



PRESS RELEASE

FORMER GAMBIAN MINISTER OF INTERIOR TO BE TRIED IN SWITZERLAND FOR CRIMES AGAINST HUMANITY

(Geneva 18.04.2023) – The Office of the Attorney General (OAG) of Switzerland has yesterday indicted Ousman Sonko, former Gambian Minister of Interior, for crimes against humanity allegedly committed during the rule of former Gambian dictator Yahya Jammeh. The upcoming trial is a crucial milestone for the transitional justice process in The Gambia, which has started to deal with the past atrocities committed in the two decades of Jammeh’s dictatorship. This is also a landmark case for Switzerland as it is only the second universal jurisdiction case to be tried by the Federal Criminal Court (FCC). The case is equally important since such a high-ranking individual has never been tried in Europe on the basis of universal jurisdiction.

Ousman Sonko soon to face justice

Ousman Sonko will be tried before the FCC in Bellinzona at a date yet to be determined. He is accused by the Swiss prosecuting authorities of the killing of a perceived political opponent in 2000, of acts of sexual violence committed between 2000 and 2002 as well as in 2005, of having participated in acts of torture (including physical assault and sexual violence) and deprivation of liberty committed against individuals who were suspected of having plotted a coup in March 2006 as well as of the murder of a politician in 2011. The OAG also accuses Ousman Sonko of having co-perpetrated deprivation of liberty and acts of torture – which led to the death of Solo Sandeng, one of the leading figure of the opposition party (United Democratic Party - UDP) – of peaceful demonstrators in 2016, when he was Minister of the Interior. These acts have been qualified by the Swiss prosecutor as crimes against humanity.

According to Fatoumatta Sandeng, daughter of the late Solo Sandeng: *“victims of human rights violations under the Jammeh regime yearn to see justice done! The indictment of Ousman Sonko reinforces the victims’ hope to see their perpetrators held accountable for inflicting heart aching pains on them and their families”*.

The indictment comes more than six years after Sonko’s arrest on 26 January 2017, one day after TRIAL International filed a criminal complaint against him. Quickly, an investigation for crimes against humanity was opened and Ousman Sonko was placed in pre-trial detention. Between 2017 and April 2023, the prosecuting authorities auditioned the accused numerous times, the 10 plaintiffs as well as dozens of witnesses. They also travelled to The Gambia to investigate on site.

Prosecuting the individuals responsible for mass atrocities committed under Jammeh’s dictatorship

In January 2017, the country’s President Yahya Jammeh was ousted from power, thus putting an end to a reign marked by widespread human rights violations. During the 22-year

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TRIAL International takes an innovative approach to the law, paving the way to justice for survivors of unspeakable sufferings. The organization provides legal assistance, litigates cases, develops local capacity, and pushes the human rights agenda forward.

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authoritarian government, political opponents, journalists, human rights activists as well as any real or perceived threat to the government were systematically targeted with torture - including rape - arbitrary detention, killings and enforced disappearances. Ousman Sonko, former State guard commander, then Inspector General of Police until 2006 and later Minister of Interior until 2016, was an essential figure in this system of repression and one of Jammeh's closest allies.

Two criminal procedures are currently ongoing against alleged Jammeh's henchmen in Germany and the United States, but Ousman Sonko is to date the highest-ranking individual having to answer for atrocities committed in the country. While welcomed efforts have been deployed to address past violations, especially through the work of the Truth, Reconciliation and Reparations Commission (TRRC), only two criminal trials have so far taken place in The Gambia respectively in September 2021 and July 2022. According to Musa Saidykhan, one of the victims of the March 2006 events: *"a lot has been done in The Gambia since 2017 but a lot still needs to be done, particularly when it comes to the implementation of the TRRC recommendations. Without enforcement of justice in my country, there will be no room for forgiveness"*.

A landmark case for universal jurisdiction in Switzerland and Europe

This will be the second time – after the conviction of Liberian Rebel Commander Alieu Kosiah in 2021 – that the FCC will rule on a case based on universal jurisdiction. Ousman Sonko will be the highest ranking individual to be brought to justice in Europe on the basis of this principle. Benoit Meystre, Legal Advisor at TRIAL International, explains that *"with this case, the Swiss authorities demonstrate their will to thoroughly investigate international crimes and to not let alleged perpetrators of violations enjoy a safe haven here. The upcoming trial constitutes a historic opportunity for the victims to finally obtain justice against one of the most important members of Gambia's past repressive regime. It also sends a strong signal that universal jurisdiction is a potent tool to bring high-level perpetrators to justice"*.

