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

DATE: MONDAY 11TH SEPTEMBER 2017 AT 14:44PM

SUBJECT MATTER: OFFICE OF THE PRESIDENT OPERATED ACCT.

EXPECTED WITNESS: NUHA TOURAY

APPEARANCES:

**CHAIRMAN TO THE COMMISSION: HONORABLE SURAHATA
.B. JANNEH**

COMMISSIONER: HONORABLE BAI MASS SAINÉ

COMMISSIONER: HONORABLE ABIOSSEH GEORGE

SECRETARY TO THE COMMISSION: ALHAJI MAMADI KURANG

COUNSEL TO THE COMMISSION: MS. AMIE N BENSOUA

TRANSCRIBER: ADAMA CABALITY

1. **MONDAY 11TH SEPTEMBER 2017 AT 14:44PM BEFORE THE COMMISSION OF**

2. **INQUIRY**

3. **THE CHAIRMAN:** Very well Counsel you may call your witness

4. **MS. A. BENSOUA:** Thank you Mr. Chairman Honorable Commissioner I call Mr. Nuha

5. Touray.

6. **(WITNESS SWORN ON THE KORAN AND SPEAKS IN ENGLISH)**

7. QUESTION BY LEAD COUNSEL MS. A. BENSOUA

8. Q: Can you give your full names to the Commission, please?

9. A: My names are **Nuha Touray**.

10. Q: Where do you live?

11. A: I live at Kombo Lamin.

12. Q: What work do you do at the moment?

13. A: At the moment I am on Secondment from the **Gambia Government** to the **ECOWAS**

14. **Commission Secretarial.**

15. Q: Based where?

16. A: In **Abuja, Nigeria**.

17. Q: Can you give your full address to the Commission in Abuja, Nigeria?

18. A: **ECOWAS Commission Secretarial, Yakubu Gowon Crescent, Asokoro District,**

19. **Abuja.**

20. Q: What position do you hold at the **ECOWAS Secretarial**?

21. A: I worked as the **Executive Assistant** to the Vice President to the Commission.

22. Q: Who is the **Vice President**?

23. A: The Vice president is **Mr. Edward Singhateh**.

24. Q: How long is the Secondment for?

25. A: It is for 2years initial period of 2years.

26. MS. A. BENSOUDA: Initial period of 2years?
27. WITNESS: Yes.
28. Q: Renewable?
29. A: Yes, it is possible
30. Q: When did you take up this position?
31. A: In **February**.
32. Q: **February 2017?**
33. A: Yes.
34. Q: Mr. Touray your last post was in the **Office of the President?**
35. A: Yes, Ma.
36. Q: What was the position you held?
37. A: **Secretary to the Cabinet.**
38. MS. A. BENSOUDA: Secretary to cabinet?
39. WITNESS: Yes.
40. Q: How long have you worked in the **Civil Service?**
41. A: My first appointment into the Civil Service was **1st of October 1988.**
42. Q: Take us through your career?
43. A: I was employed as an **Assistant Personnel Officer** at the **Personnel Management**
44. **Office (PMO)** on the **1st of October 1988** and I stayed at the **PMO** for a period. I rose through
45. The ranks to become a **Deputy Permanent Secretary** meaning I was **Assistant Personnel**
46. **Officer, Personnel Officer, Senior Personnel Officer, Principal Personnel Officer, Deputy**
47. **Permanent Secretary** and then when I got to the position of **Deputy Permanent Secretary**. I
48. Moved on to the **Ministry of Tourism and Culture** on posting, that was in 2005 as **Deputy**
49. **Permanent Secretary**. And then from the **Ministry of Tourism** I was posted to the **Ministry of**
50. **Works as Deputy Permanent Secretary.**
51. Q: Which year was that?

