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**IN THE COMMISSION OF INQUIRY
ISSUED UNDER THE CONSTITUTION OF THE REPUBLIC OF THE GAMBIA TO
INQUIRE INTO THE FINANCIAL DEALINGS, ASSETS ETC OF EX-PRESIDENT
YAHYA JAMMEH, FAMILY MEMBERS AND CLOSE ASSOCIATES**

DATE: MONDAY 9TH OCTOBER 2017 AT 12:42PM

**SUBJECT MATTER: GENERAL – EURO AFRICAN GROUP AND OTHER
COMPANIES**

EXPECTED WITNESS: MUHAMED BAZZI

APPEARANCES:

CHAIRMAN TO THE COMMISSION: HONOURABLE SURAHATA B. S. JANNEH

COMMISSIONER: HONOURABLE BAI MASS SAINÉ

COMMISSIONER: HONOURABLE ABIOSSEH GEORGE

SECRETARY TO THE COMMISSION: MR. ALHAJI MAMADI KURANG

COUNSEL TO THE COMMISSION: MRS. AMIE N. D. BENSOUDA

TRANSCRIBER: HADDY JAGNE

(WITNESS REMINDED OF HIS OATH)

1. MRS.A. BENSOUA: Mr. Chairman, the last time when **Mr. Bazzi** was here, an application
2. was made on his behalf and we subsequently received information, a copy of a letter which
3. indicates that the application was going to be withdrawn. If we may have that clarified?

4. THE CHAIRMAN: Mr. Bazzi, are you still being represented by **Lawyer Louba Farage**?

5. WITNESS: Yes Mr. Commissioner.

6. THE CHAIRMAN: Where is she? I am surprise she's not here.

7. WITNESS: I came alone today. My lawyer was only here to submit the application but
8. today there is no need. We have withdrawn that application. We have sent another letter.

9. THE CHAIRMAN: Alright. I will tell you why I asked that question. We have the letter here
10. and I am sure you have a copy here of the letter?

11. WITNESS: Yes.

12. THE CHAIRMAN: And I will read it. *"We act for the above mentioned person Muhamed*
13. *Bazzi, that is You. Whom we made an application on instructions for the delivery of part of his*
14. *testimony in camera. We have received further instructions this morning that is 4th October*
15. *2017 and have been asked to immediately inform the Honourable Commission that our client*
16. *wishes to withdraw his said application and I emphasize what is coming for reasons that he*
17. *wishes to make orally. In this regard, with the permission of the Commission, we wish to*
18. *accompany our client for his next session. When we will be able to meet the said application*
19. *prior to the Commission proceeding with its own testimony".* Now you understand why I asked
20. the question?

21. WITNESS: Yes.

22. THE CHAIRMAN: What do you want now? Are you confirming now that you are
23. withdrawing your application to be heard in camera?

24. WITNESS: Yes, Mr. Commissioner. The reason why I - -.
25. THE CHAIRMAN: Sorry. Let's put that down first. You have confirmed that you have
26. withdrawn your application to be heard in camera?
27. WITNESS: That's true Sir.
28. THE CHAIRMAN: Do you want to give reasons for that?
29. WITNESS: Yes, we can continue with that.
30. THE CHIARMAN: It's up to you. Nobody is forcing you to do anything.
31. WITNESS: No, that is fine. The reason Mr. Commissioner just to explain; I consult with
32. partner and his family friend. We were trying some of the issue we want to discuss and we don't
33. have nothing to hide. We were trying to show you some **Exhibit** and prove and we don't want
34. for the reason we were afraid. We don't want to make it on camera. But now we believe that the
35. Security with the New Government, we are okay to say whatever we want.
36. THE CHAIRMAN: Thank you. Counsel, you may proceed.
37. MRS.A. BENSOUA: Thank you Mr. Chairman.
38. MRS.A. BENSOUA: Mr. Bazzi, when you were here the last time; you were discussing
39. payments that **Euro Africa Group** on your instructions made into the accounts of the Ex-
40. President specifically his **Dalasi Account** with the **Trust Bank No.11002037701** in his name
41. **Jammeh Yahya A.J.J. H.E. Professor** and this was his **Salary Account** according to the
42. evidence of the **Trust Bank**. And the **United States Dollar Account** for **Dr. Alhaji Yahya**
43. **Jammeh Foundation 10701930502**.
44. Q: Do you have an explanation as to why **Euro African Group** was paying monies into the
45. **Dalasi Account** first and the **Dollar Account** second?
46. A: Yes.
47. WITNESS: I will ask you Madam kindly. If I get some few minutes to explain about all these
48. please. I ask the Commissioner to grant me some few minutes to be able to explain because this is
49. something you need like **4, 5** minutes explanation. So I am asking your permission to give me

50. that time?

51. MRS.A. BENSOUDA: That is why you are here to explain if you have.

52. Q: Now, Mr. I will just like also to ask you that you have submitted a bundle of documents
53. to the Commission?

54. A: Yes, that's right.

55. Q: When you made the application to be heard in camera which you have now withdrawn.
56. Do you want to have those bundles? Are you going to rely on anything in those bundles?

57. A: Yes, I have other copy for you.

58. Q: You have another copy?

59. A: Yes.

60. MRS.A. BENSOUDA: Very well. You are here to explain, unless we are taking a break.

61. I think we can start and continue after the lunch break. We have 15 minutes.

62. WITNESS: Okay. As you know Commissioner, I was here since **2002** doing some mainly
63. Project on **Energy Sector** and **Petroleum Sector**. Which is we came to the petroleum sector at
64. the time they were having some problem and we managed to enter solve those problems. My duty
65. was as a **Consular General** of **The Gambia** and **Lebanon** to bring in investors to the country.
66. When we have done our investment, I was bringing lots of investors into the country; which is
67. some of them multinational investors. I will call part of them like **Africell**, **Comium**; this is the
68. part of people I bring into the country to do investment here. I brought in lots of people also. I
69. brought **Maersk Line** to develop **The Gambia Port**; that is one of the topic we have to talk about
70. and the reason why I had some problem with the **MD**. I brought the **Dubai Port** twice to the
71. Country before and then right last week, they were here. So I was the first one to bring them here.
72. The ex-government they were not able to help, if they had been following those advise at that
73. time, today we would have much better far away where we are today. One of the investor
74. company I brought is called **Spectrum**; **Spectrum** is a telecommunication company. They came
75. here, I explain to them that the market has already **3** (Three) companies and the market is too

76. small. But he insisted to come. So I introduced him to the government; he meet with the
77. President and at that time the President was mentioning to him - -.
78. Q: Sorry. Who is him? You are referring to a company called **Spectrum**.
79. A: **Spectrum** is the gentleman called **Ali Sharara**.
80. Q: What is the name of **Spectrum**? Is that the whole name?
81. A: Yes, that is the telecommunication company name.
82. Q: What is the full name of the company?
83. A: **Spectrum International**, I think. So at that time, **Gamcel** was not doing well. So the
84. government suggest if they can do partnership with **GAMTEL** to be able to boost **Gamcel** again
85. to become number **1 (One)**, **Gamcel**, **GAMTEL**. The President was having concern over that
86. issue. So they agreed with the gentleman. They did a valuation on both sides about **Gamcel**,
87. **GAMTEL** which is going to be **\$70, 000, 000** (Seventy Million Dollars) the valuation at that
88. time for **Gamcel**, **GAMTEL**. The gentleman agreed, they signed an agreement with the
89. government to be partners **50/ 50** with the government and he paid **\$35, 000, 000** (Thirty five
90. Million Dollars) to **The Central Bank of The Gambia** part of the settlement of the **50%** of
91. **GAMTEL**, **Gamcel**. All the proof when you need it, it's there. **Mr. Ali Sharara** was promised to
92. bring the best management and to do a refurbishment of **Gamcel**, **GAMTEL** in **1 year** time will
93. become one of the best in **West Africa** . And he brought management from **Germany**; he
94. brought the **Dutch Telecom** to come and manage **The GAMTEL**, **Gamcel** plus some other
95. management. **Mr. Ali Sharara** after **7 months** had a problem with the existing management. So
96. it was a big fight for a reason up till today we don't know. They kick him out of the country after
97. **7 months** and they put his people at the **NIA** with the **Dutch Telecom** people for nearly **1 to 1^{1/2}**
98. **month**. I was having problem because I was the one who brought the Company into the country
99. Like the others. They wanted to go for arbitration against the government. I begged him, I said
100. **'This will create for us a problem. Let's do it in a better way'**.
101. So they sent their lawyer into the country; renegotiate