TRIAL International welcomes today's decision taken by the OAG and will continue to accompany the plaintiffs up to and during the trial.

THE CASE IN BRIEF

Context (for more information, the full TRRC final report is available on [the Gambian Ministry of Justice website](#))

22 July 1994: Yahya Jammeh – officer in the military at the time – comes to power after a coup d'Etat that overthrows former President Dawda Jawara. The Gambian Constitution is suspended, and the country is led by a military junta headed by Yahya Jammeh.



29 September 1996: Yahya Jammeh is formally elected President of The Gambia after a controversial election process.

14 January 2000: A member of the State Guard is killed after having been suspected of plotting a coup d'Etat against the military junta.

Between 2000 and 2002 as well as in 2005, Ousman Sonko, acting commander of the State guard and later formally nominated at this position in May 2003, allegedly rapes and commits other forms of sexual violence on a female victim on multiple occasions.

15 February 2005: Ousman Sonko is nominated Acting Inspector General of Police (IGP) by Yahya Jammeh

17 January 2006: Ousman Sonko is confirmed in the IGP position with immediate effect

21 March 2006: Yahya Jammeh suspects an upcoming coup plotted against him and arrests many. The arrestees are sent before an investigative panel composed of various security forces to which Ousman Sonko allegedly participates. They were subjected to torture before being transferred to Mile 2 prison.

November 2006: Ousman Sonko is nominated Minister of Interior.

29 October 2011: a member of Yahya Jammeh's political party is killed while he was finishing to serve his prison sentence pronounced for financial offenses following a dispute with President Jammeh.

14 April 2016: The United Democratic Party organizes a peaceful march to call for electoral reforms. The demonstration is violently repressed. The protesters are beaten up by the Police Intervention Unit (PIU). Many are arrested, taken first to the PIU headquarters, then to notorious Mile 2 prison and later to the headquarters of the National Intelligence Agency (NIA) where they are subjected to torture. The Organizing Secretary of the opposition party (UDP), Solo Sandeng, is tortured to death and his body secretly buried in the same night. Other protesters are held for several days at the NIA and later in prison under illegal, particularly restrictive and inhumane conditions because of their position as political opponents.

16 September 2016: Ousman Sonko is dismissed from his Minister of Interior's position. He leaves The Gambia the same month to Sweden where he requests asylum. Pursuant to the Dublin agreement and given he held a Swiss visa (previously obtained to attend United Nations conferences), he is sent to Switzerland and reaches the country in November 2016.

1 December 2016: Adama Barrow wins the presidential election. Yahya Jammeh rejects the results and declares a state of emergency.



20 January 2017: Under international pressure, Yahya Jammeh is forced into exile and flees to Equatorial Guinea where he remains to this date.

13 December 2017: The Gambian national Assembly adopts the Truth, Reconciliation and Reparations Commission (TRRC) Act that sets up a commission to investigate and establish the truth about the human rights violations that took place during Jammeh's 22-year regime.

24 December 2021: The TRRC publishes its final report in which Ousman Sonko appears as one of the main perpetrators of human rights violations and calls for his prosecution with regards to multiple offenses.

25 May 2022: The Gambian government releases a white paper where it accepts almost all the TRRC conclusions and recommendations, including those regarding Ousman Sonko.

Chronology of the case in Switzerland

- **25 January 2017:** TRIAL International files a criminal complaint before the prosecuting authorities of the Canton of Bern after Ousman Sonko is reported to be on Swiss soil.
- **26 January 2017:** Ousman Sonko is arrested in Bern and the prosecuting authorities open an investigation against him for crimes against humanity.
- **28 January 2017:** A court confirms his pre-trial detention.
- **6 February 2017:** The OAG takes jurisdiction over the case.
- **6 April, 1 and 13 June, 27 October 2017:** Seven victims file complaints before the OAG, with the support of TRIAL International.
- **13 March and 6 July 2018:** Two additional victims file complaints before the OAG, with the support of TRIAL International.
- **2017 to 2021:** Ousman Sonko, the plaintiffs and dozens of witnesses are heard as part of the investigation. Switzerland requests mutual legal assistance from The Gambia and Swiss authorities travel to investigate on site.
- **12 April 2022:** An additional victim files a complaint before the OAG. There are now 10 victims involved as parties in the proceedings.
- **1 September 2022:** The final day of the last hearing of Ousman Sonko takes place.



- **17 April 2023:** The OAG filed its indictment against Ousman Sonko for crimes against humanity committed in The Gambia and refers the case to the FCC. Sonko remains in pre-trial detention until trial.

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