

meeting he witnessed Commissioner Gorgi MBOOB seek forgiveness from Ebrima Sanneh for the incident that had taken place. He mentioned that Commissioner Gorgi MBOOB attempted to handover one thousand dalasis to Ebrima Sanneh, which he refused to collect. Out of respect, he took the money and then handed it to Ebrima Sanneh's aunt, Nyima Barrow, who was also present at the time.

27. One Lamin SONKO testified that he was among those arrested by officers of the Anti-Crime Unit in the early hours of the 24th July 2020. He stated that they were arrested at Ice Lounge night club together with Ebrima Sanneh and many others and spent the night at the Anti-Crime Unit in Bijilo. The following morning, Commissioner Gorgi MBOOB visited the cell to enquire what brought them there and was told by his colleagues that the group was arrested from Ice Lounge night club. Lamin Sonko claims that the "Alkalo" or RSM who was in uniform with a red sash across his shoulder, was coordinating and observing the work the group had been assigned. While carrying out the work, he saw Commissioner Gorgi MBOOB punch Ebrima SANNEH, and the latter then bent down with his hands holding his trousers. He was later informed by Ebrima Sanneh's group members that Commissioner Gorgi MBOOB had hit Ebrima Sanneh in his genitals with a hoe.
28. Adama Ceesay asserts that he did not know Ebrima Sanneh prior to the night of the 24th July 2020 but can recall that he was among those arrested by officers of the Anti-Crime Unit. The crux of his testimony of the events that transpired after 9:00am of the 25 July 2020 is quoted as follow:

"They first gave us brooms to sweep the floor and the veranda. We went back to the cells. They came again and opened the cell for us to go and farm. We followed them to the farm. Some of us were taken to wash their cars while others were weeding in the farms. They gave us hoes, and I was part of the people farming. I was the first guy to accidentally cut the corn plant because I don't know how to farm, I could not differentiate the grass and corn. An officer observing from 2.5 meters, said to me what are you doing? I replied, what do you think I am doing? So he said "fuck you" and I said if you insult my mother I will not say anything. He was a thin officer, but I don't know him. My colleagues and I asked him to forgive me, so he forgave me. I was working very hard for him to recommend me. We finished the first farm and halfway through the

 11

other farm Ebrima SANNEH cut a corn at the time Gorgi MBOOB was coming.

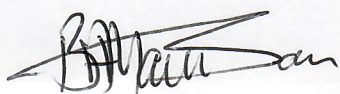
Another guy by the name Boomen was to my right and after him was Ebrima Sanneh. Gorgi MBOOB asked Ebrima "what are you doing"? He replied, "I am working but I mistakenly cut one corn". He said this was deliberate but before Ebrima could respond he slapped Ebrima, punched him and took the hoe and hit him on the private part. Ebrima could not stand. Gorgi told him that nothing happened and walked away to the other group. Ebrima went for a distance and laid down on the ground. We told him to try and help himself. He was still lying on the ground. I went back to my work. Other boys advised Ebrima to try and urinate but Ebrima said he cannot urinate. He tried but he said the urine was not normal it changed and may be something "was destroyed". Ebrima said he was experiencing a lot of pain and we could not do anything. He also stated that "the cops that were supposed to help were not doing anything. A Police officer was there."

29. Adama Ceesay claimed that when he was released, he came back to the Anti-Crime Unit to find out the whereabouts of Ebrima Sanneh. Coincidentally, he met Ebrima Sanneh at the gate and accompanied him to Senegambia Police Station and later to Sukuta and Kanifing General Hospital. On arrival at the Senegambia Police Station, they met Superintendent Demba Sowe who informed them that he would not open a complaint against a senior police and called the Anti-Crime Unit officers to come escort Ebrima Sanneh to the hospital for treatment.