102. with government to get back their money. At that time, I remembered the **Minister of Finance**
103. was **Balla Gaye**. And they signed with them to return back their money, the investment they had
104. made **\$35, 000, 000** (Thirty-five Million Dollars). Up till today, they only got back refund from
105. that money **\$5, 000, 000** (Five Million Dollars). Up till today, the government owe them
106. **\$30, 000, 000** (Thirty Million Dollars) and this money was paid officially to **The Central Bank**
107. **of The Gambia.**

108. Q: Was there an agreement - -?

109. A: Yes.

110. Q: - - for the government to repay them any money?

111. A: Yes.

112. Q: How much did the government agree? Did you see the agreement?

113. A: The agreement signed by **Mr. Sharara's** lawyer that was here with **The Minister of**
114. **Finance**. They said '**They should return back the money that was paid to the Central Bank**'
115. That was **35, 000, 000** (Thirty-five Million) and they only paid **5, 000, 000** (Five Million) out of
116. that money and they never paid the rest of the money. Several times, they were coming and
117. pushing and after **2 years**, **Mr. Sharara** came back to the country based on a new agreement that
118. to be able to do the management of **The International Gateway** under a company called **TEL**.

119. Q: Which year was that?

120. A: I think it was in **2010**, if I am not mistaken. I can get you the exact details. They were
121. here since **2011** or **2010**. But I have the date with me. **Mr. Sharara** came here not because he
122. wanted to do the management of **The Gateway**, he came here to be able to recover his money;
123. the **\$30, 000, 000** (Thirty Million Dollars). They sat with the President; they agreed that during
124. this period the guy was here to be able to get back his money and during that time and they signed
125. the agreement with **TEL** to do the management of **The Gateway**. **The Gateway**; **Mr. Sharara**
126. was surprised, the President asked **Mr. Sharara** to give monthly **\$500, 000**
127. (Five hundred thousand Dollars) from his profit to help. **Mr. Sharara** was against this and we

128. were having problem between me and him and the President. With the President putting pressure;
129. if you don't do this, they will cancel the agreement of **The Gateway**. So I explained to
130. **Mr. Sharara** you have to do this, otherwise both of us will have problems. At least if you start
131. doing this, still you will be able to recover your money to see how you can get your money back
132. from the government. After big argument, **Mr. Sharara** financially was not able to pay that but I
133. said '**You have to do it at least to be able to recover back your money**'. And the President put
134. pressure on us. The former President threatened us that if this money is not paid monthly, this
135. contract will be canceled and they will be kicked out again. So under these circumstances,
136. **Mr. Sharara** was forced to do that for the period of almost **2 years** paying every month
137. **\$500, 000** (Five hundred thousand Dollars). They gave it to me in my **Lebanon Account** of
138. **Euro African Account** and I was giving the **Dalasi** here equivalent at **Trust Bank**. After the
139. **20 months** was finished, **Mr. Sharara** complained he cannot pay anymore; the President
140. threatened - -. The only benefit I was getting was the **Dollar** from him after **1 or 2 months** and I
141. was getting the **Dalasi** and paying **Dalasi** here because foreign exchange was scarce and the
142. price of the **Dollar** will start to go up from **28** to **32**. So I was taking the **Dollar** from him; I have
143. all the evidence and I was giving the **Dalasi** here. After the **20 months**, the President said '**He**
144. **doesn't want the Dalasi anymore and he wants it in foreign currency, in Dollars**'. And this is
145. where you see **Mr. Sharara** was also having problem to have the **Dollar**. I have to take overdraft
146. from **Trust Bank** to be able to give him **\$1, 000, 000** (One Million Dollar) for **2 months** and the
147. rest of **2.5** (Two point five) **Million**. This continued till I think end of **2013**, early of **2014** and
148. **Mr. Sharara** at that time he said '**He will not be able to pay anymore after the 2^{1/2}**
149. **(Two and half) Million because he has to refurbish, to bring in new Switchboard for the**
150. **International Gateway in The Gambia**'. He spent over **3^{1/2}** (Three and half) **Million** and he
151. bought a new **Switchboard** to **The International Gateway** and after he fixed the new
152. **Switchboard** at that time, he stopped to pay the President at that time because he was spending
153. **3^{1/2}** (Three and half) **Million** on the **Switchboard**. The President called him and asked again, he

154. needs to give another **5, 000, 000** (Five Million) for **The Gateway** as a loan for **10 months** to be
155. **five- five hundred** but he needs it in advance. **Mr. Sharara** explained that he cannot pay
156. anymore because he spent lot of money and he has invested a lot of money. He asked that we
157. should have a meeting with the President to talk about the **30, 000, 000** (Thirty Million) that has
158. taking a long time. Any time they open the subject of the **30, 000, 000** (Thirty Million), the
159. President will open another subject and he will delay and he said '**Ok. We will see find a**
160. **solution**'. No solution was found. So we had a meeting with the President to talk about the loan,
161. **Mr. Sharara** said '**Now finally he cannot take it anymore. He doesn't have any money to**
162. **give more than that**'. So we went to the **Office of the President** to talk about this. We had **5**
163. **minutes** meeting with the **President**, when we opened the subject of the money owed to **Mr.**
164. **Sharara, President** asked us to wait in the waiting room because he performing the afternoon
165. prayer. We waited in that room for nearly **2^{1/2} hours**. After that, they sent somebody telling us
166. that the **President** was busy, he will not be able to see us till the next day. The last time, he
167. refused to see **Mr. Sharara** and he gave us a termination letter for **The Gateway** because they
168. refused to pay the money and **Mr. Sharara** at that time has his people on the ground, the
169. experts. They knew about this letter at night that this letter had been issued to terminate the
170. contract. The same night, they board **Air Morocco**, all the experts. **Mr. Sharara** took them out
171. because he was afraid they will be arrested like the first people (**Dutch Telecom**) when they were
172. here at **Spectrum**. The next day, they came to collect these people to hand over the **Gateway** to
173. another different company appointed by the government. They didn't find anybody from **Mr.**
174. **Sharara's** employees; they all left the country that night. They held me responsibility; they wrote
175. a letter to me to attend the meeting at **GAMTEL** to hand over and I said '**I am not an expert. I**
176. **have nothing to do with TEL. I was just here to guide them. They have money. But I am not**
177. **responsible for anything**'. The President gave me **24 hours**, if I don't bring the password of the
178. **Switches**, I will be locked up with all my staff and all my businesses will be seized. I had to fly to
179. **Lebanon** to convince

180. **Mr. Sharara** to give me the password and he was refusing. I had to ask some older people like
181. his father and other people to interfere. I said '**I will lose all my investment. My guys will be in**
182. **jail. You guys have left the country but I am under big pressure and threat. I need the**
183. **password of this Switchboard; otherwise really I am in serious problem'**. After **2 days** of
184. negotiation with **Mr. Sharara** in **Lebanon**, he managed to get all the password, passed them on
185. to **GAMTEL, Gamcel**. At that time before these problems happened, I wrote a letter to the
186. **President**, you have copy in this file explaining to him all the problem we are facing in the
187. country from **Forex** problem, from the none payment of **NAWEC**. We are subsidizing
188. **NAWEC**, this is supposed to be the government's job, not our job. Explaining the difficulty we
189. were passing a nice letter to him. I got the letter, we have a copy. This letter I never showed to
190. anyone because it was a disgrace to us. You have a copy of that letter with you that day I
191. decided to leave the country, I only got back after **1^{1/2} to 2 years** to **Gambia**. So if I was having
192. any relation with the Ex-President with all these problems I was facing, will not be seen today
193. with what I have explain. This is the little part about **TELECOM**. I have another problem I will
194. explain that when the country was in need and was in crisis of food shortage in the country in
195. **2009**. When the petrol price when up to **\$150** (One hundred and fifty Dollars) and there was
196. shortage of food and the price of rice went up to more than **100%** in the market. The government
197. was looking for buffer stock; for security stock for the people during rainy season. At that time
198. the **Minister of Finance** at that time was **Balla Gaye**, he wrote a letter to **Trust Bank**. I managed
199. to secure them with **1** (one) vessel of rice from an **American Company** and it was a favour I did
200. for the government. **Trust Bank** refused to open the **LC** because they said this was above the
201. Bank facility which was about **\$8, 000, 000** (Eight Million Dollars).

