

20/05/16
To be re-assigned

IN THE HIGH COURT OF THE GAMBIA

C S No. **HC/186/16/MF/048/AW**

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 A WRIT OF HABEAS CORPUS

ORIGINATING SUMMONS

LET the Inspector General of Police, the National Intelligence Agency of The Gambia (N.I.A), the Commissioner of Prisons and the Attorney General within eight days after service of this summons, or on such other day as the Court shall appoint, inclusive of the day of such service, cause an appearance to be entered to this summons, which is issued upon the application of **EBRIMA SOLO SANDENG** who is presently in detention, and in the custody of the Inspector General of Police, the National Intelligence Agency, or the Commissioner of Prisons and who claims for:

1. That a Writ of Habeas corpus ad subjiciendum to be issued and directed to the Inspector General of Police, the National Intelligence Agency of The Gambia (N.I.A) and the Commissioner of Prisons to have the body of **EBRIMA SOLO SANDENG** brought immediately before this Honourable Court to undergo and receive all such matters and things as the Court shall then and there consider of and concerning him in this behalf;

25/4/2016

2. A declaration that **EBRIMA SOLO SANDENG** who is presently detained and in the custody of the Inspector General of Police, the National Intelligence Agency of The Gambia (N.I.A) or the Commissioner of Prisons is being unjustifiably detained.
3. An order directing the unconditional release from detention and custody of the said **EBRIMA SOLO SANDENG**.
4. Such further or other orders as this Honourable Court may deem fit.

Dated the 24 day of April, 2016

This summons was taken out by Antouman A. B. Gaye of Antouman A. B. Gaye & Co, 1 Russel Street, Banjul, The Gambia, Legal Practitioner for the above-named applicant.

The Respondents may appear hereto by entering appearance either personally or by solicitor at the office of the Registrar of the High Court.



REGISTRAR OF THE HIGH COURT

To:

1. The Registrar
The High Court of The Gambia
Independence Drive
Banjul
2. The Attorney General
Attorney General Chambers
Marina Parade
Banjul

IN THE HIGH COURT OF THE GAMBIA

C S No.

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AFFIDAVIT IN SUPPORT OF SUMMONS

I, ALHAJIE MUSTAPHA DARBOE of Dippakunda in the Kanifing Municipality, The Gambia, Businessman and of Gambian nationality make oath and say as follows:

1. That I am a Cousin of the Applicant and the deponent herein. I am the considered the traditional head of the Applicant's family, and by virtue of my relationship with the Applicant, I am aware of the facts stated herein.
2. That on the 14th day of April 2016, at around 2.30p.m. the Applicant together with some other Gambian youths were marching on peaceful protests along Sayerr Jobe Avenue, Serrekunda in the Kanifing Municipality of The Gambia. They were holding a Banner seeking for electoral reforms and were chanting "we need electoral reforms."

3. That upon reaching the Westfield junction in Serrekunda, two Police Officers arrived demanding to talk to the Applicant. The Police Officers attempted to arrest him. Due to the resistance of the Protestors, the Applicant could not be arrested.
4. That about five minutes later, Officers of the Police Intervention Unit arrived at the scene in a truck and therein arrested the Applicant and others. I know for a fact that the said security agents/operatives did not inform the Applicant and the other persons arrested of the reasons for their arrest but merely proceeded to arrest them.
5. Since their arrest, no one has had access to the Applicant and the other persons who were arrested. The Applicant's family do not know his present whereabouts.
6. I have had unconfirmed reports that upon his arrest, the Applicant was detained at the Police Intervention Unit Headquarters at Kanifing which is under the jurisdiction of the 1st Respondent. Thereafter he was moved to the Central Prisons at Mile 2 which is under the jurisdiction of the 3rd Respondent. The Applicant was then moved to the NIA Office at Marina Parade in Banjul.
7. I am informed by Counsel for the Applicant and I verily believe that the Applicant did not commit any crime. I am further advised by Counsel and I verily believe that the Applicant ought to have been brought before a Court of competent jurisdiction not later than 72 hours after his arrest.
8. The Applicant has not been charged with any offence or brought before any Court for any offence he might be suspected to have committed. Some of the other persons who were arrested together with the Applicant on the 14th of April 2016 were arraigned before the High Court of The Gambia on the 20th day of April 2016. A copy information filed against them is now produced and shown to me marked "A".
9. The Applicant was not included in the names of the persons brought before the Court. No reason or explanation has been provided as to why the Applicant has not been charged together with the other persons.

