

IN THE HIGH COURT OF THE GAMBIA

C. S. No. HC/186/16/MF/048/A4

BETWEEN:

EBRIMA SOLO SANDENG

APPLICANT

AND

INSPECTOR GENERAL OF POLICE

1ST RESPONDENT

NATIONAL INTELLIGENCE AGENCY (N.I.A)

2ND RESPONDENT

COMMISSIONER OF PRISONS

3RD RESPONDENT

THE ATTORNEY GENERAL

4TH RESPONDENT

IN THE MATTER OF EBRIMA SOLO SANDENG

AND

IN THE MATTER OF AN APPLICATION FOR THE WRIT OF HABEAS CORPUS

AFFIDAVIT IN OPPOSITION

I Saihou Omar Jeng, Adult, Male of Gambian Nationality do hereby make oath and state as follows:

1. That I am the deponent herein named.
2. That I am the Director of Operations at the National Intelligence Agency Headquarters, Marina Parade, Banjul.
3. That by virtue of my aforesaid position, I am seized with the facts of this case having participated in the investigations.
4. That I have the authority and mandate of my employer and that of Counsel Binga D, to depose to this Affidavit.

5. That the Applicant served the Respondent with an Originating Summons supported by a 14 paragraph Affidavit deposed to by one Alhajie Mustapha Darboe of Dippakunda in the Kanifing Municipality.
6. That paragraph 1 of the said Applicant's Affidavit in support of the Summons is not within our knowledge.
7. That paragraph 2 of the Affidavit is hereby admitted only to the extent that on the 14th day of April 2016 an unlawful demonstration was held in the Westfield area of Kanifing Municipality. The demonstrators held banners calling for unspecified electoral reform and a change of Government.
8. That paragraph 3 is denied and the Respondents further avers that the applicant and others were approached by two law enforcement officials who inquired whether they had a permit to assemble and they replied in the negative.
9. That Paragraph 4 is hereby admitted. The Respondents further state that the Applicant and others were told to disperse and there was an attempt to arrest the leader of the demonstration i.e. the applicant but he resisted arrest. The other demonstrators also obstructed the law enforcement officials, attempting to conduct a lawful arrest.
10. That the officers then sought for reinforcement. When the reinforcement arrived, the officers announced to the demonstrators to disperse. However the demonstrators then threw stones at the law enforcement officials.
11. That paragraph 5 is admitted only to the extent that the Applicant was not granted access to see his family members when he was arrested.
12. That paragraph 6 is denied. The Respondents further avers that the applicant and others were briefly detained at the Police Intervention Unit in Kanifing and thereafter they were moved to the N.I.A. office in Banjul.
13. That paragraph 7 is hereby denied. The Respondents further state that the Applicant and others were arrested for breaching public order.

14. That paragraph 8 is hereby admitted. The applicant unfortunately lost his life in the whole process of arrest and detention.
15. That the Government has accordingly set in motion an inquiry surrounding his death.
16. That paragraph 9 is hereby admitted and the Respondents further states that the reason for not charging the applicant is as stated above in paragraph 15.
17. That paragraph 10 is hereby admitted.
18. That the Respondent neither admits nor denies the position of the applicant in Paragraph 11.
19. That paragraph 12 is hereby admitted.
20. That paragraph 13 is hereby denied.
21. That I depose to this Affidavit in good faith, to the best of my knowledge and in accordance with the provisions of the Oath Act of 1990.



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Deponent

Sworn to by the said
Saihou Omar Jeng
AT BANJUL
This ^{13th}..... Day of June 2016

BEFORE ME



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Binga D.

**Director, Civil Litigation & International Law Department
Attorney General's Chambers**

13 June
16 14:30
Afternoon
[Signature]