202. Q: **Mr. Bazzi**, is this connected to this issue of the accounts? What you are now narrating, is
203. it connected to this issue of the monies that were being paid into the account?

204. A: The money I paid into the account, I explain that the one from **Mr. Sharara** from **TEL**.
205. This is another one related. I just want to explain just **2 minutes** and I will be finish.

206. THE CHAIRMAN: We will rise. We will be back at **2:30 pm**.

(PROCEEDING STOOD DOWN AT 1:03PM)

(PROCEEDING RECALLED AT 2:51PM)

207. MRS.A. BENSOUDA: Mr. Chairman, Honourable Commissioners. I recall the

208. witness please; **Mr. Muhamed Bazzi**.

209. Q: **Mr. Bazzi**, you were explaining to the Commission the reasons you said you had for making

210. payments into the **Ex-President's Account** and his **Foundation Account**. Do you have anything

211. else to add to your explanation? We want to give you every opportunity to give what explanation

212. you want to give before we ask you questions. But if you have some other topic not connected,

213. please you can always come back to those issues later. So in relation to the payments into the

214. accounts of Ex-President, could you limit your explanation to those for now? Unless you have

215. something connected with that.

216. WITNESS: When we stopped Madam, I think I was explaining something and we stopped. I

217. will like if possible to continue from where I stopped.

218. MRS. A. BENSOUDA: If it's in connection with these monies that we ask you questions

219. about.

220. Q: Is it connected?

221. A: Its money connecting but not to this one.

222. Q: Not to this one?

223. A: It's the same topic because at the same time; the same **Minister**, the same **Former**

224. **President**. I just want to explain a little bit about that and then I hand over all the documents

225. related to all of those payments because I have them all with me.

226. MRS.A. BENSOUDA: You know we had asked you questions specifically relating to

227. the **Trust Bank**. If you finish your explanation on those payments; do you have the documents?

228. You said you had another bundle which we can tender, have admitted today.

229. A: I have all the documents Madam. I have so many documents to hand over to you

230. today.

231. Q: In connection with something else?

232. A: In relation to the payment that was made by **TEL** to our **Account**. In relation to the

233. payment we made at **Trust Bank**. In relation to the letter being given to the **former President**

234. and the reply in connection with some other matter.

235. MRS.A. BENSOUDA: Alright. Very well. Continue.

236. WITNESS: I was explaining Madam Commissioner before I left, that our Company as **Euro**

237. **African Group** as you know our investment; let's say our strategic investment; we were looking

238. for a long term strategic investment. This is what we do. This is what we think is lasting in

239. everything we do. Like for example; **GAM Petroleum**, it's a project that lasts for **50 years**. Flour

240. mill is a project that will last for **20 to 25 years**. Power station it's something that will last for **10**

241. to **15 years**. All our strategy not only in Gambia, anywhere in invest, we invest in long term

242. strategy because we believe anywhere we go to stay, we work with any government there;

243. Ex-government, Present government, Future government. We are a company that does not

244. interfere in political issue. Our company, our target is business trading. This was our target in

245. **Gambia** with **Euro African Group** and other company we have done long term strategy to

246. benefit the people of **The Gambia**. Rather business people also I wouldn't say they don't want to

247. benefit. We are facing some circumstances here in **The Gambia**; making some things difficult for

248. us as **Euro African** with the issue of **NAWEC**, the issue of the rice I was explaining, the issue of

249. investors we used to bring in the country. Those investors at some stage, I stopped to bring any

250. investor because it was embarrassing. This is the question you asked me the other day, what

251. problem do you have with the **Ports Manager**; I don't have no problem. My problem was

252. because those people are not interested to develop **The Gambia**, they were interested to be

253. staying In their chair to benefit what they are benefitting. Because I brought people to the **Ports**

254. to develop the **Ports 10 years** ago before the **Dubai Port** developed **Senegal Ports**. I brought

255. them to **The Gambia**. Because of personal interest, the people explain to the President that those

256. companies are bankrupt. They are the biggest in the world today. So even as I said, **GAMTEL**,
257. **Gamcel** had the same problem. The management doesn't want foreign company to come - -.

258. MRS.A. BENSOUDA: **Mr. Bazzi.**

259. WITNESS: I am just explain to you a little bit about the strategy and about the difficulty we
260. were facing coming to the country. Today, so many investors are watching us and they know we
261. have done a good job.

262. MRS.A. BENSOUDA: At the moment for now, this is an Inquiry and we are inquiring
263. into facts. All you are giving us is your own opinion of people and how they behaved and your
264. own opinion of your contribution to the community. It will be for the **Commission** to determine
265. whether you contributed and whether ordinary **Gambians** benefitted from your contribution. But
266. as for now, as the **Counsel** assisting the **Commission**. I am only interested in these payments to
267. the **Trust Bank**. When we finish with it, we move on to other topics. If you have anything to say
268. in relation to those topics, you can say so.

269. WITNESS: Ok.

270. MRS.A. BENSOUDA: But for now, can you confine yourself to the explanation you
271. gave us. So we can ask you questions on it. Otherwise, everything will get confused.

272. WITNESS: I just want to finish the rice issue and then; because it is related to the - -.

273. Q: The rice issue?

274. A: Yes. It is related to **Trust Bank** and connected together. And then I - - .

275. Q: Is it connected to these **2 (Two) Accounts** at the **Trust Bank**?

276. A: Yes.

277. WITNESS: If you want I can stop and give you the document and then after we continue. It is
278. up to you to decide.

279. MRS.A. BENSOUDA: I have told you what I want to do **Mr. Bazzi**. If it's connected to
280. these **2 (two) Accounts**, you can continue. If it is not connected, say so. So that we can move on.

281. Q: Is it connected?

282. A: Not directly.
283. MRS.A. BENSOUDA: Thank you. So let's have the bundle of documents in relation to
284. these **2** (two) **Accounts**. Then we can then move on. And you will be given every opportunity to
285. give your evidence. You know this is fact finding. We're just looking to see the facts. So let's
286. have the documents in connection to these **2** (two) **Accounts**.
287. WITNESS: I have made several copies for you. At least to save you some work.
288. MRS.A. BENSOUDA: Yes, I did ask you this morning, you said you had another copy
289. that you have.
290. WITNESS: Yes, I did.
291. MRS.A. BENSOUDA: As you are giving your evidence today, you want to have
292. admitted. Let's have the one you have admitted.
293. Q: Is it a duplicate of the one you sent in?
294. A: Yes, this is **4** (four) copies.
295. MRS.A. BENSOUDA: You sent in documents. Let me show you.
296. Q: But these are the same copies?
297. A: Those are all related to the payment of the money that went to the account; our account
298. and the same money paid to the other account.
299. MRS.A. BENSOUDA: Alright. Thank you **Mr. Bazzi**. These are all duplicates of the
300. same thing. We already have the other copies. So we don't need the duplicates. But what I would
301. like you to do is tell us one by one what documents are in these folders so that it would be
302. captured.
303. WITNESS: Ok.
304. Q: What do we have?
305. A: What we have here; the first set, we made a table for you.
306. MRS.A. BENSOUDA: Ok. Let me just try and help you along.
307. Q: You have the top pages your written explanation?