52. A: I don't think I remember but I can provide the details.
53. MS. A. BENSOUA: Alright.
54. A: That period I was still **Deputy Permanent Secretary**. From the **Ministry of Tourism** I
55. Went to the **Ministry of Works** and from the **Ministry of Works** back to **Tourism** and then
56. Back to **Works**. I had two sittings at the **Ministry of Work**. Then from the **Ministry of Works** I
57. Went back to the **Ministry of Tourism** as acting **Permanent Secretary** and then in - -
58. WITNESS: Can I make reference to my documents?
59. MS. A. BENSOUA: Certainly.
60. A: In **March 2011**, I was appointed **Acting Permanent Secretary, Ministry of Tourism**
61. **And Culture** and on the **13th of June** same year (2011), I was confirmed as **Permanent**
62. **Secretary Ministry of Tourism and Culture** and then in **April 25th 2012**, I was posted to the
63. **Office of the President** as **Permanent Secretary**.
64. MS. A. BENSOUA: April 25th 2012?
65. A: Yes, as **Permanent Secretary3 (PS3)**. And then on **August 1st** same year (2012) I was
66. Elevated to the position of **Secretary to Cabinet**.
67. Q: And that is the position you've held since 2012?
68. A: No, given the nature of things at the office it was a bit erratic so when I was from
69. **Secretary to Cabinet** I was re-designated as **Permanent Secretary1**.
70. Q: What year and when?
71. A: This was on the **15th of November 2013**.
72. Q: In the office of the President?
73. A: Yes. And then I was reappointed **Secretary to Cabinet** on the **22nd of January 2015** up
74. To **22nd June 2016**.
75. Q: It was a re-designation you said?
76. A: No, it was a promotion from **Permanent Secretary** to **Secretary to Cabinet**.
77. Q: How can it be a promotion when you had held the position earlier?

78. A: Because from the position of **Secretary to Cabinet** is higher so when you revert to **PS**
79. That would be call either a demotion or a re-designation but when you go back to the position of
80. **Secretary to Cabinet** that is certainly a promotion, although I have held the position before but - -
81. Q: So you held the position until you said when in 2016?
82. A: **June 22nd 2016.**
83. MS. A. BENSOUDA: Ok.
84. A: And then I had a problem with the former **President** he accused me of **destroying a file**
85. That could have been used in the prosecution of a former **Minister of Petroleum**. So because of
86. That I was put behind bars for, I was in custody for about **6 (six) months** and then with the dawn
87. Of the **new Government** the charges were **dropped**.
88. Q: Just for the record what was the name of this file?
89. A: I think he said it was the **Ministry of Petroleum file**.
90. Q: When where the charges dropped?
91. A: The charges were dropped in **January** of this year (**2017**).
92. Q: Mr. Touray you say the position of **Secretary to Cabinet** is more senior to **PS1**?
93. A: Yes.
94. Q: Could you explain, what is the structure at the office of the **President Administrative**
95. **Structure**?
96. A: Yes, I can. The head of the office is the **Secretary General and Head of the Civil**
97. **Services** and then the next most senior position is **Secretary to Cabinet** and it was the de-facto
98. **Deputy Secretary General**. You have the **Permanent Secretary1** down to **Permanent**
99. **Secretary 4**, we had **four (4)** Permanent Secretary's. At some point we had **five (5)** and then
100. From the **Permanent Secretary** you go down to **Deputy Permanent Secretary, Deputy**
101. **Permanent Secretary, Principal Assistant Secretary, Principal Assistant Secretary to Senior**
102. **Assistant Secretary, Senior Assistant Secretary, Assistant Secretary** that was how the
103. Structure looks like.

104. Q: That was the hierarchy?
105. A: Yes.
106. Q: So in the absent of the **Secretary General** is the **Secretary to Cabinet** that - -
107. A: Who will over-see the office, **Yes**.
108. Q: What is the hierarchy among the **State Guard** at the Office of the President?
109. A: The Commander of the State Guard they call it the **RNG (Republican National Guard)**
110. It was headed by a **Commander** and until the time I left, the **Commander** was **Lieutenant**
111. **General Sulayman Badjie**.
112. Q: You have the Commander of the State Guard and then what, what is the hierarchy
113. A: The hierarchy is that you have the **Republican National Guard**.
114. MS. A. BENSOUA: **Republican National Guard Commander?**
115. A: Yes, and that the Commander of the **Republican National Guard** was **Lieutenant**
116. **General Sulayman Badjie**, then you have the **State Guards** they are under the **RNG**. The
117. Commander of the State Guards was **Brigadier General Ansumana Tamba** at the time I left,
118. Yes.
119. Q: By at the time you left you mean **22nd June 2016?**
120. A: Yes the Commander of the State Guard was **Brigadier General Ansumana Tamba**.
121. Q: So what is the **distinction** between **Republican National Guards** and the **State Guards?**
122. A: I am not a Security Personnel but from my understanding the Republican National
123. Guards they transcend beyond the State House, their operation transcend beyond the State House.
124. Q: So what was the Republican National Guard structure, you had a commander and what
125. Else, did you have?
126. A: I don't know who was next to the Commander to be candid but I know the commanding
127. Officer was **Lieutenant General Sulayman Badjie**.
128. Q: What about the State Guard structure?
129. MS. A. BENSOUA: Sorry lets go back to the Republican National Guard.