30. One Demba Sowe, superintendent and station officer at Senegambia Police Station, testified that he received Ebrima Sanneh at the Senegambia Police Station. He claimed Ebrima Sanneh reported that he was assaulted by Commissioner of Police Gorgi MBOOB at Anti-Crime Unit premises and wanted him to be arrested. He said he offered to have Ebrima Sanneh taken to the hospital and called the Anti-Crime Unit to collect him and transport him. He admitted that he informed Ebrima Sanneh that he could not open a complaint against Commissioner Gorgi MBOOB due to his senior rank in the police and suggested that he follow other procedures. He also admitted to not booking the complaint made against Commissioner Gorgi MBOOB by Ebrima Sanneh in the police station diary .

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31. One Sainey Manneh, a police officer at the Anti-Crime Unit testified that he knew Ebrima SANNEH by name. He recounted his encounter with him the day he found him in the light detention cell with other detainees at the Anti-Crime base. He learned that Ebrima Sanneh had been arrested around Senegambia at a night club after being found loitering. He said that the arrested group members were all charged by different police officers, and the arrest details recorded in the Station diary. During the evening hours of 18:00hrs, he received instructions from station officer ASP Sita SARR to obtain a cautionary and voluntary statement from the accused Ebrima SANNEH. He was then instructed to charge Ebrima SANNEH with the offence of rogue and vagabond contrary section 167 of the Criminal Code, Vol 3 Laws of the Gambia. He admitted that it was not normal for eleven people accused of committing the same offence in one transaction, to be charged and separate case files opened for each. . He also confirmed that a file was only prepared for Ebrima SANNEH. The records prepared in Ebrima Sanneh's case file was obtained and reproduced from the police diary of action.
32. One Superintendent Momodou Sowe, the Deputy Commander at the Anti-Crime Unit, informed the panel that Ebrima Sanneh was among a group of people that were arrested around Senegambia for the offence of rogue and vagabond behaviour. He reported that he relayed the information to his superior Commissioner Gorgi MBOOB. When asked by SO Sita Sarr whether to grant Ebrima Sanneh bail, he replied in the affirmative. Some hours after Ebrima Sanneh was granted bail, he received a call from Superintendent Demba Sowe that somebody had visited the station to make a complaint alleging that he had been beaten by Commissioner Gorgi MBOOB and required police action. He then sent a vehicle to collect Ebrima Sanneh and transport him to the hospital. The following day after Ebrima Sanneh had been discharged from the hospital, him and his family members were invited to the Anti-Crime Unit to meet with him and Commissioner Gorgi MBOOB. Present at the meeting were Ebrima Sanneh, Nyima Barrow, ST and another old man (Name unknown). He added that one Thousand Dalasis was given by Gorgi Mboob to the family for Ebrima Sanneh's medical expenses. He denied allegations that Ebrima Sanneh was assaulted and also denied that the detainees were asked to carry out any work at the Anti-Crime base. He further denied the allegations that they invited Ebrima and his family to apologise to them for the alleged assault on Ebrima. He said that, he tried to console the family because he knew the boy was in pain. According to him the One Thousand Dalasis given to



Ebrima was a refund for the money they took from a family member to settle the medical bill.

33. One Regimental Sergeant Major (RSM) Musa Corr testified before the panel and informed them that he was instructed by Station Officer Sita Sarr to escort some detainees, including Ebrima Sanneh, under the baobab tree for screening. He denied knowledge of any assault on Ebrima SANNEH at the Anti-Crime Unit on that day. He further denied that there was any weeding exercise or washing of cars by detainees while at the Anti-Crime Unit on that day. He further claimed he left the detainees under the tree unattended and added that Commissioner Gorgi MBOOB was not yet in office when he escorted the detainees to the baobab tree.
34. One Station Officer Sita Sarr testified that he came to know Ebrima Sanneh on the 24th July 2020 when he reported to his duties. He stated that Ebrima Sanneh was part of the 11 detainees who were arrested for rogue and vagabond behaviour around Senegambia by Sergeant Kebba Jobe and his team. He instructed RSM Corr to lead the detainees to the baobab tree for screening. Ebrima Sanneh then complained that he was sick, at which point he advised the other officers to help him see a doctor, but there were no police medics around at the time and all the police vehicles were out on other errands. Later in the evening Ebrima Sanneh said he was fine and that was when his aunt Nyima BARROW came and Ebrima was granted bail. Sometime after, he led the team that escorted Ebrima Sanneh to Sukuta Health Centre and Kanifing General Hospital. He also claimed that one of Ebrima Sanneh's family members gave him One Thousand Dalasis but could not tell the panel who that family member was.
35. One Chief Inspector Ismaila K. Bojang, a police officer at the Major Crime Unit testified that he accompanied Ebrima Sanneh to Gamsonic for scanning and was given one thousand dalasis (D1000) by SO Sita Sarr to cover medical expenses for Ebrima Sanneh. He claimed that this was the first time in his entire career as a police officer, that he had been asked to escort a detainee to the hospital or pay the medical bills of a detainee. He also did not know who had provided the said sum to Sita SARR.
36. Detective Sergeant Kebba Jobe, one of the arresting officers, testified that he was around coastal road on patrol when he received a call that there was a fight at Duplex Night Club where he later arrested 11 male suspects. According to