308. A: Exactly.
309. Q: And you have attached to it a table showing the payments?
310. A: This table showing all the payment that we received and we paid for all the time the
311. Company was existing.
312. Q: The payment was received where; specifically in which account?
313. A: Received in our account from **TEL** to **Euro African Group Account** in **Fransabank**.
314. We have all the slips.
315. Q: In **Fransabank**, in which country?
316. A: **Lebanon**. We have all the slip of every payment and we have the **Bank Statement** of
317. that and at the same time, you have the **Trust Bank Account** that is showing where the payment
318. went. And you have the **Bank Statement** of both bank; **Trust Bank** and - -.
319. Q: And then you have the letters you are referring to?
320. A: You have the letter that of **March 15th 2010**; one of the first letter writing about the
321. financial problem with **NAWEC**, the **President**. You have other letter also, the one that I wrote
322. and there is another one for the - -.
323. Q: What is the date of that letter?
324. A: The first one written to **NAWEC** that was in **March 15th 2010** and you have another one
325. **December 14th 2011** and you have **3rd of May 2012** and **17th September 2012**. And we have the
326. last one **2013**, the one addressed to the **President** explaining all the problems we are facing and
327. the problem in the country and the currency and the problem with **NAWEC** and the reply from
328. him.
329. Q: Dated **7th May 2013**?
330. A: Exactly. Our letter **3rd of May** and the letter we received **7th of May**.
331. MRS.A. BENSOUA: Can you collect the document? Mr. Chairman, may I apply to
332. have the folder produced by this witness as explanation for payments made into the **Account** of
333. the **Ex-President**.

334. Then return these folders to him.

335. THE CHAIRMAN: Documents tendered by **Muhamed Bazzi** to the Commission in

336. connection with transfers from the **Dalasi** and **Dollar Accounts** in **Trust Bank** belonging to

337. **EAGLE** and correspondence between the Office of the President and **Muhamed Bazzi** in a

338. bundle. Admitted, marked **MS59**.

339. MRS.A. BENSOUDA: Thank you Mr. Chairman. **Mr. Bazzi**, I have some questions

340. regarding the documents that you have produced. I would like you to clarify some things on this

341. document and some things you had previously said. You told this Commission that **EAGLE** had

342. paid **Jammeh Foundation \$1, 000, 000** (One Million Dollars) to build a mosque.

343. Q: Where was that **\$1, 000, 000** (One Million Dollars) paid?

344. A: That **\$1, 000, 000** (One Million Dollars) was paid to buy materials like the marble,

345. windows, doors. All these things, we supplied. So we spent on that mosque is a little bit over the

346. **1, 000, 000** (One Million). But we supplied the materials from marble to all windows, everything

347. and the workmanship, the engineering - -.

348. Q: During which period?

349. A: It took more than **3 to 4 years**. From **2012 to 2015, 16**.

350. Q: But when I asked you about the payments, the **\$1, 000, 000** (One Million Dollars) that

351. was paid into the **Jammeh Foundation for Peace Account**; the first **Million Dollars**, you said

352. **'It was to support him in the mosque'**. You want to change that?

353. A: No, I am sorry I misunderstood what you were saying. I was telling you about a lot of

354. other Projects we were participating. I was calling them.

355. MRS. A. BENSOUDA: It's okay. Don't tell me what you are telling me. Let's just get on

356. **Mr. Bazzi**. You've said you gave him materials. Looking at these Statements and even your own

357. summary; I note that from the **30th June 2011** to the **29th September 2011**, you paid **\$2, 000, 000**

358. (Two Million Dollars) into the **Dalasi Account** the equivalent of **\$2, 000, 000**

359. (Two Million Dollars) into the **Dalasi Account** of the **Ex-President** without having received any

360. money at all from **TEL** according to your own summary.

361. Q: Why would you pay **\$2, 000, 000** (Two Million Dollars) according to the story you told

362. this Commission into the **President's Account**, the **Ex-President's Account** without receiving

363. any money from **TEL**?

364. WITNESS: Can you tell me the date again please?

365. MRS.A. BENSOUDA: You can look at this table that you summarized for the

366. Commission from **30th June 2011**, you paid **14, 750, 000** (Fourteen Million Seven Hundred and

367. Fifty thousand) which you say was equivalent to **500, 000** (Five hundred thousand). You paid the

368. same to for **July, August** and in **September** you paid **15, 000, 000** (Fifteen Million) all

369. equivalent to **500, 000** (Five hundred thousand); making it **2, 000, 000** (Two Million). But the

370. first payment you received from **TEL** was in **October, 3rd October 1, 100, 000** (One Million One

371. hundred thousand).

372. WITNESS: That is true. Because some time as I explained to you, **Mr. Sharara** was having

373. some financial difficulty and he doesn't even want to participate after long argument about this

374. which was coming from him. So we were to solve this problem . We were paying in

375. advance and he gave us letters but we reconciled every **1 or 2 months** with him - -.

376. Q: You were so generous you paid **2, 000, 000** (Two Million) on his behalf and even when

377. he was paying back, he paid you **1.1** (One point one) **Million** only?

378. A: He was paying what he was able to pay. But I know he will pay. But if you check

379. downwards, he was paying currently. Before we were giving him and what I said earlier,

380. the reason we are paying the **Dalasi** because the **Dollar** was of shortage. So that was the only

381. help he was getting. We gave the **Dalasi**, we received **Dollar** equivalent. So that is the only thing

382. help he was getting. The first **2, 3 months**, he was having problem.

383. Q: Why should **TEL** have problems when they had the **Gateway** and they were making

384. money, they were paying into the **Gateway Account** in **Gambia**. Why would they have problem?

385. A: Well this is personally from **Mr. Ali** himself that is why he was having problem. Because

386. this money was coming from **Mr. Ali** directly not from - -.

387. Q: How do you know that?

388. A: Because that was the difficulty he was facing, the financial difficulty in **Lebanon**. I know

389. when I use to meet him, I used to put pressure on him always. But he always delays to pay but at

390. the end, I know he will pay.

391. Q: Were you in anyway a partner to **Ali Sharara** in this **Gateway**?

392. A: I have never been in partner with **Mr. Sharara**. Not in **TEL**, not in **Spectrum**. None of

393. those. All the investors I bring to this country, I bring in good will and everybody knows me for

394. that. I have my dignity and I am proud. I don't do partner with anybody, I just do a favour for

395. them and for the country. The only reason I was helping him to fight for him because I know the

396. guy lost lot of money as I was the one who brought him to this country. So my responsibility was

397. to help him to recovery and this is the reason why I was paying in advance sometimes for him, I

398. don't want him to have a problem. I wanted him to recover his money.

399. Q: You referred to 'A Nuha'; do you mean **Nuha Touray**?

400. A: He was working at the **President's Office**, yes.

401. Q: **Mr. Bazzi**, do you have anything; whether by email correspondence or any other

402. document dated during this period which is **2011** to **2013** supporting the story you have told this

403. **Commission** that these monies were being paid on behalf of **Mr. Ali Sharara**?

404. WITNESS: If you need support about the story, which is **100%** true; themselves **TEL** they

405. are ready to send their **lawyer** here to tell you that with their document that this is true.

406. MRS.A. BENSOUA: Well, I would like to see such a lawyer.

407. Q: Do you realise that what you are telling this Commission? What was this money intended

408. for? Was it an incentive to the **President** for giving him the opportunity to manage the **Gateway**?