130. WITNESS: Yes.
131. Q: When **General Sulayman Badjie** was not there who acted in his position?
132. A: I don't know to be candid but **Sulayman Badjie** as far as I know was hardly absent from
133. Work.
134. Q: What about the structure in the **State Guard**?
135. A: The State Guard was headed by **Brigadier General Ansumana Tamba** and if he wasn't
136. Around then there were some **Majors** in the army they were there. I remember one **Major**
137. **Lamin Mendy** I think we used to call him **ML** anyway. So he would oversee the office
138. Sometimes, that one I remembered.
139. Q: Was there a Deputy Secretary to Cabinet whiles you were there?
140. A: At some point there was in fact, my career is such that I occupied quite a bit of several
141. Positions, I was **myself** one time **Deputy Secretary to Cabinet**. When I was Secretary to Cabinet
142. I had a **Deputy**.
143. Q: During the period **2012** when you join the Office of the President until you left in 2016,
144. Tell us who the **Secretary Generals** were?
145. A: When I got to state house the Secretary General was **Dr. Njogu Bah** and then I think he
146. Was replaced by **Mr. Momodou Sabally** and then you had **Abdoulie Sallah** and then you had
147. **Lamin Nyabally, Dr. Kalidu Bayo** and then **Mr. Sulayman Samba**.
148. Q: Now you spent **4(four) years** at least in the **Office of the President** before you left?
149. A: Yes.
150. Q: Am sure you are aware of the **Terms of Reference** of this **Commission**?
151. A: Yes.
152. MS. A. BENSOUDA: Yes, you are.
153. Q: During the period you were in the **Office of the President**, whom would you regard as
154. Close **Associates of the President**?
155. A: I fill a witness statement and I have listed the names that I think were close Associates,

156. It's clearly stated in the witness statement.
157. Q: Yes, but I am asking you now. You have any concerns about repeating what was in your
158. Statement?
159. A: Because given the nature of our society people react to things in different ways even if
160. You spoke the truth somebody might see it as something else so that's why I prefer that I put it
161. Down perhaps you can share it with the **Honorable Commission Members**.
162. MS. A. BENSOUA: Mr. Touray?
163. WITNESS: Yes, Ma.
164. MS. A. BENSOUA: I would have thought way beyond being conservative about the truth
165. Because of what anybody thinks?
166. WITNESS: Perhaps it's just that, no Ma, with due respect I don't think I am conservative
167. With the truth because I have clearly spread it out in the **Witness Statement** unless if you insist
168. That I repeat then perhaps I can do that.
169. MS. A. BENSOUA: I see.
170. Q: Who was a **Close Associates** of the **former President** cannot be a matter of
171. **Confidentiality** let me put it this way maybe close associates is a judgment. Who in terms of
172. Civilians, let's start with what you told us about the military who were there, we will come back
173. To that. In terms of civilians who did the President deal with?
174. A: I will mention those I use to see at **State House**.
175. MS A. BENSOUA: Yes.
176. WITNESS: And Actually I didn't mention them before because you had given somebody - -
177. MS A. BENSOUA: Whatever you said in your statement, the Commission is not privy to yet.
178. WITNESS: Yes
179. MS. A. BENSOUA: Yes, it is in the course of the investigation.
180. WITNESS: Ok, I didn't know. Those I used to see there?
181. MS. A. BENSOUA: Yes, those you use to see there

182. A: One is **Muhammad Bazzi**, and then there is this gentleman they call **Nicolae Burzainu**,
183. **Mr. Tony Ghattas**, the President's brother in-law used to come there too we call him **Mr. Tibu**
184. **Camara**
185. Q: You said the President Brother in-law?
186. A: Yes, he is husband to the wife's sister.
187. Q: Which wife?
188. A: The former President's wife.
189. MS. AS. BENSOU DA: That **Mrs. Zeinab**.
190. A: I used to see Mr. Amadou Samba too. How much do you have?
191. Q: I have 5.
192. A: Yes, for now I think that is what I can remember.
193. Q: Now let's just go back over the names; **Muhammad Bazzi**, did he come in the company
194. Of any other people, just himself or he came with others?
195. A: I think I used to see him alone.
196. Q: Do you know **Mr. Fadi Magezi**?
197. A: No.
198. Q: This **Nicolae Buzainu**, who is he?
199. A: At the time I left office he was our **Ambassador** to the **Principality of Monaco in France**. He was our Ambassador but before then he held the position of **Ambassador to the UEA**.
200. MS. A. BENSOU DA: **United Arab Emirates (UAE)**?
201. A: Yes, **Gambian Ambassador to the United Arab Emirates**.
202. Q: Based in **Abu Dhabi**?
203. A: Yes, then.
204. Q: So as at the time you left the office in **2016**, what position did he hold?
205. A: He was our **Ambassador to the Principality of Monaco in France**.
206. Q: Did he had any business interest in the Gambia - -