14







him when he approached the Duplex Night Club area, he saw some boys running and entering the club.. He stated that he was operating a siren-free vehicle and was driving at a high speed. According to him, he could not take all 11 suspects because he had already arrested four suspects in his vehicle at the Coastal Road. He therefore called in for reinforcement and was assisted by Sub Inspector Amie Gaye, who was handed over three of the remaining suspects. He admitted to not having seen any fight take place when he arrived at the scene. He also explained the Sub-Inspector Amie Gaye left the scene before him and shortly after that he also departed and they both arrived at the Anti-crime Unit within an interval of 15-20 minutes. However, he was surprised to learn that his actually arrival time was not booked in the dairy which according to him was supposed to be around 02:35hrs and not 06:00hrs as indicated in the station dairy.

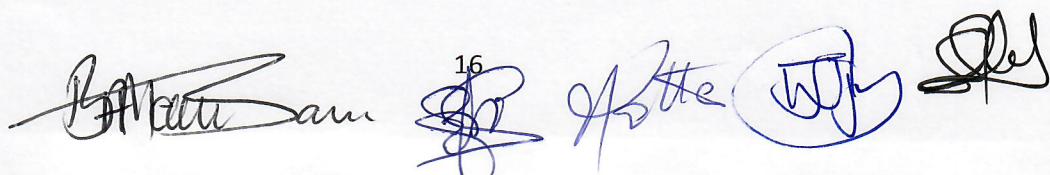
37. SI Amie Gaye testified that she was on patrol around Tippa Garage when she received a call from Officer Kebba Jobe for support at Duplex Night Club. When she arrived, she did not witness any fighting taking place but was handed over three suspects to take to the Anti-Crime Unit. According to her, she did not know the people she took but just handed them over to the charge office and left approximately five minutes after her arrival.
38. One Dr Muhammed Jallow was also invited to testify regarding the medical condition of Ebrima Sanneh at the time of his admission at Kanifing General Hospital. According to the doctor, the reason for Ebrima Sanneh's referral to Kanifing was scrotal pain and difficulty in urinating. He carried out a physical examination of Ebrima Sanneh's respiratory system and found that he was alert and communicative throughout the examination process. He recalled that Ebrima Sanneh requested to go home but he suggested that Ebrima should go with the police back to the anti-crime so that they will take responsibility should anything happen to Ebrima. Ebrima insisted that he rather spend the night at the hospital. Two police officers were deployed to watch over Ebrima at the hospital. As the necessary scanning was not available in Kanifing General Hospital, Ebrima Sanneh was then referred to Gamsonic Diagnosis Centre for scanning of his private parts which was done the following day.
39. The medical evidence indicates that there was inflammation which was due to trauma and he had an enlarged right scrotal sac wall of about 5.9mm. He was in a state of pain and distress when he arrived at Kanifing General Hospital. When asked whether Ebrima's condition could have been caused by

15

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natural or other sicknesses such as Sexually Transmitted Disease (STD), he responded no and added that this was not an STD/STI.