409. A: This is between **Mr. Sharara** and the **President**.

410. Q: No, **Mr. Bazzi**. It's between you, **Mr. Ali Sharara** and the **President** according to the

411. story you told this Commission?

412. A: Yes, I was the intermediary inside to avoid - - . Because the relation between **Mr.**
413. **Sharara** and the **President** was not in a good relation because they were having problems--.
414. MRS.A. BENSOUDA: **Mr. Bazzi**, my question is a straight forward one.
415. Q: What was the purpose of this money; was it just an incentive to the **President**?
416. A: The **President** asked **Mr. Sharara** to give him **500, 000** (Five hundred thousand) every
417. month.
418. Q: For what?
419. A: From his own profit or loan or whatever from the **Gateway**.
420. Q: So it was an incentive or it was his share?
421. A: Not share, no. **Mr. Sharara** didn't want to pay this, he was having a big problem to pay
422. this. But I convinced him - - .
423. Q: So what did you consider this money to be; you as an intermediary? You called yourself
424. an intermediary.
425. A: I consider Madam this money because **Mr. Sharara** had a big problem and he had
426. financial problem because of the **\$30, 000, 000** (Thirty Million Dollars) he has at the **Central**
427. **Bank**. And I said to him '**To be patient**', the President was threatening us. Let's pay this money
428. just to make sure that you are able to get your money.
429. Q: So what is this money? What did you consider you were paying for?
430. A: Well this was what **Mr. Sharara** was giving the **President** from his own money, his own
431. share, his own profit. I don't know. But what was being given to him - - .
432. Q: But you advise him to do it? He said you advised him to do it.
433. A: I advised him because he was under threat. If he doesn't do so, the contract will not work.
434. Q: So it was a bribe?
435. A: It was not a bribe.
436. Q: It was an incentive?
437. A: That was not an incentive that they call this money.

438. Q: Was extortion? What was it?

439. A: The money like I said; he was given this money to recover his money. They said

440. “**Sometimes you give money, to recover your debt**”. So this money was being given to recover

441. his debt.

442. Q: **Mr. Bazzi**, how much exactly did **Mr. Sharara** agree with the **President** that he was

443. going to pay?

444. A: What they paid the all total payment is about **\$10, 000, 000** (Ten Million Dollars).

445. Q: How much did they agree before you started paying? What was the agreement?

446. A: The agreement was **500, 000** (Five hundred thousand) a month.

447. Q: Until when? For so long as the **Gateway** contract continued?

448. A: That was supposed to be for **2 years** or **20 months**, something like that. But after some

449. time, **Mr. Sharara** refused to pay anymore because he was having problem.

450. MRS. A. BENSOUA: Yes, you have told us that.

451. WITNESS: I explain to you that he was having problem because he was not being able to

452. recover his money and the **President** was just delaying him on that issue. Just one thing to

453. explain why **Mr. Sharara** also stopped to pay; because he invested on **Switchboard** for the

454. **International Gateway**.

455. MRS. A. BENSOUA: You have said so **Three point something Million**, you have said

456. so. Now looking at both the Statement you have provided, there is no consistency between the

457. payments into your account and the payment into the **President’s Account** and the figures also

458. are not the same entirely; the same.

459. WITNESS: I explain to you that **Mr. Sharara** was not paying. We reconcile that every **2**

460. **months**; what we have paid, he will pay and sometimes he was delaying on payment because he

461. was having some financial issue. But he was paying little bit late all the time. Explaining and

462. apologizing for that. But at the end, he paid everything.

463. Q: But the total amounts were still not the same; the total amount paid into your account and

464. the total amount paid in the Dalasi account don't tally, they are not the same?

465. A: It's the same. I want to explain something; for **2 months** you didn't the **500, 000**

466. (Five hundred thousand) going to the **Dalasi Account**. But if you notice in the Statement, there

467. were withdrawals of the same amount in cash. So sometimes they were demanding not to be on

468. the account, they demand to take it in cash.

469. Q: How do we know **Mr. Bazzi** that the money paid into your **Account** in **Lebanon** was not

470. intended for **Euro African Group**; was not the share of **Euro African Group** in this transaction?

471. A: **Euro African Group** doesn't have any share; not in **TEL**, not anywhere.

472. Q: How do we know it is not meant for you (**Euro African Group**)?

473. A: I showed you the Statement that we received the money in our **Account** in **Beirut**,

474. the same money was paid here to the **President's Account** and you asked for the proof and I

475. explain; if you need the **Lawyer** of **TEL**, he is ready to come to come you the proof and say that

476. is exactly what I have done.

477. MRS.A. BENSOUA: Then certainly if **TEL** wishes to come, I think they are important

478. witness. If they wish to come, they should come.

479. WITNESS: They will come for **2** (two) issues.

480. MRS.A. BENOSUDA: If they are important as witness.

481. WITNESS: They are asking for help when they come and one of the reason is to explain

482. about this, the other reason they are asking is for the Commission to help them recover their

483. money from the **Central bank, \$30, 000, 000** (Thirty Million Dollars).

484. MRS.A. BENSOUA: Unfortunately, it is not the Commission's mandate to help

485. anybody to recover money. **Mr. Bazzi**, you are here to answer questions please. **TEL** will speak

486. for itself, I am sure in due course. Unless you are also representing **TEL**.

487. WITNESS: No, the **Lawyer** will come. The one representing **TEL** and they will come and

488. meet with the **Minister of Justice** and **Finance** to talk about the other matters. But I was thinking

489. that sometimes people complain to the Commission, they have the right to do that if they have

490. some claim.

491. MRS. A. BENSOUDA: Unless you are representing **TEL**; **TEL** should speak for itself.

492. Q: Are you representing **TEL**?

493. A: I am not representing **TEL** here.

494. MRS. A. BENSOUDA: Alright. Thank you. We had asked you when you were here the

495. last time to provide all payments received by the **Shareholders** and **Directors** of **Euro African**

496. **Group**. This has not been provided. Could you please note? We need it by - -

497. WITNESS: I will. But I want to explain to you; we didn't provide any **Dividend**, the reason

498. is the financial problem.

499. MRS.A. BENSOUDA: You had said that before.

500. WITNESS: And one thing I learnt when you just ask me. **Mr. Amadou Samba** because of

501. our financial problem in **2010**, he resigned from **Euro African** as **Director** because he saw a

502. problem with - - - **NAWEC** and the - - -. (**SIC**) And he thinks that the Company was not doing

503. well and he withdrew his guaranty from the banks like **Eco Bank**, **GT Bank**, **Standard**

504. **Chartered**. He was a partner with us and we did a joint guaranty for the importation of fuel.

505. Because he was not happy about the Company going on with **NAWEC** and he said '**This will be**

506. **running down**'. He withdrew as a **Director** from the Company since late **2010** and withdrew his

507. guaranty from all the **3** (three) **Banks** he used to be part - -.

508. Q: But he did not sell his shares?

509. A: He was asking us to buy him out.

510. Q: Did he sell his shares?

511. WITNESS: I am explaining to you Madam.

512. MRS. A. BENSOUDA: **Mr. Bazzi**, you will answer the question first and then you can

513. explain.

514. A: No, **Mr. Samba** didn't sell. He asked us to buy him out of the Company. But the reason

515. the Company was losing money, I said '**The Company doesn't have value and we are losing**

516. **money to buy you out'.**

517. Q: But he remains a shareholder of **45%** of **Euro African Group**?

518. A: Yes.

519. Q: Are you saying **Mr. Samba** did not receive any monies from **Euro African Group**?

520. A: Since **2009** no. In**2016**, yes. We will start to give **Dividend** now when the account is out.

521. But before those years, no. When we have a problem with him, we don't.

522. Q: What about between **2004** and **2009**? The **Company** was incorporated in **2004** and before

523. the **Company** was incorporated, you were already enjoying Exclusivity to bring in fuel into the

524. country. Under which company did you start bringing fuel into the country?

