00											
5	Carnegie Mining Account - Cash Withdrawals	29,086,500.00												
	Carnegie Mining Account - Ineligible expenditure on 32 vehicles ordered from EAGL, Payment to GPPC for the printing of the books "Shadow in the dark", "Million reasons to leave the commonwealth" & tragic consequence of British colony".		51,273,741.00											
6	GAMICO Training Account													
7	Sand Mining Royalties Account - Ineligible expenditure		3,252,000.00											
8	Heavy Minerals Operations Account													
9	Construction of the Kanilai Recording Studio and Conference Centre		1,000,000.00											
	Construction of the Kanilai Recording Studio and Conference Centre - Cash Withdrawals		2,278,700.00			2,278,700.00								
10	State Special Security Account													
11	National Youth Development Fund - Cash Withdrawal	44,814,071.25					100,000.00							
12	HIPC/ MDRI Account - Ineligible expenditure (Payment to purchase of GAMWEG								350,000.00		350,000.00			
	HIPC/ MDRI Account - Ineligible expenditure	2,100,000.00												
13	2nd Divestiture Account		7,948,025.73											



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No.	Account Name	Ex-President Jammeh	Ex-President Jammeh	Ex-President Jammeh	General Sulayman Badjie	Njogou L. Bah	Momodou Sabally	Alhagie O. Ceesay	Mohamed Bazzi	Mohamed Bazzi	Amadou Samba	Fadi Mazegi	Baba Jobe	Baba Jobe
	<b><u>Commercial Bank Accounts - GTB</u></b>													
14	Ministry of Petroleum Account - Cash Withdrawal		1,625,648.00											
	Ministry of Petroleum Account - Cash Withdrawal		2,142,800.00											
15	Tax Revenue Recovery account - Cash Withdrawals	20,381,887.00												
	Tax Revenue Recovery account - Ineligible expenditure	20,258,517.92												
	<b><u>Commercial Bank Accounts - TBL</u></b>													
16	Dr. Alhaji Yahya Jammeh Foundation		3,013,615.47											
17	National Security Projects account - Cash Withdrawal	4,200,000.00	50,000.00											
	National Security Projects account - Ineligible expenditure (loan to KFF & purchase of fertilizer for KFF)	5,000,000.00	238,800											
18	Kanilai International Festival Tribute to Micheal Jackson account - Ineligible expenditure	10,916,250.00												
19	President's HIV AIDS & ASTHMA Treatment Trust Fund account - Cash withdrawals	1,600,000.00	1,043,430.00											
20	ROC		8,300,000.00											
21	PAC/PEC Taskforce account - Ineligible expenditure	3,381,469.10												
22	MRI Presidential account - Cash withdrawals	28,000,000.00												
23	Higher Education Support	1,084,906	600,000.00											
	<b>TOTAL</b>	<b>260,028,042.27</b>	<b>81,803,828.16</b>	<b>3,605,319.97</b>	<b>9,249,827.00</b>	<b>2,278,700.00</b>	<b>920,000.00</b>	<b>2,669,593.80</b>	<b>350,000.00</b>	<b>500,000.00</b>	<b>350,000.00</b>	<b>500,000.00</b>	<b>7,824,957.58</b>	<b>69,441,485.50</b>



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It is the Commissions finding that these sums are monies due the State and should be regarded as a liquidated debt due to the State and recoverable from the Ex-President's assets, subject to proven third party rights.



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### RECOMMENDATIONS

It is recommended that:

#### General Comments:

- (a) The assets owned by ex - President Jammeh be attached and sold to satisfy the sums **of D260,028,042.27, USD81,803,828.16 and Euros3,605,319.97** withdrawn directly by Ex-President Jammeh. Where such assets are found outside the jurisdiction, legal steps should be taken for their recovery.

Monies paid to Jammeh Foundation for Peace (JFP) and PEGEP totaling **USD275,528.70** from June 2015 to December 2015 from the Vision 2016 account has also been included in the total amount to be recovered from ex-President Jammeh.