40. Deputy Commissioner Gorgi L. Mboob, the commander of the Anti-Crime Unit was also invited to the panel to shed light on the allegations made against him by Ebrima Sanneh. He stated that on the 24th July 2020 he reported to work at the Anti-Crime Unit between 10:00hr and 1100hrs According to him, he met a group of boys at the light detention center and enquired from the station officer Sita Sarr as to the reason for their detention. At this point Sita Sarr informed him that they were arrested the previous night for alleged fighting around Duplex night club. Gorgi Mboob then instructed Sita Sarr to take the detainees outside for screening and then left for the training field where his men were doing some exercise.
41. According to Gorgi Mboob, on his way back from the field, he saw RSM Musa Corr under the baobab tree with a piece of paper talking to the detainees whilst they were all seated on the ground. He further narrated that as he was going to his office, he saw Ebrima Sanneh sitting alone under the veranda. When he asked him what he was doing there, he said that Ebrima Sanneh told him that he was sick and had abdominal pain. Gorgi Mboob stated that it was at this point that he instructed Sita Sarr to take Ebrima Sanneh to the medics at the Anti-Crime Unit. Gorgi Mboob then left and did not return to the Anti-Crime Unit until around 17:00 hours.
42. Gorgi Mboob further stated that after some time, he saw Nyima Barrow and Ebrima Sanneh coming out from the station and left the Anti-Crime Unit. Few minutes after Nyima Barrow and Ebrima Sanneh left the Anti-Crime Unit, his deputy Superintendent Momodou Sowe received a call from Superintendent Demba Sowe of TSU informing him that Ebrima Sanneh had lodged a complaint against Gorgi Mboob that he assaulted him with a hoe on his private parts and needed a vehicle to take him to the hospital. According to Gorgi Mboob he immediately sent a vehicle with Sita Sarr and other officers to escort Ebrima Sanneh to the hospital.
43. Gorgi Mboob denied assaulting Ebrima Sanneh as alleged. He also denied subjecting Ebrima Sanneh or any of the detainees to forced labour. He insisted that there was no corn farm at Anti-Crime Unit, and that as a Senior Officer he could not have assaulted Ebrima in the open as alleged. He further stated that the One Thousand Dalasis (D1000) he gave to Ebrima Sanneh was a refund of

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the medical expenses paid by one of his family members. He denied ever apologising to Ebrima Sanneh but admitted that he did tapped him from the back and told him that he will be alright.

44. Gorgi Mboob, just like Sita Sarr and RSM Corr, could not tell who among his officers was screening Ebrima Sanneh and his colleagues. He also stated that all the other detainees were released after "Jumah prayers" except Ebrima Sanneh and that they were also charged with the offence of Rogue and Vagabond prior to their release.
45. Furthermore, Gorgi Mboob, informed the panel that he granted interview to the "Barrow Media Empowerment" and refuted the allegations made against him by Ebrima Sanneh. He admitted that he displayed Ebrima Sanneh's scan test result and read out the findings contained therein. When it was put to him that he only read the doctor's finding in part and not the document as a whole, he stated that was an oversight on his part. He also admitted that he provided the information that was contained in the press release from the office of the IGP describing the allegations made against him by Ebrima Sanneh as false even though there was no investigation conducted at the time.

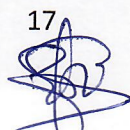
3.0 Issues for determination & Findings

46. From the foregoing, the panel considered the following issues as per its Terms of Reference:
 - a) Determine the circumstances surrounding the arrest and detention of Ebrima Sanneh.
 - b) Determine whether Ebrima Sanneh was assaulted, maltreated, tortured, or subjected to other human rights violations
 - c) Determine what role if any Gorgi Mboob and any other officers of the Anti-Crime Unit played in the alleged assault, torture, or maltreatment Ebrima Sanneh.
- A) Determine the circumstances surrounding the arrest and detention of Ebrima Sanneh.

With regards to the circumstances surrounding the arrest and detention of Ebrima Sanneh, the panel after listening to the testimonies of the various witnesses who testified came up with the following findings:

1. That Ebrima Sanneh was arrested by Detective Sergeant Kebba Jobe and a team of the Anti-Crime Unit of the Gambia Police Force, with several others at Ice



17




Lounge night club. According to Ebrima Sanneh, Adama Ceesay, Musa Suso, Aliou Bojang and Lamin Sonko, they were arrested at a night club for allegedly violating the State of Emergency Regulations after midnight on the 24th July 2020. These individuals all stated that upon their arrest, they, in a group consisting of roughly 30 people or more were taken to the Anti-Crime Unit in Bijilo in batches.