525. A: Was **Euro African** Madam. I will like - -.

526. Q: **Euro African Group**?

527. A: Yes.

528. Q: What year did you start bringing in fuel exclusively for **The Gambia**?

529. A: The fuel, I think **2005** or **2006**. But I will check that for you.

530. MRS.A. BENSOUA: It cannot be **2006** because you have provided a letter from the

531. **Minister of Finance** indicating that you had been enjoying that facility for **4 years** and that letter

532. was dated in **2006**.

533. WITNESS: I want Madam if possible to bring the professional people at that time working

534. about this fuel issue. Because we solve a problem - -.

535. MRS.A. BENSOUA: **Mr. Bazzi**, when I am talking, you stop talking and you listen to

536. me. You are here to help us.

537. WITNESS: Exactly.

538. MRS.A. BENSOUA: We are not here to help you. Listen to my question.

539. WITNESS: No, (no). But you should allow me also to explain. People need to know exactly

540. the true story. You ask me short questions to answer. I need to explain to you.

541. MRS.A. BENSOUA: Answer the question first and then if you have an explanation,

542. nobody will stop you. But you have to answer my questions, not go off on a tangent.
543. Q: I want to know when you actually started enjoying an exclusivity over fuel. Because you
544. have provided a letter from the **Minister of Finance**; signed by **Mr. M.G. Balla Gaye**, dated in
545. **2006**. Which indicates that you had for the past 4 years been bringing in fuel for the country?
546. A: **4 years** from **2006**, I was not in the country at that time.
547. Q: You came to **The Gambia** in **2000**?
548. A: We started our first project in **2002**. That project ended end of **2003**. That's the only first
549. **Generator Energy Project** we did for NAWEC. We were not into fuel at that time.
550. Q: You started your first project in **2002**?
551. A: Exactly. That ended around **2003**. But not in **2006**, no.
552. WITNESS: I will get you all the documents required about when we started the fuel
553. importation. That should not be a problem. We have all the documents for that.
554. MRS.A. BENSOUDA: Please do. Because it is important that the story is clear and the
555. letter I am talking about is the letter dated **5th September 2006**. You produced it to this
556. Commission and it's addressed to you; **Mr. Muhamed Bazzi, Managing Director Euro African**
557. **Group Limited** and it's entitled **Extension of Contract for 5 years (January 2007 to**
558. **December 2011) for Euro African Group Limited. To exclusively import Petroleum**
559. **products into The Gambia**. And it says *"The Gambia government is satisfied with the*
560. *implementation of the current Contract which provides Euro African Group Limited the*
561. *exclusivity to import light fuel, petrol, gasoil, jet and kerosene into The Gambia. The contract*
562. *has been satisfactorily executed for the last 4 years with regular and timely petroleum supplies*
563. *and no shortages and the oil marketing companies have been provided favourable credit terms*
564. *for the supplies given to them"*. So this is dated **5th September 2006** and it's talking about
565. **'Satisfactory execution of a contract for the previous 4 years'**.
566. Q: So I will ask you; when did you start you said with **Euro African**?
567. WITNESS: With **Euro African**?

568. Q: 2000 and?
569. A: Maybe 2004 or 2005. I am sure of what I am saying.
570. Q: Before 2004; were you supplying fuel before 2004?
571. A: There was this misunderstanding. The light fuel was later but what we were
572. supplying earlier was heavy fuel for **NAWEC**, it was not the light fuel. I can get you both.
573. Q: So you were supplying fuel even if it was for **NAWEC**?
574. MRS.A. BENSOUDA: Now this letter talks about **Exclusivity**. We will look into it.
575. Q: But under which company were you supplying fuel?
576. A: I will check for you if it was **Euro African** or other. No problem on both.
577. MRS.A. BENSOUDA: Mr. Chairman, those are the questions I have for **Mr. Bazzi** in
578. relation to these monies. If the Commission may have other questions.
579. COMMISSIONER SAINÉ: Definitely. **Mr. Bazzi**, what is your understanding of a
580. Monopoly?
581. WITNESS: I explained the last time Mr. Commissioner. Monopoly is when you are the only
582. one importing and pricing, you are controlling the importation and the selling of the price. But in
583. our case, we are just a government agent. Government s the one who determines the price
584. according to the **World Market** and I have a sample of the price structure, every month, the
585. **Ministry of Finance** giving a price structure. They are the one who determine the price, the
586. selling price on the pump and the retail and they have the importer margin. What we have in only
587. the importer margin - -. And this importer margin sometimes we give discount from that. So our
588. margin is determined by the **Ministry of Finance** every month. So we are not monopoly. This is
589. the misunderstanding many people have. And I want to explain about the petroleum importation.
590. I think the letter - -.
591. COMMISSIONER SAINÉ: It's ok. We will come there. Let's take it one by one.
592. **The Ministry of Finance** that granted you the exclusivity referred to you as a monopoly in some
593. of their correspondence. Are you aware that they called you a monopoly? In their eyes, you were

594. a monopoly.

595. WITNESS: Well if they had done a mistake, that's not our problem. I just want to explain

596. one thing about the **Ministry of Finance** and the importation of fuel into this country.

597. COMMISSIONER SAINÉ: Let's talk about the monopoly. It's probably their

598. problem but it could also be your understanding.

599. WITNESS: We consider we never had a monopoly.

600. COMMISSIONER SAINÉ: In your understanding of monopoly, you were not a

601. Monopoly?

602. WITNESS: Not a monopoly.

603. COMMISSIONER SAINÉ: A monopoly has **4 characteristics**. The first one is;

604. **1. There were barriers to entry into the market.**

605. Do you agree there were barriers to the entry? You were the only ones who could?

606. **2. You determine how much you brought.**

607. **3. You had competitive advantage with regard to the product information.**

608. The last one;

609. **4. Setting the price.**

610. Was the missing characteristic and that one was taken care of by your compensation from the

611. **Ministry**. You couldn't set the price but you ensured you got paid for that loss of opportunity to

612. set the price. So I ask you again, are you aware that you were a monopoly?

613. WITNESS: Not at all. We never had the monopoly because - -. Can I explain just **2 minutes**

614. about something from the **Ministry of Finance**?

615. COMMISSIONER SAINÉ: Fine.

616. WITNESS: Thank you Commissioner. **The Gambia** was having a big problem and I am sure

617. you were aware very well because you are in that sector as a Banker at that time. Every month

618. they used to have a shortage; a queue of cars at the station. They used to have a problem because

619. every time they have a trump oil deal or something, they used to lose few **Millions of Dollars**

620. every month. No Forex for the petroleum, shortage and - - -. We came in and solved all these
621. problems. We never asked government, we accepted to take the currency loss. We accepted to
622. take the **Dalasi**. We gave credit to all the companies. So that was a dreaming scenario for The
623. Gambian Government. We came and solved that problem and we didn't determine the price.
624. They were the ones that determined the price. Please this is something very important, you should
625. bring in Professional people who were at the **Ministry of Finance** at that time. Somebody like
626. **Bammy Jagne** or **Balla Gaye** to explain to you what the difficulty used to be to import fuel to
627. this Country and when we came, how we solved that problem.

628. COMMISSIONER SAINE: Yes. What you've cited were the benefits of you being a
629. Monopoly. You came in; they blocked everyone else and gave you full exclusivity.

630. WITNESS: There was no one. They were all marketing companies. They were looking for
631. the government to give them supply every month; that was the problem. I didn't wanted to take
632. the risk and do the importation because the problem was not Forex. There were so many
633. problems involved. Plus the storage facility as you know, the stock was only for **15 or 20 days**.
634. **The Shell Depot** was built **60 years ago**. Before we came, there was opportunity for all the Oil
635. Marketers to go and built **Depot**.