- (b) The National Assembly should move to waive the immunity of the Ex-President for him to be prosecuted for stealing all the monies found to be stolen by him (Immunity is granted and from criminal proceedings for acts or omissions perpetrated while holding office unless the National Assembly by a two third majority resolves that the prosecution is justified in the national interest).
- (c) A person who is not a public officer and subject to the code of conduct for public officers ought not to be an account holder under any circumstances. The definition of public service under section 166(4) of the Constitution excludes President, Vice President, Speaker, Deputy Speaker, Minister or a member of the National Assembly for good reason. These are all political appointees periodically elected. The Constitution should make it clear that these offices cannot be accounting offices and the office holders cannot therefore be signatories to government accounts.
- (d) The Constitution should reinforce the financial autonomy of State Owned Enterprises. Monies from such enterprises should be appropriated according to the law that sets them up or the Companies, as the case may be, not otherwise.
- (e) Whether a President, First Lady, Vice President, Minister or other holder of political office is permitted to receive donations or grants, and if so, under what circumstances, is within the mandate of the Constitutional Review Commission (CRC) to consider as a Constitutional issue.

Rather proper mechanisms should be in place for example a "Special Deposit account" opened for each donor where all donations or grants is recorded.



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- (f) Monies withdrawn by General Sulayman Badjie totaling **USD9,249,827** from the Special Projects fund (Vision 2016) account should be recovered by attaching and selling the assets of Gen. Badjie.

Monies withdrawn by Brigadier General Ansumana Tamba totaling **USD348,999.53** from the Special Projects fund (Vision 2016) account should be recovered by attaching and selling the assets.

Monies withdrawn by Chief of Protocol Alhaji O. Ceesay totaling **USD2,669,593.80** from the Special Projects fund (Vision 2016) account should be recovered by attaching and selling the assets.

- (g) The amount of cash withdrawals authorized by Mr. Baba Jobe (deceased) totaled USD7,824,957.58 and D69,441,485.50 from the International Gateway account. These monies were illegally withdrawn. They were not accounted for. They are recoverable from the Estate of Baba Jobe.

- (h) Retired Captain Messrs. Edward Singateh, Yankuba Touray, Lamin Kaba Bajo and Ebou Jallow should be held responsible for the USD 2.7 Million i.e. not accounted for by Mr. Ebou Jallow. The persons mentioned above were aware of the USD5 Million cash brought in. The USD2.7 Million not accounted for should be **equally apportioned to the five members (i.e. USD540,000 each)** plus Ex- President Jammeh for fairness as they all had a collective responsibility to ensure that funds were safeguarded.

The USD28.5 Million overdraft on the 3M account that had to be settled using tax payers funds should be recovered from Ex-President Jammeh. This amount is included in the total amount to be recovered.

- (i) Then public officer such as Mrs. Sira Wally Ndow – Njie former Minister of Petroleum facilitated the process for ex-President Jammeh to withdraw sums of money particularly from the MOP account at GTB should be sanctioned. Guaranty Trust Bank Gambia Limited allowed withdrawals without completion of all documentation. She should not serve in any public office again or be appointed as Directors for any State Owned Enterprises (SOEs).

Other public officers such as Mr. Noah Touray, Mr. Ousman Jammeh, Ms. Isatou Auber, Mr. Ismaila Sanyang, Mrs. Yam Bamba Keita, Mr. Lamin Nyabally, Dr. Kalilou Bayo, Mr. Abdoulie M. Sallah, Mr. Sulayman Samba that aided and abetted the Ex-President to withdraw sums of money from various accounts particularly those held at Commercial banks should be reprimanded.



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- (j) Former Secretary Generals Messrs. Njogou L. Bah and Momodou Sabally also facilitated the process for ex-President Jammeh to withdraw sums of money particularly from the numerous accounts mentioned above such as Tax Recovery account at GTB, Kanilai International Festival Tribute for Michael Jackson, International Gateway account at CBG and they should be sanctioned.

### Tax Revenue Recovery account

- Ex-President Jammeh and Njogou L. Bah are jointly liable for **D15,536,609.00 cash withdrawal and D946,834.92 for payments deemed to be ineligible.**
- Ex-President Jammeh and Momodou Sabally are jointly liable for **D4,845,278.00 cash withdrawal and D19,311,683 for payments deemed to be ineligible.**

There were also sums withdrawn directly by the respective persons, Mr. Momodou Sabally withdrew **USD100,000** from the 'National Youth Development Fund account' on the 13<sup>th</sup> February 2014 and **USD 1 Million** from the International Gateway account and monies should be refunded by him.

They should not serve in any public office again or be appointed as Directors for any State Owned Enterprises (SOEs) for ten years.

- (h) The **USD700,000** paid from the HIPC/MDRI account for the purchase of Gam Veg should be recovered from the directors of the company Messrs. Mohamed Bazzi and Amadou Samba. Interest at the rate of 10% should be applied.
- (i) **USD200,000** cash withdrawn by Mr. Ebrima O. Camara from the Higher Education accounts at TBL should be recovered from him.