10. That it has been more than 10 days since the Applicant was arrested and detained in connection with the matter for which he has been arrested.
11. That the Applicant is a married man with nine children. He has five sons and four daughters. The Applicant is the sole breadwinner of his family.
12. That none of the members of the Applicant's family including me know his whereabouts or where he is being presently held.
13. That I have been informed by counsel for the Applicant and verily believe the same to be true that the arrest and continued detention of the Applicant without charge is unconstitutional, illegal and in clear violation of the Applicant's rights, and I pray that this Honourable Court make an order to release the Applicant from detention.
14. That I make these statements to the best of my knowledge, information and belief.

Sworn to by the said **ALHAJIE MUSTAPHA DARBOE**

At Banjul,

This 20th day of April, 2016

The contents of this affidavit having been explained him in the Mandinka language and which he seemed perfectly to have understood before putting his mark hereto

BEFORE ME



DEPONENT

A COMMISSIONER FOR OATHS

DODOU MANNEH
NOTARY PUBLIC
HIGH COURT OF THE GAMBIA
 SEN. NO. _____ DATE 20/4/2016

IN THE HIGH COURT OF THE GAMBIA

C S No.

BETWEEN:

EBRIMA SOLO SANDENG

...

APPLICANT

AND

INSPECTOR GENERAL OF POLICE

...

1ST RESPONDENT

NATIONAL INTELLIGENCE AGENCY (N.I.A)

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2ND RESPONDENT

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IN THE MATTER OF EBRIMA SOLO SANDENG

AND

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

This is the document marked "A" referred to in the affidavit sworn to by **ALHAJIE MUSTAPHA DARBOE** in this matter on the 20 day of July 2016

BEFORE ME

A COMMISSIONER FOR OATHS

ODOU MANNEH
NOTARY PUBLIC
HIGH COURT OF THE GAMBIA
SIGN by DATE 20/4/2016

"A"

IN THE HIGH COURT OF THE GAMBIA

HOLDEN AT BANJUL

CRIM. CASE NO.

Hc/178/16/CA/059/170

BETWEEN

THE STATE.....COMPLAINANT

AND

LAMIN SONKO.....1ST ACCUSED PERSON

BUBACARR GITTEH.....2ND ACCUSED PERSON

BABA CEESAY.....3RD ACCUSED PERSON

MODOU TOURAY.....4TH ACCUSED PERSON

EBRIMA JANKO CEESAY.....5TH ACCUSED PERSON

LAMIN CAMARA.....6TH ACCUSED PERSON

ALHAGIE JAMMEH.....7TH ACCUSED PERSON

LANSANA BEYAI.....8TH ACCUSED PERSON

LAMIN JATTA9TH ACCUSED PERSON

LAMIN MARONG.....10TH ACCUSED PERSON

EBRIMA JADAMA.....11TH ACCUSED PERSON

PA OUSMAN NJIE.....12TH ACCUSED PERSON

KEKUTA YABO.....13TH ACCUSED PERSON

BUBACARR JAH.....14TH ACCUSED PERSON

MUHAMMED JAWNEH.....15TH ACCUSED PERSON

BUBACARR TOURAY.....16TH ACCUSED PERSON

SADERR SECKA.....17TH ACCUSED PERSON

ALHAGIE FATTY.....18TH ACCUSED PERSON

INFORMATION

This Honourable Court is informed by the Honourable Attorney General on behalf of The State that Lamin Sonko, Bubacarr Gitteh, Baba Ceesay, Modou Touray, Ebrima Janko Touray, Alhagie Fatty, Alhagie Jammeh, Lansana Beyai, Lamin Marong, Lamin Jatta, Lamin Camara, Ebrima Jadama, Pa Ousman Njie, Kekuta Yabo, Bubacarr Jah, Muhammed Jawneh, Bubacarr Touray, Saderr Secka are charged with the following offences

COUNT ONE

STATEMENT OF OFFENCE

Unlawful assembly contrary to section 69 and punishable under section 70 of the Criminal Code Cap 10 Vol. III Laws of The Gambia 2009