207. A: Yes, he does.
208. Q: Do you recollect his business in place.
209. A: He is the proprietor of **Ocean Bay Hotel** I think is leased to his company, as well as
210. **Westwood Company**. He wanted to go into **Oil Prospecting** as well but that one I don't think it
211. Happened.
212. MS. BENSOUA: He succeeded.
213. Q: What about **Mr. Mohammed Bazzi** do you know anything about his business interest?
214. A: Yes, **Mohammed Bazzi** is the proprietor of **Euro African Group Ltd.**
215. Q: That is the only company you know?
216. A: Yes, that is the only company I know, he deals with him directly.
217. Q: What about **Tony Ghattas**?
218. A: **Tony Ghattas** is the as at the time I left was the **CEO** of the company they call **APAM**
(**Alhamduilla Petroleum And Milling company**).
219. Q: This **Tibu Camara** brother of **Zeinab Jammeh**, is that his proper name?
220. A: That is how I know him that is what I hear people call him.
221. Q: Did he has business interest?
222. A: I don't know he has business interest.
223. Q: Was he the only relative that you were aware came to the office?
224. A: Yes, of course the **former first lady's** brother too was there. He used to come there.
225. Q: Which former first lady?
226. A: **Zeinab Jammeh**.
227. MS. A. BENSOUA: Her brother?
228. A: Yes.
229. Q: That is not **Tibu Camara**?
230. A: No, **Tibu** is the sister's husband.
231. MS. A. BENSOUA: **Tibu** is the sister's husband?

232. A: Zeinab sister's husband.
233. Q: Do you know Zeinab sister's name?
234. A: No, I don't
235. Q: What is her brother's name?
236. A: I think is **Abubacarr**.
237. Q: In relation to **Mr. Amadou Samba**, do you his business interest?
238. A: No. Madam you may have a look at this, please.
239. (documents given to lead counsel)
240. Q: This is a document in relation to **Muhammad Bazzi** business interest?
241. A: Yes.
242. MS. A. BENSOUA: I am applying to have a document dated **10th August 2013** address to
243. **Mr. Muhammad Bazzi** from the **Office of the President** admitted.
244. WITNESS: That is the only copy I have, please.
245. MS. A. BENSOUA: You can take a copy back from the secretarial afterwards.
246. Q: Mr. Touray having been in the office of the President in two senior positions for four(4)
247. Years, what do you know of his business interest?
248. A: I know he conducts business through **Kanilai Group international**.
249. MR CHAIRMAN: Hold on, could you wait please until we marked the document?
250. WITNESS: Yes.
251. THE CHAIRMAN: Confidential letter dated **10th August 2010** from Office of the President
252. To **Muhammad Bazzi Managing Director of Euro African Group**, re-fuel importation
253. Admitted marked **MS41**.
254. MS. A. BENSOUA: Thank you Mr. Chairman.
255. Q: Yes, you were telling us about the former President's business interest?
256. A: Yes, am saying I know he conducted his business through **Kanilai Group International**
257. Which had a few subsidiaries that I am aware of and one of them is the **Kanilai Family Farm**

258. That was the **Kanilai family Garage**, there was I think the **Green Industries, Kanilai Bakery I**
259. Think those are the ones I can remember now.
260. Q: Are you aware of any **Assets** he acquires during the period you were there?
261. A: Yes, I am aware. At least one he acquire the **Dunes Casino and Resort**.
262. Q: **Dunes** that's the hotel at **Palma Rima**?
263. A: Yes, behind **Palma Rima**. Can I make reference to my documents to tell you the date?
264. MS. A. BENSOUA: Yes sure.
265. WITNESS: Actually this was procured with funds from the **Petroleum Account**.
266. Q: Which of the **Petroleum Accounts**?
267. A: Either the **Skye Bank** or **Guaranty Trust Bank** but I have seen documents were the
268. Hotel was registered in the name **Kanilai Family Farms** even though it was bought with state
269. Funds.
270. Q: It was bought with funds from the **GNPC Account** in one of the commercial banks, **Skye**
271. Or **Guaranty Trust Bank**?
272. A: Yes, I can show you I have a date to that effect.
273. MS. A. BENSOUA: Certainly that would be helpful.
274. WITNESS: It is a minute from one of the files.
275. Q: This is a minute from?
276. A: From one of the files but I can't remember which file I put in, it's a minute I copied from
277. One of the files because I drafted the instruction to the bank for him to sign.
278. Q: You drafted the instruction?
279. A: To the Bank for the former President to sign.
280. Q: And this is with regard to the payment to **Mr. David Ford** for the purchase of **Dunes**
281. **Hotel**?
282. A: Yes, and if the banks should provide their records it would be the withdrawal forms
283. Request should be there.