### CBG

- (k) The then public officers such as Mr. Amadou Colley (Governor), his Deputy Governors (Mr. Basiru Njie and Mrs. Oumie Savage – Samba) and Director of Finance (Mr. Ousainou Corr) that allowed ex-President Jammeh and his cohorts to withdraw sums of money particularly from the **Special Projects Fund (Vision 2016)** account should be sanctioned. CBG in some cases pre-



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financed withdrawals especially when there were insufficient funds in the account. These officials should not serve in any public office again or be appointed as Directors for any State Owned Enterprises (SOEs) for at least ten years.

Other affected accounts such as ***State Aircraft account, International Gateway account.***

- (l) Going forward, all revenues including royalties should be paid into the Consolidated Fund (section 7 (1) and 21 (2) of the 2014 Act which includes all revenues or other public monies raised or received on behalf of Government including. In this case this was not the case. Funds were used to purchase Bulls by Governors for resale during Ramadan.
- (m) A review should be carried out of all accounts (active or dormant) and those identified to be owned by SOEs transferred back under the control of the relevant SOE.
- (n) The Special Security account should be closed immediately. No direct transfer of funds should be made from the Consolidated Revenue Fund (CRF). Likewise, expenditures should also not be made directly from this account but from the TMA so that the budgetary allocation process is not bypassed.
- (o) Banking policies should be reviewed and controls further enhanced. Cash withdrawals should be minimized and transactions limited to transfers only.

Monies should also not be paid out after the bank's official closing hours.

- (p) Operational manuals particularly for the Banking department should be developed and rolled out to staff.
- (q) The technical capacity of the Bank's Internal Audit Department staff should be strengthened in order for their duties to be effectively carried out. Focus should be directed on high risk areas identified, planning work, highlighting and communicating issues to the Board subcommittee responsible for the function for action. The right caliber and balance of staff should be recruited to ensure that value is added to the Bank.



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### Commercial Banks

- (r) All government accounts opened at commercial banks should be immediately identified and closed by the Accountant General's Department. All balances should be transferred to accounts domiciled at CBG as CBG is the Banker to Government.
- (s) The commercial banks that allowed ex- President Jammeh to withdraw funds from accounts even when he was not a signatory to the account should be held responsible for said funds if the assets of the ex - President are insufficient to recover the sums due to the State.
- (t) Funds withdrawn from Operation Save the Children Foundation directly by former first lady Mrs. Zineb Yahya Jammeh of **USD308,798.97** should be fully recovered.
- (u) For accounts opened without proper and adequate documentation such as the *MYJ Family Trust account and President's HIV AIDS & Asthma Treatment Trust Fund account*, guidelines have to be set. For banks that allowed breaches in procedures such as the Ministry of Petroleum and National Security Project account measures will have to be taken so that such actions do not reoccur. These breaches resulted in individuals operating undetected in the financial system and exploiting this weakness to turn their criminal proceeds into legitimate funds. If a customer does not disclose relevant information required by law, a Bank is obliged under the AML laws to cease providing services to that customer and may ultimately have to discontinue the business relationship. Customers need to be aware of this.

It is recommended that the Regulator (CBG) having oversight responsibilities over the Commercial banks should apply fines/ penalties on the Banks concerned (*TBL, GTB*) for *breaches in compliance and regulatory matters*.

- (v) Money laundering diverts resources away from economically and socially productive uses and can negatively affect a country's financial system by undermining its stability. Weak anti money laundering (AML) controls will also have reputational consequences for a country's financial system.

It is important that a country is seen as having a robust AML regulatory framework with financial companies effectively implementing AML systems and controls, as it dissuades criminals from targeting that financial system.

In order to combat money laundering, the Gambian law requires financial companies to ensure that they have information about their customers and to develop and maintain AML policies and procedures. This is to ensure that



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financial firms know who their customers are and what the nature of the business relationship is over the lifetime of that relationship

Anti-Money Laundry (AML) should be further strengthened at the Banks. CBG should further have measures in place to detect any irregularities in transactions. A particular case is monthly transfers sent to ex-President Jammeh's accounts held at TBL of Euros 500,000 per month.