636. COMMISSIONER SAINE: That is outcome. You are talking about outcome. What
637. we are saying is '**The Status of Play**'. At the time you were granted **Exclusivity**, other people
638. were denied the opportunity to enter the market. That's a fact. You didn't set price but you asked
639. for a **Premium** in return. So it helps to set the stage of your coming into the market as a
640. Monopoly or as **Sole Importer**. In any market, you have **Monopoly**, a **Few Players**, **Oligopoly**
641. or **Competition**, **Absent competition**, **Absent a Few Players**. There was a Monopoly.

642. WITNESS: This is from your point of view, I respect that. You can take it that way but we
643. take it differently. And just one additional issue to answer the question. **SHELL** was here,
644. **TOTAL** was here; all those companies were here and the government was asking all of them to
645. build a **Depot** because they were having big problem with the existing **Depot**. Before we

646. came in, nobody had taken that opportunity, nobody was willing to finance. We were the only
647. ones who came and took the opportunity. We took the risk because even for Finance to take that
648. project, the country did not even accept, it was at risk financing as you know. But we took that
649. risk. We brought financing from foreign banks and **TOTAL International** to build that **Depot**.
650. That also shows that our good will. The risk that other companies were here for **50 years**, they
651. never took that initiative and the government needed that **Depot** very badly. We were the only
652. ones who were able to do it.

653. COMMISSIONER SAINÉ: So that was your ability and your financial muscle as a
654. result of the preferential status you enjoyed?

655. WITNESS: Exactly the - -.

656. COMMISSIONER SAINÉ: Now let's move on how you were able to keep that
657. **Sole importer status**. And I am going to ask you a very direct question.

658. WITNESS: Sorry, can you repeat what you said?

659. COMMISSIONER SAINÉ: The benefits you've cited were a result of your financial
660. Muscle; your ability to build a **Depot**. The fact that when you acted as a **Monopoly** or as an
661. **Exclusive importer**, you were able to guaranty supply at the right time. So those were the
662. benefits, the outcome of the preferential status you enjoyed. Now, you enjoyed it for a few years.
663. My question is a very direct question. Did you pay anything by way of service, by way of
664. incentive to retain the **Sole importer status**?

665. WITNESS: Not at all. Because we were doing something good for the country and for the
666. people which nobody was able to do it. So why should you pay, you should get thanks for the
667. service we have done.

668. COMMISSIONER SAINÉ: The answer is '**No**', you didn't pay?

669. WITNESS: Not at all, no.

670. COMMISSIONER SAINÉ: **Mr. Bazzi**, the amount that was going into the

671. **Ex-President's Account** on a monthly basis; the last time you came here, you said you were not

672. aware. Eventually, we found out that you authorised those monthly payments. So **Mr. Bazzi**,
673. what exactly were those payments for?

674. WITNESS: When you asked me the last time, if you are aware about these payment. Believe
675. me I swear, I have an oath here. I was not aware because in our **Book** there was exchange. Even
676. our **Director, My Director; Fadi and Others** were not aware about this because the **Book** was
677. exchanged. It was money we paid into our account and here we paid. I even signed that paper
678. personally that is not from the letter head of the Company. Because even our **Directors**, they
679. don't know. I consider it as an exchange deal; we get **Dollar**, we pay **Dalasi**.

680. COMMISSIONER SAINE: It's possible that you were not aware. But the facts are,
681. you authorised the payments?

682. WITNESS: Yes.

683. COMMISSIONER SAINE: Yes or No?

684. WITNESS: Yes.

685. COMMISSIONER SAINE: You authorised? So you might have authorised and
686. forgotten. But when you authorise something not to be aware, it's a bit strange.

687. WITNESS: It's what?

688. COMMISSIONER SAINE: After authorizing the payments and then submitting that
689. you were not aware. You could have authorized and forgotten but not being aware of something
690. you authorised? Let's decide the point. Right now what I want to know is the exact purpose for
691. that? We did asked you; were you servicing anything, any facility that you were made to pay on
692. behalf of someone? You said '**No**'. These funds, they were meant for something and it is still
693. unclear after the long testimony, what exactly the funds were for. Can you help us understand in
694. one simple statement what you were paying for, for **18 months**?

695. WITNESS: These payments were made from a Company called **TEL**, from the Chairman of
696. the Company to this **Account**. It was after based on lot of argument and problem and threats.
697. And I explained the problem of the **guy** and the reason this **guy** came and the reason he paid this

698. money every month and the reason when the **guy** stopped payment, he was being kicked out
699. again.

700. COMMISSIONER SAINÉ: Ok. You were paying on behalf of **TEL**? And you were

701. not a partner to **TEL**?

702. WITNESS: Not at all.

703. COMMISSIONER SAINÉ: Not in anyway?

704. WITNESS: Not in anyway.

705. COMMISSIONER SAINÉ: You were paying out of goodwill?

706. WITNESS: I was paying out of goodwill to receive them also in my **Account**. I was not
707. paying them for free.

708. COMMISSIONER SAINÉ: So they were reimbursing you?

709. WITNESS: Was an exchange, yes.

710. COMMISSIONER SAINÉ: While you were paying here, they were reimbursing
711. you?

712. WITNESS: Yes. Sometimes I pay **1** or **2 months**. But we also do reconcile and we take all
713. what we pay.

714. COMMISSIONER SAINÉ: And according to the **Terms of Engagement** with **TEL**.

715. When **TEL** was setup, the **Ex-President** asked for **\$500, 000** (Five hundred thousand Dollars),
716. yes?

717. WITNESS: Yes.

718. COMMISSIONER SAINÉ: In exchange for what service?

719. WITNESS: He asked this from **Ali Sharara's** share or profit and **Mr. Ali** refused. And as I
720. said, it was a long argument, long problem, long issue. But the **guy** doesn't even want to do it.

721. The reason why he did was he had other issues to be able solve them. That is why he entered into
722. this to pay this amount to be able to solve the other problem he has.

723. COMMISSIONER SAINÉ: Why did he refuse and you agreed to pay?

724. WITNESS: Because I told him if you refuse and they kick him out again, he will not be able
725. to get his first money. That was the intention. I said **'we also have been threatened from the**
726. **man'** Because you know the man was like, he cannot be able to defend what he said for me and
727. him. You bring this **guy 'I need this and this'**. So the reason, if we don't do this; he will be able
728. to claim his money.

729. COMMISSIONER SAINÉ: Ok. The amount is a large amount for you to have
730. agreed, it means you probably believe it was a rightful compensation for something. Is this
731. compensation in anyway linked to your retention of the **Sole importers status**. Yes or No?

732. WITNESS: No, not at all.

733. COMMISSIONER SAINÉ: Thank you **Mr. Bazzi**.

734. THE CHAIRMAN: **Mr. Bazzi**, I just want to make one thing clear. Earlier on, you
735. said the Commission should call this witness or that witness. You see this Commission calls only
736. witnesses they consider helpful. But if you think that you ought to call witnesses, it's open to you.
737. Nobody is stopping you from calling witnesses or binging in any documents in your defense. I
738. just want you to take note of that. We are not stopping you at all.

739. WITNESS: Thank you Commissioner. I appreciate. Because some of these issues, you need
740. the people who were there at that time to explain to the Commission exactly what was happening.
741. So then you will understand. Because some of the issue now is rumors; people talking, people just
742. hearing something. **(SIC)** But if the right people explain it here to you what happened at that
743. time, then you will understand what I was saying is correct. That is the reason we're asking
744. people to be here.