284. Q: The withdrawal form should be there?
285. A: Yes.
286. Q: Do you recollect how much money it was?
287. A: Exactly what is stated in the minutes i don't know it off head?
288. Q: No amount seems to be stated?
289. A: There is an amount.
290. Q: Would you like to look at it again?
291. A: Ok, but in any case the payee address, it's not stated in the minute.
292. MS. A. BENSOUA: No, it say "*payment from the GNPC account at Guaranty Trust Bank*", that is what it says, that's all. "*Payment to Mr. David Ford for purchase of Dunes hotel from the GNPC account at Guaranty Trust Bank*".
293. WITNESS: Yes, the details would be at the **Guaranty Trust Bank**.
294. Q: And this is a minute from **Mr. Momodou Sabally** to his Excellency, dated the **2nd of**
295. **November 2013** and the hand written words at the bottom which says "*MOPASG approved as*
296. *Discussed*" and with the signature. Whose signature is that?
297. A: Yes, that is the signature of the former **President Yahya Jammeh**.
298. Q: And you were saying also that the document the property was assigned to **Kanilai Group**
299. **International (KGI)**?
300. A: Yes.
301. Q: Do you have any other document relating to that?
302. A: Yes.
303. Q: Do you recollect who prepared the transaction?
304. A: It was the either the **Minister** or **Solicitor General** at that time.
305. Q: The **Attorney General**?
306. A: Yes, it was either **Attorney General** or Minister of Justices at the time.
307. Q: The **Solicitor General** or **Minister of Justice** at the time?

308. A: Yes.
309. MS. A. BENSOUDA: Maybe we will give you time to look for it.
310. WITNESS: Yes, certainly I have it. I just don't know in which plot I put it but I have it. Am
311. Sorry I seem to have a lot of documents.
312. MS. A. BENSOUDA: Sorry, am sure we will not finish today, what we will do is ask you to
313. Note it and we have to continue tomorrow and you can bring it with you. That will give you time
314. To look for it properly.
315. WITNESS: In fact as soon as I step outside of this place I will give it to them, I have it.
316. MS. A. BENSOUDA: Very well that is fine. Mr. Chairman I am applying to have admitted a
317. Copy of a minute between the then **Secretary General Momodou Sabally** to the **ex- President**
318. Dated the **2nd of November 2013 and 4th November 2013** with respect to the purchase of **Dunes**
319. **Hotel Inter-Alia**.
320. WITNESS: Ma, this is - -
321. Q: You have seen it?
322. A: These were his **EXPLICIT** instructions
323. MS. A. BENSOUDA: Thank you
324. WITNESS: This is the former President **EXPLICIT** instruction.
325. Q: These were the former president **EXPLICIT** instruction?
326. A: Yes
327. MS. A. BENSOUDA: Among other instructions Mr. Chairman, instruction number 2.
328. THE CHAIRMAN: Minute dated **2nd November 2013** from **Momodou Sabally Secretary**
329. **General** to **ex-President Jammeh** regarding request withdrawals from **GNPC Account** at **Skye**
330. **Bank** and **GNPC Account** at **Guaranty Trust Bank** admitted marked **MS42**.
331. Q: Mr. Touray and you said the **Dunes Hotel** was transferred into the name of **Kanilai**
332. **Group International** or **Kanilai Family Farm**?
333. A: **Kanilai Family Farms** because the record I have show's that and I want to believe that