- (w) The Central Bank should implement a risk-based approach to AML and countering the financing of terrorism ('CFT') supervision of credit and financial institutions. Effective risk based supervision entails identifying money laundering ('ML') and terrorist financing ('TF') risks and supervising banks commensurate with the risks identified and taking necessary action to bring about compliance. There are two elements of the risk-based approach to AML/CFT supervision: (a) Identification and Assessment of ML/TF Risk; and (b) AML/CFT Supervisory Engagement to monitor and bring about compliance.
- (x) The Financial Intelligence Unit of the Gambia should be fully equipped so that instances of money laundry are detected instantly or within a short period of time and communicated to the relevant authorities.
- (y) Persons such as Messrs. Pa Macumba Njie and Bolagi Ayodele former MDs of TBL and GTB should not be allowed to occupy any directorship positions in any financial institution in the Gambia for at least five years. They were MDs at the respective banks and should have had a duty of care when carrying out their duties. The many breaches (*compliance, legal and operational*) highlighted at the Commission is a serious cause for concern.

### US Gambia Embassy Procurement Account

- (z) The Procurement account should be immediately closed by the Embassy. The DNT should ensure that the account has been closed and any funds remaining in the account transferred to an account communicated to them.
- (aa) The National Audit Office should carry out a thorough audit of this account and all anomalies communicated for action.

### Accountant General (Directorate of National Treasury)

- (bb) The system of issuing and retirement of imprest should be adhered to in line with the requirements of Sections 180 (2), 184 and 185 dealing with



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application, retirement and repayment of imprest. At the yearend, the Accountant General must ensure that all unspent balances are repaid into the TMA as required.

- (cc) All bank accounts treated as “Below the Line” should be reviewed by the Accountant General’s Department to ensure that they are in line with guidelines set. Bank accounts into which royalties, taxes and so on are paid should form part of the Consolidated Revenue Fund (CRF) and treated as such.
- (dd) The Accountant General (Mr. Momodou Lamin Bah) should be held responsible for the public funds transferred from the TMA to APRC Fundraising account.
- (ee) A payment of USD700,000 equivalent of D19.3 Million from the HIPC/MDRI accounts was approved by the Directorate of National Treasury to pay towards the purchase price of GAMVEG. These funds should not have been used for such expenditure and it was also unbudgeted. The AG has a responsibility to ensure that public funds are protected and used for its intended purpose.

Funds were transferred from TMA to the Kanilai International Festival Tribute to Michael Jackson account.

### Auditor General

- (ff) The National Audit Office (NAO) under the leadership of the Auditor General - Mr. Karamba Touray failed in executing his duties:
  - Public funds (royalties, tax revenue) that should have formed part of the Consolidated Revenue fund were excluded and treated as “Below the line accounts”. The Auditor General did not carry out any additional procedures on any of these bank accounts to gain comfort on the use of the accounts.
  - OP transferred monies to the Procurement account opened by the US Embassy in Washington and purchases made. None of the issues were highlighted in reports prepared;
  - Monies were transferred from TMA to APRC accounts,

No work/ scrutiny was carried out by the Auditor General to ensure that funds were utilized properly. The AG should be replaced with immediate



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effect due to his inefficiency; he may be placed in another suitable position in Government or PE.

The new AG to be appointed should have a professional qualification such as ACCA, ICAEW and worked in audit practice to be able to man the office. He/ she should have the capacity to make difficult, independent and courageous audit judgments under pressure.

The appointment should be made together with the Chair of the Public Accounts Committee and then approved by the National Assembly. There should be a fixed term for an Auditor General to serve as best practice says 10 year term; after this a replacement has to be found.

- (gg) The National Audit Office (NAO) should carry out a thorough review of all "Below the Line accounts" and issue a report of issues or anomalies identified if any.

## MOFEA

- (hh) Policies should be reviewed and steps put in place to ensure that a Minister is not a signatory to any bank account. The same applies to a President, First Lady and Vice President.

- (ii) The role and importance of external audits should be emphasised as it is paramount that external auditors are **seen to be independent, objective and carry out duties with due care and skill**. With all these lapses and anomalies identified at the CBG and Commercial banks, external auditors did not flag or communicate any of these issues to Board. Therefore "Oversight" over the work of external audit needs to be properly put in place. The newly established Financial Reporting Oversight Board (FROB) set up in line with the Financial Reporting Act 2013 to ensure that quality of work is delivered at all times and does not fall below standard should be mandated to carry out their duties with utmost care. The composition of current FROB should be reviewed as the FROB should comprise of professional Accountants with so many years of experience that understand the profession and are also technically competent.

## Protocol Officers

- (jj) Evidence was tendered showing numerous Protocol Officers including the Chief of Protocol aiding in the withdrawal of huge sums of cash for Ex-President Jammeh, Ex First lady, Secretary Generals and General Sulayman Badjie. Clear policies should be set up by Personnel Management Office



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(PMO) so that Protocol Officers fully comprehend what their roles and responsibilities are.