PARTICULARS OF OFFENCE

Lamin Sonko, Bubacarr Gitteh, Baba Ceesay, Modou Touray, Ebrima Janko Touray, Alhagie Fatty, Alhagie Jammeh, Lansana Beyai, Lamin Marong, Lamin Jatta, Lamin Camara, Ebrima Jadama, Pa Ousman Njie, Kekuta Yabo, Bubacarr Jah, Muhammed Jawneh, Bubacarr Touray, Saderr Secka on the 14th April, 2016 at Westfield, Kanifing Municipality and within the jurisdiction of this Honourable Court with intent to breach the peace and provoke other persons to breach same unlawfully assembled in a manner that causes fear in the neighbourhood and thereby committed an offence.

COUNT TWO

STATEMENT OF OFFENCE

Riot contrary to section 69 and punishable under section 71 of the Criminal Code Cap 10 Vol III Laws of The Gambia

PARTICULARS OF OFFENCE

Lamin Sonko, Bubacarr Gitteh, Baba Ceesay, Modou Touray, Ebrima Janko Touray, Alhagie Fatty, Alhagie Jammeh, Lansana Beyai, Lamin Marong, Lamin Jatta, Lamin Camara, Ebrima Jadama, Pa Ousman Njie, Kekuta Yabo, Bubacarr Jah, Muhammed Jawneh, Bubacarr Touray, Saderr Secka, on the 14th April 2016 at Westfield, Kanifing Municipality and within the jurisdiction of this Honourable Court, assembled without a permit with intent to breach the peace and cause terror to the public and thereby committed an offence.

COUNT THREE

Incitement of Violence contrary to section 59B (b) of the Criminal Code Cap 10 Vol. III Laws of The Gambia 2009

PARTICULARS OF OFFENCE

Lamin Sonko, Bubacarr Gitteh, Baba Ceesay, Modou Touray, Ebrima Janko Touray, Alhagie Fatty, Alhagie Jammeh, Lansana Beyai, Lamin Marong, Lamin Jatta, Lamin Camara, Ebrima Jadama, Pa Ousman Njie, Kekuta Yabo, Bubacarr Jah, Muhammed Jawneh, Bubacarr Touray, Saderr Secka on the 14th April 2016 at Westfield, Kanifing Municipality and within the jurisdiction of this Honourable Court published banners with statements calculated to lead to the destruction or damage to properties and thereby committed an offence.

COUNT FOUR

STATEMENT OF OFFENCE

Riotously interfering with vehicles contrary to section 78 of the Criminal Code Cap 10 Vol. III Laws of The Gambia 2009

PARTICULARS OF OFFENCE

Lamin Sonko, Bubacarr Gitteh, Baba Ceesay, Modou Touray, Ebrima Janko Touray, Alhagie Fatty, Alhagie Jammeh, Lansana Beyai, Lamin Marong, Lamin Jatta, Lamin Camara, Ebrima Jadama, Pa Ousman Njie, Kekuta Yabo, Bubacarr Jah, Muhammed Jawneh, Bubacarr Touray, Saderr Secka on the 14th April 2016 at Westfield, Kanifing Municipality and within the jurisdiction of this Honourable Court without a permit, assembled in a manner that prevented the movement of vehicles around Westfield and thereby committed an offence.

COUNT FIVE

STATEMENT OF OFFENCE

Holding a procession without a permit contrary to section 5 (5) (a) of the Public Order Act Cap 22, Vol. 4 of the Laws of The Gambia 2009

PARTICULARS OF OFFENCE

Lamin Sonko, Bubacarr Gitteh, Baba Ceesay, Modou Touray, Ebrima Janko Touray, Alhagie Fatty, Alhagie Jammeh, Lansana Beyai, Lamin Marong, Lamin Jatta, Lamin Camara, Ebrima Jadama, Pa Ousman Njie, Kekuta Yabo, Bubacarr Jah, Muhammed Jawneh, Bubacarr Touray, Saderr Secka on the 14th April 2016 at Westfield, Kanifing Municipality and within the jurisdiction of this Honourable Court held a public procession without a permit from the Inspector General of Police and thereby committed an offence.