2. The arresting officer, Detective Sergeant Kebba Jobe and his colleagues from the Anti-Crime Unit stated before the panel that Ebrima Sanneh and his group members were arrested after they received information of alleged fighting in the said night club. However, none of the arresting officers witnessed fighting taking place at the time of the arrests. According to Detective Sergeant Kebba Jobe, before arriving at the PIU check point along the Duplex Road, he saw some people ran into the night club and were chased by First Class Musa Jallow, who shielded the door to prevent them from shutting the night club door.
3. Ebrima Sanneh and the other arrestees that testified before the panel denied that any fight took place at the night club and stated he was informed that they were arrested because they were partying during a state of emergency at a night club. According to Ebrima Sanneh and the other arrestees, these regulations were not operative as at midnight on that day.
4. The evidence from the Station Diary shows that two groups of the arresting officers headed by Sergeant Kebba Jobe and W/SI Amie Gaye respectively departed from the Anti-Crime Unit at Bijilo at exactly 2:00am for night patrol, and one of the groups led by W/SI Amie Gaye returned with three suspects to the base at around 2:20am. Officer Amie Gaye testified that she was around Tippa Garage when she received a call from Detective Sergeant Kebba Jobe who, at the time was around coastal road and he requested for reinforcement, to effect arrests around Senegambia. If the records are accurate, the two patrol teams departed from the Anti-Crime Unit at 2:00am. The team headed by Amie Gaye then proceeded to Tippa Garage whilst Kebba Jobe's team went to coastal road. Both teams met at Duplex night club to effect the arrests of 11 suspects in the Duplex Night Club. Amie Gaye's team returned to the Anti-Crime Unit within 20 minutes after departure with 3 suspects whereas Detective Sergeant Kebba Jobe returned to the Anti-Crime Unit at 6:00am with 8 suspects. However, according to Kebba Jobe he arrived at the ACU with 12 suspects about 15-20 minutes after the arrival of Amie Gaye.
5. It appears that the entries in the Station Diary are not an accurate reflection of the allegations made against Ebrima Sanneh. In fact, the charge that was finally pressed against Ebrima Sanneh does not support the reasons for his arrest as narrated by Detective Sergeant Kebba Jobe. Whilst the panel acknowledges that the police have powers to arrest any person reasonably suspected of having

18



committed an offence; the power must be exercised in accordance with the law and due process. Based on the testimonies of the witnesses, Ebrima Sanneh's arrest and subsequent charge appear to be unwarranted and constitutes a violation of his right to personal liberty guaranteed by section 19 (1) and (2) of the 1997 Constitution.

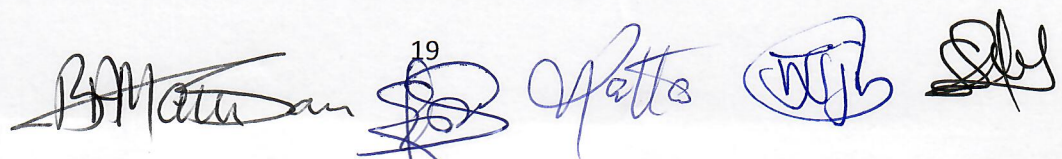
6. The evidence further shows that all the other arrestees who were detained with Ebrima Sanneh were released around 12:45 noon as per the station diary of action, in contradiction of evidence provided by Sita SARR and Gorgi Mboob who both stated that the suspects were charged in the morning and released in the evening. The panel also observed that among those who were arrested with Ebrima Sanneh he was the only the one who was held in custody up to around 18:00 hrs. When questioned why this was the case, the station officer Sita Sarr could not provide a rational explanation as to why Ebrima Sanneh was released later than the other members in the group.
7. The station diary further indicates that, instruction for the release of "39 related detainees" was ordered by Gorgi Mboob through RSM Corr at 12:40. However, RSM Corr denied this entry in the station diary. Thus, the evidence for the release of "39 related detainees" also corroborated the testimony of Ebrima Sanneh and the other detainees that about 30 to 40 of them were arrested on the early hours of 24th July 2020 contrary to the testimonies of Detective Sergeant Kebba Jobe, Sita Sarr, RSM, Musa Corr, Superintendent Momodou Sowe and Commissioner Gorgi Mboob all of whom insisted that 11 people were arrested at Duplex night club.