334. Record.
335. Q: Is that the only **Assets** that you are aware of that he bought, that came to your attention?
336. A: That is the one I am aware that he purchase whiles I was in office.
337. Q: Who at the **Office of the President** was responsible for in a way the Presidents Assets,
338. Was there anyone for the President's Assets, his transactions or it would be the Secretary
339. General?
340. A: I don't think in the **Civil Circle** I think in the military circle, yes. The **Military Circle**
341. Within State House.
342. MS. A. BNESOUDA: The Military Circle people were responsible?
343. WITNESS: Yes.
344. Q: Do you know of or are you aware of in any way any **Business Interest** he has out of the
345. Jurisdiction?
346. A: No.
347. Q: You would not know?
348. A: I would not know.
349. Q: Did you handle any transactions for him whiles you were in office whether as **PS** or as
350. **Secretary to Cabinet**?
351. A: Official transaction, Yes.
352. Q: Did you handle any transaction for him?
353. A: Official transactions, yes.
354. Q: Is that one of the official transaction?
355. A: Yes one of them.
356. Q: This is the nature some of the official transactions, purchasing of **Dunes Hotel**?
357. A: Yes in others, but mostly these were the transactions that are issued through the
358. **Secretary General** not directly to me. They are issued through the Secretary General and then we
359. Would carry the instruction.

360. MS. A. BENSOUA: Yes, you have to speak up a little bit am having difficulty.
361. A: I am saying that the instructions are issued through the **Secretary General**. The official
362. Instructions that I carry out were issued through the Secretary General and then we would take
363. Action.
364. Q: What were you responsibilities as **Secretary to Cabinet**?
365. A: My **Primary Responsibility** as **Secretary to Cabinet** was to attend cabinet meetings,
366. Take notes and prepare minutes of that meeting. That was my primary responsibility.
367. Q: Mr. Touray we have come across various **Accounts** operated from the Office of the
368. President in respect of which you were signatories as well. You haven't mentioned those?
369. A: No, I am saying my Main.
370. MS. A. BENSOUA: Ah your main responsibility.
371. WITNESS: That is what I said.
372. Q: So what are you other responsibilities?
373. A: The other responsibilities are, I would attend meetings on behalf of the Secretary
374. General, I was made signatory to **Accounts** operated by the **Office of the President**.
375. Q: You were signatory?
376. A: Yes, co-signatory I was co-signatory with the Secretary General. The Secretary General
377. Would be the main signatory and I would be the co signatory.
378. Q: When did you start becoming **signatory** to these **Accounts**?
379. A: When I was made both as **Secretary to Cabinet** and **Permanent Secretary1**.
380. Q: Is there any **Policy Document** at the **Office of the President**, detailing who can be
381. Signatory to an account and who should not be a signatory to an account?
382. A: That was decided by the **former President**.
383. Q: There was no written **Policy** document?
384. A: No, there was no **Policy**. In fact I have record to show that one of the **Secretary's**
385. **General** said he was not going to sign, he didn't want to sign the accounts and the President

386. Replied that he did not have a choice he has to sign. I have the proof here.
387. Q: Which **Secretary General** was it?
388. A: That was Dr. Bayo. **Kalidu Bayo** that the time. The minute that he sent to him to say that
389. "He doesn't have a choice" he has to sign I have it.
390. MS. A. BENSOU DA: If you have it gives it to us?
391. WITNESS: Yes Ma, I will give it to you. It was cohesive he didn't have a choice you have to
392. Sign. I will note it down because if I have to see it through the papers - -
393. MS. A. BENSOU DA: Ok, can you list it down. So the first document which you are trying to
394. Look at is the one concerning **Dunes Hotel** and this one is the minute that you said you had seen
395. Concerning **Mr. Kalidu Bayo**. Just take note of it.
396. Q: You are saying you're a signatory because you had to be a signatory, is that what you are
397. Saying?
398. A: Yes, I didn't have a choice because I remember also that at some point in the office when
399. He removed me from being signatory and appointed somebody else I was happy that I didn't have
400. To sign but that person was sad that she had to sign. We didn't want to have anything to do with
401. The accounts but you will not have choice.
402. Q: You were **Permanent Secretary**, you said in various positions before you finally became
403. **Permanent Secretary Office of the President**, you are familiar with **Financial Instructions as**
404. **(FI)**. As **PS** you are **Accounting Officer**, when you become **PS** you become **Accounting**
405. **Officer**?
406. A: Yes, that is correct.
407. Q: Now we have been told for the **Office of the President**, is the **Secretary General** who
408. Was **Accounting Officer**?
409. A: That is correct Ma.
410. Q: Clearly, confirm if this is correct, there is nothing in the **Financial Instructions** or any
411. Other **Policies** of the Government under which the **Secretary to Cabinet** could become signatory