COUNT SIX

STATEMENT OF OFFENCE

Disobeying an order to disperse from an unlawful procession contrary section 5 (5) (b) of the Public Order Act Cap 22 Volume 4 of the Laws of The Gambia 2009

PARTICULARS OF OFFENCE

Lamin Sonko, Bubacarr Gitteh, Baba Ceesay, Modou Touray, Ebrima Janko Touray, Alhagie Fatty, Alhagie Jammeh, Lansana Beyai, Lamin Marong, Lamin Jatta, Lamin Camara, Ebrima Jadama, Pa Ousman Njie, Kekuta Yabo, Bubacarr Jah, Muhammed Jawneh, Bubacarr Touray, Saderr Secka on the 14th April 2016 at Westfield, Kanifing Municipality and within the jurisdiction of this Honourable Court disobeyed the order of Assistant Commissioner of Police Abdoulie Sanneh and Superintendent Momodou Sowe to disperse from your unlawful assembly and thereby committed an offence.



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S.H BARKUM

DIRECTOR OF PUBLIC PROSECUTIONS

SUMMARY OF EVIDENCE

1. **MODOU LAMIN BADJIE:** This witness is a police officer. He would state amongst other things that he was part of the arresting team. He will testify that the accused persons were with banners, flags and P.A. system. He would further state all he knows about this matter. In addition, he will tender the P.A System etc
2. **SHERIFFO CEESAY:** This witness is a police officer. He would state amongst other things that he was part of the arresting team. He will testify that the accused persons were with banners, flags and P.A. system. He would further state all he knows about this matter. In addition, he will tender the Whistles etc
3. **PATEH BALDEH:** This witness is a police officer. He would state amongst other things that he was part of the arresting team. He will testify that the accused persons were with banners, flags and P.A. system. He would further state all he knows about this matter. In addition, he will tender the whistles and banners. etc
4. **KEBBA M. JALLOW:** This witness is a police officer. He would state amongst other things that he was part of the arresting team. He will testify that the accused persons were with banners, flags and P.A. system. He would further state all he knows about this matter. In addition, he will tender the banners. etc
5. **FODAY K SILLAH:** this witness is a police officer station. He would state that he obtained the cautionary and voluntary statements of the 1ST, 2ND and 3RD accused persons and he would tender same as evidence.
6. **SAIKOU KEITA:** this witness is a police officer station. He would state that he obtained the cautionary and voluntary statements of the 4TH, 5TH, 6TH and 16TH accused persons and he would tender same as evidence.
7. **BAKARY DRAMMEH:** this witness is a police officer station. He would state that he obtained the cautionary and voluntary statements of the 7TH and 8TH accused persons and he would tender same as evidence.
8. **DP CC JAMMEH(L.N JAMMEH):** this witness is a police officer station. He would state that he obtained the cautionary and voluntary statements of the 9TH, 10TH, 11TH, 12TH, and 13TH accused persons and he would tender same as evidence.
9. **KUMBA JAWO:** this witness is a police officer station. He would state that he obtained the cautionary and voluntary statements of the 14TH and 18TH accused persons and he would tender same as evidence.

10. **MUSA JALLOW:** this witness is a police officer station. He would state that he obtained the cautionary and voluntary statements of the 15TH and 17TH accused persons and he would tender same as evidence.

LIST OF EXHIBITS

1. Cautionary statements.
2. Voluntary statements.
3. Banners
4. P.A System.
5. Whistles

IN THE HIGH COURT OF THE GAMBIA

HOLDEN AT BANJUL

CRIM.CASE NO.

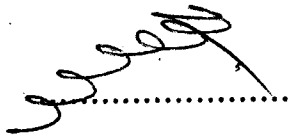
BETWEEN

THE STATE.....COMPLAINANT

AND

LAMIN SONKO AND 17 OTHERS.....ACCUSED PERSONS

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**INFORMATION, SUMMARY OF EVIDENCE, LIST OF WITNESSES AND LIST OF
EXHIBITS**
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S. H BARKUM

DIRECTOR OF PUBLIC PROSECUTIONS

ATTORNEY GENERAL'S CHAMBERS

MINISTRY OF JUSTICE

MARINA PARADE

BANJUL

20th Apr
16 2:34
A. Stenson
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