B) Determine whether Ebrima Sanneh was assaulted, maltreated, tortured, or subjected to other human rights violations; and

C) Determine what role if any Gorgi Mboob and any other officer(s) of the Anti-Crime Unit played in the alleged assault, torture, or maltreatment Ebrima Sanneh.

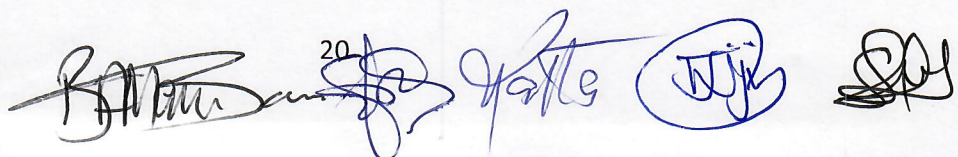
1. While testimonies of the detainees corroborated the allegations by Ebrima Sanneh against Commissioner Gorgi Mboob describing the manner in which he assaulted Ebrima Sanneh, the Deputy Commander of Anti-Crime Unit Superintendent Momodou Sowe and other police officers, testified before the panel that they had no knowledge of the alleged assault. What is not however denied by the police Officers from the ACU who testified before the panel is the fact that at the time of the arrest Ebrima Sanneh did not complain of any abdominal pain. The testimony of Gorgi Mboob and other police officers confirmed that he complained of abdominal pain while in their custody. It is therefore not in dispute that Ebrima Sanneh's complaint of pain to his private parts and abdomen occurred while in police custody.

19



2. The Panel found Ebrima Sanneh consistent in his allegations of assault by Gorgi Mboob. He had accused Gorgi Mboob of assaulting him to police officers at the ACU, he had repeated the same allegation in a telephone call he made to his mother and to his Aunty Nyima who bailed him, he had also made the same allegations against Gorgi Mboob when he went to the Senegambia Tourist Police Station where he lodge the complaint against Gorgi Mboob. He also made the same allegation at the Kanifing Hospital. The panel could not also decipher a motive why Ebrima Sanneh would want to frame Gorgi Mboob and not the other officers present at the ACU.
3. The available medical report prepared by Dr Muhammed Jallow who testified before the panel suggests that Ebrima Sanneh's pain was not a natural pain caused by the onset of an illness or STD/STI but was caused by trauma which could be by kicking or hitting. He further stated he received Ebrima Sanneh at Kanifing General Hospital, in a state of distress and pain. A further examination of his private part indicated an enlargement of his scrotal sac which he attributed to trauma. The panel also finds it curious that the police that escorted Ebrima Sanneh to the Kanifing /Serrekunda Hospital wanted to re-arrest Ebrima and take him back to the ACU when it was clear to them that Ebrima was already granted bail.
4. The panel also found it odd that that despite Ebrima Sanneh's lodging a complaint of assault against Commissioner Gorgi Mboob to the Senegambia Police Station, Superintendent Demba Sowe did not record or book his complaint. In fact, he proceeded to revert the complainant back to the very Anti-Crime Unit he was accusing of assault. Further the panel finds it disturbing that when Ebrima Sanneh lodge a complaint against Commissioner Gorgi Mboob of the ACU, instead of processing his complaint and providing him the much needed assistance, they called the ACU and allowed personnel of the ACU to pick him up and escorted him to the Sukuta Health Centre and subsequently to the Kanifing Hospital.
5. Based on the totality of the witness testimonies and the documents presented before the panel, the panel is of the strong belief that the arrest of Ebrima Sanneh and his colleagues on the 24th July was unwarranted, that Ebrima Sanneh and those arrested with him were subjected to forced labour during their detention at the ACU premises.
6. The panel is very concerned that Commissioner Gorgi Mboob, a senior personnel of the ACU, assaulted Ebrima Sanneh, a detainee, on his genitals.