412. To the account, is that correct?
413. A: No, ordinarily the **Secretary to Cabinet** shouldn't be.
414. MS. A. BENSOUDA: Ordinarily the Secretary to Cabinet should not be signatory to the
415. Account.
416. A: No, he shouldn't be to the accounts
417. Q: So basically you are signatory because the **President** said you must be a signatory?
418. A: Yes Ma, that is correct.
419. Q: Mr. Touray we will have to take you through the various transactions in various accounts
420. Because there are many of them that you were signatory to, right?
421. A: Yes, that is true.
422. Q: Now do you recollect the **International Gateway Account**?
423. A: Yes, I do
424. Q: There were two (2) **International Gateway Accounts**, well the same account but one
425. Was closed and another opened. First the **International Gateway Account** and then you had the
426. **Vision 2016 Account**?
427. A: **Vision 2016 Special Project Account**.
428. Q: You were signatory to the **International Gateway Account**?
429. A: That is correct.
430. Q: What is the **International Gateway Account** about?
431. A: The account was held at the **Central Bank** and it lodge proceeds from the **Gateway**, the
432. Telecoms **Gateway** that was managed at the time by a Company called **TEL** on behalf of
433. **GAMTEL**. So proceeds from **International Calls** in and out would be paid into that Account
434. That is the nature of that account.
435. Q: What has that Account got to do with the **Office of the President**?
436. A: I remember that the monies were paid to **GAMTEL** but an instruction was issued by the
437. **Former President** that an Account should be opened by the **Office of the President** at the

438. **Central Bank** for those monies to be lodged in because he said that he was not pleased with the
439. Way the **Funds** where managed by **GAMTEL**, I heard him say that.
440. Q: Do you happen to have a copy of that instruction?
441. A: That an account should be opened, I don't have it here but it could be at the **Central**
442. **Bank**.
443. MS. A. BENSOU DA: No, that is fine.
444. Q: So these where Funds that were intended for **GAMTEL**?
445. A: Yes, that is correct. And **GAMTEL** has written severally to get money from the
446. Accounts but he would say "**No**" there is record to that effect. All that could be find in the files
447. At the office, if they are still there.
448. Q: Do you recollect the particular file relating to this matter and what it would be call?
449. A: It would be called the **Telecommunications** file it should be one of the White files at the
450. Office.
451. MS. A. BENSOU DA: The White files?
452. WITNESS: Yes.
453. Q: These are the **PRC's files**?
454. A: Yes, Ma that is correct.
455. MS. A. BENSOU DA: Can we have exhibits **CB18** please. Show it to the witness it's a bundle
456. So let's have the bundle here.
457. (Exhibits shown to the witness)
458. Q: Now the first transaction I would like you to explain if you can from the **International**
459. **Gateway Account** which you confirmed at the time it was been operated by **TEL** and therefore
460. Monies lodged into this account where paid in by **TEL**?
461. A: Yes, that is correct.
462. Q: The first transaction is a withdrawal of **US\$610,000(six hundred and ten thousand**
463. **Dollars)** from the account which you and **Momodou Sabally** gave instruction for, these are by

464. Letter dated **8th October 2013** to the **Governor of the Central Bank** which sum was collected

465. According to the records we have and the evidence from the **Central Bank** was received by

466. **Mohammdou Batata S. Juwara**, do you have an explanation for this?