745. THE CHAIRMAN: I have told you the position here.

746. WITNESS: I understand and I appreciate.

747. THE CHAIRMAN: So don't have the impression that you are being shut out by
748. anybody. It's up to you.

749. WITNESS: Thank you Commissioner.

750. MRS.A. BENSOUDA: Sorry Mr. Chairman. I just wanted to ask **Mr. Bazzi** one
751. question. You have alluded to difficulties the country had and how you were trying to help the
752. Country. You had made several statements about the difficulties and how you were trying to help
753. the country.
754. Q: You were taking fuel from **TOTAL**; is that not so? They were supplying you fuel and
755. you were in turn supplying - -.
756. A: **TOTAL International**.
757. Q: **TOTAL International**, isn't it? And they also had a subsidiary here; **TOTAL Gambia**?
758. A: But that has nothing to do with it. It's completely different.
759. MRS. A. BENSOUDA: Yes please, just answer my question. Then you can add.
760. Q: They had a subsidiary here; **TOTAL**. Didn't they?
761. A: That's true.
762. Q: It was owned by them?
763. A: It's two completely different.
764. Q: It was owned by them? Just like **GLOBAL** now has a subsidiary in Gambia. **TOTAL**
765. **Gambia** was a subsidiary of **TOTAL International**, wasn't it? If you don't know, say you don't
766. know.
767. A: I know that one which is when we used to deal with **TOTAL Geneva**, we told them
768. about **TOTAL** here. They said normally the station or what they call the downstream that belongs
769. to **Paris Management**, the fuel selling is **Geneva**. It's completely two different parts.
770. Q: **TOTAL Gambia** was part of the **TOTAL Group**. Wasn't it?
771. A: That's true.
772. Q: In all these different contracts that you were given by the **Ministry of Finance**. Was it
773. tendered? Was there any international tender to companies?
774. WITNESS: Before we came in?
775. Q: Was it tendered?

776. A: Yes, at one time it was tendered and we win that tender.
777. Q: Which time was it tendered? Which time is that?
778. A: I think it was around **2005**.
779. Q: **2005?**
780. A: Yes.
781. Q: It was tendered for the supply of fuel to Gambia?
782. A: And we were the winner of that tender.
783. Q: It was tendered that time?
784. A: Yes. I will check exactly when. It was tendered. That is the only tender when we started.
785. Q: That was the only tender?
786. A: Yes.
787. Q: After that, there was no tender subsequently until the **Exclusivity** ended in **2014**?
788. A: After that, because they were so happy with the arrangement we have made and it was
789. directly given to us. Every year, they use to - -.
790. MRS.A. BENSOUA: No, it is not for you to say whether they were happy or they were
791. not happy. We will find out from everyone. Just answer our question so this process doesn't get
792. prolonged. You understand.
793. Q: There was no tender from **2005** until **2014**?
794. A: That's right.
795. MRS. A. BENSOUA: Alright. Thank you. All I can is, I don't know who was happy.
796. But the fuel situation in Gambia has never being solved during this period. For ordinary people,
797. we don't feel any difference. Mr. Chairman, that's all I have for the witness.
798. WITNESS: Can I answer you for the last comment you made?
799. MS.A. BENSOUA: - - - to be answered. I am just telling you - -.
800. WITNESS: Because the statement you are giving, is a wrong statement.
801. MS.A. BENSOUA: **Mr. Bazzi**, as a citizen of The Gambia, I am just making the

802. statement on my own behalf ; that for us, nothing has changed.

803. WITNESS: No, a lot has been changed. When people used to suffer, parking at the station for

804. a day or **2 days** to fill their cars. Since we came in, there is not even a **1 day** shortage. That is a

805. lot of difference that you never experience any shortage anymore in the country. That has made a

806. lot of difference.

807. MRS.A. BENSOUA: Thank you **Mr. Bazzi**. You will come back on the other-- because

808. we have a lot of information from you. We are still waiting for information from you. We are

809. analyzing all the documents. And we will call other witnesses. So please be on standby, we will

810. call you again.

811. WITNESS: I have other documents for you the last time you ask me.

812. Q: Are they related to these transactions or what or they are related to something else?

813. A: Related to the ferry at the **Port**, related to the **Navy Land**.

814. MRS.A. BENSOUA: Yes, I would like you to come back on Wednesday morning on

815. those other issues.

816. WITNESS: Ok.

817. MRS. A. BENSOUA: Including the ferry and including **BarryJally**.

818. WITNESS: And sorry Madam. Just for **Euro African**, I didn't finish it.

819. MRS. A. BENSOUA: No, we cannot finish **Euro African** today. There is a lot for

820. **Euro African**. You will be invited back.

821. WITNESS: I still have a lot to say and to give some documents also.

822. MRS. A. BENSOUA: Sorry. I didn't hear that.

823. WITNESS: I have a lot of documents and lots of issues to discuss on **Euro African** also.

824. MRS. A. BENSOUA: Well you mean to help the Commission with?

825. WITNESS: Yes.

826. MRS. A. BENSOUA: Because we are not calling you for a discussion. But if you have

827. any documents that will help this Commission in its investigations of the **Exclusivity** in particular

828. that **Euro African Group** enjoyed on the directives of the President from early **2000 to 2014**;

829. Which is a long time. We will be happy to have them.

830. WITNESS: I will Madam. I just need you to as the Commissioner said, some people from

831. **Finance** who were working during that difficult period to come and be a witness. What we have

832. achieved and what this **Petroleum Exclusivity** have done to the country. I would like all

833. these for the people and public to hear it and to see it.

834. THE CHAIRMAN: That's what I said; I said you can call your witness.

835. WITNESS: Ok. I will. Am I allowed to - -.

836. THE CHAIRMAN: That witness is going to be your witness to be examined by your

837. Lawyer or yourself and to be cross examined by Counsel.

838. WITNESS: That is fine.

839. THE CHAIRMAN: Very well. So long as you understand it that way. Now, you will

840. wait for **Commissioner Saine** for further questions.

841. COMMISSIONER SAINÉ: You mentioned there was a **Special Allowance**?

842. WITNESS: For who?

843. COMMISSIONER SAINÉ: You remembered the words '**Special Allowance**'?

844. WITNESS: No, not at all.

845. COMMISSIONER SAINÉ: You mean you didn't mention '**Special Allowance**';

846. **500, 000** (Five hundred thousand) per month?

847. WITNESS: The one from **TEL** to **His Excellency**?

848. COMMISSIONER SAINÉ: You called it '**Special Allowance**'.

849. WITNESS: I have called it so many names but it was - -.

850. COMMISSIONER SAINÉ: I want to know exactly what you called it? I may have missed

851. that part.

852. WITNESS: I cannot call it anything. He was asking at the time **Mr. Ali Sharara**, he needs to

853. take **500, 000** (Five hundred thousand) from his own money, from his profits.

854. COMMISSIONER SAINÉ: So you are withdrawing that you didn't say '**Special**
855. **Allowance**'?
856. WITNESS: You and I were arguing what we should call it, the word we should use. And we
857. have said so many words. Not allowance, taking loan; whatever you want to call it, you can call
858. it. And I am sure to solve it.
859. COMMISSIONER SAINÉ: No (no), I don't have to call it any name. I want you to tell me
860. what you called it because that is what I heard. Either you said it or you didn't say it.
861. WITNESS: I didn't say it.
862. COMMISSIONER SAINÉ: Thank you.
863. MRS.A.BENSOUDA: Wednesday at 10 am.
864. THE CHAIRMAN: You said you didn't call it '**Allowance**', fair enough. But what
865. would you called it?
866. WITNESSS: This is the argument again Commissioner.
867. THE CHAIRMAN: I said what would you call it?
868. WITNESS: This was determined from **Mr. Sharara** to be given from him as part of the
869. profit for free of charge or anything that you would want to called it. The Lawyer of **Mr. Sharara**
870. will answer you on that. If you allow me to call the lawyer anytime week next or after that to
871. come and give his evidence.
872. THE CHAIRMAN: Did we ask you to call?
873. WITNESS: The Lawyer of **TEL** he is ready to testify in front of the Commission.
874. THE CHAIRMAN: Please don't keep telling me that. I have already made it clear that you
875. can call any witness. But that's up to you.
876. WITNESS: It's done Sir. Consider it done Sir. Thank you very much for your approval.
877. THE CHAIRMAN: You may leave.
878. WITNESS: Thank you Sir.

(PROCEEDING ENDS AT 3:54PM)