20



4.0 Specific Recommendations

Issue (a)

- a. All arresting police officers should have a pocket notebook for record purposes;
- b. All police stations should be provided with a register to record the detention and release of all detainees;
- c. Due process must be followed by law enforcement officers when arresting and detaining suspects;
- d. Proper and accurate entries in station diaries should be adhered to at all times and especially in relation to the details of detainees, time of arrests and release etc;
- e. In collaboration with the police, the NHRC should assist in the design and implementation of relevant training, training on human rights for law enforcement officers especially for officers of the ACU; and
- f. Training needs assessment should be conducted for the police and capacity building programs provided for law enforcement officers.

Issue b and c

I. Assault

- a. Monetary compensation of twenty thousand dalasis (GMD 20,000) to be paid to Ebrima Sanneh for pain and suffering;
- b. Disciplinary measures should be taken against Commissioner Gorgi Mboob; and
- c. The Inspector General of Police should consider the redeployment of Commissioner Gorgi Mboob from the ACU;

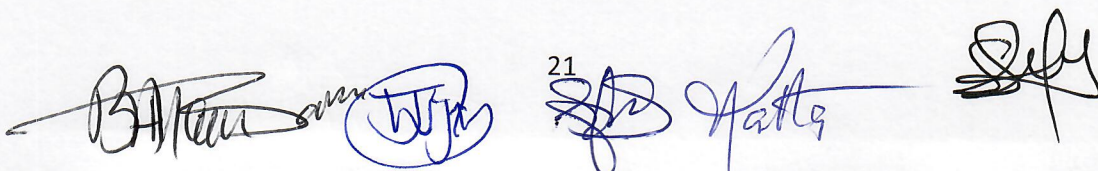
II. Forced Labour

- a. Law enforcement should not subject detainees to forced labour; and
- b. The ACU should be provided with adequate manual labourers for cleaning of their premises;

5.0 General Recommendations

- a) Create conducive working environment for law enforcement (e.g better equip offices, laptops, computers, stationery and improved supply of electricity by supplying them with electrical generator or solar backup system) especially officials of ACU;

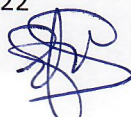
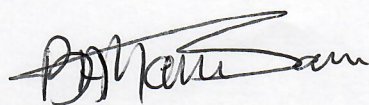
21



- b) The ACU should be allocated more vehicles and personnel for effective crime control and management;
- c) Senegambia police station should be provided with adequate vehicles and all other police stations;
- d) The Ministry of Interior should take steps to make sure that police cells and detention facilities are hygienic and with better toilet facilities, better ventilated and create separate detention facilities for female and juvenile detainees; and
- e) Officials of the ACU should be provided with adequate training on matters relating to arrest, self-control and use of force geared towards observing due process and rule of law.

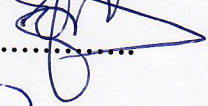
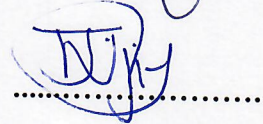
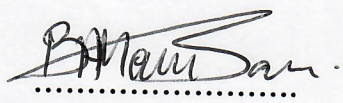


6.0 Additional Recommendations for the Gambia Police Force

- a) The police should develop a comprehensive compensation scheme for injury, loss or damage suffered by officers in their line of duty;
- b) The police should develop and implement a health insurance scheme for officers and their families; and
- c) The police should be provided with adequate protective gears.



Panellists

Signature

1. Mr Emmanuel Daniel Joof- Chairperson of the panel, (NHR) 
2. Mr. John C. Njie- Member, (TANGO) 
3. Mr. Bubacarr Sarr- Member, (GPF) 
4. Mr. Sarjo Jatta- Member- (MOI) 
5. Mrs. Sasum Sillah- Member- (GBA) 

DATED THIS ^{7th}..... DAY OF SEPTEMBER 2020