467. A: Yes, I remember I have information concerning that transaction I want to give it to you.

468. MS. A. BENSOUDA: You have some documents?

469. A: Yes, I do.

470. Q: Tell us what document that is?

471. A: It's a minute.

472. Q: Minute from who?

473. A: A minute by the **Secretary General** which **His Excellency** approved at the time and it

474. Was done at the instance of the President.

475. Q: So what was the minute to the **President** about?

476. A: I should read out.

477. Q: Yes, it is a minute from the **Secretary General** to the **President**?

478. A: Yes.

479. Q: And the secretary general at the time was?

480. A: Was Mr. Sabally, **Momodou Sabally**.

481. Q: Yes, and what does it say?

482. A: It says "Sir, following our discussion on the issue of the **Tobaski Ram** sales - -

483. THE CHAIRMAN: Hold it that is not in evidence is it?

484. MS. A. BENSOUDA: No, not yet.

485. THE CHAIRMAN: Well it has to get into evidence before he starts reading the context.

486. MS. A. BENSOUDA: Sorry, we have been doing the reversed actually, that is fine. Let's have

487. It.

488. Q: What is the date of the minute?

489. A: The date of the minute is on the **8th of October 2013**.

490. MS. A. BENSOUA: **8th of October 2013?**
491. WITNESS: Yes.
492. Q: And you are saying it is a minute in relation to this sum of **US\$610, 000(six hundred**
493. **And ten thousand dollars).**
494. A: Yes, in fact I have a copy of the instruction.
495. Q: Is there a response to the minute from the **President** to the **Secretary General?**
496. A: Yes, he approved it.
497. Q: Ok. Let's have it.
498. (documents handed over to Lead Counsel)
499. MS. A. BENSOUA: Mr. Chairman I would like to apply to have admitted a letter of
500. Instruction dated **8th October 2013** which is a copy of the instruction from **Nuha Touray** and
501. **Momodou Sabally** to **Governor of Central Bank** and attached to that letter is a minute from
502. **Momodou Sabally** address to him as "*Your Excellency*".
503. A: This follows a verbal instruction to - -
504. MS. A. BENSOUA: Wait until it is admitted then you can explain further.
505. THE CHAIRMAN: Letter dated **8th October 2013** from **Office of the President** to the
506. **Governor Central Bank** re-withdrawals of Funds and accompanying minutes from **Secretary**
507. **General Momodou Sabally** approved by **ex-president Jammeh** admitted marked **MS43**.
508. MS. A. BENSOUA: Thank you Mr. Chairman. Could you mark it and let the witness have it,
509. Please?
510. WITNESS: Sorry Ma, that is the only copy I have
511. MS. A. BENSOUA: We will go to the Secretarial for a copy to be made for you. Could you
512. Kindly give the documents to the witness please?
513. (document given to the witness)
514. WITNESS: Excuse me Ma, I have found all the documents that I was looking for.
515. MS. A. BENSOUA: Ok, hold on. Let's deal with this one first.

516. Q: The document is marked **MS43**, could you read the minute from **Mr. Sabally** to the ex-
517. **President** and his reply?
518. A: *“Sir, following our discussion on the issue of Tobaski Ram sale I have identify the*
519. *Recently opened International telecommunications Gateway Account at the central bank of the*
520. *Gambia as having some money, the amount US\$610, 852(six hundred and ten thousand eight*
521. *Hundred and fifty-two) being Government Revenue paid in by TEL on 28th September 2013. I*
522. *Respectfully proposed that my humble self and Secretary to Cabinet be signatories to the*
523. *Account. The amount would be reimbursed to the account once the Ram sales is over”* and then
524. The former president approved it.
525. WITNESS: I was going to say something that is some of these were verbal instructions to Mr.
526. Sabally but I would advise him to originate a minute.
527. MS. A. BENSOUA: That is fine, the documents speaks for itself **Mr. Touray**, thank you.
528. Q: So after this instruction was received what happens, how did you come to sign this
529. Withdrawal?
530. A: Yes, we do the letter and send it to the **Central Bank**.
531. Q: You were asked to issue a letter, how does it work? After when the **President** says
532. Approved what happens?
533. A: Yes, when he says *“approved”* then we do the letter to the **Central Bank**.
534. Q: Who is Mr. Mohammdou Batata Juwara?
535. A: He was the **Chief of Protocol** I think at the time.
536. Q: So he went to receive the money that what, it says here?
537. A: Sorry, either **Deputy Chief of Protocol** or **Chief of Protocol**.
538. MS. A. BENSOUA: That is fine.
539. Q: So he receives the money and then what happened, do you know?
540. A: No, I wouldn't know in this case.
541. Q: Who was responsible for **Ram sales** at the **Office of the President**?

542. A: It was the **State Guard**, the **Soldiers**.
543. MS. A. BENSOUDA: The State Guard?
544. WITNESS: Yes.
545. Q: Now you are just drawing my attention to a document that you said you found, what was
546. It?
547. A: Yes, it has to do with the issue of **Signatories to the Account**.
548. Q: What about it?
549. A: **Dr. Kalidu Bayo**, I mentioned about it.
550. Q: What you mentioned about **Dr. Kalidu Bayo**?
551. A: Yes, I was just putting it in context that we didn't have a choice but to sign.
552. Q: And you would like to have it admitted?
553. A: Yes, please.
554. (documents handed over to lead counsel)
555. MS. A. BENSOUDA: Mr. Chairman may I apply to have admitted a minutes from the witness
556. Nuha Touray and a minute from what purports to be I believe the ex-President subject to the
557. Witness's further evidence.
558. THE CHAIRMAN: Minutes dated 27th July 2014 sign by **ex-President Jammeh** stating that
559. *"Secretary General cannot choose whether or not to be a signatory, he must be a signatory to*
560. *Replace Mr. Sallah"* admitted marked **MS44**.
561. MS. A. BENSOUDA: Thank you Mr. Chairman.
562. THE CHAIRMAN: I think this is a very good time to stop. So we will rise, we will be back tomorrow at 10'oclock in the morning.

PROCEEDINS ENDS AT 16:01

